

Ordinance No.: 20-14
Zoning Text Amendment No.: 24-04
Concerning: Dormitory and
Community Service
Retail (CSR) Overlay
Zone
Revised: 10/15/2024 Draft No.: 3
Introduced: July 30, 2024
Public Hearing: September 17, 2024
Adopted: October 15, 2024
Effective: November 4, 2024

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

Lead Sponsor: Council President at request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- (1) implement recommendations of the Takoma Park Minor Master Plan;
- (2) allow Dormitory as a limited use in certain Commercial/Residential zones;
- (3) remove the Community-serving Retail (CSR) Overlay Zone [[and the Takoma Park/East Silver Spring Commercial Revitalization (TPESS) Overlay Zone]]; and
- (4) generally amend the provisions of the Overlay Zones.

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

Division 3.1.	“Use Table”
Section 3.1.6.	“Use Table”
Division 3.3.	“Residential Uses”
Section 3.3.2.	“Group Living”
Division 4.9.	“Overlay Zones”
Section 4.9.8.	“Downtown Silver Spring (DSS) Overlay Zone”
Section 4.9.9.	“Fenton Village (FV) Overlay Zone”
Section 4.9.10.	“Garrett Park (GP) Overlay Zone”
Section 4.9.11.	“Germantown-Churchill Village (GCV) Overlay Zone”
Section 4.9.12.	“Germantown Transit Mixed Use (GTMU) Overlay Zone”
[[Section 4.9.13.	“Montgomery Village (MV) Overlay Zone”]]
Section 4.9.14.	“Regional Shopping Center (RSC) Overlay Zone”
[[Section 4.9.15.	“Rural Village Center (RVC) Overlay Zone”]]
[[Section 4.9.16.	“Sandy Spring/Ashton Rural Village (SSA) Overlay Zone”]]

- ~~[[Section 4.9.17. “Takoma Park/East Silver Spring Commercial Revitalization (TPESS) Overlay Zone”]]~~
- Section 4.9.17. “Takoma Park/East Silver Spring Commercial Revitalization (TPESS) Overlay Zone”
- Section 4.9.18. “Transferable Development Rights (TDR) Overlay Zone”
- Section 4.9.19. “Twinbrook (TB) Overlay Zone”
- Section 4.9.20. “Upper Paint Branch (UPB) Overlay Zone”
- Section 4.9.21. “Upper Rock Creek (URC) Overlay Zone”
- Section 4.9.22. “White Flint 2-Parklawn (WF-P) Overlay Zone”

And by removing the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

- Division 4.9. “Overlay Zones”
- Section 4.9.7. “Community-serving Retail (CSR) Overlay Zone”
- ~~[[Section 4.9.17. “Takoma Park/East Silver Spring Commercial Revitalization (TPESS) Overlay Zone”]]~~

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*
Underlining indicates text that is added to existing law by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by 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 59-3.1 is amended as follows:**

2 **Division 3.1. Use Table**

3 * * *

4 **Section 3.1.6. Use Table**

5 The following Use Table identifies uses allowed in each zone. Uses may be
6 modified in Overlay zones under Division 4.9.

7

USE OR USE GROUP	Definition s and Standards	Ag AR	Rural Residential			Residential												Commercial / Residential			Employment				Industrial		
						Residential Detached							Residential Townhouse			Residential Multi-Unit											
			R	RC	RNC	RE- 2	RE- 2C	RE-1	R- 200	R-90	R-60	R- 40	TLD	TMD	THD	R-30	R-20	R-10	CRN	CRT	CR	GR	NR	LSC	EOF	IL	IM
* * *																											
RESIDENTIAL																											
* * *																											
GROUP LIVING	3.3.2																										
Dormitory	3.3.2.B																	⌊	⌊			P					
* * *																											

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Sec. 2. DIVISION 59-3.3 is amended as follows:

Division 3.3. Residential Uses

* * *

Section 3.3.2. Group Living

* * *

B. Dormitory

1. Defined

Dormitory means a building or portion of a building used for sleeping purposes in connection with a school, college, or other institution.

2. Use Standards

Where Dormitory is allowed as a limited use, a site plan under Section 7.3.4 is required.

* * *

Sec. 3. DIVISION 59-4.9 is amended as follows:

Division 4.9. Overlay Zones

* * *

[Section 4.9.7. Community-serving Retail (CSR) Overlay Zone]

[A. Purpose

The Purpose of the CSR Overlay Zone is to allow for neighborhood-serving retail commercial uses in Multi-Unit zones as recommended in the applicable master plan.

B. Land Uses

Retail/Service Establishment uses and Restaurants are permitted in a Multi-Unit zone where designated as suitable in the applicable master plan. The following are the permitted Retail/Service Establishment uses: bank or savings and loan office; barber and beauty shop; book store; drug store; dry

cleaning and laundry pick-up station; florist; food and beverage store; gift shop; jewelry store; laundromat; newsstand; and variety and dry goods store.

C. Development Standards

If the Retail/Service Establishment use is proposed to be free-standing, the scale and character of development must substantially conform with the recommendations of the master plan. If the Retail/Service Establishment use is proposed to be provided in an apartment building type, the use must have direct access to the street.

D. Site Plan

- 1. Site Plan approval under Section 7.3.4. is required if:
 - a. Retail/Service Establishments are proposed in a Multi-Unit Zone; or
 - b. required under Section 7.3.4.A.8.
- 2. The Planning Board may waive the requirements for parking setbacks and number of spaces where it finds that such waivers will substantially conform with the goals of the master plan, allow better pedestrian circulation, and encourages use of transit.]

Section [4.9.8] 4.9.7. Downtown Silver Spring (DSS) Overlay Zone

* * *

C. Development Standards

- 1. Building Height
 - a. Except as provided in [[Section 4.9.8.C.1.b]] Section 4.9.7.C.1.b or [[Section 4.9.8.C.3.b]] Section 4.9.7.C.3.b, the maximum building height is limited to the height allowed in the underlying zone.

* * *

- 2. Density

* * *

c. DSS Density is the gross floor area by which development on a site in the Overlay Zone may exceed the maximum gross floor area mapped on the site, consistent with the requirements of the Overlay Zone, including design review, public benefits, and the qualifications set forth in ~~[[Section 4.9.8.C.2.e]]~~ Section 4.9.7.C.2.e below. DSS Density may not be transferred to any other property.

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Section [4.9.9] 4.9.8. Fenton Village (FV) Overlay Zone

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Section [4.9.10] 4.9.9. Garrett Park (GP) Overlay Zone

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Section [4.9.11] 4.9.10. Germantown-Churchill Village (GCV) Overlay Zone

* * *

Section [4.9.12] 4.9.11. Germantown Transit Mixed Use (GTMU) Overlay Zone

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Section 4.9.12. RESERVED

~~[[Section [4.9.13] 4.9.12. Montgomery Village (MV) Overlay Zone]]~~

Section 4.9.13. Montgomery Village (MV) Overlay Zone

* * *

E. Existing Buildings and Uses

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3. a. A legal use existing on February 28, 2016 is conforming and may be continued. Expansion of any such use must satisfy the standards of the current zone under Article 59-3.

89 b. An existing Charitable, Philanthropic Institution (as defined by
90 Section 3.4.2) may expand without conditional use approval, but
91 must satisfy ~~[[Section 4.9.12.D]]~~ Section 4.9.13.D.

92 c. An existing Storage Facility (as defined by Section
93 3.6.8.e.1) owned and operated by a Charitable, Philanthropic
94 Institution may expand by up to the lesser of 10% or 30,000
95 square feet without conditional use approval, but must satisfy
96 ~~[[Section 4.9.12.D]]~~ Section 4.9.13.D.

97 * * *

98 ~~[[Section 4.9.14]~~ **4.9.13. Regional Shopping Center (RSC) Overlay Zone]]**

99 **Section 4.9.14. Regional Shopping Center (RSC) Overlay Zone**

100 * * *

101 **D. Site Plan**

102 Site plan approval under Section 7.3.4 is required for any increase in building height
103 under ~~[[Section 4.9.13.C.1]]~~ Section 4.9.14.C.1.

104 **E. Parking**

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106 **2. Pedestrian Access**

107 The major point of pedestrian access for an off-street parking facility that
108 occupies contiguous land area integral to the regional shopping center
109 property may extend more than 500 feet walking distance from an entrance to
110 the center to satisfy the number of spaces required under
111 ~~[[Section 4.9.13.E.1.a]]~~ Section 4.9.14.E.1.a.

112 * * *

113 ~~[[Section 4.9.15]~~ **4.9.14. Rural Village Center (RVC) Overlay Zone]]**

114 **Section 4.9.15. Rural Village Center (RVC) Overlay Zone**

115 * * *

116 **[[Section [4.9.16] 4.9.15. Sandy Spring/Ashton Rural Village (SSA) Overlay**
117 **Zone]]**

118 **Section 4.9.16. Sandy Spring/Ashton Rural Village (SSA) Overlay Zone**

119 * * *

120 **[[Section [4.9.17] 4.9.16. Takoma Park/East Silver Spring Commercial**
121 **Revitalization (TPESS) Overlay Zone]]**

122 **[[A. Purpose**

123 The purpose of the TPESS Overlay zone is to:

- 124 1. Foster economic vitality and attractive community character in areas
- 125 needing revitalization.
- 126 2. Promote an enhanced pedestrian environment and an improved
- 127 circulation system to pedestrians and bicycles as well as motor vehicles.
- 128 3. Substantially conform with the master plan vision for specific existing
- 129 commercial areas.
- 130 4. Provide for the combination of residential with commercial uses.

131 **B. Land Uses**

- 132 1. Residential Uses
- 133 a. In the CRT zone, residential density may be increased above the
- 134 number following the R on the zoning map, up to the maximum
- 135 total mapped density.
- 136 b. In the NR zone, Household Living uses may exceed 30% of the
- 137 gross floor area on the subject site, up to the maximum mapped
- 138 density.
- 139 c. Residential uses must be in a multi use building type with the
- 140 ground floor devoted to commercial uses, unless the Planning
- 141 Board waives this requirement.

- 142 2. In the CRT and NR zones, the following additional Recreation and
- 143 Entertainment Facility, Indoor (Capacity up to 1,000 Persons) uses are
- 144 permitted: bowling alley and theater.
- 145 3. In the CRT and NR zones, the following uses, as allowed in the
- 146 underlying zone, are allowed in the Overlay zone only if the use does
- 147 not abut or confront land in a Residential Detached zone:
- 148 a. Car Wash;
- 149 b. Filling Station;
- 150 c. Funeral Home, Undertaker;
- 151 d. Light Vehicle Sales and Rental (Indoor);
- 152 e. Light Vehicle Sales and Rental (Outdoor);
- 153 f. Repair (Major); and
- 154 g. Repair (Minor).
- 155 4. In the NR zone, the following additional uses are permitted:
- 156 a. Clinic (More than 4 Medical Practitioners);
- 157 b. Cultural Institution;
- 158 c. Research and Development; and
- 159 d. Artisan Manufacturing and Production.

160 **C. Development Standards**

- 161 1. The maximum building height is 30 feet; however, the Planning Board
- 162 may allow a building height:
- 163 a. up to 42 feet for commercial development; and
- 164 b. up to 50 feet to accommodate residential development if the
- 165 Planning Board finds that such buildings are compatible with the
- 166 neighborhood and substantially conform with the intent of the
- 167 applicable master plan.

- 168 2. Household Living uses must meet the development standards of the
169 underlying zone, but the required open space may be adjusted to assure
170 compatibility of uses or to provide adequate area to accommodate
171 housing, if appropriate.
- 172 3. In the NR zone, surface parking must be behind the front building line.

173 **D. Site Plan**

- 174 1. Site plan approval under Section 7.3.4 is required for:
- 175 a. new construction;
- 176 b. any addition, reconstruction, or exterior alteration to a building
177 that changes the gross floor area by more than 1,000 square feet;
- 178 c. an expansion of a building by 1,000 square feet or less if the
179 building was existing on the effective date of the Sectional Map
180 Amendment implementing the Takoma Park/East Silver Spring
181 Commercial Revitalization Overlay Zone and was a conforming
182 building on that date, but that does not conform to the standards
183 of the Overlay zone;
- 184 d. a waiver of more than 50% of the off-street parking requirements
185 under Division 6.2;
- 186 e. conversion of an existing structure to residential use; or
- 187 f. if required under Section 7.3.4.A.8.
- 188 2. During site plan review, the Planning Board may:
- 189 a. waive the requirements for parking setbacks and the number of
190 spaces where it finds that such waivers will accomplish the goals
191 of the master plan, including revitalization, enhancing the
192 pedestrian environment, and encouraging the use of transit;
- 193 b. waive the building setbacks in the NR zone;

- 194 c. where recommended in the master plan, allow direct pedestrian
- 195 access for all uses from the exterior of a structure in the CRT
- 196 zone; and
- 197 d. reduce building setbacks to accomplish master plan objectives.
- 198 3. For any addition, reconstruction, or alteration that changes a building
- 199 by less than 1,000 square feet and does not require site plan approval
- 200 under Section 4.9.17.D.1.c, the Planning Board or its designee must
- 201 review the building permit to determine compliance with master plan
- 202 recommendations and the provisions of this Overlay zone. If an existing
- 203 building is located on the site or on an adjacent property, the minimum
- 204 setback of the zone may be reduced to conform to the existing setback
- 205 on the site or on the adjacent property.

E. Existing Buildings and Uses

206 Any use or building existing on the effective date of the Sectional Map Amendment
207 implementing the Takoma Park/East Silver Spring Commercial Revitalization
208 Overlay Zone that was a conforming use or building on that date, but that does not
209 conform to the standards of the Overlay zone, may continue as a conforming use or
210 building and may be rebuilt, repaired, or reconstructed. Any such building or use
211 may expand up to 1,000 square feet with site plan approval under Section 7.3.4.]]

212 **Section 4.9.17. Takoma Park/East Silver Spring Commercial Revitalization**
213 **(TPESS) Overlay Zone**

214 **A. Purpose**

215 The purpose of the TPESS Overlay zone is to:

- 216 1. Foster economic vitality and attractive community character in areas
- 217 needing revitalization.
- 218 2. Promote an enhanced pedestrian environment and an improved
- 219 circulation system to pedestrians and bicycles as well as motor vehicles.
- 220

221 3. Substantially conform with the master plan vision for specific existing
222 commercial areas.

223 4. Provide for the combination of residential with commercial uses.

224 **B. Land Uses**

225 1. Residential Uses

226 a. In the CRT zone, residential density may be increased above the
227 number following the R on the zoning map, up to the maximum
228 total mapped density.

229 b. In the NR zone, Household Living uses may exceed 30% of the
230 gross floor area on the subject site, up to the maximum mapped
231 density.

232 c. Residential uses must be in a multi use building type with the
233 ground floor devoted to commercial uses, unless the Planning
234 Board waives this requirement.

235 2. In the CRT and NR zones, the following additional Recreation and
236 Entertainment Facility, Indoor (Capacity up to 1,000 Persons) uses are
237 permitted: bowling alley and theater.

238 3. In the CRT and NR zones, the following uses, as allowed in the
239 underlying zone, are allowed in the Overlay zone only if the use does
240 not abut or confront land in a Residential Detached zone:

241 a. Car Wash;

242 b. Filling Station;

243 c. Funeral Home, Undertaker;

244 d. Light Vehicle Sales and Rental (Indoor);

245 e. Light Vehicle Sales and Rental (Outdoor);

246 f. Repair (Major); and

247 g. Repair (Minor).

- 248 4. In the NR zone, the following additional uses are permitted:
- 249 a. Clinic (More than 4 Medical Practitioners);
- 250 b. Cultural Institution;
- 251 c. Research and Development; and
- 252 d. Artisan Manufacturing and Production.

253 **C. Development Standards**

- 254 1. The maximum building height is 30 feet; however, the Planning Board
- 255 may allow a building height:
- 256 a. up to 42 feet for commercial development; and
- 257 b. up to 50 feet to accommodate residential development if the
- 258 Planning Board finds that such buildings are compatible with the
- 259 neighborhood and substantially conform with the intent of the
- 260 applicable master plan.
- 261 2. Household Living uses must meet the development standards of the
- 262 underlying zone, but the required open space may be adjusted to assure
- 263 compatibility of uses or to provide adequate area to accommodate
- 264 housing, if appropriate.
- 265 3. In the NR zone, surface parking must be behind the front building line.

266 **D. Site Plan**

- 267 1. Site plan approval under Section 7.3.4 is required for:
- 268 a. new construction;
- 269 b. any addition, reconstruction, or exterior alteration to a building
- 270 that changes the gross floor area by more than 1,000 square feet;
- 271 c. an expansion of a building by 1,000 square feet or less if the
- 272 building was existing on the effective date of the Sectional Map
- 273 Amendment implementing the Takoma Park/East Silver Spring
- 274 Commercial Revitalization Overlay Zone and was a conforming

- 275 building on that date, but that does not conform to the standards
- 276 of the Overlay zone;
- 277 d. a waiver of more than 50% of the off-street parking requirements
- 278 under Division 6.2;
- 279 e. conversion of an existing structure to residential use; or
- 280 f. if required under Section 7.3.4.A.8.

- 281 2. During site plan review, the Planning Board may:
- 282 a. waive the requirements for parking setbacks and the number of
- 283 spaces where it finds that such waivers will accomplish the goals
- 284 of the master plan, including revitalization, enhancing the
- 285 pedestrian environment, and encouraging the use of transit;
- 286 b. waive the building setbacks in the NR zone;
- 287 c. where recommended in the master plan, allow direct pedestrian
- 288 access for all uses from the exterior of a structure in the CRT
- 289 zone; and
- 290 d. reduce building setbacks to accomplish master plan objectives.
- 291 3. For any addition, reconstruction, or alteration that changes a building
- 292 by less than 1,000 square feet and does not require site plan approval
- 293 under Section 4.9.17.D.1.c, the Planning Board or its designee must
- 294 review the building permit to determine compliance with master plan
- 295 recommendations and the provisions of this Overlay zone. If an existing
- 296 building is located on the site or on an adjacent property, the minimum
- 297 setback of the zone may be reduced to conform to the existing setback
- 298 on the site or on the adjacent property.

299 **E. Existing Buildings and Uses**

300 Any use or building existing on the effective date of the Sectional Map Amendment
 301 implementing the Takoma Park/East Silver Spring Commercial Revitalization

302 Overlay Zone that was a conforming use or building on that date, but that does not
303 conform to the standards of the Overlay zone, may continue as a conforming use or
304 building and may be rebuilt, repaired, or reconstructed. Any such building or use
305 may expand up to 1,000 square feet with site plan approval under Section 7.3.4.

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307 **Section [4.9.18] [[4.9.17]] 4.9.18. Transferable Development Rights (TDR)**
308 **Overlay Zone**

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310 **B. Optional Method**

311 **1. In General**

312 The TDR Overlay optional method of development permits an increase in the
313 maximum residential density, if the development satisfies the requirements
314 for optional method development using Transferable Development Rights
315 under [[Section 4.9.18.B]] [[Section 4.9.17.B]] Section 4.9.18.B.

316 **a. Applicability**

317 The procedures and requirements in [[Section 4.9.18.B]]
318 [[Section 4.9.17.B.]] Section 4.9.18.B apply to the transfer of
319 development rights from land in the AR zone to land in a Transferable
320 Development Rights (TDR) Overlay zone. The Planning Board may
321 approve subdivision of such land at densities up to the maximum
322 density allowed in the applicable TDR Overlay zone and substantially
323 conforming to the recommendations in the applicable master plan.

324 **b. General Provisions**

325 A request to use TDRs on a property under the optional method must
326 be in the form of a preliminary subdivision plan submitted under
327 Chapter 50.

328 **c. Recording of Development Right**

- 329 i. An easement to the Montgomery County government
- 330 limiting future construction of dwellings on a property in
- 331 the AR zone by the number of development rights received
- 332 must be recorded among the land records of the County
- 333 before recordation of a final record plat for a subdivision
- 334 using transferred development rights.
- 335 ii. A final record plat for a subdivision using transferred
- 336 development rights must contain a statement including the
- 337 development proposed, the zoning classification of the
- 338 property, the number of development rights used, and a
- 339 notation of the recordation of the conveyance as required
- 340 by ~~[[Section 4.9.18.B]]~~ ~~[[Section 4.9.17.B]]~~ Section
- 341 4.9.18.B.

d. Development with Moderately Priced Dwelling Units

- 343 i. A property developed under ~~[[Section 4.9.18.B]]~~
- 344 ~~[[Section 4.9.17.B.]]~~ Section 4.9.18.B must
- 345 satisfy Chapter 25A.
- 346 ii. Any increase in density allowed under the optional method
- 347 of development for the provision of MPDUs is calculated
- 348 after the base density of the property has been increased
- 349 under ~~[[Section 4.9.18.B]]~~ ~~[[Section 4.9.17.B.]]~~ Section
- 350 4.9.18.B through TDRs.
- 351 iii. In a Rural Residential or Residential zone with a TDR
- 352 density designation of less than three units per acre,
- 353 development using TDRs and providing MPDUs above
- 354 12.5% must follow the require~~[-]~~ments under optional
- 355 method MPDU Development. Any other optional method

356 development in a Rural Residential or Residential zone
357 must satisfy the requirements of ~~[[Section 4.9.18.B]]~~
358 ~~[[Section 4.9.17.B]]~~ Section 4.9.18.B.

359 **e. Additional Findings**

360 In addition to the findings required for approval of a site plan under
361 Section 7.3.4, for projects developed under ~~[[Section 4.9.18.B]]~~
362 ~~[[Section 4.9.17.B.]]~~ Section 4.9.18.B, the Planning Board must find
363 that the proposed development provides an appropriate range of
364 housing types that takes advantage of existing topography and
365 environmental features and achieves a compatible relationship between
366 the proposed development and adjoining land uses.

367 * * *

368 **Section ~~4.9.19~~ ~~[[4.9.18]]~~ 4.9.19. Twinbrook (TB) Overlay Zone**

369 * * *

370 **Section ~~4.9.20~~ ~~[[4.9.19]]~~ 4.9.20. Upper Paint Branch (UPB) Overlay Zone**

371 * * *

372 **B. Exemptions**

373 The following are exempt from ~~[[Section 4.9.20]]~~ ~~[[Section 4.9.19.]]~~ Section
374 4.9.20:

375 * * *

376 **C. Land Uses**

- 377 1. Except as listed in ~~[[Section 4.9.20.C.2]]~~ ~~[[Section 4.9.19.C.2.]]~~
378 Section 4.9.20.C.2 and ~~[[Section 4.9.20.C.3]]~~ ~~[[Section 4.9.19.C.3.]]~~
379 Section 4.9.20.C.3, the land uses of the underlying zone apply. The use
380 standards of the underlying zone apply unless the development
381 standards in ~~[[Section 4.9.20.D]]~~ ~~[[Section 4.9.19.D.]]~~ Section

382 4.9.20.D are more restrictive, in which case ~~[[Section 4.9.20.D]]~~
383 ~~[[Section 4.9.19.D.]]~~ Section 4.9.20.D must be followed.

384 2. The following uses are restricted in the UPB Overlay zone:

385 ~~[[i]]~~ a. Any Landscape Contractor or Nursery must be certified as
386 an organic grower by the State of Maryland or another approved
387 certifying body;

388 ~~[[ii]]~~ b. Any Golf Course, Country Club or golf driving range must
389 have an Integrated Pest Management program; and

390 ~~[[iii]]~~ c. Any Equestrian Facility must have an approved Soil
391 Conservation Water Quality Plan from the Montgomery Soil
392 Conservation District.

393 3. If validly existing on July 1, 1997, the uses in ~~[[Section 4.9.20.C.2]]~~
394 ~~[[Section 4.9.19.C.2.]]~~ Section 4.9.20.C.2 may be continued under the
395 requirements in effect at the time the use was established. Any
396 expansion requires compliance with the UPB Overlay zone.

397 * * *

398 **E. Waiver**

399 The applicable review body may grant a waiver of the development standards in
400 ~~[[Section 4.9.20.D]]~~ ~~[[Section 4.9.19.D.]]~~ Section 4.9.20.D if it finds that:

401 1. The 8% impervious surface limit would cause an undue hardship on the
402 applicant because of events or circumstances not caused or facilitated
403 by the applicant;

404 2. The application otherwise complies with all applicable Federal, State,
405 and County water quality provisions;

406 3. The relief sought is the minimum needed to prevent the undue hardship;
407 and

408 4. Alternative water quality and control techniques are used to meet the
409 purposes of ~~[[Section 4.9.20]]~~ ~~[[Section 4.9.19]]~~ Section 4.9.20.

410 **Section ~~[4.9.21]~~ ~~[[4.9.20]]~~ 4.9.21. Upper Rock Creek (URC) Overlay Zone**

411 * * *

412 **B. Exemptions**

413 1. The following are exempt from ~~[[Section 4.9.21]]~~ ~~[[Section 4.9.20.]]~~
414 Section 4.9.21:

415 * * *

416 **D. Waiver**

417 The applicable review body may grant a waiver of the development standards in
418 ~~[[Section 4.9.21.C]]~~ ~~[[Section 4.9.20.C.]]~~ Section 4.9.21.C if it finds that:

419 1. The 8% impervious surface limit would cause an undue hardship on
420 the applicant because of events or circumstances not caused or
421 facilitated by the applicant or the applicant can demonstrate that the
422 impervious surface limit would prevent the applicant from building
423 the maximum number of affordable housing units otherwise allowed
424 by the zone. If the applicable review body grants a waiver from the
425 8% impervious surface limit for affordable housing, it must approve
426 the minimum increase necessary to allow the affordable housing. In
427 no event may the waiver result in development with more than 10%
428 impervious surface area;

429 2. The application otherwise complies with all applicable Federal, State,
430 and County water quality regulations;

431 3. The relief sought is the minimum needed to prevent the undue
432 hardship; and

433 4. Alternative water quality and quantity control techniques are used to
434 meet the purposes of ~~[[Section 4.9.21]]~~ ~~[[Section 4.9.20]]~~ Section
435 4.9.21.

436 **Section ~~[4.9.22]~~ ~~[[4.9.21]]~~ 4.9.22. White Flint 2-Parklawn (WF-P) Overlay**
437 **Zone**

438 * * *

439 **Sec. 4. Effective date.** This ordinance becomes effective 20 days after the
440 date of Council adoption.

This is a correct copy of Council action.



Sara R. Tenenbaum
Clerk of the Council