

Ordinance No.: 19-15  
Zoning Text Amendment No.: 20-06  
Concerning: Surface Parking –  
Residential Zones  
Draft No. & Date: 4 – 3/4/21  
Introduced: November 10, 2020  
Public Hearing: January 19, 2021  
Adopted: March 16, 2021  
Effective: March 16, 2021

**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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Lead Sponsor: Council Vice President Hucker and Councilmember Riemer  
Co-Sponsor: Councilmember Friedson

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- amend the definition of “Surface Parking for Use Allowed in the Zone”;
- allow site plan approval to supersede a special exception for parking in a residential detached zone under certain circumstances; and
- generally amend the provisions for Surface Parking for Use Allowed in the Zone

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

Division 3.5. “Commercial Uses”  
Section 3.5.9. “Parking”

**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.*

## OPINION

Zoning Text Amendment (ZTA) 20-06, Lead Sponsors Council Vice President Hucker and Councilmember Riemer, Co-Sponsor Councilmember Friedson, was introduced on November 10, 2020.

Currently, a project involving a change to the commercial use that originally used special exception parking is subject to both site plan and special exception approval. ZTA 20-06 would allow the Planning Board approval of a site plan to supersede a special exception for surface parking in a residential zone at the option of the site plan applicant.

In its report to the Council, the Montgomery County Planning Board and Planning Staff recommended approval of ZTA 20-06.

The Council's public hearing was conducted on January 19, 2021. There were two speakers, including the Planning Board Chair. All testimony was in support of ZTA 20-06, with suggested amendments.

The Council referred the text amendment to the Planning, Housing, and Economic Development (PHED) Committee for review and recommendation.

The PHED Committee held a worksession on March 10, 2021. The Committee recommended approving ZTA 20-06 with amendments. The first amendment is to apply the new provision regardless of whether a sketch plan is provided. This amendment would be more in line with the intent of ZTA 20-06, which is to streamline the process for amending development approvals. The second amendment is to change "parking setbacks" to "parking layout." This amendment more accurately describes the site plan review process, as it accommodates any landscaping and edge conditions required.

The Council agreed with the recommendation of the 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. 20-06 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 3.5. Commercial Uses**

2       \*   \*   \*

3       **Section 3.5.9. Parking**

4       A.     Defined, In General

5           Parking means a lot or structure that provides parking for motor vehicles  
6           where the facility is the principal use and a fee may be charged.

7       B.     Structured Parking

8           Defined

9           Structured Parking means a one or more level free-standing structure for  
10          parking or storing motor vehicles that does not share a common floor or  
11          ceiling with another use allowed in the zone. Structured Parking does not  
12          include Surface Parking.

13      C.     Surface Parking for Use Allowed in the Zone

14          1.     Defined

15           Surface parking for Use Allowed in the Zone means surface parking  
16           in connection with any permitted or limited use allowed in the zone  
17           where no building or other use requiring parking is on the same lot, or  
18           surface parking allowed in a detached residential zone by a special  
19           exception approved before October 30, 2014.

20          2.     Use Standards

21           Where Surface Parking for Use Allowed in the Zone is allowed as a  
22           limited use, it must satisfy the following standards:

23           a.     Where a sketch plan is required, the surface parking is only  
24           allowed as part of an approved phasing plan and the Planning  
25           Board finds that the layout is safe, efficient, and compatible  
26           with adjacent development.

27           b.     Where a sketch plan is not required[,];

- 28 i. the parking ~~[[setbacks]]~~ layout must accommodate the  
29 landscaping required under Section 6.2.9[,]; and  
30 ii. ~~[In]~~ in the CRT, CR, LSC, and EOF zones:  
31 (a) the surface parking must be providing parking for  
32 a use on an abutting lot or be a municipal public  
33 parking lot; and  
34 (b) for properties on a business district street, site plan  
35 approval is required under Section 7.3.4. The  
36 Planning Board must find that the surface parking  
37 supports commercial or residential uses that  
38 substantially conform with the recommendations  
39 of the applicable master plan.  
40 ~~[[iii. Where parking located in a residential detached zone was~~  
41 ~~approved as a special exception in connection with a~~  
42 ~~commercial use, site plan approval under Section 7.3.4~~  
43 ~~may supersede the previously approved special exception~~  
44 ~~at the option of the applicant.]]~~  
45 c. Whether or not a sketch plan is required, where parking located  
46 in a residential detached zone was approved as a special  
47 exception in connection with a commercial use, site plan  
48 approval under Section 7.3.4 may supersede the previously  
49 approved special exception at the option of the applicant.

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51           **Sec. 2. Effective date.** This ordinance becomes effective immediately upon  
52 the Council's adoption.

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54 This is a correct copy of Council action.

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57 Selena Mendy Singleton, Esq.

58 Clerk of the Council