

Montgomery County Zoning Ordinance (2014)

Section 6.3.3. Allowed and Prohibited Features in Open Space

A. Allowed Features

The following table summarizes the allowed features in each type of open space:

Feature	Rural Open Space	Common Open Space	Public Open Space	Amenity Open Space
Conservation area or land trust for natural, archeological or historical resources	A	A	X	X
Open space such as a lawn, garden or ornamental planting area, patio, walk and pathway	X	A	A	A
Open space such as a plaza, promenade, arcade, urban park or town square	X	X	A	A
Pedestrian or non-motorized multipurpose trail	X	A	A	A
Natural resource based recreation	X	A	A	A
Facility based recreation	X	A	A	A
Public space or amenity recommended by an approved urban renewal plan	X	X	A	X
Aboriginal utility rights-of-way	A	A	A	A
Water trails such as a lake, pond and floodway	A	A	X	X
Non-structural, natural, and ESD stormwater management facility	A	A	A	A
Utility	A	A	A	A
Other conservation oriented use compatible with the purpose of Division 6.3.3	A	A	A	A

KEY: A = Allowed in open space X = Not allowed in open space

B. Prohibited Features

An open space must not include:

- a street;
- a parking or maneuvering area for vehicles;
- an individual wastewater disposal area, or drain field for community systems;
- a Transitory Use;
- any activity prohibited by the applicable deciding body and recorded on the legal instrument providing for permanent protection; or
- any use prohibited in rural open space under Section 6.3.4.A.4.

Section 6.3.6. Public Open Space

A. General Requirements

1. Applicability

Any development with an apartment, multi use, or general building type in a Commercial/Residential, LSC, Commercial/Residential Floating, or LSCF zone must provide the required public open space under the applicable development standards.

2. Defined

Public open space means space devoted to public use or enjoyment that attracts public appreciation due to its location and amenities.

3. Public Open Space Alternatives

- Development with a civic and institutional use in the LSC zone may provide up to 50% of the required public open space as amenity open space under Section 6.3.7, if the Planning Board finds that the amenity open space better serves the public interest due to health and safety concerns.
- Up to 5% of public open space may be used for outdoor café areas.

B. Design Requirements

1. Standard Method Development

Under standard method development, public open space must:

- be a public sidewalk or other public pedestrian route;
- be a minimum of 15 feet wide;
- include seating and shade; and
- be in a contiguous space.

2. Optional Method Development

Under optional method development, public open space must:

- be a public sidewalk or other public pedestrian route;
- include space for pedestrian circulation, landscaping, seating, shade, water features, artwork, or recreation; and
- be in a contiguous space or spaces that abut other public open space or sidewalks or pedestrian routes and are not so fragmented and disconnected that they do not satisfy the intent of Division 6.3.

C. Off-Site Options

The Planning Board may find that the requirement for public open space is satisfied in whole or in part by:

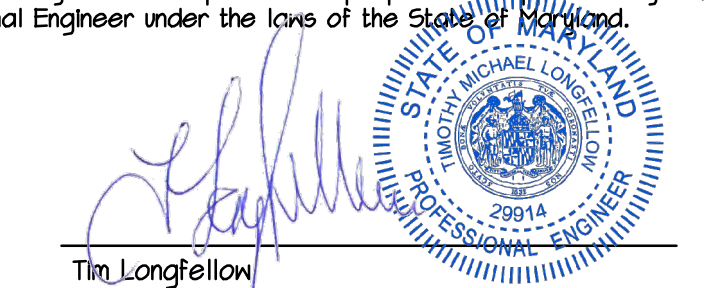
- making public park or public open space improvements in an area at least as large as the required public open space located within or near the applicable master plan area; or
- paying all or part of the cost to design, construct, renovate, restore, install, or operate a public open space located within or near the applicable master plan area if the payment:
 - equals the cost of constructing the same amount of public open space and any associated amenity on-site per square foot plus the fair market value of the land per square foot;
 - implements the open space, recreation, and cultural goals of the applicable master plan; and
 - is made within 30 days after the release of any building permit for the subject application.

PROFESSIONAL CERTIFICATION

I hereby certify that to the best of my knowledge, information and the belief that the plan shown hereon is true and correct; has been prepared in accordance with the Zoning Regulations of Montgomery County, Maryland; I hereby certify that these plans were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland.

License No. 28414
Expiration Date: January 20, 2026

August 1, 2024
Date



Tin Longfellow
Professional Engineer
Gutschick, Little & Weber, P.A.
Conditional Use Plan No. CU2024-

GLW
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DESIGNED BY	KAF			
DRAWN BY	JGJ			
CHECKED BY	KAF			
DATE		REVISION	BY	APPR.

SITE DATA
Public Open Space
Conditional Use Area: 12,000 SF
Required (10%): 1,200 SF
Provided (10.2%): 1,232 SF
Note: Additional details to be provided at time of Site Plan.

PREPARED FOR:
CTC RETAIL, L.C.
c/o ELM STREET DEVELOPMENT
1355 BEVERLY ROAD, SUITE 240
McLEAN, VIRGINIA 22101
ATTN: KATHRYN L. KUBIT
703-734-9730

SCALE
1"=100'
DATE
JULY 2024

ZONING
CR-0.75
C-0.25, R-0.5,
H-65T
TAX MAP - GRID
EW-42

OPEN SPACE EXHIBIT
CLARKSBURG TOWN CENTER
WEIS GAS PUMPS
Parcel S
EX. Parcel K - Plat No. 25584
MONTCOMERY COUNTY, MARYLAND

G. L. W. FILE No.
23136
SHEET
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