

Zoning Text Amendment No.: 15-XX  
Concerning: New Overlay Zone –  
Montgomery Village  
Draft No. & Date: 1-7/23/15  
Introduced:  
Public Hearing:  
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**

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

- establish the Montgomery Village Overlay Zone

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

ARTICLE 59-4.       “Development Standards for Euclidean Zones”  
Section 59.4.9.     “Overlay Zones”  
And adding  
Section 59.4.9.##.   “Montgomery Village (MV) 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. ARTICLE 59-4 is amended as follows:**

2           **DIVISION 4.9. Overlay Zones**

3  
4           **Section 4.9.##. Montgomery Village (MV) Overlay Zone**

5           **A. Purpose**

6           The purpose of the MV Overlay zone is to:

- 7           1. Preserve the unique character of Montgomery Village.  
8           2. Protect existing open space and conservation areas.  
9           3. Ensure a compatible relationship between new and existing development.

10          **B. Land Uses**

11          1. In the RE-1 zone, all uses are prohibited except the following, which are  
12          permitted:

- 13           a. Agricultural Vending;  
14           b. Recreation and Entertainment Facility, Outdoor (Capacity up to 1,000  
15           Persons), such as an amphitheater or a swimming pool;  
16           c. Recreation and Entertainment Facility, Indoor (Capacity up to 1,000  
17           persons), such as an indoor swimming pool);  
18           d. Distribution Line (Below Ground);  
19           e. Pipeline (Below Ground);  
20           f. Playground, Outdoor (Private);  
21           g. Seasonal Outdoor Sales;  
22           h. Solar Collection System;  
23           i. Child day care in community centers; and

- 24           j. An Accessory Use associated with any of the above uses.
- 25    2. In the RE-1 zone, any of the allowed features in open space under Section  
26       6.3.3.A are permitted, except for above-ground utility rights-of-way.
- 27    3. Applications for a Floating zone on land classified in the RE-1 zone are  
28       prohibited.

29    **C. Development Standards**

30       In addition to any other requirements of Division 6.3 and Chapter 50, common  
31       and public open space in Montgomery Village must be recorded within a  
32       separate lot or parcel with a protective easement or covenant in the land  
33       records, in a form approved by the Planning Board.

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35    **D. Site Plan and Record Plat**

- 36       1. Site plan approval under Section 7.3.4 is required for all development in the  
37       MV Overlay zone, except for:
- 38           a. construction of an accessory structure;
- 39           b. construction of a structure less than 5,000 square feet in size in the RE-1  
40           zone;
- 41           c. the modification or expansion of an existing detached house, duplex,  
42           townhouse, or accessory structure; or
- 43           d. a conditional use.
- 44       2. Record plats must show all land designated for open space and have a  
45       statement on the plat granting public access to those lands.
- 46       3. A certified site plan must show all land designated for open space.

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48    **E. Existing Buildings and Uses**

- 49 1. A legal structure or site design existing on {DAY BEFORE EFFECTIVE  
50 DATE} that does not meet its current zoning is conforming and may be  
51 continued, renovated, repaired, or reconstructed if the floor area, height, and  
52 footprint of the structure is not increased, except as provided below.
- 53 2. On a lot that has not changed in size or shape since {INSERT THE  
54 EFFECTIVE DATE}, a detached house, duplex, or townhouse may be  
55 constructed, reconstructed, or expanded:
- 56 a. without regard to the minimum lot size or lot width at the front building  
57 line; and
- 58 b. in a manner that satisfies the maximum building height and lot coverage  
59 of its current zone and the side, front, and rear setback that was required  
60 when the lot was first created.
- 61 3. A legal use existing on {DAY BEFORE EFFECTIVE DATE} is conforming  
62 and may be continued. Expansion of any such use must satisfy the use standards  
63 of the current zone under Article 59-3, except the following:
- 64 a. An existing Charitable, Philanthropic Institution (as defined by Section  
65 3.4.2), or an existing Storage Facility (as defined by Section 3.6.8.e.1)  
66 owned and operated by a Charitable, Philanthropic Institution may expand  
67 by up to the lesser of 10% or 30,000 square feet. Any expansion is exempt  
68 from the conditional use process but must satisfy Section 4.9XX.D.

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70 \* \* \*

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

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74 This is a correct copy of Council action.

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77 Linda M. Lauer, Clerk of the Council