

# ARTICLE 59-2. ZONES AND ZONING MAP

## Division 2.1. Zones Established

### Section 2.1.1. Requirements for All Zones

- A. Zones established in Article 59-2 must satisfy:
  - 1. Definitions under Article 59-1;
  - 2. Use restrictions and use standards under Article 59-3;
  - 3. Development standards under Article 59-4;
  - 4. General requirements under Article 59-6; and
  - 5. Review procedures under Article 59-7.
- B. Floating zones established in Article 59-2 must also satisfy Article 59-5.

### Section 2.1.2. Zoning Categories

The following zoning categories refer to particular sets of zones:

- A. Euclidean
  - 1. Agricultural (abbreviated "Ag" in the Use Table),
  - 2. Rural Residential,
  - 3. Residential,
    - a. Residential Detached;
    - b. Residential Townhouse; and
    - c. Residential Multi-Unit.
  - 4. Commercial/Residential,
  - 5. Employment,
  - 6. Industrial, and
  - 7. Overlay.
- B. Floating
  - 1. Residential Floating;
  - 2. Commercial/Residential Floating;
  - 3. Employment Floating; and
  - 4. Industrial Floating.

### Section 2.1.3. Establishment of Zones

#### A. Agricultural Zone

- 1. There is one Agricultural zone classification: Agricultural Reserve (AR)
- 2. The AR zone will be applied on the Zoning Map by showing its zoning classification symbol.

#### B. Rural Residential Zones

- 1. There are 3 Rural Residential zone classifications:
  - a. Rural (R),
  - b. Rural Cluster (RC), and
  - c. Rural Neighborhood Cluster (RNC).
- 2. The R, RC, and RNC zones will be applied on the Zoning Map by showing their zoning classification symbols.

#### C. Residential Zones

The Residential zones consist of the 7 Residential Detached zones, the 3 Residential Townhouse zones, and the 3 Residential Multi-Unit zones.

##### 1. Residential Detached Zones

- a. There are 7 Residential Detached zone classifications:
  - i. Residential Estate – 2 (RE-2),
  - ii. Residential Estate – 2C (RE-2C),
  - iii. Residential Estate – 1 (RE-1),
  - iv. Residential – 200 (R-200),
  - v. Residential – 90 (R-90),
  - vi. Residential – 60 (R-60), and
  - vii. Residential – 40 (R-40).
- b. The RE-2, RE-2C, RE-1, R-200, R-90, R-60, and R-40 zones will be applied on the Zoning Map by showing their zoning classification symbols.

## 2. Residential Townhouse Zones

- a. There are 3 Residential Townhouse zone classifications:
  - i. Townhouse Low Density (TLD),
  - ii. Townhouse Medium Density (TMD), and
  - iii. Townhouse High Density (THD).
- b. The TLD, TMD, and THD zones will be applied on the Zoning Map by showing their zoning classification symbols.

## 3. Residential Multi-Unit Zones

- a. There are 3 Residential Multi-Unit zone classifications:
  - i. Residential Multi-Unit Low Density – 30 (R-30),
  - ii. Residential Multi-Unit Medium Density – 20 (R-20), and
  - iii. Residential Multi-Unit High Density – 10 (R-10).
- b. The R-30, R-20, and R-10 zones will be applied on the Zoning Map by showing their zoning classification symbols.

## D. Commercial/Residential Zones

1. There are 3 Commercial/Residential zone classifications:
  - a. Commercial Residential Neighborhood (CRN),
  - b. Commercial Residential Town (CRT), and
  - c. Commercial Residential (CR).
2. Each CRN, CRT, and CR zone classification is followed by a number and a sequence of 3 additional symbols: C, R, and H, each followed by another number where:
  - a. The number following the classification is the maximum total FAR allowed unless additional FAR is allowed under [Section 4.5.2.C](#) and [Section 4.7.3.D.6.c](#);
  - b. The number following the C is the maximum nonresidential FAR allowed;
  - c. The number following the R is the maximum residential FAR allowed unless additional residential FAR is allowed under [Section 4.5.2.C](#) and [Section 4.7.3.D.6.c](#); and

- d. The number following the H is the maximum building height in feet allowed unless additional height is allowed under [Section 4.5.2.C](#) and [Section 4.7.3.D.6.c](#).
3. The CRN, CRT, and CR zones will be applied on the Zoning Map by showing, for each property classified:
  - a. The classification; and
  - b. The 4 maximum allowances (total FAR, nonresidential FAR, residential FAR, and height).
4. Commercial/Residential "T" zones are translated from certain zones existing before October 30, 2014.

## E. Employment Zones

1. There are 4 Employment zone classifications:
  - a. General Retail (GR),
  - b. Neighborhood Retail (NR),
  - c. Life Sciences Center (LSC), and
  - d. Employment Office (EOF).
2. Each GR, NR, LSC, and EOF zone classification is followed by a number and symbol: H, which is followed by another number where:
  - a. The number following the classification is the maximum total FAR allowed unless additional FAR is allowed under [Section 4.6.2.C](#) and [Section 4.7.3.D.6.c](#); and
  - b. The number following the H is the maximum building height in feet allowed unless additional height is allowed under [Section 4.7.3.D.6.c](#).
3. The GR, NR, LSC, and EOF zones will be applied on the Zoning Map by showing, for each property classified:
  - a. The classification; and
  - b. The 2 maximum allowances (total FAR and height).
4. Employment "T" zones are translated from certain zones existing before October 30, 2014.

## F. Industrial Zones

1. There are 3 Industrial zone classifications:
  - a. Light Industrial (IL),
  - b. Moderate Industrial (IM), and
  - c. Heavy Industrial (IH).
2. Each IL, IM, and IH zone classification is followed by a number and symbol: H, which is followed by another number where:
  - a. The number following the classification is the maximum total FAR allowed; and
  - b. The number following the H is the maximum building height in feet allowed.
3. The IL, IM, and IH zones will be applied on the Zoning Map by showing their zoning classification symbols.

## G. Overlay Zones

1. There are 17 Overlay zone classifications:
  - a. Burtonsville Employment Area (BEA),
  - b. Chevy Chase Neighborhood Retail (CCNR),
  - c. Clarksburg East Environmental (CEE),
  - d. Clarksburg West Environmental (CWE),
  - e. Community-serving Retail (CSR),
  - f. Fenton Village (FV),
  - g. Garrett Park (GP),
  - h. Germantown Transit Mixed Use (GTMU),
  - i. Regional Shopping Center (RSC),
  - j. Ripley/South Silver Spring (RSS),
  - k. Rural Village Center (RVC),
  - l. Sandy Spring/Ashton Rural Village (SSA),
  - m. Takoma Park/East Silver Spring Commercial Revitalization (TPESS),

- n. Transferable Development Rights (TDR),
    - o. Twinbrook (TB),
    - p. Upper Paint Branch (UPB), and
    - q. Upper Rock Creek (URC).
  2. Building types, uses, density, height, and other standards and requirements may be modified by the Overlay zones under **Section 4.9.2** through **Section 4.9.18**.
  3. The Overlay zones will be applied on the Zoning Map by showing their zoning classification symbols. The TDR Overlay zone will be applied on the Zoning Map by showing its zoning classification symbol followed by the TDR density designation (1 through 100, including fractions).

## H. Floating Zones

### 1. Residential Floating

- a. There are 3 Residential Floating zone classifications:
  - i. Residential Detached Floating (RDF),
  - ii. Townhouse Floating (TF), and
  - iii. Apartment Floating (AF).
- b. The RDF, TF, and AF zones will be applied on the Zoning Map by showing their zoning classification symbols followed by a number indicating the maximum allowed units per acre.

### 2. Commercial/Residential Floating

- a. There are 3 Commercial/Residential Floating zone classifications:
  - i. Commercial Residential Neighborhood Floating (CRNF),
  - ii. Commercial Residential Town Floating (CRTF), and
  - iii. Commercial Residential Floating (CRF).
- b. The CRNF, CRTF, and CRF zones will be applied on the Zoning Map by showing their zoning classification symbols followed by the maximum allowed total, commercial, and residential densities and maximum allowed height.

### **3. Employment Floating**

- a. There are 4 Employment Floating zone classifications:
  - i. General Retail Floating (GRF),
  - ii. Neighborhood Retail Floating (NRF),
  - iii. Employment Office Floating (EOFF), and
  - iv. Life Sciences Center Floating (LSCF).
- b. The GRF, NRF, EOFF, and LSCF zones will be applied on the Zoning Map by showing their zoning classification symbols followed by the maximum allowed total density and maximum allowed height.

### **4. Industrial Floating**

- a. There are 2 Industrial Floating zone classifications:
  - i. Light Industrial Floating (ILF), and
  - ii. Moderate Industrial Floating (IMF).
- b. The ILF and IMF zones will be applied on the Zoning Map by showing their zoning classification symbols followed by the maximum allowed total density and maximum allowed height.

## Division 2.2. Zoning Map

### Section 2.2.1. Zoning Maps

#### A. Adoption of Zoning Map

1. The zoning district maps shown on the map entitled "Zoning Map for the Maryland-Washington Regional District in Montgomery County, Maryland" are hereby adopted as a digital map, effective October 30, 2014 and known as the "Digital Zoning Map for the Maryland-Washington Regional District in Montgomery County, Maryland," adopted by the District Council.
2. The Montgomery County digital maps are certified by the Planning Director and the certification is part of the digital zoning layer, which is permanently kept and maintained by the Planning Department. The Montgomery County digital zoning layer is incorporated in this Article by reference and made a part of this Chapter.
3. The digital zoning layer must include the case numbers for all previous zoning and conditional use approvals.
4. The Planning Director must file an offline digital copy of the digital map and must provide a digital copy of the District Council approved map to the Director of DPS, the Hearing Examiner, the Clerk of the Circuit Court, and the Executive Director of the Board of Appeals on October 30, 2014.

#### B. Authorized Changes to Zoning Map

The Montgomery County digital zoning map can only be changed by:

1. District Map Amendment enacted by the District Council under [Section 7.2.3](#) and certified by the Planning Director;
2. Sectional Map Amendment under [Section 7.2.3](#) and certified by the Planning Director;
3. Local Map Amendment under [Section 7.2.1](#), and upon final decision, certified by the Planning Director; and
4. Corrective Map Amendment under [Section 7.2.2](#) certified by the Planning Director.

#### C. Changes to be Recorded on Digital Zoning Layer

1. Any change to the digital zoning layer must record the zoning change, the date of the change, and the documentation supporting the change, and must be certified by the Planning Director.
2. Any change to the digital zoning layer must indicate the zoning case number that changed the map at appropriate locations.
3. When the digital zoning layer is changed, the Planning Director must file an offline digital copy of the digital map and must provide a new digital copy of the map to the Director of DPS, the Hearing Examiner, the Clerk of the Circuit Court, and the Executive Director of the Board of Appeals within 10 days of the District Council's action.

#### D. Copies of Digital Zoning Layer

1. Uncertified copies of the digital zoning layer are provided for informational purposes only.
2. To verify the zoning status of a property, an individual may obtain a certified copy of the Montgomery County digital zoning layer from the Planning Department.
3. Certified copies are officially stamped by the Planning Director and include the date on which the property's zoning was verified.

#### E. Scale of Digital Zoning Layer

Certified copies of the Montgomery County digital zoning layer must be provided with a graphic scale, measurable when printed.

#### F. Zoning on October 29, 2014

A property's zoning on October 29, 2014 may be determined by the October 29, 2014 digital zoning map, which will be permanently kept and maintained by the Planning Department on their website.

## Section 2.2.2. Location and Boundaries of Zones

The location and boundaries of zones established in the district are as shown on a digital map, entitled "Digital Zoning Map of the Maryland-Washington Regional District in Montgomery County, Maryland," effective October 30, 2014, and as the same may be amended subsequent to the adoption of the map; and such map, sections or portions of the map, together with all notations, dimensions, designations, references and other data shown, are made a part of this Chapter to the same extent as if the information on such maps were fully described and incorporated in the Chapter.

## Section 2.2.3. Zone Boundary Interpretation

Where uncertainty exists as to the boundaries of any of the zones established in Section 2.2.2, as shown on the digital zoning map, the following rules apply:

- A. Zone boundary lines are intended to follow street, alley, or lot lines or lines parallel or perpendicular thereto, unless such zone boundary lines are otherwise specified on the zoning map.
- B. Where zone boundaries are indicated as approximately following street or alley lines or proposed street lines, such lines are construed to be the zone boundary.
- C. Where zone boundaries approximately follow lot lines and are not more than 10 feet away from the lot lines, such lot lines are the zone boundaries.
- D. In un-subdivided property, or where a zone boundary divides a lot, the location of any such boundary, unless designated, is measured using the map scale shown thereon, and scaled to the nearest foot.

## Section 2.2.4. Zoning and Development within Rights-of-Way

### A. Zoning of Public Rights-of Way

1. Zone boundaries must not be depicted in public rights-of-way but must run to the centerline of each right-of-way.
2. Zone boundaries within rights-of-ways previously dedicated by plat or other method of subdivision can be included in map amendments for density purposes; rights-of-way included in a map amendment boundary assume the new zoning assigned in the map amendment.
3. Where, by action of the District Council in previous zoning map amendments, private property was withheld from rezoning to provide for future

construction, widening, realignment, and relocation of proposed public roads, streets, alleys, easements, or transit routes or facilities, the zoning of such private property assumes the zoning classification of the land of which it is a part, or the least intense of abutting zones if the private property is not part of an abutting property. Nothing in Section 2.2.4.A affects or precludes the application of permit control procedures of Section 2.2.4.D for proposed buildings and structures within planned highways and rapid transit lines.

### B. Air Rights Development and Subsurface Development within Public Rights-of-Way

Air rights development and subsurface rights development are permitted in publicly owned rights-of-way for roads, streets, alleys, easements, and rapid transit routes if each of the following provisions is satisfied:

1. The development will not conflict with the recommendations and guidelines of the applicable master plan.
2. Site plan approval, not otherwise required by the zoning ordinance, is not required for air rights development and subsurface rights development in publicly owned rights-of-way for transit routes located within central business districts as defined in Section 1.4.2 when the Planning Board finds that such development rights have been held in private ownership continuously since July 7, 1986, and that the proposed development will preserve the integrity of the right-of-way for its intended public use.
3. The right-of-way is recorded on a record plat approved after July 7, 1986.

### C. Zoning of Privately Owned Railroad Rights-of-Way

1. All privately owned railroad rights-of-way are classified in zones as specified in Section 2.2.4.C.1.a through Section 2.2.4.C.1.c, except as otherwise reclassified by the District Council:
  - a. Where abutting land is classified in an Agricultural, Rural Residential, or Residential zone, the right-of-way is classified in the least intense of abutting zones.
  - b. Where abutting land on one side is classified in an Agricultural, Rural Residential, or Residential zone, and the abutting land on the other side is classified in a non-Agricultural, non-Rural Residential, or non-Residen-

tial zone, the right-of-way is classified in the abutting Agricultural, Rural Residential, or Residential zone.

- c. Where abutting land on both sides of the right-of-way is classified in other than Agricultural, Rural Residential, or Residential zones, the abutting zoning on each side must extend to the center line of the right-of-way.
2. To clearly define the location of privately owned railroad rights-of-way, zoning is not normally depicted within such rights-of-way; however, zoning is depicted within such rights-of-way where the District Council has approved zoning other than indicated in Section 2.2.4.C.1.a through Section 2.2.4.C.1.c.

#### **D. Development within Planned Rights-of Ways**

1. In areas where the Commission has adopted a master plan of highways showing a proposed new highway or street or a proposed relocation or widening of an existing highway or street, or a proposed rapid transit route or facility, no building or part of a building is permitted to be erected within the planned acquisition line of such proposed highway or street, or rapid transit line or facility.
2. The owner of the property who is denied a permit under subsection (1) may appeal the denial to the Board of Appeals and the Board of Appeals may grant a permit to build, under such conditions and restrictions as it deems necessary, if it finds (1) that the entire property of the appellant of which the area affected by the master plan is a part cannot yield a reasonable return to the owner unless the permit is granted, and (2) that balancing the interest of the general public in preserving the integrity of the plan and the interest of the owner of the property in the use and benefits of his property, the granting of the permit is required by consideration of reasonable justice and equity. Before taking any action, the Board of Appeals must hold a public hearing at which the parties in interest will have an opportunity to be heard.

#### **Section 2.2.5. Zones Retained from Previous Ordinance**

- A. The following zones, which were applied by Local Map Amendment before this Zoning Ordinance was adopted, may appear on the digital zoning map but they cannot be requested by any property owner under a Local Map Amendment or

applied to any additional property under a Sectional Map Amendment adopted after October 30, 2014: R-H, PCC, PD, PNZ, PRC, T-S, RT-6.0, RT-8.0, RT-10.0, RT-12.5, and RT-15.0.

- B. Development of properties under these zones may proceed under the requirements and standards in Article 59-8.

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