

**MEMORANDUM**

July 15, 2010

TO: Planning, Housing, and Economic Development Committee  
FROM: Jeff Zyontz,  Legislative Attorney  
SUBJECT: Zoning Text Amendment Advisers Update

**Administrative and Technical ZTA**

Council President Floreen is sponsoring the introduction of a ZTA recommended by the ZTA Advisers. This ZTA was recommended by the ZTA Advisers to:

- 1) delete an obsolete requirement and clarify special exception provisions for hospitals and filling stations;
- 2) allow the hearing examiner discretion concerning extending the time for a report and approving the withdrawal on a local map amendment application;
- 3) add procedural details concerning oral arguments on local map amendments;
- 4) allow cost saving administrative changes; and
- 5) amend the administrative code provisions to make it more concise, precise, and decisive.

**Fortunetelling**

The Maryland Court of Appeals recently found the County law prohibiting the business of fortunetelling to be unconstitutional. Under this ruling, fortunetelling is a legal use that was not previously considered in the Zoning Ordinance's land use tables. The Department of Permitting Service (DPS) must interpret the current code to determine what use category fits fortunetellers in the absence of Council action.

Fortunetelling is a personal service. DPS is considering classifying a fortunetelling business as a gift shop (a retail use). That classification would allow fortune telling in the C-1, C-2, C-4, C-6, and all CBD, TS, and MXTC zones. *Staff would recommend the introduction of a ZTA to allow fortunetelling businesses on a more restrictive basis.*

## Zoning Re-write Update

Planning Staff is working on the Zoning Ordinance Re-write. Drafts will be reviewed by the ZTA Advisers as they are made available from the Planning Department's consultant, Code Studios, in the following sequence:

- Agricultural and Residential Districts & Uses                      September
- All Other Districts & Uses    November
- General Development Standards    January
- Administration & Procedures    March

The Planning Staff would like an opportunity to update the Council in January and March of 2011.