

**Public Hearing**

**MEMORANDUM**

April 17, 2009

TO: County Council

FROM: Jeffrey L. Zyontz, <sup>JL</sup> Legislative Attorney

SUBJECT: **Public Hearing:** Zoning Text Amendment 09-01, Sandy Spring/Ashton Rural Village Overlay Zone – Prohibited Uses

Zoning Text Amendment (ZTA) 09-01, sponsored by Councilmember Elrich, was introduced on March 17, 2009. Zoning Text Amendment No. 09-01 would amend the Zoning Ordinance to prohibit additional uses in the zone. Councilmember Praisner requested staff to consult with Planning Board staff on a list of prohibited uses appropriate for a rural village. Councilmember Elrich agreed to sponsor this ZTA after Councilmember Praisner's untimely death.

The Planning, Housing, and Economic Development Committee scheduled a worksession on ZTA 09-02 on April 28, 2009.

This packet contains

© page

ZTA 09-01

1 – 5

Zoning Text Amendment No: 09-01  
Concerning: Sandy Spring/Ashton  
Overlay Zone – Prohibited uses  
Draft No. & Date: 1 - 3/5/09  
Introduced: 03/17/09  
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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By: Councilmember Elrich

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

- amend the prohibited land uses in the Sandy Spring/Ashton Rural Village Overlay Zone

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

DIVISION 59-C-18	“Overlay Zones”
Section 59-C-18.18	“Sandy Spring/Ashton Overlay Zone”
59-C-18.182	“Regulations”

**EXPLANATION:** **Boldface** indicates a heading or a defined term.  
Underlining indicates text that is added to existing laws by the original text amendment.  
**[Single boldface brackets]** indicate text that is deleted from existing law by the 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. DIVISION 59 - C-18 is amended as follows:

2  
3   Division 59-C-18. Overlay Zones.

4   \*   \*   \*

5   Sec. 59-C-18.18. Sandy Spring/Ashton Rural Village Overlay Zone.

6   \*   \*   \*

7   59-C-18.182.       Regulations.

8   \*   \*   \*

9   (b)   Commercial development. Where a lot is zoned either partially or totally in  
10       a commercial zone, the following regulations apply:

11       (1)   Land uses. All permitted or special exception uses allowed in the  
12           underlying zones are allowed in the commercial portion of the overlay  
13           zone. The following uses are prohibited in the overlay zones:

14  
15           Adult entertainment business

16           Automobile filling station<sup>1</sup>

17           Automobile fluid maintenance station

18           Automobile, light truck, and light trailer rentals, outdoor, except any  
19           automobile rental business[,] in existence on October 13, 1998  
20           may continue as a conforming use, and may be altered,  
21           repaired, or replaced in accordance with provisions of the zone  
22           in effect at the time the use was established.

23           Automobile repair and services

24           Automobile, truck, and trailer rentals, outdoor

25           Automobile sales, indoor

26           Automobile sales, outdoor

27           Baseball driving range

- 28 Building materials and supplies
- 29 Cable communications system
- 30 Car wash
- 31 Combination retail store
- 32 Department stores
- 33 Dry cleaning and laundry establishments, consisting of no more than
- 34 3,000 square feet of gross floor area
- 35 Eating and drinking establishments, drive-in
- 36 Electrical power transmission and distribution lines
- 37 Fairgrounds, circuses, and amusement parks
- 38 Furniture stores, carpet, or related furnishing sales or service
- 39 Golf driving ranges
- 40 Heliports
- 41 Helistops
- 42 Ice storage
- 43 Laboratories
- 44 Multi-family dwellings, except when included in a structure
- 45 containing retail or commercial uses
- 46 Newspaper, printing and publishing shops
- 47 Parking garages, automobile, for off-site uses
- 48 Parking lots, automobile, for off-site uses
- 49 Pawnshops
- 50 Pipelines, above ground
- 51 Radio and television broadcasting stations and towers
- 52 Railroad tracks
- 53 Racquet ball, squash, indoor tennis and handball courts, commercial
- 54 Rifle or pistol ranges, indoor

- 55                   Roller and ice skating rinks
- 56                   Roof top mounted antennas and related unmanned equipment
- 57                   building, equipment cabinets, or equipment room
- 58                   Stadiums or arenas
- 59                   Swimming pools, commercial
- 60                   Telecommunications facility
- 61                   Telephone offices and communication centers
- 62                   Warehousing and storage service including:
- 63                   (A) Industrial and commercial uses, wholly enclosed; or
- 64                   (B) Self-storage facility

65   \*   \*   \*

66                   **Sec.2. Effective Date.** This ordinance takes effect immediately upon the  
67 date of Council adoption.

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69 This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council