

Ordinance No.: 17-41
Zoning Text Amendment No.: 13-08
Concerning: TMX – Land Uses
Draft No. & Date: 1 – 9/3/13
Introduced: September 10, 2013
Public Hearing: October 15, 2013
Adopted: October 29, 2013
Effective: October 30, 2013

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Councilmembers Rice and Floreen

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow dry cleaning and laundry establishments in the TMX zone;
- allow a veterinary hospital without a special exception under certain circumstances;
- allow day care for seniors and disabled people with an unlimited number of people; and
- generally amend land uses in the TMX zone

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

DIVISION 59-C-14. “TRANSIT MIXED-USE (TMX) ZONE.”
Section 59-C-14.23. “Land Uses.”

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.*

OPINION

Zoning Text Amendment No. 13-08, sponsored by Councilmembers Rice and Floreen, was introduced on September 10, 2013.

ZTA 13-08 would expand the opportunities for dry cleaning and laundry establishments, veterinary hospitals, and day care for seniors and disabled people in the TMX Zone. As part of the Zoning Ordinance Rewrite and District Map Amendment, the Planning Board recommended expanding the uses allowed in what is currently the TMX zone. ZTA 13-08 is consistent with some of the proposed uses under the Zoning Ordinance Rewrite.

The Montgomery County Planning Board and Planning Staff supported the ZTA. The Council held a public hearing on October 15, 2013. All testimony favored the approval of ZTA 13-08. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession to review the amendment. On October 21, 2013, the Committee (3-0) recommended approval of ZTA 13-08. The Committee considered the idea of replacing the word “soundproofed” with either a construction or acoustical standard, but rejected the idea due to a lack of opposition in testimony to the currently used word.

The District Council reviewed Zoning Text Amendment No. 13-08 at a worksession held on October 29, 2013 and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 13-08 will be approved as introduced.

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-14 is amended as follows:**
2 DIVISION 59-C-14. TRANSIT MIXED-USE (TMX) ZONE

3 * * *

4 **59-C-14.23. Land uses.**

5 No use is allowed except as indicated below:

6 — **Permitted Uses.** Uses ~~[[designed]]~~ designated by the letter “P” are
7 permitted, subject to all applicable regulations.

8 — **Special Exception Uses.** Uses designated by the letters “SE” may be
9 authorized as special exceptions under Article 59-G.

10

TMX Land Uses	
* * *	
(d) Services:	
* * *	
Daycare facility for [not more than 4] senior adults and persons with disabilities.	P
Domiciliary care for no more than 16 senior adults.	P
Dry cleaning and laundry pick-up station.	P
<u>Dry cleaning and laundry establishments, consisting of no more than 3,000 square feet of gross floor area.</u>	P
Duplicating services.	P
Educational, private institution.	P
Home occupation, no impact.	P
Home occupation, registered.	P

Home occupation, major.	SE
Hospice care facility.	P
Hospitals, veterinary.	[SE] <u>P*</u>
International public organization.	P
Place of worship.	P
* * *	

11

12 * All areas of a building used for keeping animals must be soundproofed. An
 13 outdoor exercise yard is allowed if:

14 (a) it is fenced and set back a minimum of 50 feet from any Residential,
 15 One-Family or Residential, Townhouse zoned land; and

16 (b) any animal is prohibited from being outdoors between 9:00 p.m. and
 17 7:00 a.m.

18 * * *

19 **Sec. 2. Effective date.** This ordinance becomes effective 1 day after the
 20 date of Council adoption.

21

22 This is a correct copy of Council action.

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Linda M. Lauer

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Linda M. Lauer, Clerk of the Council