

Zoning Text Amendment No.: 11-05
Concerning: U.S. 29/Cherry Hill Road
Employment Area Overlay Zone –
Automobile Sales and Service
Draft No. & Date: 1 - May 5, 2011
Introduced: May 10, 2011
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**

By: Council President Ervin, Councilmembers Leventhal and Floreen

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- delete certain automobile related uses from the list of prohibited land uses in the U.S. 29/Cherry Hill Road Employment Area Overlay zone; and
- require existing automobile repair, service, and sales and related offices, storage, and parking uses to satisfy the requirements of the underlying 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-18.132	“Regulations”

And by adding the following subsection to the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

Subsection 59-C-18.132(i)	“Special provisions for automobile repair, service, and sales”
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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 that text 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:

Sec. 1. Division 59-C-18 is amended as follows:

DIVISION 59-C-18. OVERLAY ZONES

* * *

59-C-18.132. Regulations.

(a) Land uses.

* * *

- (2) The following uses are prohibited in the U.S. 29/Cherry Hill Road Employment Area overlay zone:
 - Adult entertainment business.
 - Automobile parts, sales and services, including but not limited to tire sales and transmission service.
 - [Automobile repair and service.¹]
 - [Automobile sales, indoors and outdoors.]
 - Bakery.

* * *

[¹ Except that an automobile repair and service use may be established in a warehouse and storage building constructed before July 16, 2001 if the automobile repair and service use is a permitted use in the underlying zone. The exterior dimensions of a warehouse and storage building may not be extended, or enlarged beyond the dimensions of the building that existed on July 16, 2001 for the purpose of accommodating an automobile repair and service use. The automobile repair and service use and building are conforming and may be structurally altered, repaired, or reconstructed, so long as the building is not increased, extended, or enlarged beyond the exterior dimensions of the building that existed on July 16, 2001.]

* * *

(i) **Special provisions for automobile repair, service, and sales.**

Any structure or improvement existing before May 5, 2011 and used for automobile repair, service, sales, or related office, automobile parking, or automobile storage use may be built, rebuilt, repaired, or expanded under the standards and procedures of the property's underlying zone.

Sec. 2. Effective date. This ordinance takes effect 20 days after the date of Council adoption.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council