

Ordinance No.: 18-13
Zoning Text Amendment No.: 15-11
Concerning: Employment Office
(EOF) Zone – Limited
Uses
Draft No. & Date: 3 - 4/5/16
Introduced: November 3, 2015
Public Hearing: January 12, 2016
Adopted: April 12, 2016
Effective: May 2, 2016

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

Lead Sponsor: Council President Floreen
Co-sponsor: Councilmember Hucker

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow additional limited uses in the EOF zone;
- establish standards for limited uses in the EOF zones; and
- generally amend the provisions for the EOF zone.

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

DIVISION 59-3.1. "Use Table"
Section 59-3.1.6. "Use Table"
DIVISION 59-3.5. "Commercial Uses"
Section 59-3.5.12. "Vehicle/Equipment Sales and Rental"
Section 59-3.5.13. "Vehicle Service"

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

Council President Floreen is the lead sponsor of ZTA 15-11. Councilmember Hucker is a co-sponsor. ZTA 15-11 would allow additional limited uses in the Employment Office (EOF) zone. As introduced, ZTA 15-11 would allow these uses on sites of at least 10 acres in size that are located outside of Metro Station Policy Areas.

The Council held a public hearing on January 12, 2016. The Planning Board and Planning Staff recommended denial of ZTA 15-11. In their opinion, an owner who wants to use their property for vehicle sales and vehicle repair should request a zoning change to do so. The Planning Board noted that the intent of the zone was for office and employment activity combined with limited residential and neighborhood commercial uses. Currently, the GR zone allows vehicle sales and vehicle repair as a limited use. In the NR zone, outdoor vehicle sales requires conditional use approval.

The County Executive testified in favor of ZTA 15-11. The Executive pointed out the MileOne property at the Auto Park on Route 28 and said the following:

The ZTA is entirely sensible when viewed in the context of EOF zoned properties...that are not in a desirable office location but are ideally situated for other types of commercial development...requiring Mile One to go through a piecemeal rezoning process for a modest redevelopment project would be onerous in terms of both time and cost to MileOne without advancing any legitimate land use objective...any significant new development would be required to go through the site plan process with the Planning Board, which will afford ample opportunity for community and abutter input.

A representative for MileOne spoke in favor of ZTA 15-11.

The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

On April 4, 2016, the Committee (3-0) recommended approval of ZTA 15-11 with amendments to:

- 1) replace “not within a metro station policy area” with “at least 3,000 feet from a Metrorail Station”;
- 2) add a restriction that the use may not be located in an area abutting any residentially zoned land that is improved with a residential use; and
- 3) add a requirement that the site abuts both a right-of-way classified as a freeway (I-495, I-270, or State Route 200 (the ICC)) and an arterial road.

The Committee believed that these limitations will restrict outdoor vehicle sales and vehicle repairs to appropriate EOF zoned areas and that the amendment would be consistent with the purpose of the EOF zone.

The District Council reviewed Zoning Text Amendment No. 15-11 at a worksession held on April 12, 2016. The Council agreed with the Committee recommendations.

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. 15-11 will be approved as amended.

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 59-3.1 is amended as follows:**

2 **Division 3.1. Use Table**

3 * * *

4 **Section 3.1.6. Use Table**

5 The following Use Table identifies uses allowed in each zone. Uses may be
6 modified in Overlay zones under Division 4.9.

| USE OR USE GROUP | Definitions and Standards | * * * | Commercial/Residential | | | Employment | | | | Industrial | | | | |
|--|---------------------------|-------|------------------------|-----|----|------------|----|-----|-----|------------|----------|----|---|---|
| | | | CRN | CRT | CR | GR | NR | LSC | EOF | IL | IM | IH | | |
| | | | * * * | | | | | | | | | | | |
| VEHICLE/EQUIPMENT SALES AND RENTAL | 3.5.12 | | | | | | | | | | | | | |
| Heavy Equipment Sales and Rental | 3.5.12.A | | | | L | | | | | P | P | | | |
| Light Vehicle Sales and Rental (Indoor) | 3.5.12.B | | | | | L | P | P | | <u>L</u> | P | P | | |
| Light Vehicle Sales and Rental (Outdoor) | 3.5.12.C | | | | | L | P | L | C | | <u>L</u> | P | P | |
| VEHICLE SERVICE | 3.5.13 | | | | | | | | | | | | | |
| * * * | | | | | | | | | | | | | | |
| Repair (major) | 3.5.13.E | | | | | C | C | L | | C | <u>L</u> | P | P | P |
| * * * | | | | | | | | | | | | | | |

7
8 **Sec. 2. DIVISION 59-3.5 is amended as follows:**

9 **Division 3.5. Commercial Uses**

10 * * *

11 **Section 3.5.12. Vehicle/Equipment Sales and Rental**

12 * * *

13 **B. Light Vehicle Sales and Rental (Indoor)**

14 **1. Defined**

15 Light Vehicle Sales and Rental (Indoor) means a building for the
16 indoor sales, rental, or leasing of light equipment and vehicles,
17 including vehicles for hauling and moving. Light Vehicle Sales and
18 Rental (Indoor) includes the repair of vehicles and equipment for sale,
19 rent, or lease as an incidental use if conducted indoors. Light Vehicle
20 Sales and Rental (Indoor) includes indoor storage of vehicles for
21 sale[,] and an accessory car wash for vehicles and equipment for sale,
22 rent, or lease.

23 **2. Use Standards**

24 a. Where Light Vehicle Sales and Rental (Indoor) is allowed as a
25 limited use, and the subject lot abuts or confronts a property
26 zoned Agricultural, Rural Residential, or Residential Detached
27 that is vacant or improved with an agricultural or residential
28 use, it must satisfy the following standards:

29 [a] i. Access to the site from a street with a residential
30 classification is prohibited.

31 [b] ii. Site plan approval is required under Section 7.3.4.

32 b. In the EOF zone, the tract on which a Light Vehicle Sales and
33 Rental (Indoor) use is allowed must also be:

34 i. less than 10 acres in size; [[and]]

35 ii. located [[outside of a Metro Station Policy Area.]] at
36 least 3,000 feet from a Metrorail Station;

37 iii. abutting land that is not zoned in a rural residential or
38 residential classification with any residential use located
39 on the abutting land; and

40 iv. abutting 2 or more rights-of-way; at least one of the
41 abutting rights-of-way must be classified as a freeway
42 and one other abutting right-of-way must be classified at
43 least as an arterial roadway.

44 **C. Light Vehicle Sales and Rental (Outdoor)**

45 **1. Defined**

46 Light Vehicle Sales and Rental (Outdoor) means the sales, rental, or
47 leasing of light equipment and vehicles, including vehicles for hauling
48 and moving, outside of a building. Light Vehicle Sales and Rental
49 (Outdoor) includes the repair of vehicles and equipment for sale, rent,
50 or lease as an incidental use if conducted indoors. Light Vehicle Sales
51 and Rental (Outdoor) includes outdoor storage of vehicles for sale[,]
52 and an accessory car wash for vehicles and equipment for sale, rent, or
53 lease.

54 **2. Use Standards**

- 55 a. Where Light Vehicle Sales and Rental (Outdoor) is allowed as a
56 limited use, and the subject lot abuts or confronts a property
57 zoned Agricultural, Rural Residential, or Residential Detached
58 that is vacant or improved with an agricultural or residential
59 use, it must satisfy the following standards:
- 60 i. Access to the site from a street with a residential
61 classification is prohibited.
 - 62 ii. Vehicles must be stored or parked only on a hard surface
63 that is constructed of material resistant to erosion, is
64 adequately treated to prevent dust emission, and is
65 surrounded by a raised curb. The parking and storage
66 area must be set back 15 feet from any right-of-way, 15

67 feet from any lot line abutting land in an Agricultural,
68 Rural Residential, or Residential Detached zone, and 3
69 feet from any other lot line.

70 iii. There must be a minimum of 20 feet between access
71 driveways, and all driveways must be perpendicular to
72 the curb or street line.

73 iv. When such use occupies a corner lot, an access driveway
74 is prohibited within 20 feet from the intersection of the
75 rights-of-way[[,]] and cannot exceed 30 feet in width.

76 v. Product displays, parked vehicles, and other obstructions,
77 which would adversely affect visibility at intersections or
78 to driveways, are prohibited.

79 vi. In the CRT zone, site plan approval is required under
80 Section 7.3.4.

81 b. In the EOF zone, the tract on which a Light Vehicle Sales and
82 Rental (Outdoor) use is allowed must also be:

83 i. less than 10 acres in size; [[and]]

84 ii. located [[outside of a Metro Station Policy Area.]] at
85 least 3,000 feet from a Metrorail Station;

86 iii. abutting land that is not zoned in a rural residential or
87 residential classification with any residential use located
88 on the abutting land; and

89 iv. abutting 2 or more rights-of-way; at least one of the
90 abutting rights-of-way must be classified as a freeway
91 and one other abutting right-of-way must be classified at
92 least as an arterial roadway.

- 119 b. In the EOF zone, the tract on which a Repair (Major) use is
120 allowed must also be:
121 i. less than 10 acres in size; and
122 ii. located [[outside of a Metro Station Policy Area.]] at
123 least 3,000 feet from a Metrorail Station;
124 iii. abutting land that is not zoned in a rural residential or
125 residential classification with any residential use located
126 on the abutting land; and
127 iv. abutting 2 or more rights-of-way; at least one of the
128 abutting rights-of-way must be classified as a freeway
129 and one other abutting right-of-way must be classified at
130 least as an arterial roadway.

131 c. Where Repair (Major) is allowed as a conditional use, it may be
132 permitted by the Hearing Examiner under all limited use standards
133 and Section 7.3.1, Conditional Use.

134 * * *

135 **Sec. 3. Effective date.** This ordinance becomes effective 20 days after the
136 date of Council adoption.

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138 This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council