

Ordinance No: 15-57  
Zoning Text Amendment No: 05-09  
Concerning: Wholesale trades for industrial  
or commercial users in the I-3 Zone  
Draft No. & Date: 1- 06/01/05  
Introduced: June 14, 2005  
Public Hearing: July 18, 2005; 1:30 pm  
Adopted: January 17, 2006  
Effective: February 6, 2006

**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: District Council

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance for the purpose of:

- allowing “wholesale trades limited to sales or rental of products intended for industrial or commercial users” as a permitted use in the I-3 zone under certain circumstances.

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

DIVISION 59-C-5    “INDUSTRIAL ZONES”  
Section 59-C-5.2   “Land uses”

*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.*

## OPINION

Zoning Text Amendment No. 05-09 was introduced on June 14, 2005, to allow wholesale trades limited to the sale or rental of products intended for industrial or commercial users as a permitted use in the I-3 zone under certain circumstances.

The Montgomery County Planning Board in its report to the Council recommended that the text amendment be approved as introduced.

The County Council held a public hearing on July 18, 2005, to receive testimony concerning the proposed text amendment. 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 on September 7, 2005 to review the amendment. The question before the PHED Committee was whether Roberts Oxygen Company was properly classified as a "Wholesale trade, limited to sales of rental products intended for industrial or commercial users". Staff determined from viewing the Roberts Oxygen web site that the company's principal function is the distribution of compressed industrial, medical and specialty gases, cryogenic gases, and equipment to commercial and industrial users. The Company also supplies bulk gases and micro gases, and installs bulk tanks and manifolds for compressed gases and cryogenic systems. On checking directly with the company, staff was advised that no manufacturing of oxygen tanks or any other product occurs on-site. Based on this information, it was determined that the Roberts Oxygen use of the site is properly classified in the I-1 zone as a wholesale trade.

The District Council reviewed Zoning Text Amendment No. 05-09 at worksessions held on September 12 and November 15 2005 and January 17, 2006 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. 05-09 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-C-5 is amended as follows:**

2   **DIVISION 59-C-5.       INDUSTRIAL ZONES.**

3   \* \* \*

4   **59-C-5.2. Land uses.**

5   \* \* \*

	I-1	I-2	I-3	I-4	R&D	LSC
<b>(d) Commercial.</b>						
* * *						
Wholesale trades limited to sales or rental of products intended for industrial or commercial users.	P		<u>P</u> *	P		

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8       \* Only if a building permit was issued before the property was reclassified to  
 9       the I-3 zone. Any wholesale trade use or structure existing [[on the  
 10       property]] before the property was reclassified to the I-3 zone is conforming  
 11       and may be modified, reconstructed, or enlarged in accordance with the  
 12       standards of the zone in effect for the property before the property was  
 13       reclassified to the I-3 zone, except that the building height and setbacks must  
 14       conform to the recommendations of the applicable master plan or sector  
 15       plan. Any modification, reconstruction, or enlargement of a wholesale use  
 16       or structure in accordance with the standards of the zone in effect for the  
 17       property before the property was reclassified to the I-3 zone requires a site  
 18       plan under Section 59-D-3.

19   \* \* \*

20           **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the  
21 date of Council adoption.

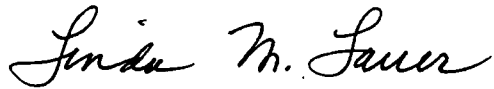
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23 This is a correct copy of Council action.

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A handwritten signature in cursive script that reads "Linda M. Lauer". The signature is written in black ink and is positioned above a horizontal line.

27 Linda M. Lauer, Clerk of the Council