

Ordinance No.: 17-08  
Zoning Text Amendment No.: 11-05  
Concerning: U.S. 29/Cherry Hill Road  
Employment Area Overlay Zone –  
Automobile Sales and Service  
Draft No. & Date: 2 – July 12, 2011  
Introduced: May 10, 2011  
Public Hearing: June 14, 2011  
Adopted: July 19, 2011  
Effective: August 8, 2011

**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: Council President Ervin, Councilmembers Leventhal and Floreen

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**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.*

## OPINION

Zoning Text Amendment No. 11-05 was introduced on May 10, 2011 and sponsored by Council President Ervin, Councilmember Leventhal, and Councilmember Floreen.

The Montgomery County Planning Board, in its report to the Council on June 16, 2011, recommended that the text amendment be approved as introduced.

The County Council held a public hearing on June 14, 2011 to receive testimony concerning the proposed text amendment. Testimony supported the approval of ZTA 11-05. 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 July 11, 2011 to review the amendment. The Committee recommended revising ZTA 11-05 so that it only would allow existing auto-related uses to expand and rebuild.

The District Council reviewed Zoning Text Amendment No. 11-05 at a worksession held on July 19, 2011 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. 11-05 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-18 is amended as follows:**

2 **DIVISION 59-C-18. OVERLAY ZONES**

3 \* \* \*

4 **59-C-18.132. Regulations.**

5 **(a) Land uses.**

6 \* \* \*

7 (2) The following uses are prohibited in the U.S. 29/Cherry Hill Road  
8 Employment Area overlay zone:

9 Adult entertainment business.

10 Automobile parts, sales and services, including but not limited to tire  
11 sales and transmission service.

12 [Automobile repair and service.<sup>1</sup>]

13 [Automobile sales, indoors and outdoors.]

14 Automobile repair and service.<sup>1</sup>

15 Automobile sales, indoors and outdoors.<sup>1</sup>

16 Bakery.

17 \* \* \*

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

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27 <sup>1</sup> These uses are permitted on any property improved before May 5, 2011 for the use of  
28 automobile repair, service, sales, or storage. Automobile repair, service, sales, or related  
29 office, automobile parking, or automobile storage use may be built, rebuilt, repaired, or  
30 expanded on these properties under the standards and procedures of the property's underlying  
31 zone.

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33 \* \* \*

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

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

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

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44 This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council