

Introduction

MEMORANDUM

March 13, 2009

TO: County Council

FROM: Jeffrey L. Zyontz, Legislative Attorney 

SUBJECT: **Introduction:** Zoning Text Amendment 09-01, Sandy Spring/Ashton Rural Village Overlay Zone – Prohibited Uses

Zoning Text Amendment (ZTA) 09-01, sponsored by Councilmember Elrich, is scheduled to be introduced on March 17, 2009. A public hearing will be held on April 21, 2009 at 1:30 p.m. if the Council approves the attached resolution.

Zoning Text Amendment No. 09-01 would amend the Zoning Ordinance to prohibit additional uses in the zone. Councilmember Praisner requested staff to consult with Planning Board staff on a list of prohibited uses appropriate for a rural village. Councilmember Elrich agreed to sponsor this ZTA after Councilmember Praisner's untimely death.

This packet contains

© page

ZTA 09-01
Resolution

1 – 5
6

Zoning Text Amendment No: 09-01
Concerning: Sandy Spring/Ashton
Overlay Zone – Prohibited uses
Draft No. & Date: 1 - 3/5/09
Introduced: 03/17/09
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: Councilmember Elrich

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- amend the prohibited land uses in the Sandy Spring/Ashton Rural Village Overlay 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-18.18	“Sandy Spring/Ashton Overlay Zone”
59-C-18.182	“Regulations”

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.

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
3 Division 59-C-18. Overlay Zones.

4 * * *

5 Sec. 59-C-18.18. Sandy Spring/Ashton Rural Village Overlay Zone.

6 * * *

7 59-C-18.182. Regulations.

8 * * *

9 (b) Commercial development. Where a lot is zoned either partially or totally in
10 a commercial zone, the following regulations apply:

11 (1) Land uses. All permitted or special exception uses allowed in the
12 underlying zones are allowed in the commercial portion of the overlay
13 zone. The following uses are prohibited in the overlay zones:

14
15 Adult entertainment business

16 Automobile filling station¹

17 Automobile fluid maintenance station

18 Automobile, light truck, and light trailer rentals, outdoor, except any
19 automobile rental business[,] in existence on October 13, 1998
20 may continue as a conforming use, and may be altered,
21 repaired, or replaced in accordance with provisions of the zone
22 in effect at the time the use was established.

23 Automobile repair and services

24 Automobile, truck, and trailer rentals, outdoor

25 Automobile sales, indoor

26 Automobile sales, outdoor

27 Baseball driving range

- 28 Building materials and supplies
- 29 Cable communications system
- 30 Car wash
- 31 Combination retail store
- 32 Department stores
- 33 Dry cleaning and laundry establishments, consisting of no more than
- 34 3,000 square feet of gross floor area
- 35 Eating and drinking establishments, drive-in
- 36 Electrical power transmission and distribution lines
- 37 Fairgrounds, circuses, and amusement parks
- 38 Furniture stores, carpet, or related furnishing sales or service
- 39 Golf driving ranges
- 40 Heliports
- 41 Helistops
- 42 Ice storage
- 43 Laboratories
- 44 Multi-family dwellings, except when included in a structure
- 45 containing retail or commercial uses
- 46 Newspaper, printing and publishing shops
- 47 Parking garages, automobile, for off-site uses
- 48 Parking lots, automobile, for off-site uses
- 49 Pawnshops
- 50 Pipelines, above ground
- 51 Radio and television broadcasting stations and towers
- 52 Railroad tracks
- 53 Racquet ball, squash, indoor tennis and handball courts, commercial
- 54 Rifle or pistol ranges, indoor

55 Roller and ice skating rinks
56 Roof top mounted antennas and related unmanned equipment
57 building, equipment cabinets, or equipment room
58 Stadiums or arenas
59 Swimming pools, commercial
60 Telecommunications facility
61 Telephone offices and communication centers
62 Warehousing and storage service including:
63 (A) Industrial and commercial uses, wholly enclosed; or
64 (B) Self-storage facility

65 * * *

66 **Sec.2. Effective Date.** This ordinance takes effect immediately upon the
67 date of Council adoption.

68

69 This is a correct copy of Council action.

70

71

72 _____
Linda M. Lauer, Clerk of the Council

Resolution No.: _____
Introduced: March 17, 2009
Adopted: _____

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

By: Councilmember Elrich

Subject: Notice of Public Hearing on Zoning Text Amendment 09-01

Background

1. Section 59-H-9.3 of the Montgomery County Ordinance requires that, within 30 days of introduction of any text amendment, the Council act by resolution to set a date and time for public hearing on the proposed amendment.
2. Zoning Text Amendment No. 09-01, introduced on March 17, 2009 would amend the Zoning Ordinance to prohibit additional uses in the Sandy Spring/Ashton Rural Village Overlay zone.

Action

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 resolution:

Legal notice will be given of the public hearing to be held on April 21, 2009 at 1:30 p.m., in the Council Hearing Room, Stella Werner Council Office Building, Rockville, Maryland, for the purpose of giving the public an opportunity to comment on the proposed amendment.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council