

Ordinance No: 15-01
Zoning Text Amendment No: 03-02
Concerning: Dry cleaning and laundry establishments
Draft No. & Date: 1 – 2/5/03
Introduced: February 11, 2003
Public Hearing: March 18, 2003; 1:30 PM
Adopted: March 25, 2003
Effective: June 23, 2003

**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: Councilmembers Subin and Silverman

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

- adding definitions for certain dry cleaning and laundering terms;
- allowing certain dry cleaning and laundering operations by right in certain zones, subject to certain standards; and
- permitting certain existing dry cleaning and laundry operations to continue as conforming uses.

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

DIVISION 59-A-2	“DEFINITIONS AND INTERPRETATION”
Section 59-A-2.1	“Definitions”
DIVISION 59-C-4	“COMMERCIAL ZONES”
Section 59-C-4.2	“Land uses”
DIVISION 59-C-5	“INDUSTRIAL ZONES”
Section 59-C-5.2	“Land uses”
DIVISION 59-C-6	“CENTRAL BUSINESS DISTRICT ZONES”
Section 59-C-6.22	“Land uses”
DIVISION 59-C-10	“RMX ZONES—RESIDENTIAL MIXED USE DEVELOPMENT”
DIVISION 59-G-2	“SPECIAL EXCEPTIONS—STANDARDS AND REQUIREMENTS”
Section 59-G-2.46	“Retail and service establishments.
Section 59-G-2.47	“Retail establishments in a multiple-family dwelling”
Section 59-G-2.48	“Retail establishments in an office building”

*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. 03-02 (ZTA) was introduced on February 11, 2003 to distinguish small retail dry cleaning operations from larger dry cleaning operations that are more industrial in character. ZTA 03-02, as introduced, defines the terms dry cleaning and laundry establishment, dry cleaning and laundry pick-up station, and dry cleaning and laundry plant. The ZTA restricts dry cleaning establishments with a gross floor area larger than 3,000 square feet to certain industrial zones; however, existing dry cleaning establishments with more than 3,000 square feet of gross floor areas may continue as conforming uses. A dry cleaning establishment and dry cleaning and laundry pick-up station with a gross floor area of 3,000 square feet or less would be permitted by right in the retail commercial and certain other zones.

The Montgomery County Planning Board in its report to the Council recommended that the text amendment be amended. The Planning Board supports the zoning text amendment limiting the size of dry cleaning establishments in local commercial areas such as the C-1 zone the CBD zones, and the RMX zones. The Board does not support implementing the zoning text amendment in commercial zones intended for commercial uses serving a wider market area, including the C-2, C-4, and C-6 zones because these zones accommodate larger scale shopping and other commercial services.

The County Council held a public hearing on March 18, 2003, to receive testimony concerning the proposed text amendment. ZTA 03-02 was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

A worksession on ZTA 03-02 was held by the Planning, Housing, and Economic Development Committee on March 20, 2003. The Committee carefully reviewed the public hearing testimony and issues raised by Council Staff. The Committee majority was in agreement that the 3,000 square foot limitation on dry cleaning establishments is necessary to ensure that large dry cleaning plants, which involve the use of equipment and processes on a scale that would be more appropriately considered industrial in nature, will not be located in a retail commercial and certain other zones. The 3,000 square-foot size limitation is based on the experience in other jurisdictions and information provided by the Department of Permitting Services that shows the relative size of a representative sample of dry cleaning establishments in the County.

Provisions of ZTA 03-02 that place the same size limitation on pick-up stations as proposed for dry cleaning establishments were discussed by the Committee. A pick-up station is a location for customers to drop-off and pick up garments or articles that are sent to another location for cleaning or laundering. A dry cleaning and laundry pick-up station does not have on-site dry cleaning or laundry facilities. It was the conclusion of the Committee that pick-up stations are relatively small operations and not industrial in character. Therefore, the same rationale for regulating dry cleaning establishments does not exist for dry cleaning and laundry pick-up stations. The Committee recommended that the proposed size limitations for dry cleaning and laundry pick-up stations be deleted.

The Committee also recommended revisions to ZTA 03-02 to apply the size restriction to dry cleaning and laundry establishments in the RMX zones; clarify that any dry cleaning and laundry establishment that exceeds 3,000 square feet of gross floor area may not be reestablished if operations are discontinued for more than six months, provide that a dry cleaning and laundry establishment that has a break in service because of a fire, flood, natural disaster, or other event beyond the owner's control may be reestablished no later than one year after service was last offered; and delete the term "local service only".

The District Council reviewed Zoning Text Amendment No. 03-02 at a meeting held on March 25, 2003, and agreed with the recommendations of the Planning, Housing, and Economic Development Committee, with certain revisions. The Council accepted a recommended revision by Councilmember Silverman to allow any dry cleaning and laundry establishment larger than 3,000 square feet of gross floor area that remains under the same ownership and control, to relocate as a conforming use to another permitted site in any zone where it could have located before the effective date of ZTA 03-02. It was clarified that this revision would not prevent a change in ownership before or after relocation of a dry cleaning and laundry establishment larger than 3,000 square gross feet. It was agreed by the Council that the provisions of ZTA 03-02 would go into effect on June 23, 2003.

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. 03-02 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-A-2 is amended as follows:**

2 **DIVISION 59-A-2. DEFINITIONS AND INTERPRETATION.**

3 * * *

4 **59-A-2.1. Definitions.**

5 * * *

6 **Dry cleaning and laundry establishment:** An establishment for the mechanical
7 cleaning of garments, articles or goods of fabric for retail customers. A dry
8 cleaning and laundry establishment does not include a laundry or laundromat
9 which provides self-service type washing and drying for use of retail customers.

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11 **Dry cleaning and laundry pick-up station:** An establishment where customers
12 drop-off and pick up garments or articles that are sent to another location for
13 cleaning or laundering. A dry cleaning and laundry pick-up station does not
14 include on-site dry cleaning or laundry facilities.

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16 **Dry cleaning and laundry plant:** An establishment for the mechanical cleaning
17 of garments, articles or goods of fabric, including a linen, diaper, or uniform
18 laundering service, containing more than 3,000 square feet of gross floor area. A
19 dry cleaning and laundering plant may perform work on the premises for other dry
20 cleaning and laundry services and serve retail customers.

21 * * *

22 **Sec. 2. Division 59-C-4 is amended as follows:**

23 **DIVISION 59-C-4. COMMERCIAL ZONES.**

24 * * *

25 **59-C-4.2. Land uses.**

26 * * *

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	C-T	O-M	C-O	C-P	C-1	C-2	C-3	C-4	C-5	C-6	H-M	Country Inn
(e) Services:												
* * *												
Dry cleaning and laundry establishments, <u>consisting of no more than 3,000 square feet of gross floor area.</u> ²⁸					P	P		P		P		
Dry cleaning and laundry pick-up station <u>[[consisting of no more than 3,000 square feet of gross floor area.</u> ²⁸]]	SE ¹⁵		SE ¹¹	SE ¹¹	P	P		P	P	P		
* * *												

28

29 * * *

30 ¹¹ See “Retail establishments in an office building,” section 59-G-2.48.

31 ¹⁵ See “Retail and service establishments,” section 59-G-2.46.

32 ²⁸ [For local service only;] [[no work for other similar establishments is to be done.]] Work for other similar establishments is not permitted. [[Any]] A
 33 dry cleaning and laundry establishment [[or dry cleaning and laundry pick-
 34 up station consisting of more]] larger than 3,000 square feet of gross floor
 35 area which existed on June 23, 2003 is a conforming use and may be
 36 continued, structurally altered, repaired or reconstructed, [[so long as]] if the
 37 floor area devoted to the use is not increased, extended or enlarged beyond
 38 the [[dimensions]] floor area devoted to the use [[which existed]] on June
 39 23, 2003. If a dry cleaning and laundry establishment larger than 3,000
 40 square feet of gross floor area remains under the same ownership and
 41 control, it may relocate as a conforming use to another permitted site in any
 42 zone where it could have located before June 23, 2003. Otherwise, a dry
 43 cleaning and laundry establishment that discontinues operations for more
 44 than six months must not be reestablished. However, a dry cleaning and
 45 laundry establishment that discontinues operations for more than six months must not be reestablished.

46 laundry establishment that discontinues operations because of a fire, flood,
 47 natural disaster, or other event beyond the owner's control may be
 48 reestablished no later than one year after it last operated.

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50 **Sec. 3. Division 59-C-5 is amended as follows:**

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

52 * * *

53 **59-C-5.2. Land uses.**

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	I-1	I-2	I-3	I-4	R&D	LSC
(b) Manufacturing and industrial.						
I. Uses of a light industrial nature.						
* * *						
Dry cleaning and laundry plant[s].	P	P		P		
Electroplating and manufacturing of small parts such as coils, condensers, transformers, and crystal holders.	P	P	P	P	P	
* * *						
[Laundry plants.	P	P		P]		

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57 **Sec. 4. DIVISION 59-C-6 is amended as follows:**

58 **DIVISION 59-C-6. CENTRAL BUSINESS DISTRICT ZONES.**

59 * * *

60 **59-C-6.22. Land uses.**

	CBD-0.5		CBD-R1		CBD-1		CBD-2		CBD-3		CBD-R2	
	S	O	S	O	S	O	S	O	S	O	S	O
(e) Services.												
* * *												
Dry cleaning and laundry establishments, <u>consisting of no more than 3,000 square feet of gross floor area.*</u>	P ¹⁵	P ¹⁵			P ⁹	P ⁹						

Dry cleaning and laundry pick-up stations <u>[[consisting of no more than 3,000 square feet of gross floor area.*]]</u>	P	P		P	P	P	P	P	P	P	P	P
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⁹ Primarily intended for local service; however, work may be done on the premises for one other similar establishment or pick-up station.

¹⁵ ~~[[Local service only, except that]]~~ ~~[[w]]~~ Work may be done on the premises for other establishments or pick-up stations on sites of 6,000 square feet or less which were rezoned from the C-2 zone to the CBD-0.5 zone by sectional map amendment, provided that:

- (1) There is an existing building on the site which predates the sectional map amendment;
- (2) The dry cleaning establishment is no larger than 3,000 sq. ft. in size and contains a retail counter; and
- (3) No more than five (5) trucks are operated in connection with the establishment.

* [[Any]] A dry cleaning and laundry establishment [[or dry cleaning and laundry pick-up station consisting of more]] larger than 3,000 square feet of gross floor area which existed on June 23, 2003 is a conforming use and may be continued, structurally altered, repaired or reconstructed, ~~[[so long as]]~~ if the floor area devoted to the use is not increased, extended or enlarged beyond the ~~[[dimensions]]~~ floor area devoted to the use ~~[[which existed]]~~ on June 23, 2003. If a dry cleaning and laundry establishment larger than 3,000 square feet of gross floor area remains under the same ownership and control, it may relocate as a conforming use to another permitted site in any zone where it could have located before June 23, 2003. Otherwise, a dry cleaning and laundry establishment that discontinues operations for more

85 than six months must not be reestablished. However, a dry cleaning and
 86 laundry establishment that discontinues operations because of a fire, flood,
 87 natural disaster, or other event beyond the owner’s control may be
 88 reestablished no later than one year after it last operated.

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91 **Sec. 5. Division 59-G-10 is amended as follows:**

92 **59-G-10. RMX ZONES–RESIDENTIAL MIXED USE DEVELOPMENT.**

93 * * *

94 **59-C-10.3.2. Land uses.**

	RMX-1 RMX-1/TDR	RMX-2 RMX-2/TDR	RMX-2 C	RMX-3 RMX-3/TDR	RMX-3 C
(d) Services:					
* * *					
Dry cleaning and laundry establishments, <u>consisting of no more than 3,000 square feet of gross floor area.</u> ⁵	P	P	P		P

95 ⁵ [For local service only;] [[no work for other similar establishments is to be
 96 done.]] [[Any]] A dry cleaning and laundry establishment [[or dry cleaning
 97 and laundry pick-up station consisting of more]] larger than 3,000 square
 98 feet of gross floor area which existed on June 23, 2003 is a conforming use
 99 and may be continued, structurally altered, repaired or reconstructed, [[so
 100 long as]] if the floor area devoted to the use is not increased, extended or
 101 enlarged beyond the [[dimensions]] floor area devoted to the use [[which
 102 existed]] on June 23, 2003. If a dry cleaning and laundry establishment
 103 larger than 3,000 square feet of gross floor area remains under the same
 104 ownership and control, it may relocate as a conforming use to another
 105 permitted site in any zone where it could have located before June 23, 2003.
 106 Otherwise, a dry cleaning and laundry establishment that discontinues

107 operations for more than six months must not be reestablished. However, a
108 dry cleaning and laundry establishment that discontinues operations because
109 of a fire, flood, natural disaster, or other event beyond the owner's control
110 may be reestablished no later than one year after it last operated.

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112 **Sec. 6. Division 59-G-2 is amended as follows:**

113 **DIVISION 59-G-2. SPECIAL EXCEPTIONS—STANDARDS AND**
114 **REQUIREMENTS.**

115 * * *

116 **59-G-2.46 Retail and service establishments.**

117 Small-scale retail sales and personal service establishments may be permitted,
118 provided the following requirements are met:

119 (a) The convenience goods and services provided are those usually
120 requiring frequent purchase and a minimum of travel by occupants of
121 the nearby commercial area and adjacent residential neighborhood;
122 they include only the following types of establishments:

123 (1) Barbershop;

124 (2) Beauty shop;

125 (3) Delicatessen;

126 (4) Drugstore;

127 (5) Dry cleaning and laundry pick-up station [[, consisting of no

128 more than 3,000 square feet of gross floor area. Any dry

129 cleaning and laundry pick-up station consisting of more than

130 3,000 square feet of gross floor area is a conforming use and

131 may be continued, structurally altered, repaired or

132 reconstructed, so long as the use is not increased, extended or

133 enlarged beyond the dimensions which existed on (ZTA
134 effective date);]]

135 (6) Eating and drinking establishment, excluding a drive-in;

136 (7) Florist, provided, that a florist in existence in the C-T zone on
137 April 1, 1986, is not required to obtain a special exception and
138 is not a nonconforming use, subject to the special regulations of
139 section 59-C-4.307(a);

140 (8) Newsstand;

141 * * *

142 **59-G-2.47. Retail establishments in a multiple-family dwelling.**

143 Retail sales and personal service establishments in a multiple-family dwelling or
144 group of dwellings may be permitted subject to the following requirements:

145 (a) Only the following types of establishments shall be permitted:

146 Banks or savings and loan offices.

147 Barber and beauty shops.

148 Book stores.

149 Drug stores.

150 Dry cleaning and laundry pick-up stations [[, consisting of no more than
151 3,000 square feet of gross floor area. Any dry cleaning and laundry pick-
152 up station consisting of more than 3,000 square feet of gross floor area is
153 a conforming use and may be continued, structurally altered, repaired or
154 reconstructed, so long as the use is not increased, extended or enlarged
155 beyond the dimensions which existed on (ZTA effective date).]]

156 Florists.

157 Food and beverage stores.

158 Gift shops.

159 Jewelry stores.

- 160 Laundromats.
- 161 Newsstands.
- 162 Offices, banking.
- 163 Restaurants.
- 164 Variety and dry goods stores.
- 165 * * *

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167 **59-G-2.48. Retail establishments in an office building.**

168 Retail sales and personal service establishments in an office building may be
169 permitted subject to the following requirements:

170 Retail sales and personal service establishments in an office building may be
171 permitted subject to the following requirements:

172 (a) Only the following types of establishments shall be permitted:

173 Barber and beauty shops.

174 Delicatessens.

175 Drug stores.

176 Dry cleaning and laundry pick-up stations [[, consisting of no more
177 than 3,000 square feet of gross floor area. Any dry cleaning and
178 laundry pick-up station consisting of more than 3,000 square feet of
179 gross floor area is a conforming use and may be continued,
180 structurally altered, repaired or reconstructed, so long as the use is not
181 increased, extended or enlarged beyond the dimensions which existed
182 on (ZTA effective date)]].

183 Newsstands.

184 Restaurants.

185 Specialty shops.

186 * * *

187 **Sec. 6. Effective date.** This ordinance becomes effective 90 days after
188 Council adoption.

189

190 This is a correct copy of Council action.

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194 _____

195 Mary A. Edgar, CMC

196 Clerk of the Council