

Ordinance No: 15-40
Zoning Text Amendment No: 04-23
Concerning: Private Educational Institution
in the I-1 zone
Draft No. & Date: 1 – 10/8/04
Introduced: October 19, 2004
Public Hearing: 11/23/04; 1:30 p.m.
Adopted: December 14, 2004
Effective: January 3, 2005

**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 Perez and Silverman

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

- adding “Educational institution, private” as a use permitted by right in the I-1 zone.

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 (ZTA) No. 04-23 was introduced on October 19, 2004 to allow a private educational institution to locate by right in the I-1 zone. A private educational institution is now allowed by special exception in the residential zones and by right in the commercial zones.

The Montgomery County Planning Board in its report to the Council recommended that ZTA 04-23 be denied.

The County Council held a public hearing on November 23, 2004 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 December 6, 2004 to review the amendment. After careful consideration of the issues involved, the Committee (2-1) recommended that ZTA 04-23 be denied. The Committee majority did not find a private educational facility to be a compatible use with other uses allowed in the light industrial (I-1) zone. The Committee majority also had a concern over the absorption of I-1 zoned land by a non-industrial use. The Planning Board (3-1) for similar reasons recommended that ZTA 04-23 be denied. Councilmember Silverman was in favor of the amendment as introduced; however, Councilman Silverman indicated that he would support a revision to address the absorption issue by narrowing the amendment to allow a private school in the I-1 zone only in a building existing before the ZTA effective date. Colleges and universities are now allowed in the I-1 zone under the same limited terms.

The District Council reviewed Zoning Text Amendment No. 04-23 at a worksession held on December 14, 2004. The Council did not agree with the recommendation of the Committee majority. It was the position of the Council that a private school was a compatible use in the I-1 zone, if located in a building existing before the effective date of Zoning Text Amendment 04-23.

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. 04-23 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:

Sec. 1. Division 59-C-5 is amended as follows:

DIVISION 59-C-5 INDUSTRIAL ZONES.

* * *

59-C-5.2. Land uses.

* * *

	I-1	I-2	I-3	I-4	R&D	LSC
(e) Services.						
Duplicating service[s].	P		P	P	P	P
<u>Educational institution, private</u>	<u>P*</u>					
Fire station[s], publicly supported.	P		P	P	P	P

*In a building existing before January 3, 2005.

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

This is a correct copy of Council action.

Mary A. Edgar, CMC

Clerk of the Council