

Ordinance No: 16-17  
Zoning Text Amendment No: 07-16  
Concerning: Rural Cluster –  
Outdoor Storage  
Draft No. & Date: 4 – 3/31/08  
Introduced: December 4, 2007  
Public Hearing: January 15, 2007  
Adopted: April 15, 2008  
Effective: May 5, 2008

**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 Knapp

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- allow outdoor storage yards as a special exception in the Rural Cluster Zone;
- establish standards for the approval of outdoor storage yards as a special exception; and
- generally amending provisions related to special exceptions in the Rural Cluster Zone.

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

DIVISION 59-C-9   “AGRICULTURAL ZONES”  
Section 59-C-9.3   “Land uses”  
DIVISION 59-G-2   “SPECIAL EXCEPTIONS, STANDARDS  
AND REQUIREMENTS.”

Add a new section  
Section 59-G-2.54.3. “Storage, outdoor”

**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) 07-16, sponsored by Council President Knapp, was introduced on December 4, 2007. The ZTA amends the Rural Cluster (RC) zone to allow outdoor storage as a special exception and to provide standards for an outdoor storage special exception. The standards require a minimum 8 acre site, direct access to no less than a primary road, adequate on-site parking, and screening of the use from adjoining and confronting residential properties.

RC zoning is classified as one of the County's agricultural zones. The RC zoned land is concentrated in 3 areas of the County: 1) the eastern area of the County bordering the Patuxent River; 2) an area east of Damascus; and 3) the western area of Darnestown. (See map on circle page 6.) As of February 28, 2008, tax records indicated 4,664 RC zoned properties. Of those properties, 356 properties were taxable properties that were more than 8 acres. Many of these properties (but an unknown number) have direct access to a primary or higher classified road.

The circumstances that led to this amendment arose from an existing business called Gene's Johns, a portable toilet rental business operated as a registered home occupation on 23320 Ridge Road. The business has been storing porta-johns outdoors. Home occupations are prohibited from having any outdoor storage, and Gene's Johns was cited for the violation by the Department of Permitting Services. In the absence of this ZTA this business would be forced to relocate, and the opportunity for other businesses that require outdoor storage would be foreclosed.

On January 11, 2008 the Planning Board supported ZTA 07-16. The Board believes that the inclusion of outdoor storage as a special exception in the RC zone would be consistent with the other special exceptions in the zone. The Board recommended several minor changes including a requirement for screening if the use abuts agriculturally zoned lane.

The Council held a public hearing on ZTA 07-16 on January 15, 2008. The testimony received supported the ZTA as a means of retaining a longstanding business in the County. Written testimony suggested that screening be required if the outdoor storage use abuts parkland.

The Planning, Housing, and Economic Development Committee held a worksession on March 31, 2008 to review the text amendment. After careful review of the materials of record,

the Committee recommended that ZTA 07-16 be approved with an amendment to require screening in all situations except if the use abuts commercially or industrially zoned land. The Committee was persuaded by testimony in the record that areas for outdoor storage were too scarce in the County and that parcels over 8 acres in the Rural Cluster Zone could accommodate the use without negatively affecting surrounding properties. In the Committee's opinion, outdoor storage is not significantly different than farm supply storage and other special exceptions that are currently allowed by special exception in the zone. The Committee recognized the value of screening outdoor storage uses from agricultural and park uses as suggested in testimony.

On April 15, 2008 the District Council agreed with the Committee's recommendation.

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. 07-16 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. 2. Division 59-G-2 is amended as follows:**

**Division 59-G-2 SPECIAL EXCEPTIONS –STANDARDS AND REQUIREMENTS.**

The uses listed in this Division, as shown on the index table below, may be allowed as special exceptions in any zone where they are so indicated, as provided in this Article, subject to the standards and requirements in this Division and the general conditions specified in Section 59-G-1.21.

<b>USE</b>	<b>SECTION</b>
	* * *
Sanitarium.....	See G-2.31
Sawmills.....	G-2.54
Secondary agricultural processing, not otherwise specified.....	G-2.54.1
Solid waste transfer station, sanitary landfill, or incinerator.....	G-2.54.2
<u>Storage, outdoor.....</u>	<u>G-2.54.3</u>
Swimming pools, commercial.....	G-2.55

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**59-G-2.54.3. Storage, outdoor.**

A special exception may be granted for [[a storage,]] an outdoor storage use, including portable toilet storage, subject to the following requirements:

- (a) The minimum area of the property must be 8 acres.
- (b) The minimum setback from any property line must be 50 feet, except that the minimum setback may be reduced to 20 feet for structures that existed as of January 1, 1995, and if the site abuts land classified in the Rural Cluster Zone that is not developed under the cluster option of the Rural Cluster Zone.
- (c) The property must front on and have direct access to a road built to primary or higher standards.

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40 (d) [[Where and such use abuts residentially zoned property, screening]]  
41 Screening that prevents visual impact of the use to adjoining and  
42 confronting properties must be provided for all parking areas and all  
43 exterior areas devoted to on-site operations and the storage of  
44 inventory and equipment except where the use abuts or confronts  
45 commercially or industrially zoned property.

46 (e) The Board may regulate hours of operation, numbers of vehicles and  
47 personnel employed, and other on-site operations, including minor  
48 repairs to equipment and vehicles used in the operation of the  
49 business, so as to prevent adverse impact on adjoining uses.

50 (f) One and one-half parking spaces must be provided on-site for each  
51 1,000 square feet of total floor area and sufficient area provided for  
52 loading and unloading of trucks.

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54 **Sec. 3. Effective date.** This ordinance takes effect 20 days after the date of  
55 Council adoption.

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57 This is a correct copy of Council action.

58

59 *Linda M. Lauer*

60 Linda M. Lauer, Clerk of the Council