

Ordinance No.: 17-27
Zoning Text Amendment No.: 12-17
Concerning: Country Inn Zone –
Standards
Draft No. & Date: 1 – 10/18/12
Introduced: October 23, 2012
Public Hearing: November 27, 2012
Adopted: December 11, 2012
Effective: December 31, 2012

**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 Floreen

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- amend the minimum lot area required for the Country Inn zone; and
- generally amend the provisions for the Country Inn zone

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

DIVISION 59-C-4. “Commercial Zones.”

Section 59-C-4.39. “Country inn zone-Purpose and development standards.”

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 text that 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. 12-17 was introduced on October 23, 2012, sponsored by Councilmember Floreen. ZTA 12-17 would allow the Country Inn zone to be applied to a site smaller than 2 acres when the zone is recommended for a smaller area by a master plan or sector plan. ZTA 12-17 would also make the text of the zone more concise, precise, and decisive.

The Country Inn zone is a floating zone that is applied by application of the owner through the local map amendment process. The zone currently has a minimum lot size of 2 acres. A master plan or sector plan may recommend the Country Inn zone. On at least one occasion, an approved plan recommended an area for the Country Inn zone that was less than 2 acres.

In its report to the Council, the Montgomery County Planning Board recommended that the text amendment be approved.

The County Council held a public hearing on November 27, 2012 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 3, 2012 to review the amendment. The Committee recommended approval of ZTA 12-17 as introduced.

The District Council reviewed Zoning Text Amendment No. 12-17 at a worksession held on December 11, 2012 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. 12-17 will be approved as introduced.

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-4 is amended as follows:**

2 DIVISION 59-C-4. COMMERCIAL ZONES.

3 * * *

4 **Sec. 59-C-4.39. Country [inn] Inn zone-Purpose and development standards.**

5 **59-C-4.390. Purpose.**

6 [This zone is intended to be used for the purpose of permitting] The purpose of this
7 zone is to permit country inns at appropriate rural locations. It is primarily intended
8 that country inns be located in existing [structures] buildings, but [this does not
9 preclude such uses being] country inns located in new [structures] buildings, where
10 appropriate, are not prohibited. [Since this zone permits commercial uses in a rural
11 location, approval] The Council's approval of this zone [shall] must be based
12 [upon] on certain restrictions that are not imposed upon other uses in rural areas
13 [nor upon] or on restaurants and inns in commercial areas; these restrictions are
14 used to protect the rural character of the surrounding area. Construction and
15 development of a country inn zoned site must ensure that the proposed uses
16 [permitted in this zone] will be compatible with [and will not adversely affect] the
17 rural character of the surrounding area. In addition, it is the purpose of this zone to
18 preserve [and maintain] significant trees. Development [shall be in conformance
19 with] must be consistent with the purpose of this zone and satisfy a development
20 plan submitted [in accordance with the provisions of division] under Division 59-
21 D-1 [and approved as being consistent with the purposes of this section]. The use
22 of this [category at any location] zone is not an indication that the surrounding area
23 is: (1) other than rural, [that its character is] (2) altered in its character by the
24 granting of this [zoning category] zone or the presence of the country inn, or [that
25 any other] (3) appropriate for a change in zoning [is appropriate because of this
26 change].

27 **59-C-4.391. Minimum area of lot.**

28 [No country inn shall be developed on a lot smaller than 2 acres in size] The
29 minimum lot size for a country inn is 2 acres, or a lesser area if a master plan or
30 sector plan recommends a lesser area.

31 * * *

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

34

35 This is a correct copy of Council action.

36

37 *Linda M. Lauer*

38 Linda M. Lauer, Clerk of the Council