



Committee: PHED
Staff: Livhu Ndou, Legislative Attorney
Purpose: Final action – vote expected
Keywords: #RVC Overlay, #Auto Repair

AGENDA ITEM #13C
November 9, 2021
Action

SUBJECT

ZTA 21-05, Rural Village Center (RVC) Overlay Zone – Vehicle Repair

Lead sponsor: Councilmember Glass

EXPECTED ATTENDEES

- Casey Anderson, Chair, Montgomery County Planning Board
- Jason Sartori, Chief, Countywide Planning and Policy, Planning Department
- Benjamin Berbert, Planner Coordinator, Countywide Planning and Policy, Planning Department
- Victor Salazar, Division Chief, Zoning, Well & Septic and Code Compliance, DPS
- Mark Beall, Zoning Manager, Division of Zoning, Well & Septic and Code Compliance, DPS

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

The PHED Committee unanimously (3-0) recommends approval with amendment.

DESCRIPTION/ISSUE

ZTA 21-05 would allow vehicle repair and service in the Rural Village Center (RVC) Overlay zone.

SUMMARY OF KEY DISCUSSION POINTS

- Under the current Zoning Ordinance, Repair (Minor) is a prohibited use in the RVC Overlay zone.
- ZTA 21-05 would allow both Repair (Minor) and Repair (Major) as conditional uses in the RVC Overlay zone, where the underlying zone on the property is Commercial Residential Neighborhood (CRN).

This report contains:

Staff memo
ZTA 21-05
PHED packet

Pages

1-3
© 1-5
© 6-32

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MEMORANDUM

November 4, 2021

TO: County Council

FROM: Livhu Ndou, Legislative Attorney

SUBJECT: Zoning Text Amendment (ZTA) 21-05, Rural Village Center (RVC) Overlay Zone
– Vehicle Repair

PURPOSE: Action

Committee Recommendation: PHED Committee unanimously (3-0) recommends approval with amendment.

Expected Attendees

- Casey Anderson, Chair, Montgomery County Planning Board
- Jason Sartori, Chief, Countywide Planning and Policy, Planning Department
- Benjamin Berbert, Planner Coordinator, Countywide Planning and Policy, Planning Department
- Victor Salazar, Division Chief, Zoning, Well & Septic and Code Compliance, Department of Permitting Services (DPS)
- Mark Beall, Zoning Manager, Division of Zoning, Well & Septic and Code Compliance, DPS

Background

Zoning Text Amendment (ZTA) 21-05, Rural Village Center (RVC) Overlay Zone – Vehicle Repair, lead sponsor Councilmember Glass, was introduced on July 27, 2021. ZTA 21-05 would allow vehicle repair and service in the Rural Village Center (RVC) Overlay zone.

Public Hearing

A public hearing was held on September 14, 2021. One speaker testified in support. Monica Costa, owner of WILNIQ Auto Body & Mechanical Repairs, testified that she owns the only black-, woman-, and Latina-owned vehicle repair business in the County. She testified that this ZTA would allow small businesses like hers to move closer to their customers in different parts of the

County. She testified that there are limited areas in the County where vehicle repair businesses can locate, forcing many of them outside of the County.

No speakers testified in opposition.

Planning Board Recommendation

The Planning Board reviewed ZTA 21-05 at its regular meeting on September 9, 2021. The Planning Board unanimously recommended approval of this ZTA.

The Planning Board agreed with the Planning Staff recommendation regarding the formatting of the ZTA. This recommended amendment would move the new language from Section 4.9.14.B.1.d, which lists prohibitions, to Section 4.9.14.B.1.c, following other conditional uses allowed when the underlying zone is Commercial/Residential.

Discussion

Section 3.5.13.D defines Repair (Major) as:

an establishment where general vehicle repair and service is conducted, including engine and transmission replacement or rebuild, body, and paint shops. Repair (Major) does not include repair or services for commercial vehicles or heavy equipment.

Section 3.5.13.E defines Repair (Minor) as:

an establishment where minor vehicle repair and service is conducted, including audio and alarm installation, custom accessories, quick lubrication facilities, scratch and dent repair, bed-liner installation, tires, brakes, mufflers, and glass repair or replacement. Repair (Minor) does not include repair or services for commercial vehicles or heavy equipment.

The Zoning Ordinance allows major and minor vehicle repair as either a limited or conditional use in the following zones:

- Commercial/Residential:
 - Commercial Residential Town (CRT)
 - Commercial Residential (CR)
- Employment:
 - General Retail (GR)
 - Neighborhood Retail (NR)
 - Life Sciences Center (LSC)
 - Employment Office (EOF)
- Industrial:
 - Light Industrial (IL)
 - Moderate Industrial (IM)
 - Heavy Industrial (IH)

There are currently six RVC Overlay zones in Montgomery County. The majority of the RVC Overlay zones have an underlying R-200 zone, with some pockets of CRN. The Zoning Ordinance explicitly prohibits Repair (Minor) in the RVC Overlay zone, regardless of the underlying zone. The intent of the RVC Overlay zone is to “encourage a variety of uses that serve the needs of the local community”, but that includes “mixed-use buildings that provide housing and commercial uses to the extent allowed in the underlying zone.” Repair (Major) and Repair (Minor) are not currently allowed in the CRN zone. In addition, the RVC Overlay zone is for “pedestrian-friendly rural village centers” that “emphasize the pedestrian and bicycle circulation.” See Section 4.9.14.A. While allowing this use could be seen as conflicting with the intent of this zone, the areas of the County where vehicle repair is allowed are limited, as seen in the maps included in this packet. For those living near an RVC Overlay zone it may be necessary to drive some distance to a more populated area to get vehicle repairs.

ZTA 21-05 balances these pros and cons by: a) making Repair (Major) and Repair (Minor) conditional uses; and b) limiting them to areas where the underlying zone is CRN. As discussed above, many of the RVC Overlay zones have an underlying R-200 zone; this use would not be permitted in those areas. As precedent for this ZTA, a Filling Station is allowed as a conditional use in the RVC Overlay zone if it meets certain standards and the underlying zone is CRN, even though a Filling Station is not otherwise allowed in the CRN zone. And the conditional use process requires the Hearing Examiner to find that the proposed development: substantially conforms with the applicable master plan; is harmonious with and will not alter the character of the surrounding neighborhood; and will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect.

PHED Committee

The PHED Committee held a worksession for ZTA 21-05 on November 1, 2021. The PHED Committee discussed the Council Staff-proposed amendment to only allow Repair (Minor) as a conditional use in the RVC Overlay Zone and voted to approve the ZTA with both Repair (Major) and Repair (Minor). The PHED Committee unanimously recommended approval of the Planning Board amendment.

This packet contains:

ZTA 21-05

© 1-5

PHED packet

© 6-32

Zoning Text Amendment No.: 21-05
Concerning: Rural Village Center
(RVC) Overlay Zone –
Vehicle Repair
Draft No. & Date: 2 – 10/20/2021
Introduced: July 27, 2021
Public Hearing: September 14, 2021
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**

Lead Sponsor: Councilmember Glass

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow vehicle repair and service in certain RVC zones

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

DIVISION 4.9. “Overlay Zones”
Section 4.9.14. “Rural Village Center (RVC) Overlay Zone”

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 (ZTA) 21-05, Rural Village Center (RVC) Overlay Zone – Vehicle Repair, lead sponsor Councilmember Glass, was introduced on July 27, 2021. ZTA 21-05 would allow vehicle repair and service in the Rural Village Center (RVC) Overlay zone.

The current Zoning Ordinance explicitly prohibits Repair (Minor) in the RVC Overlay zone, regardless of the underlying zone. It also prohibits Repair (Major) and Repair (Minor) in the CRN zone. This ZTA would allow both uses as a conditional use in the RVC Overlay zone when the underlying zone is CRN.

The Planning Board reviewed ZTA 21-05 at its regular meeting on September 9, 2021. The Planning Board unanimously recommended approval of this ZTA, with an amendment to move the new language from Section 4.9.14.B.1.d, which lists prohibitions, to Section 4.9.14.B.1.c, following other conditional uses allowed when the underlying zone is Commercial/Residential.

The County Council held a public hearing on September 14, 2021. One speaker, the owner of a vehicle repair shop in the County, testified in support. No speakers testified in opposition.

The PHED Committee held a worksession on November 1, 2021. The PHED Committee unanimously recommended approval of ZTA 21-05 with the Planning Board amendment.

At a District Council session on November 9, 2021, the Council agreed with the recommendation of the 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. 21-05 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 59-4 is amended as follows:**

2 **Division 4.9. Overlay Zones**

3 * * *

4 **Section 4.9.14. Rural Village Center (RVC) Overlay Zone**

5 * * *

6 **B. Land Uses**

7 1. Where a lot is either partially or totally in a Commercial/Residential
8 zone:

- 9 a. Dry Cleaning Facility (up to 3,000 SF) is allowed only as a
10 conditional use under Section 7.3.1.
- 11 b. If the underlying zone on the property is CRN, a Filling Station
12 is allowed as a conditional use under Section 7.3.1 and the
13 following standards:
- 14 i. A car wash is prohibited;
- 15 ii. The maximum height for pump canopies is 35 feet; and
- 16 iii. Any structure approved for the use must not exceed the
17 scale and bulk of existing commercial structures in the
18 village.
- 19 c. Repair (Minor) and Repair (Major) may be permitted by
20 Conditional Use following all use standards under 3.5.13.E.2.c
21 or 3.5.13.F.2.b and the requirements for Conditional Use under
22 Section 7.3.1.

23 [[c]]d. Multi-Unit Living, as allowed in the underlying zone, must be
24 in a multi-use building type.

25 [[d]]e. The following uses are prohibited:

- 26 i. Animal Boarding and Care;
- 27 ii. Drive-Thru in connection with a Restaurant;

- 28 iii. Helipad, Heliport;
- 29 iv. Helistop;
- 30 v. The following Light Manufacturing and Production:
- 31 newspaper, printing, and publishing;
- 32 vi. Recreation and Entertainment Facility;
- 33 [[vii. Repair (Minor) and Repair (Major), except where the
- 34 underlying zone on the property is CRN. Where the
- 35 underlying zone on the property is CRN, Repair (Minor)
- 36 and Repair (Major) are allowed as a conditional use
- 37 under Section 7.3.1;]]
- 38 [[viii]]vii. The following Retail/Service Establishments:
- 39 appliance store; appliance repair shop; and building
- 40 materials and supplies;
- 41 [[ix]]viii. Shooting Range (Indoor); and
- 42 [[x]]ix. Vehicle/Equipment Sales and Rental, except any
- 43 automobile rental business in existence on October 13,
- 44 1998 may continue as a conforming use, and may be
- 45 altered, repaired, or replaced under provisions of the zone
- 46 in effect at the time the use was established.
- 47 2. Where a lot is in a Residential zone:
- 48 a. The lot may provide septic capacity for an adjacent commercial
- 49 use, or adjacent residential property, if the use substantially
- 50 conforms with the recommendations of the applicable master
- 51 plan.
- 52 b. The following uses are prohibited:
- 53 i. Day Care Center (13-30 Persons);
- 54 ii. Day Care Center (Over 30 Persons);

- 55 iii. Golf Course, Country Club;
- 56 iv. Hospital; and
- 57 v. Residential Care Facility (Over 16 Persons).

58 * * *

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

61

62 This is a correct copy of Council action.

63

64 _____

65 Selena M. Singleton, Esq.
66 Clerk of the Council

MEMORANDUM

October 27, 2021

TO: Planning, Housing, and Economic Development (PHED) Committee

FROM: Livhu Ndou, Legislative Attorney

SUBJECT: Zoning Text Amendment (ZTA) 21-05, Rural Village Center (RVC) Overlay Zone
– Vehicle Repair

PURPOSE: Worksession

Expected Attendees

- Casey Anderson, Chair, Montgomery County Planning Board
- Jason Sartori, Chief, Countywide Planning and Policy, Planning Department
- Benjamin Berbert, Planner Coordinator, Countywide Planning and Policy, Planning Department
- Victor Salazar, Division Chief, Zoning, Well & Septic and Code Compliance, Department of Permitting Services (DPS)
- Mark Beall, Zoning Manager, Division of Zoning, Well & Septic and Code Compliance, DPS

Background

Zoning Text Amendment (ZTA) 21-05, Rural Village Center (RVC) Overlay Zone – Vehicle Repair, lead sponsor Councilmember Glass, was introduced on July 27, 2021. ZTA 21-05 would allow vehicle repair and service in the Rural Village Center (RVC) Overlay zone.

Public Hearing

A public hearing was held on September 14, 2021. One speaker testified in support. Monica Costa, owner of WILNIQ Auto Body & Mechanical Repairs, testified that she owns the only black-, woman-, and Latina-owned vehicle repair business in the County. She testified that this ZTA would allow small businesses like hers to move closer to their customers in different parts of the County. She testified that there are limited areas in the County where vehicle repair businesses can locate, forcing many of them outside of the County.

No speakers testified in opposition.

Planning Board Recommendation

The Planning Board reviewed ZTA 21-05 at its regular meeting on September 9, 2021. The Planning Board unanimously recommended approval of this ZTA.

The Planning Board agreed with the Planning Staff recommendation regarding the formatting of the ZTA. This recommended amendment would move the new language from Section 4.9.14.B.1.d, which lists prohibitions, to Section 4.9.14.B.1.c, following other conditional uses allowed when the underlying zone is Commercial/Residential.

Council Staff recommends approval of this amendment.

Discussion

Current Zoning Ordinance

Section 3.5.13.D defines Repair (Major) as:

an establishment where general vehicle repair and service is conducted, including engine and transmission replacement or rebuild, body, and paint shops. Repair (Major) does not include repair or services for commercial vehicles or heavy equipment.

Section 3.5.13.E defines Repair (Minor) as:

an establishment where minor vehicle repair and service is conducted, including audio and alarm installation, custom accessories, quick lubrication facilities, scratch and dent repair, bed-liner installation, tires, brakes, mufflers, and glass repair or replacement. Repair (Minor) does not include repair or services for commercial vehicles or heavy equipment.

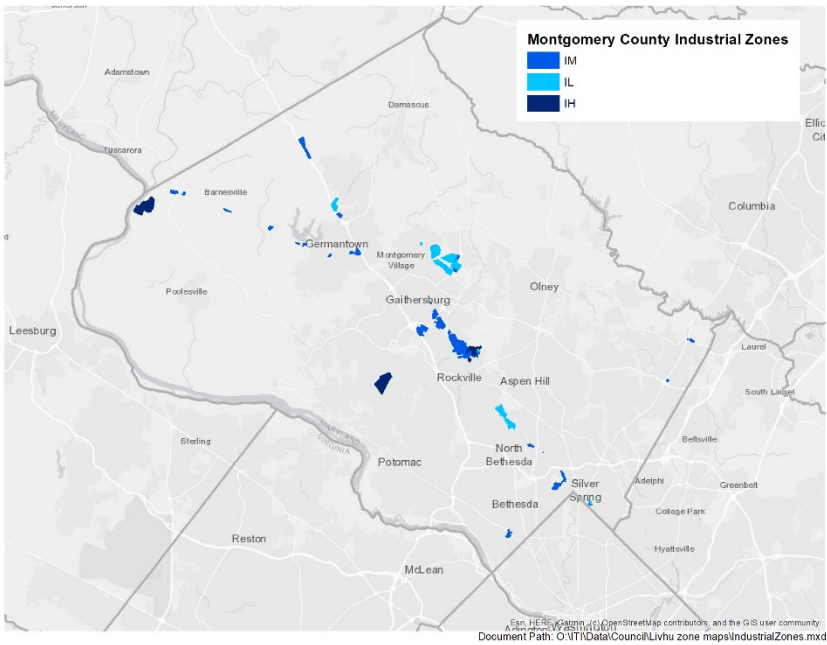
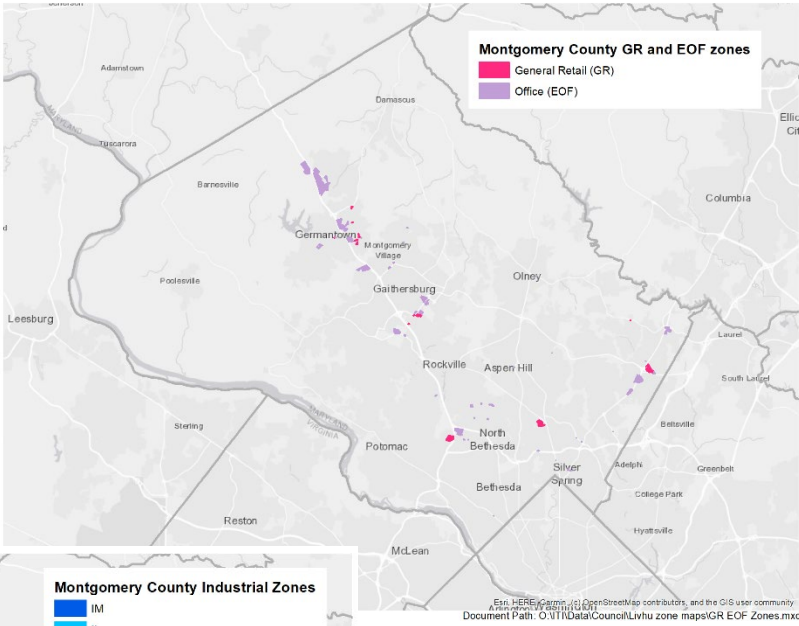
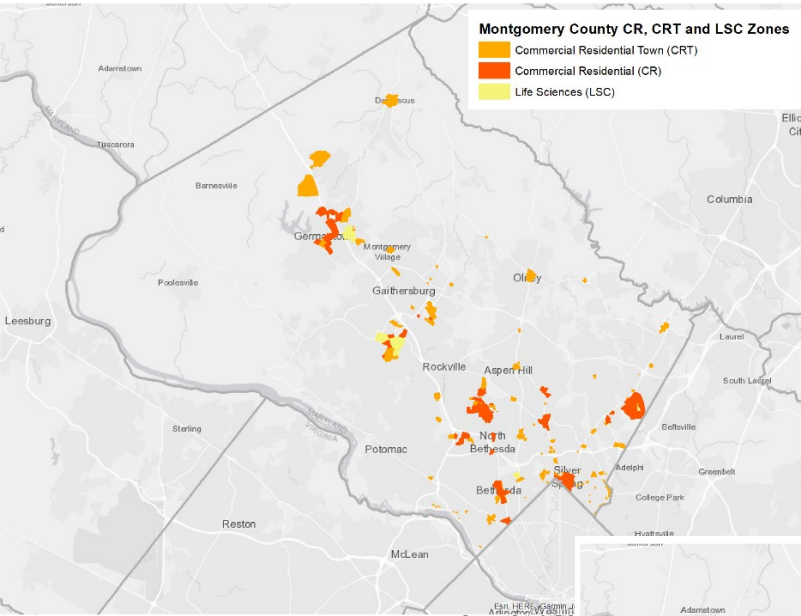
Public testimony alleged that there are limited places in the County for vehicle repair shops. The Zoning Ordinance allows major and minor vehicle repair as either a limited or conditional use in the following zones:

- Commercial/Residential:
 - Commercial Residential Town (CRT)
 - Commercial Residential (CR)
- Employment:
 - General Retail (GR)
 - Neighborhood Retail (NR)
 - Life Sciences Center (LSC)
 - Employment Office (EOF)
- Industrial:
 - Light Industrial (IL)
 - Moderate Industrial (IM)
 - Heavy Industrial (IH)

Section 3.1.6 Use Table

USE OR USE GROUP	Definitions and Standards	Ag	Rural Residential		Residential													Commercial/ Residential			Employment				Industrial			
		AR			Residential Detached							Residential Townhouse			Residential Multi-Unit													
		AR	R	RC	RNC	RE-2	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD	THD	R-30	R-20	R-10	CRN	CRT	CR	GR	NR	LSC	EOF	IL	IM	IH
Vehicle Service																												
Automobile Storage lot	3.5.13.A																				C							
Car Wash	3.5.13.B																		C		L					L	L	L
Filling Station	3.5.13.C																		C	C	C	C	C	C	C	C	C	
Repair (Commercial Vehicle)	3.5.13.D																									P	P	P
Repair (Major)	3.5.13.E																		C	C	L		C	L	P	P	P	
Repair (Minor)	3.5.13.E																		L	L	L	C	C	L	P	P	P	

The following maps show where in the County those zones are:



Historical Background

The current Zoning Ordinance explicitly prohibits Repair (Minor) in the RVC Overlay zone, regardless of the underlying zone. See Section 4.9.14.B.1.d.vii. The ordinance also prohibits Repair (Major) and Repair (Minor) in the CRN zone. This ZTA would allow both uses as a conditional use in the RVC Overlay zone when the underlying zone is CRN. Because this change is a noticeable reversal of current law, it is worth investigating why this use is prohibited in the first place.

Looking at the prior Zoning Ordinance (2004) provides some guidance. Repair (Major) and Repair (Minor) were defined under one use:

Automobile repair and service station: A building, lot or both in or upon which the business of general motor vehicle repair and service is conducted, excluding junk and auto wrecking business. A car wash is not permitted under the definition of an automobile repair and service station.

That use was allowed in the following zones:

Section 59-C-5.21. Allowable uses.

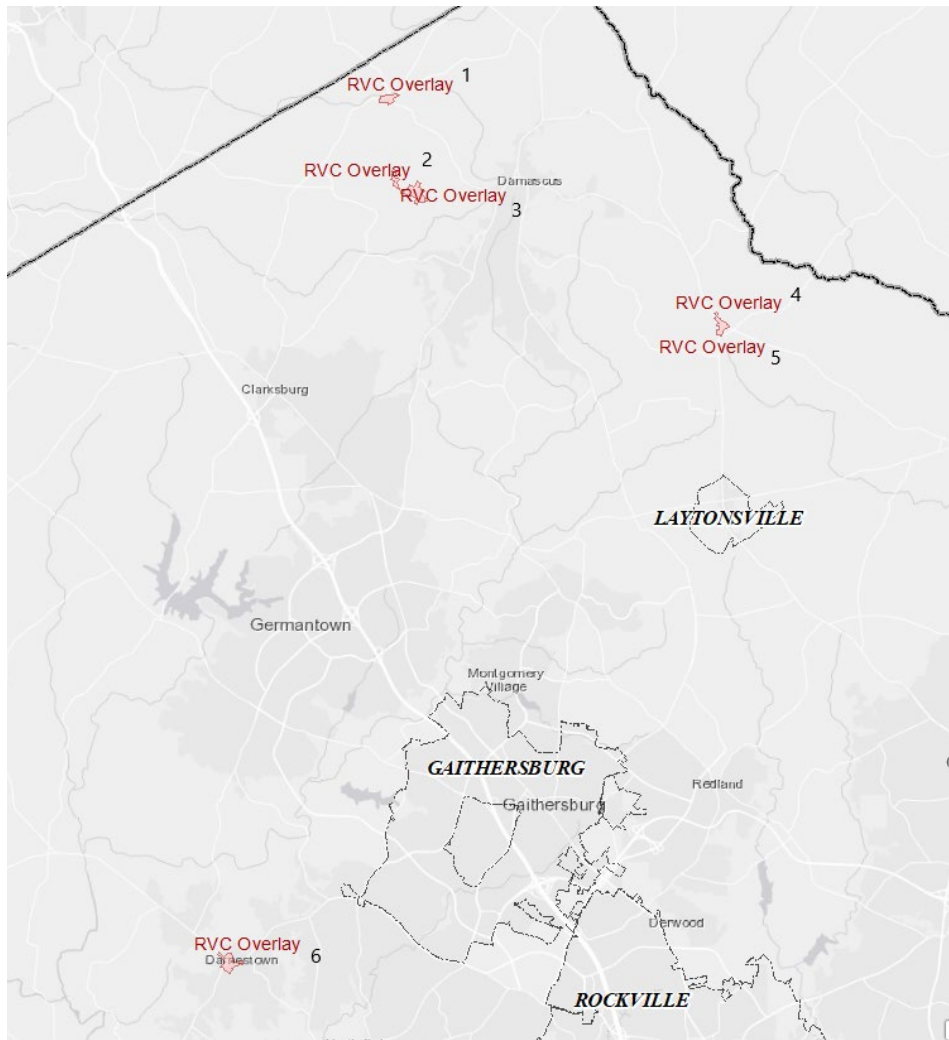
	C-T	O-M	C-O	C-P	C-1	C-2	C-3	C-4	C-5	C-6
(e) Services:										
Automobile filling stations.					SE	SE	SE	SE		SE
Automobile fluid maintenance stations.					SE	P	P	SE	P	
Automobile repair and services.						P	P	SE		

- **Permitted Uses.** The letter "P" in the appropriate column indicates the zones in which each use is permitted, subject to all applicable regulations under the standard or the optional method of development, indicated by the letters "S" and "O," respectively.

- **Special Exception Uses.** The letters "SE" in the appropriate column indicate the zones in which each use may be authorized as a special exception, in accordance with Article 59-G, under the standard or the optional method of development respectively. Special exception uses in a development under the optional method are subject to approval by both the Planning Board and the Board of Appeals.

The chart below shows the change in zoning for each of the current RVC Overlay zones. They are also numbered on the map below:

<i>Approximate Intersections</i>	<i>2004 Zoning Ordinance</i>	<i>Current Zoning</i>
1. Clarksburg and Bethesda Church Rd., Browningsville	R-200 and C-1 Rural Village Overlay	R-200 and CRN RVC
2. Purdum Rd., Damascus	R-200 Rural Village Overlay	R-200 RVC
3. Prices Distillery and Mountain View Rd., Damascus	R-200 and C-1 Rural Village Overlay	R-200 and CRN RVC
4. Damascus Rd., Etchison	R-200 RVC	R-200 RVC
5. Laytonsville and Damascus Rd., Etchison	R-200 and C-1 Rural Village Overlay	R-200 and CRN RVC
6. Seneca and Darnestown Rd., Darnestown	RE-2 and C-1 Rural Village Center Overlay	RE-2 and CRN RVC



While the R-200 and RE-2 underlying zones remained the same, the C-1 zones became CRN. Automobile repair and services was not allowed in the C-1 zone. According to Section 59-C-4.340 of the 2004 Zoning Ordinance, the purpose of the C-1 zone was:

to provide locations for *convenience shopping* facilities in which are found retail commercial uses which have a neighborhood orientation *and which supply necessities usually requiring frequent purchasing with a minimum of consumer travel*. Such facilities should be located so that their frequency and distributional pattern reflect their neighborhood orientation. In addition, such facilities *should not be so large or so broad in scope of services as to attract substantial amounts of trade from outside the neighborhood*. It is further the intent of this zone that, in order to restrict the size of such facilities, the convenience commercial zone should not be located in close proximity to other commercial areas; and it shall not be applied to land which is located within a central business district as defined in section 59-A-2.1. (emphasis added)

This purpose could be read to conflict with a vehicle repair station. Of note, the Rural Village Overlay zone did not specifically prohibit Automobile Repair and Service Station. *See* 59-C-18.232.

Analysis of ZTA 21-05

There are currently six RVC Overlay zones in Montgomery County, in Gaithersburg, Damascus, and Darnestown. The majority of the RVC Overlay zones have an underlying R-200 zone, with some pockets of CRN. According to Section 4.9.14.A, the purpose of the Rural Village Center (RVC) Overlay zone is to:

1. Create attractive, cohesive, and *pedestrian-friendly rural village centers*, consisting of a mix of uses.
2. Draw upon the open, green character of the surrounding area, emphasizing this character through streetscape design, open space, and landscaping.
3. Maintain and enhance the rural village character through compatible scale, massing, siting, and setbacks for new and expanded uses.
4. *Emphasize the pedestrian and bicycle circulation* through street design, including streetscape and traffic calming, and trail networks.
5. Encourage a *variety of uses that serve the needs of the local community*, including mixed-use buildings that provide housing and *commercial uses to the extent allowed in the underlying zone*.
6. Provide opportunities for appropriately scaled new and existing business expansion, while keeping the commercial area compact and low density.
(emphasis added).

Cons: Based on the intent of these zones, it is arguable whether Repair (Major) and Repair (Minor) are compatible uses with either the RVC or CRN zone. While vehicle repair does “serve the needs of the local community”, it is explicitly not “allowed in the underlying zone.” In addition, vehicle repair assumes a certain amount of vehicular traffic, which contrasts with “pedestrian-friendly rural village centers” and “[e]mphasiz[ing] the pedestrian and bicycle circulation.” Lastly, Repair (Major), which includes collision repair,

is an intense use that includes large setbacks and access to rights-of-way to protect residential areas. This is part of why it is not allowed in the CRN zone, which is intended for “*pedestrian-scale*, neighborhood-serving mixed-use centers and transitional edges. Retail tenant ground floor footprints are limited to preserve community scale.” See Section 4.5.1.B. (emphasis added).

Pros: The areas of the County where vehicle repair is allowed are limited, as seen by the maps on page 6 and attached to this packet. For those living near an RVC Overlay zone, particularly in the northeast quadrant of the County, it would be necessary to drive some distance to a more populated area to get service. This could be especially detrimental in the rural areas, where reliance on motor vehicles is higher. As precedent for this change, a Filling Station is allowed as a conditional use in the RVC Overlay zone if it meets certain standards and the underlying zone is CRN, even though a Filling Station is not otherwise allowed in the CRN zone.

ZTA 21-05 attempts to balance these pros and cons by: a) making Repair (Major) and Repair (Minor) conditional uses; and b) limiting them to areas where the underlying zone is CRN. As discussed above, many of the RVC Overlay zones have an underlying R-200 zone; this use would not be permitted in those areas. And the conditional use process requires the Hearing Examiner to find that the proposed development: substantially conforms with the applicable master plan; is harmonious with and will not alter the character of the surrounding neighborhood; and will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect.

An alternative, to balance the intent of the RVC and CRN zones with the desire to provide nearby vehicle repair services to residents of the County living in rural areas, is to only allow Repair (Minor) as a conditional use where the underlying zone is Commercial/Residential. This is done in other parts of the Zoning Ordinance. For example, while Repair (Minor) is a conditional use in the Neighborhood Retail (NR) zone, Repair (Major) is prohibited in that zone. This distinction makes sense because Repair (Major) is a more intense use. Repair (Minor) includes audio and alarm installation, custom accessories, quick lubrication facilities, scratch and dent repair, bed-liner installation, tires, brakes, mufflers, and glass repair or replacement. But Repair (Major) includes engine and transmission replacement or rebuild, body work, and paint shops. This alternative would need to be weighed against the sponsor’s intent to provide greater access to repair shops for residents and allow small business owners to locate in more areas of the County.

This packet contains:

ZTA 21-05	© 1-4
Planning Board Recommendation	© 5
Planning Staff Memorandum	© 6-15
Map of RVC Overlay Zones	© 16
Map of CR, CRT, and LSC Overlay Zones	© 17
Map of GR and EOF Zones	© 18
Map of Industrial Zones	© 19

Zoning Text Amendment No.: 21-05
Concerning: Rural Village Center
(RVC) Overlay Zone –
Vehicle Repair
Draft No. & Date: 2 – 10/20/2021
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**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
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AN AMENDMENT to the Montgomery County Zoning Ordinance to:

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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 59-4 is amended as follows:**

2 **Division 4.9. Overlay Zones**

3 * * *

4 **Section 4.9.14. Rural Village Center (RVC) Overlay Zone**

5 * * *

6 **B. Land Uses**

7 1. Where a lot is either partially or totally in a Commercial/Residential
8 zone:

9 a. Dry Cleaning Facility (up to 3,000 SF) is allowed only as a
10 conditional use under Section 7.3.1.

11 b. If the underlying zone on the property is CRN, a Filling Station
12 is allowed as a conditional use under Section 7.3.1 and the
13 following standards:

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23 [[c.]]d. Multi-Unit Living, as allowed in the underlying zone, must be
24 in a multi-use building type.

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- 41 [[ix.]]viii. Shooting Range (Indoor); and
- 42 [[x.]]ix. Vehicle/Equipment Sales and Rental, except any
- 43 automobile rental business in existence on October 13,
- 44 1998 may continue as a conforming use, and may be
- 45 altered, repaired, or replaced under provisions of the zone
- 46 in effect at the time the use was established.
- 47 2. Where a lot is in a Residential zone:
- 48 a. The lot may provide septic capacity for an adjacent commercial
- 49 use, or adjacent residential property, if the use substantially
- 50 conforms with the recommendations of the applicable master
- 51 plan.
- 52 b. The following uses are prohibited:
- 53 i. Day Care Center (13-30 Persons);
- 54 ii. Day Care Center (Over 30 Persons);

- 55 iii. Golf Course, Country Club;
- 56 iv. Hospital; and
- 57 v. Residential Care Facility (Over 16 Persons).

58 * * *

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

61

62 This is a correct copy of Council action.

63

64 _____

65 Selena M. Singleton, Esq.
66 Clerk of the Council

September 15, 2021

TO: The County Council for Montgomery County, Maryland, sitting as the District Council for the Maryland-Washington Regional District in Montgomery County, Maryland

FROM: Montgomery County Planning Board

SUBJECT: Zoning Text Amendment No. 21-05

BOARD RECOMMENDATION

The Montgomery County Planning Board of The Maryland–National Capital Park and Planning Commission reviewed Zoning Text Amendment No. 21-05 at its regular meeting on September 9, 2021. By a vote of 4:0, the Planning Board recommends approval of the ZTA with the following comments. The Board is supportive of the ZTA to amend the provisions of the Rural Village Center (RVC) Overlay Zone to allow through a Conditional Use the Vehicle Repair (Minor) and Repair (Major) uses if the underlying zone is CRN, but suggests some changes to the language for consistency and clarity.

Specifically, ZTA 21-05 as introduced amended the prohibited uses in the RVC Overlay Zone under Section 4.9.14.B.1.d, by maintaining Repair (Minor) and adding Repair (Major) to the prohibited uses list, but then providing an exception to allow both repair uses by Conditional Use if the underlying Zone is CRN. Planning Staff and the Planning Board believe both repair uses should instead be treated like the Filling Station use is within the overlay zone, which proactively allows the use by Conditional Use if the underlying zone is CRN. Attached to this transmittal is a draft markup of the Planning Board’s proposed language. In summary it inserts a new section c. to allow Repair (Minor) and Repair (Major) as Conditional Uses if the underlying zone is a Commercial/Residential zone, and removes the repair uses from the list of prohibited uses.

CERTIFICATION

This is to certify that the attached report is a true and correct copy of the technical staff report and the foregoing is the recommendation adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, at its regular meeting held in Wheaton, Maryland, on Thursday, September 9, 2021.



Casey Anderson
Chair

CA:BB:aj



Zoning Text Amendment (ZTA) No. 21-05, Rural Village Center Overlay Zone – Vehicle Repair

BB

Benjamin Berbert, Planner Coordinator, CP&P, Benjamin.berbert@montgomeryplanning.org, 301-495-4644

JS

Jason Sartori, Chief, CP&P, jason.sartori@montgomeryplanning.org, 301-495-2172

Completed: 09/02/21

Description

ZTA 21-05 would amend the list of allowed and prohibited uses in the Rural Village Center (RVC) Overlay Zone to allow Vehicle Services Repair (Minor) and Repair (Major) as a conditional use if the underlying zone is CRN.

Summary

Staff recommends the Board transmit comments supporting ZTA 21-05 with revisions that help with text consistency. The ZTA was introduced by councilmember Glass on July 27, 2021. The Public Hearing date is set for September 14, 2021.

Background/Analysis

Rationale for ZTA Introduction

This ZTA was introduced by Councilmember Glass to allow Vehicle Services, Repair (Minor) and Repair (Major) as a conditional use within the RVC overlay zone if the underlying zone is CRN. Currently the Repair uses are not permitted anywhere within the RVC Overlay.

ZTA 21-05 as introduced

ZTA 21-05 as introduced modifies Section 4.9.14.B.1.d.vii, which under current code prohibits Vehicle Services, Repair as an allowed use in the RVC Overlay Zone. The revised text shown below would instead allow Repair (Minor and Major) as a conditional use, if the underlying zone is CRN:

Division 4.9. Overlay Zones

* * *

Section 4.9.14. Rural Village Center (RVC) Overlay Zone

* * *

B. Land Uses

1. Where a lot is either partially or totally in a Commercial/Residential Zone:

* * *

d. The following uses are prohibited:

* * *

- vii. Repair (Minor) and Repair (Major), except where the underlying zone on the property is CRN. Where the underlying zone on the property is CRN, Repair (Minor) and Repair (Major) are allowed as a conditional use under Section 7.3.1;
* * *

The premise of this ZTA would be to create limited opportunities for Vehicle Services, Repair uses to exist within rural village overlays, which is similar to the treatment of Filling Stations, which are also allowed within the RVC Overlay zone as a conditional use if the underlying zone is CRN and meets certain criteria. Staff does not have any objections to this policy change, since the conditional use process is a robust review process designed to ensure that uses are compatible with their surroundings, and since vehicle repair is an important service especially in our more rural parts of the county where personal vehicle use is prevalent.

Modification to the ZTA

While Staff is supportive of the ZTA, modifications to the language are suggested so that the sections of the Zoning Code remain consistent with each other. Staff points to section 4.9.14.B.1.b as an example, which falls within the subsection:

- B. Land Uses
 - 1. Where a lot is either partially or totally in a Commercial/Residential Zone:
* * *
 - b. If the underlying zone on the property is CRN, a Filling Station is allowed as a conditional use under Section 7.3.1 and the following standards:
* * *

ZTA 21-05 makes the exact same recommendation of allowing a use (Repair) as a conditional use if the underlying zone is CRN, but has been located as an exception under subsection d. “the following uses are prohibited.” In analyzing the use table under Section 3.1.6, neither Filling Stations nor Repair are allowed currently by the CRN zone, and both are allowed as a conditional or limited use in the CRT and CR zones, so there is no clear reason both uses shouldn’t be treated the same way within the text. Staff recommends the following changes to ZTA 21-05 (see Attachment B), which keep the intent the same and make the language more concise and consistent with existing code:

Division 4.9. Overlay Zones

* * *

Section 4.9.14. Rural Village Center (RVC) Overlay Zone

* * *

- B. Land Uses
 - 1. Where a lot is either partially or totally in a Commercial/Residential Zone:
* * *
 - b. If the underlying zone on the property is CRN, a Filling Station is allowed as a conditional use under Section 7.3.1 and the following standards:
 - i. A car wash is prohibited;
 - ii. The maximum height for pump canopies is 35 feet; and

iii. Any structure approved for the use must not exceed the scale and bulk of existing commercial structures in the village.

c. Repair (Minor) and Repair (Major) may be permitted by Conditional Use following all use standards under 3.5.13.E.2.b or 3.5.13.F.2.b and the requirements for Conditional Use under Section 7.3.1.

[[c.]] d. Multi-Unit Living, as allowed in the underlying zone, must be in a multi use building type.

[[d.]] e. The following uses are prohibited:

* * *

[[vii.]] vii. Repair (Minor) and Repair (Major), except where the underlying zone on the property is CRN. Where the underlying zone on the property is CRN, Repair (Minor) and Repair (Major) are allowed as a conditional use under Section 7.3.1;]]

[[viii.]] vii. The following Retail/Service Establishments: appliance store; appliance repair shop; and building materials and supplies;

[[ix.]] viii. Shooting Range (Indoor); and

[[x.]] ix. Vehicle/Equipment Sales and Rental, except any automobile rental business in existence on October 13, 1998 may continue as a conforming use, and may be altered, repaired, or replaced under provisions of the zone in effect at the time the use was established.

Adding Repair (Minor) and Repair (Major) as a new subsection c it makes an affirmative statement that both uses are allowed by Conditional Use in any Commercial/Residential zone within the RVC Overlay. The discussion of Repair within the uses that are prohibited can then be removed. The remaining changes are formatting dealing with re-lettering and re-numbering of the subsections. Of note, the previous text of the RVC Overlay never mentioned Repair (Major) to presumably that may have been permitted before as a conditional use within the overlay zone had any CRT or CR zoning been located (currently only the CRN zone or residential zones are within the RVC Overlay). Also worth noting, the Repair (Minor) was a limited use generally in the CRT and CR zones, though was prohibited before outright by the overlay zone text. As amended by the Staff, this would upgrade the Repair (Minor) to a Conditional Use review within the overlay zone.

Staff reached out to Councilmember Glass' office and received favorable feedback to the clarifications presented in this report.

Conclusion

Staff supports the requested text changes in ZTA 21-05 Vehicle Services, Repair (Minor) and (Major) as a conditional use within the RVC Overlay Zone if the underlying zone is CRN, with the modifications proposed by Staff for consistency of language within the Zoning Code.

Attachments

- A - ZTA No. 21-05 – introduction packet.
- B - Proposed modifications to ZTA 21-05



Committee: PHED
Staff: Livhu Ndou, Legislative Attorney
Purpose: To introduce agenda item – no vote expected
Keywords: #RVC Overlay, #Auto Repair

AGENDA ITEM #4A
July 27, 2021
Introduction

SUBJECT

ZTA 21-05, Rural Village Center (RVC) Overlay Zone – Vehicle Repair

Lead sponsor: Councilmember Glass

EXPECTED ATTENDEES

N/A

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

N/A

DESCRIPTION/ISSUE

ZTA 21-05 would allow vehicle repair and service in the Rural Village Center (RVC) Overlay zone.

SUMMARY OF KEY DISCUSSION POINTS

- Under the current Zoning Ordinance, Repair (Minor) is a prohibited use in the RVC Overlay zone.
- ZTA 21-05 would allow both Repair (Minor) and Repair (Major) as conditional uses in the RVC Overlay zone, where the underlying zone on the property is Commercial Residential Neighborhood (CRN).

This report contains:

ZTA 21-05

Pages

© 1-4

Alternative format requests for people with disabilities. If you need assistance accessing this report you may [submit alternative format requests](#) to the ADA Compliance Manager. The ADA Compliance Manager can also be reached at 240-777-6197 (TTY 240-777-6196) or at adacompliance@montgomerycountymd.gov

Zoning Text Amendment No.: 21-05
Concerning: Rural Village Center
(RVC) Overlay Zone –
Vehicle Repair
Draft No. & Date: 1 – 6/10/2021
Introduced:
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**

Lead Sponsor: Councilmember Glass

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow vehicle repair and service in certain RVC zones

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

DIVISION 4.9. “Overlay Zones”
Section 4.9.14. “Rural Village Center (RVC) Overlay Zone”

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.*

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 59-4 is amended as follows:**

2 **Division 4.9. Overlay Zones**

3 * * *

4 **Section 4.9.14. Rural Village Center (RVC) Overlay Zone**

5 * * *

6 **B. Land Uses**

7 1. Where a lot is either partially or totally in a Commercial/Residential
8 zone:

9 a. Dry Cleaning Facility (up to 3,000 SF) is allowed only as a
10 conditional use under Section 7.3.1.

11 b. If the underlying zone on the property is CRN, a Filling Station
12 is allowed as a conditional use under Section 7.3.1 and the
13 following standards:

14 i. A car wash is prohibited;

15 ii. The maximum height for pump canopies is 35 feet; and

16 iii. Any structure approved for the use must not exceed the
17 scale and bulk of existing commercial structures in the
18 village.

19 c. Multi-Unit Living, as allowed in the underlying zone, must be
20 in a multi-use building type.

21 d. The following uses are prohibited:

22 i. Animal Boarding and Care;

23 ii. Drive-Thru in connection with a Restaurant;

24 iii. Helipad, Heliport;

25 iv. Helistop;

26 v. The following Light Manufacturing and Production:
27 newspaper, printing and publishing;

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- vi. Recreation and Entertainment Facility;
 - vii. Repair (Minor) and Repair (Major), except where the underlying zone on the property is CRN. Where the underlying zone on the property is CRN, Repair (Minor) and Repair (Major) are allowed as a conditional use under Section 7.3.1;
 - viii. The following Retail/Service Establishments: appliance store; appliance repair shop; and building materials and supplies;
 - ix. Shooting Range (Indoor); and
 - x. Vehicle/Equipment Sales and Rental, except any automobile rental business in existence on October 13, 1998 may continue as a conforming use, and may be altered, repaired, or replaced under provisions of the zone in effect at the time the use was established.
2. Where a lot is in a Residential zone:
- a. The lot may provide septic capacity for an adjacent commercial use, or adjacent residential property, if the use substantially conforms with the recommendations of the applicable master plan.
 - b. The following uses are prohibited:
 - i. Day Care Center (13-30 Persons);
 - ii. Day Care Center (Over 30 Persons);
 - iii. Golf Course, Country Club;
 - iv. Hospital; and
 - v. Residential Care Facility (Over 16 Persons).

* * *

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

57

58 This is a correct copy of Council action.

59

60

61 Selena M. Singleton, Esq.

62 Clerk of the Council

Division 4.9. Overlay Zones

* * *

Section 4.9.14. Rural Village Center (RVC) Overlay Zone

* * *

B. Land Uses

1. Where a lot is either partially or totally in a Commercial/Residential Zone:

* * *

b. If the underlying zone on the property is CRN, a Filling Station is allowed as a conditional use under Section 7.3.1 and the following standards:

i. A car wash is prohibited;

ii. The maximum height for pump canopies is 35 feet; and

iii. Any structure approved for the use must not exceed the scale and bulk of existing commercial structures in the village.

c. Repair (Minor) and Repair (Major) may be permitted by Conditional Use following all use standards under 3.5.13.E.2.b or 3.5.13.F.2.b and the requirements for Conditional Use under Section 7.3.1.

[[c.]] d. Multi-Unit Living, as allowed in the underlying zone, must be in a multi use building type.

[[d.]] e. The following uses are prohibited:

* * *

[[vii.]] Repair (Minor) and Repair (Major), except where the underlying zone on the property is CRN. Where the underlying zone on the property is CRN, Repair (Minor) and Repair (Major) are allowed as a conditional use under Section 7.3.1;]]

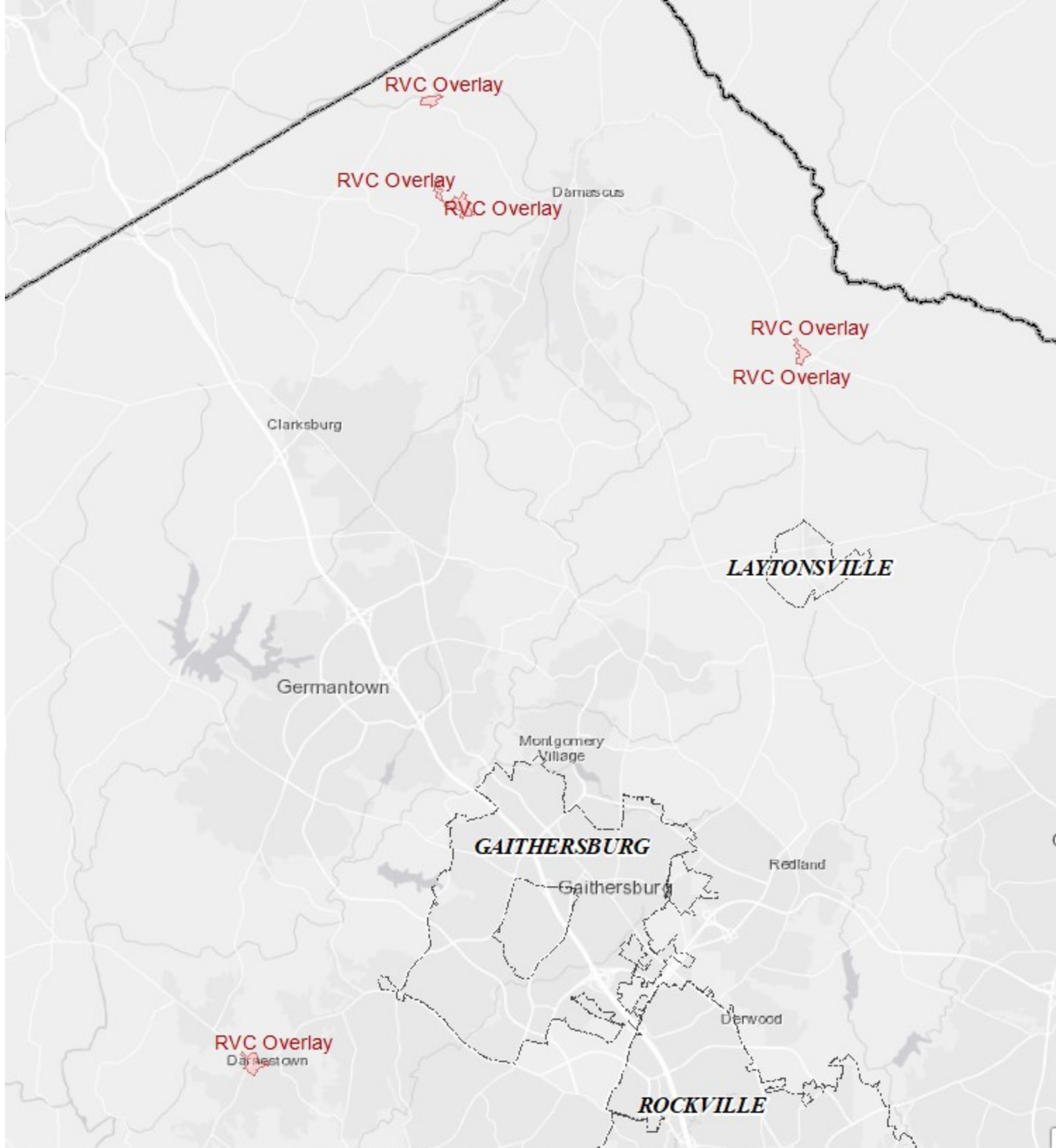
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[[viii.]] vii. The following Retail/Service Establishments: appliance store; appliance repair shop; and building materials and supplies;




[[ix.]] viii. Shooting Range (Indoor); and

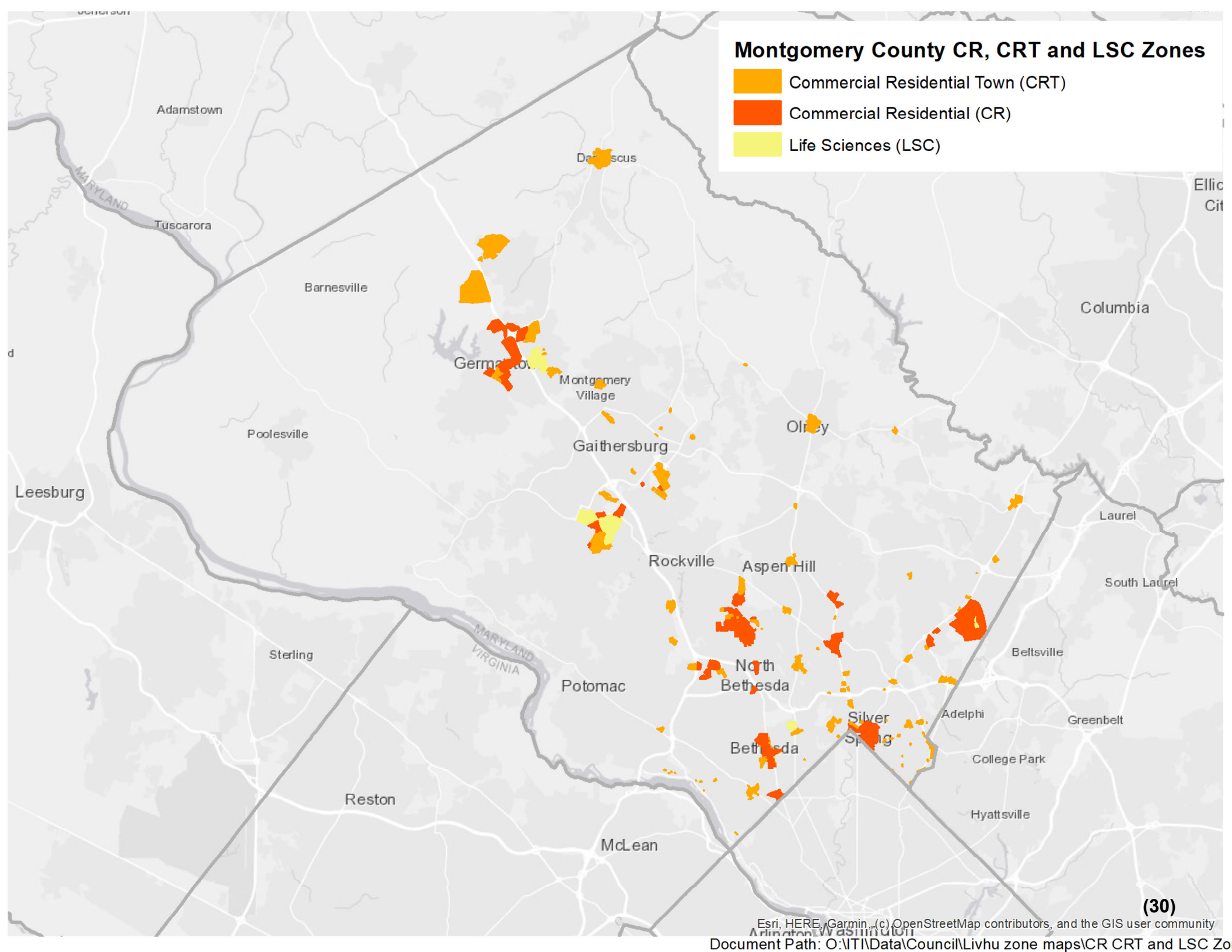
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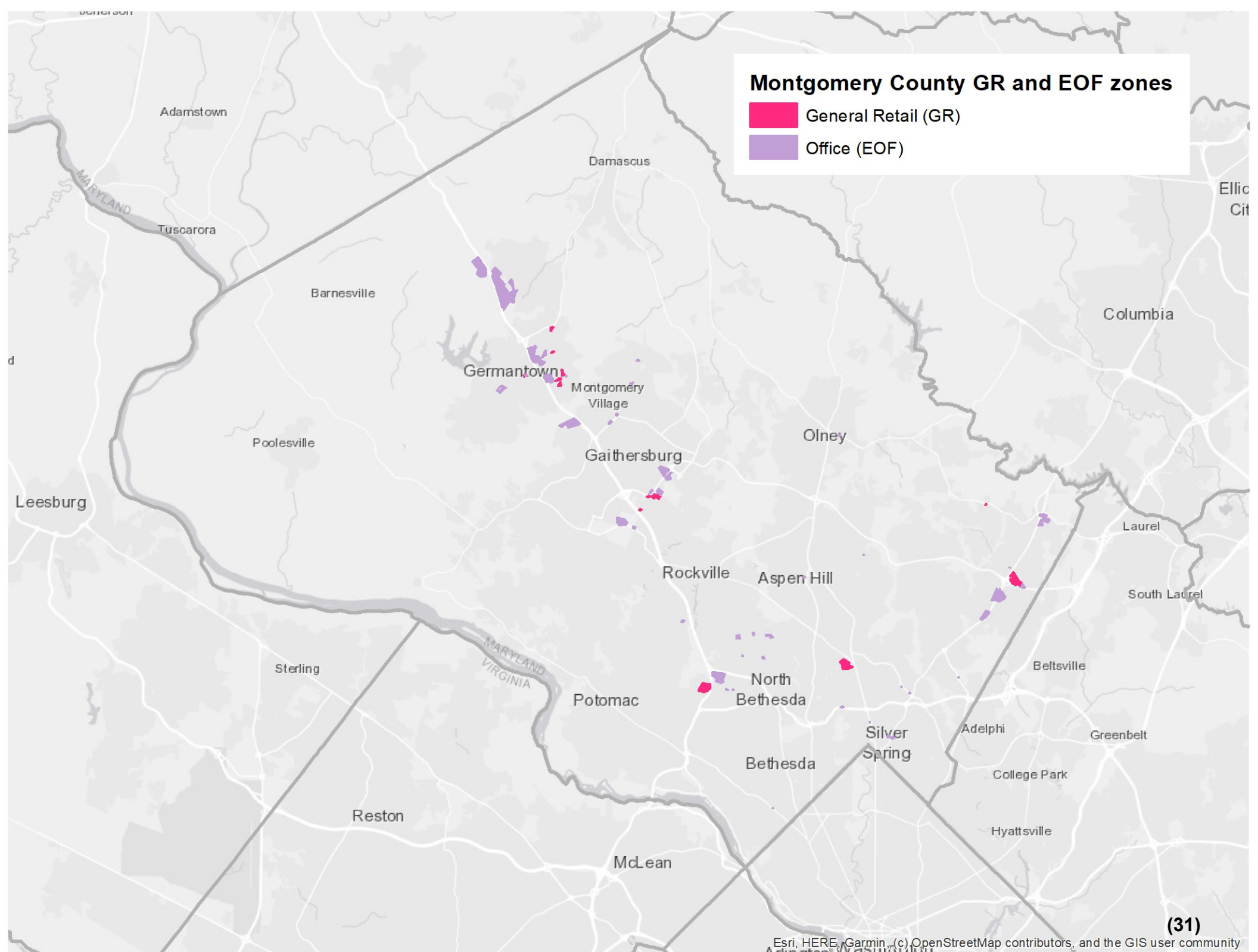
Montgomery County CR, CRT and LSC Zones

-  Commercial Residential Town (CRT)
-  Commercial Residential (CR)
-  Life Sciences (LSC)



Montgomery County GR and EOF zones

- General Retail (GR)
- Office (EOF)



Montgomery County Industrial Zones

- IM
- IL
- IH

