



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

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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. 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

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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:

Sec. 1. DIVISION 59-4 is amended as follows:

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:

- a. Dry Cleaning Facility (up to 3,000 SF) is allowed only as a conditional use under Section 7.3.1.
- 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. Multi-Unit Living, as allowed in the underlying zone, must be in a multi-use building type.
- d. The following uses are prohibited:
 - i. Animal Boarding and Care;
 - ii. Drive-Thru in connection with a Restaurant;
 - iii. Helipad, Heliport;
 - iv. Helistop;
 - v. The following Light Manufacturing and Production: newspaper, printing and publishing;

- 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).

* * *

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

This is a correct copy of Council action.

Selena M. Singleton, Esq.
Clerk of the Council

Division 4.9. Overlay Zones

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Section 4.9.14. Rural Village Center (RVC) Overlay Zone

* * *

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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:

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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

[[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.

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