

## ZTA 22-04 – COMMERCIAL USES – LIGHT VEHICLE SALES AND RENTAL (INDOOR)

### Description

ZTA 22-04 would amend the use table to allow Light Vehicles Sales and Rental (Indoor) as a limited use in the Neighborhood Retail (NR) Zone.

ZTA 22-04

COMPLETED: 7-7-2022

MCPB

Item No. 07

7-14-2022

2425 Reedie Drive

Floor 14

Wheaton, MD 20902



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### Summary

- Currently, Light Vehicle Sales and Rental (Outdoor) is allowed as a conditional use in the NR zone, however Light Vehicle Sales and Rental (Indoor) is not allowed at all.
- This ZTA would subject the Indoor use to the limited use standards that already exist in section 3.5.12.B.2.a, including a site plan, if the property abuts land in an agricultural, rural residential, or residential zone.
- Staff recommends modifying the definition of indoor sales to clarify that outdoor display and storage of vehicles is also permitted.
- A public hearing before the District Council is scheduled for July 26, 2022.

#### LEAD SPONSORS

Councilmembers Reimer, Navarro, and Glass

#### INTRODUCTION DATE:

June 14, 2022

#### REVIEW BASIS:

Chapter 59

## SECTION ONE

### BACKGROUND

#### Rationale for ZTA 22-04

ZTA 22-04 was introduced by Councilmember sponsors Navarro, Reimer, and Vice President Glass on June 14, 2022. The ZTA is currently scheduled for a Council Public Hearing on Tuesday, July 26, 2022. The ZTA would allow Light Vehicle Sales and Rental (Indoor) as a limited use in the Neighborhood Retail (NR) zone. Currently, the NR zone allows Light Vehicle Sales and Rental (Outdoor) as a conditional use but does not allow the Indoor use under any circumstances. According to the introduction packet for this ZTA (Attachment A), allowing the Indoor use as a limited use was chosen over allowing it as a conditional use because Council Staff believes the indoor sales use to be less intensive and disruptive than the outdoor sales use, therefore conditional use was not necessary.

## SECTION TWO

### ANALYSIS

#### ZTA 22-04 as introduced

ZTA 22-04 only makes one modification to the code, in the Use Table under Section 3.1.6. The ZTA adds L for limited use to the table, in the column for the NR zone, in the row for Light Vehicle Sales and Rental (Indoor). This would permit the indoor sales use as a limited use in the NR zone, following the limited use standards under Section 3.5.12.B.

#### ZTA 22-04 Analysis

The limited use standards for Light Vehicle Sales and Rental (Indoor) is in Section 3.5.12.B, as a sub-part of the Vehicle/Equipment Sales and Rental category of uses. The definition for this use is as follows:

*Light Vehicle Sales and Rental (Indoor) means a building for the indoor sales, rental, or leasing of light equipment and vehicles, including vehicles for hauling and moving. Light Vehicle Sales and Rental (Indoor) includes the repair of vehicles and equipment for sale, rent, or lease as an incidental use if conducted indoors. Light Vehicle Sales and Rental (Indoor) includes indoor storage of vehicles for sale and an accessory car wash for vehicles and equipment for sale, rent, or lease.*

The limited use standards that would apply to a property in the NR zone are as follows:

a. *Where Light Vehicle Sales and Rental (Indoor) is allowed as a limited use, and the subject lot abuts or confronts a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, it must satisfy the following standards:*

i. *Access to the site from a street with a residential classification is prohibited.*

ii. *Site plan approval is required under Section 7.3.4.*

Planning staff is concerned that a plain reading of the definition for Light Vehicle Sales and Rental (Indoor) gives the impression that there are no outdoor operations associated with this type of use, and that the idea of an indoor sales use being less intense than an outdoor sales use may be misguided.

Understanding the history of the Light Vehicle Sales and Rental uses is particularly important given the expansion of the Indoor use into a new commercial zone, intended for smaller locally serving retail. In the 2004 version of the Zoning Code, what is now outdoor sales was called an Automobile Sales Lot, which had a definition that did not imply any indoor operations were allowed. The current limited use standards for these outdoor lots match the limited use standards for the Indoor use with the addition of prohibiting frequent site access points or locating an access point within 20 feet of an intersection, requiring that vehicles on display be parked on non-erodible hard surfaces, and prohibiting obstructions that would adversely affect visibility. These additional limited use standards are generally unnecessary because they are already covered by other portions of the code and are largely holdovers from previous versions of the code trying to limit the impact of this use.

The indoor sales use in today's code came from the previous definition of an Automobile Sales, Retail Showroom, which implied sales of vehicles that occur inside a display showroom. Most of the car dealerships throughout the county – such as in parts of Germantown or the Montgomery Auto Sales Park in Silver Spring – are based on the Indoor sales use/Automobile Sales, Retail Showroom use, which have final sales transactions and limited display of vehicles inside a showroom, but also include outdoor display of vehicles for sale, despite not being explicitly expressed in the use definition. With the indoor sales use historically allowing outdoor display of vehicles similar to that of the outdoor sales lots, Planning staff does not believe the indoor sales use is inherently less intense than the outdoor sales use as is indicated in the Council introduction packet.

When looking at the intent statement for the Neighborhood Retail (NR) zone, the code states:

*The NR zone is intended for commercial areas that have a neighborhood orientation and which supply necessities usually requiring frequent purchasing and convenient automobile access. The NR zone addresses development opportunities within primarily residential areas with few alternative mobility options and without a critical mass of density needed for pedestrian-oriented commercial uses.*

An auto sales use is not a use typically associated with frequent purchasing, but does generally require convenient automobile access, and is a use best suited for areas away from those targeted for higher density and pedestrian-oriented uses. Further, the impact of displayed vehicles outside of a dealer showroom is not inherently more intense or disruptive than surface parking otherwise associated with suburban retail environments. While there are instances of small NR zoned properties for convenience stores or other small-scale retail, much of the NR zone across the county is for mid-

sized shopping areas over 10 acres in size that are grocery store anchored and often include additional in-line retail and standalone retail with drive-thrus. A non exhaustive list of examples includes the Aspen Hill Shopping Center, Norbeck Crossing, Plaza Del Mercado, Colesville Center, and Goshen Crossing. The other consideration is whether this use, if it is to be allowed, is better regulated as a limited use following site plan or a conditional use approved through the Hearing Examiner. Currently, the Light Vehicle Sales and Rental (Indoor) is only allowed as a permitted or a limited use where it is allowed in the code. The Outdoor sales use only has one instance of being permitted as a conditional use, which is in the NR zone. The conditional use standards for an outdoor use in the NR zone do not establish any special standards but instead require following the limited use standards in addition to the conditional use findings. The conditional use findings touch on many similar findings of site plan, including master plan conformance, adequate public facility review, and compatibility findings. The conditional use process does look deeper into issues such as overconcentration of conditional uses and analyzing non-inherent adverse impacts a use may have because of specific site conditions with the goal of protecting community character. As stated previously, Planning staff doesn't see where the vehicle storage of a vehicle sales use is more or less impactful than surface parking for suburban retail already allowed by the NR zone and therefore does not see where these additional conditional use findings geared toward protecting community character have much added value in reviewing a property for vehicle sales.

Planning staff also recommends the definition of Light Vehicle Sales and Rental (Indoor) be modified to more clearly reflect the typical on-site operations associated with the use. The proposed change would be to Section 3.5.12.B.1, as follows:

#### **1. Defined**

Light Vehicle Sales and Rental (Indoor) means a building for the indoor sales, rental, or leasing of light equipment and vehicles, including vehicles for hauling and moving. Light Vehicle Sales and Rental (Indoor) includes the repair of vehicles and equipment for sale, rent, or lease as an incidental use if conducted indoors. Light Vehicle Sales and Rental (Indoor) includes indoor and outdoor display and storage of vehicles for sale and an accessory car wash for vehicles and equipment for sale, rent, or lease.

This small change makes the Indoor use definition consistent with the history of allowing an auto dealership with a showroom to also have a permanent outdoor display of vehicles for sale. This allows the full impact of the use to be inherent at the time of site plan review. Therefore, Planning staff believes the NR zone could support the indoor vehicle sales use, and that the limited use standards which include a site plan process is an adequate review process for approving this use.

## **SECTION THREE**

### **CONCLUSION**

Planning staff supports ZTA 22-04, which would allow indoor vehicle sales and service in the NR zone, with the modified definition for indoor sales clarifying that outdoor display and storage of vehicles is part of that use. Staff recommends the Planning Board transmit these comments to the District Council. This change provides additional opportunities for locating vehicle sales and service in more

automobile-oriented portions of the county, with the necessary protections for adjacent residential uses.

Attachment A – ZTA 22-04 introduction packet

Attachment B – Amended ZTA 22-04



**Committee:** PHED

**Committee Review:** At a future date

**Staff:** Livhu Ndou, Legislative Attorney

**Purpose:** To introduce agenda item – no vote expected

**Keywords:** #AutoSales #LightVehicleSalesandRental  
#Indoor

AGENDA ITEM #14C

June 14, 2022

**Introduction**

## SUBJECT

Zoning Text Amendment (ZTA) 22-04, Commercial Uses – Light Vehicle Sales and Rental (Indoor)

Lead Sponsors: Councilmembers Navarro, Riemer, and Glass

## EXPECTED ATTENDEES

None

## COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

N/A

## DESCRIPTION/ISSUE

ZTA 22-04 will allow Light Vehicle Sales and Rental (Indoor) in the Neighborhood Retail (NR) zone.

## SUMMARY OF KEY DISCUSSION POINTS

- ZTA 22-04 will allow Light Vehicle Sales and Rental (Indoor) in the Neighborhood Retail (NR) zone as a limited use.
- Light Vehicle Sales and Rental (Indoor) in the Neighborhood Retail (NR) zone would be subject to the limited use provisions of Section 3.5.12.B.2.a.
- A Public Hearing is tentatively scheduled for July 26, 2022.

### This report contains:

Staff Report

1

ZTA 22-04

© 1

Map of NR zones

© 6

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**MEMORANDUM**

June 9, 2022

TO: County Council

FROM: Livhu Ndou, Legislative Attorney

SUBJECT: Zoning Text Amendment (ZTA) 22-04, Commercial Uses - Light Vehicle Sales and Rental (Indoor)

PURPOSE: Introduction

Zoning Text Amendment (ZTA) 22-04, Commercial Uses – Light Vehicle Sales and Rental (Indoor), lead sponsors Councilmembers Navarro, Riemer, and Glass, is scheduled to be introduced on June 14, 2022. A Public Hearing is tentatively scheduled for July 26, 2022.

ZTA 22-04 will allow Light Vehicle Sales and Rental (Indoor) as a limited use in the Neighborhood Retail (NR) zone. The NR zone currently allows Light Vehicle Sales and Rental (Outdoor) as a conditional use. A limited use was chosen because indoor sales and rental is a less intensive use than outdoor sales and rental.<sup>1</sup> The provisions of Section 3.5.12.B.2.a., which require site plan approval if the use abuts an agricultural or residentially zoned property, would apply:

**Section 3.5.12. Vehicle/Equipment Sales and Rental**

\* \* \*

**B. Light Vehicle Sales and Rental (Indoor)**

**1. Defined**

Light Vehicle Sales and Rental (Indoor) means a building for the indoor sales, rental, or leasing of light equipment and vehicles, including vehicles for hauling and moving. Light Vehicle Sales and Rental (Indoor) includes the repair of vehicles and equipment for sale, rent, or lease as an incidental use if conducted indoors. Light Vehicle Sales and Rental (Indoor) includes indoor storage of vehicles for sale and an accessory car wash for vehicles and equipment for sale, rent, or lease.

**2. Use Standards**

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<sup>1</sup> As evidence of this, in the General Retail (GR) zone, Light Vehicle Sales and Rental (Indoor) is a permitted use and Light Vehicle Sales and Rental (Outdoor) is a limited use.



- a. Where Light Vehicle Sales and Rental (Indoor) is allowed as a limited use, and the subject lot abuts or confronts a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, it must satisfy the following standards:
  - i. Access to the site from a street with a residential classification is prohibited.
  - ii. Site plan approval is required under Section 7.3.4.

A public hearing is tentatively scheduled for July 26, 2022, at 1:30 p.m.

This packet contains:

ZTA 22-04

© 1

Map of NR zones

© 6

Ordinance No.:  
Zoning Text Amendment No.: 22-04  
Concerning: Commercial Uses - Light  
Vehicle Sales and Rental  
(Indoor)  
Draft No. & Date: 1 – 4/25/2022  
Introduced: June 14, 2022  
Public Hearing:  
Adopted:  
Effective:

**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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Lead Sponsor: Councilmembers Navarro, Riemer, Glass

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

- allow Light Vehicle Sales and Rental (Indoor) in the Neighborhood Retail (NR) zone; and
- generally amend the provisions for Light Vehicle Sales and Rental (Indoor).

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

Division 3.1	“Use Table”
Section 3.1.6.	“Use Table”

**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 59-3.1 is amended as follows:**

**Division 3.1. Use Table**

\* \* \*

**Section 3.1.6. Use Table**

The following Use Table identifies uses allowed in each zone. Uses may be modified in Overlay zones under Division 4.9.

**Key:** P = Permitted Use L = Limited Use C = Conditional Use Blank Cell = Use Not Allowed

10

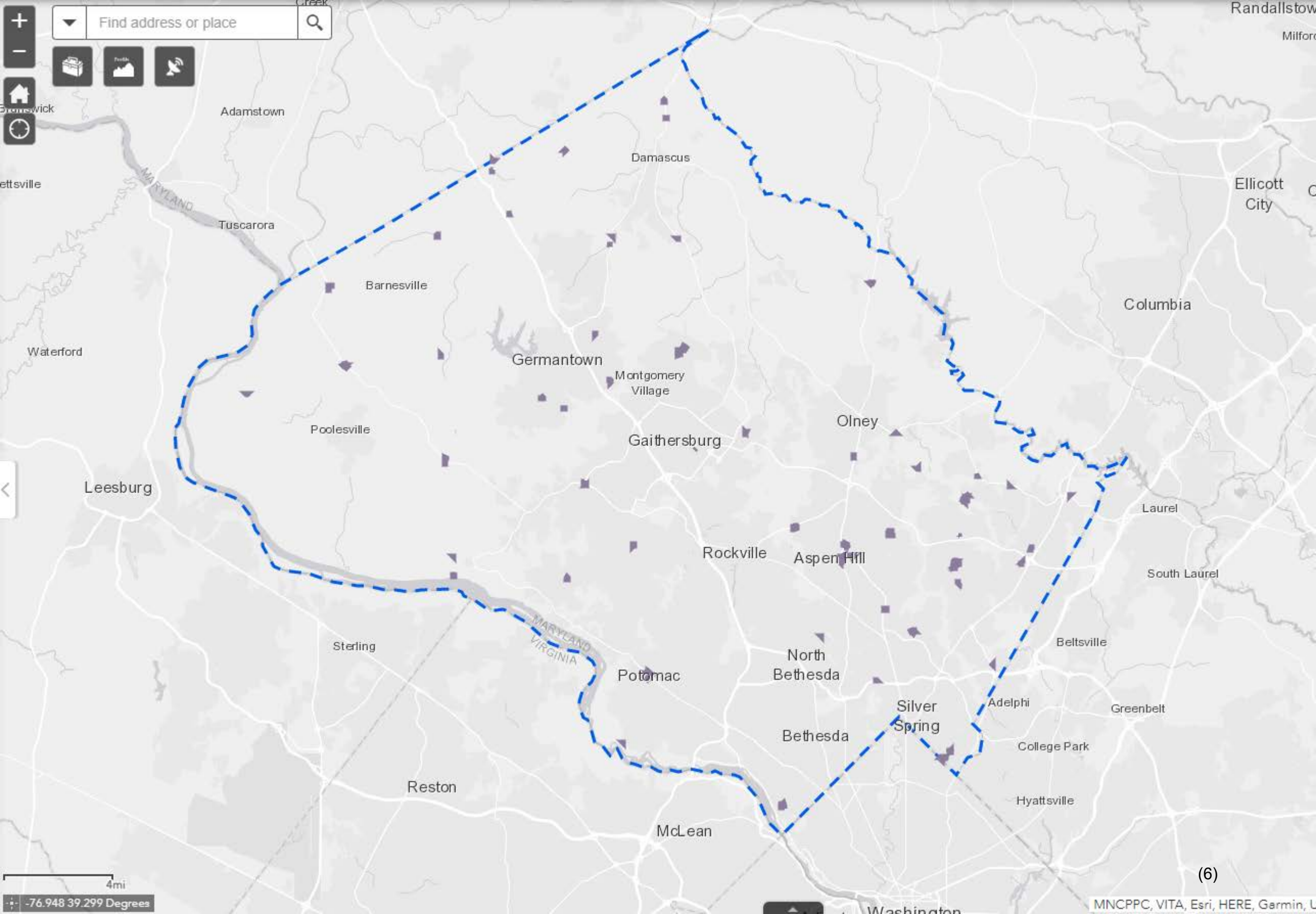
USE OR USE GROUP	Definitions and Standards	Ag	Rural Residential				Residential												Commercial / Residential			Employment				Industrial		
							Residential Detached							Residential Townhouse			Residential Multi-Unit											
		AR	R	RC	RNC	RE-2	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD	THD	R-30	R-20	R-10	CRN	CRT	CR	GR	NR	LSC	EOF	IL	IM	IH
* * *																												
COMMERCIAL																												
* * *																												
VEHICLE/EQUIPMENT SALES AND RENTAL	3.5.12																											
Heavy Vehicle Sales and Rental	3.5.12.A																				L					P	P	
Light Vehicle Sales and Rental (Indoor)	3.5.12.B																		L	P	P	L		L	P	P		
Light Vehicle Sales and Rental (Outdoor)	3.5.12.C																		L	P	L	C		L	P	P		
* * *																												

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

15



## Attachment B

Ordinance No.:

Zoning Text Amendment No.: 22-04

Concerning: Commercial Uses - Light  
Vehicle Sales and Rental  
(Indoor)

Draft No. & Date: 1 – 4/25/2022

Introduced: June 14, 2022

Public Hearing:

Adopted:

Effective:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
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USE OR USE GROUP	Definitions and Standards	Ag	Rural Residential				Residential												Commercial / Residential			Employment				Industrial		
							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
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VEHICLE/EQUIPMENT SALES AND RENTAL	3.5.12																											
Heavy Vehicle Sales and Rental	3.5.12.A																				L					P	P	
Light Vehicle Sales and Rental (Indoor)	3.5.12.B																		L	P	P	P	L		L	P	P	
Light Vehicle Sales and Rental (Outdoor)	3.5.12.C																		L	P	L	C		L	P	P		
* * *																												

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\* \* \*

**Sec. 2. DIVISION 59-3.5 Commercial Uses is amended as follows:**

\* \* \*

**Section 3.5.12. Vehicle/Equipment Sales and Rental**

\* \* \*

**B. Light Vehicle Sales and Rental (Indoor)**

**1. Defined**

Light Vehicle Sales and Rental (Indoor) means a building for the indoor sales, rental, or leasing of light equipment and vehicles, including vehicles for hauling and moving. Light Vehicle Sales and Rental (Indoor) includes the repair of vehicles and equipment for sale, rent, or lease as an incidental use if conducted indoors. Light Vehicle Sales and Rental (Indoor) includes indoor and outdoor display and storage of vehicles for sale and an accessory car wash for vehicles and equipment for sale, rent, or lease.

\* \* \*

**Sec. [[2]] 3. Effective date.** This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

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Judy Rupp  
Clerk of the Council