



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item #4
03/06/03

DATE: February 28, 2003
TO: Montgomery County Planning Board
VIA: Joseph Davis, Chief, Development Review
FROM: Greg Russ, Zoning Coordinator
REVIEW TYPE: Zoning Text Amendment
PURPOSE: To add Zoning Ordinance definitions for certain dry cleaning and laundering terms and to allow certain dry cleaning and laundering operations by right in certain zones, subject to certain standards

TEXT AMENDMENT: No. 03-02
REVIEW BASIS: Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance
INTRODUCED BY: Councilmembers Subin and Silverman
INTRODUCED DATE: February 11, 2003

PLANNING BOARD REVIEW: March 6, 2003
PUBLIC HEARING: March 18, 2003; 1:30pm

STAFF RECOMMENDATION: APPROVAL with modifications

PURPOSE OF THE TEXT AMENDMENT

Councilmembers Subin and Silverman introduced the proposed text amendment to distinguish small retail dry cleaning operations from the larger dry cleaning operations, which tend to be more industrial in nature. The zoning text amendment is proposed to achieve the following:

- adding definitions for certain dry cleaning and laundering terms;
- allowing certain dry cleaning and laundering operations by right in certain zones, subject to certain floor area standards; and
- permitting certain existing dry cleaning and laundry operations to continue as conforming uses.

BACKGROUND

The Zoning Ordinance currently identifies four types of garment cleaning land uses. They are as follows: 1) dry cleaning and laundry establishment; 2) dry cleaning and laundry pick-up station; 3) dry cleaning plant and; 4) laundry plant. A dry cleaning establishment cleans and launders garments on-site for retail customers. A pick-up station sends garments to other locations for cleaning. Dry cleaning and laundering plants are industrial operations. None of these operations is defined in the Zoning Ordinance.

ANALYSIS

Currently, dry cleaning and laundry establishments are permitted by right, for local service only, in the C-1, C-2, C-4 and C-6 commercial zones, and in the CBD-0.5 and CBD-1 for local service and for one other similar establishment or pick-up station. Dry cleaning and laundry pick-up stations are permitted by right in the C-1, C-2, C-4, C-5, C-6 CBD- 0.5 (standard and optional), CBD-R1 (optional only) and in the standard and optional methods in the CBD-1, CBD-2, CBD-3 and CBD-R2 zones and by special exception in the C-T zone, C-O and C-P zones in an office building and as an incidental use in multiple-family dwellings. Dry cleaning and laundry plants are permitted by right in the I-1, I-2 and I-4 zones.

The text amendment proposes to add definitions for the four terms as follows:

Dry cleaning and laundry establishment: *An establishment for the mechanical cleaning of garments, articles or goods of fabric for retail customers. A dry cleaning and laundry establishment does not include a laundry or laundromat which provides self-service type washing and drying for use of retail customers.*

Dry cleaning and laundry pick-up station: *An establishment where customers drop-off and pick up garments or articles that are sent to another location for cleaning or laundering. A dry cleaning and laundry pick-up station does not include on-site dry cleaning or laundry facilities.*

Dry cleaning and laundry plant: *An establishment for the mechanical cleaning of garments, articles or goods of fabric, including a linen, diaper, or uniform laundering service, containing more than 3,000 square feet of gross floor area. A dry cleaning and laundering plant may perform work on the premises for other dry cleaning and laundry services and serve retail customers.*

* * *

The proposed definitions for dry cleaning and laundry establishments and for pick-up stations reflects the existing retail uses and activities. A floor area limit of 3,000 square feet is proposed in the land use tables for these two categories. Attachment 3 depicts 19 use and occupancy permits issued by the Department of Permitting Services (DPS) from the year 2000 through 2002 for dry cleaning and pick-up establishments. These figures indicate that 18 of 19 establishments were approved with a maximum floor area of less than 3,000 square feet. A modification to a footnote is also proposed (Footnote 28) that eliminates the "local service only" requirement since the amount of service would be limited by the capacity of the building. Staff has no objection with the proposed size limit since larger operations tend to evoke more environmental issues that are typically addressed in the industrial zones. It should be noted, however, that dry cleaning and laundry facilities are regulated by the US EPA National Pollution Discharge Elimination System (NPDES) pretreatment standards and stormwater regulations. Dry cleaning and laundry facilities may also generate hazardous waste substances and be subject to federal and state hazardous regulations (See Attachment 2). In addition, any existing operation that encompasses more than 3,000 square feet in floor area will continue as a conforming use but without expansion capabilities.

The proposed definition for dry cleaning and laundry plants reflects the existing activities but proposes a minimum floor area of 3,000 square feet for the use. Staff has no objection to establishing this minimum figure since the Department of Permitting Services (DPS) states that plants of this type located in industrial zones are generally larger than 3,000 square feet.

RECOMMENDATION

The staff recommends approval of the proposed text amendment to add Zoning Ordinance definitions for certain dry cleaning and laundering terms and to allow certain dry cleaning and laundering operations by right in certain zones, subject to certain standards subject to the text amendment recommended standards, as modified. The only modifications are technical and plain language.

Attachment 1 depicts the proposed text amendment as modified by staff. 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 (staff's changes). [[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment (staff's changes).

GR

Attachments

1. Proposed Text Amendment 03-02 (as amended by staff)
2. Memorandum from Mark Pfefferle to Greg Russ
3. DPS Use and Occupancy Table

ATTACHMENT 1

Zoning Text Amendment No: 03-02
Concerning: Dry cleaning and laundry establishments
Draft No. & Date: 1 – 2/5/03
Introduced: February 11, 2003
Public Hearing: March 18, 2003; 1:30 PM
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**

By: Councilmembers Subin and Silverman

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- adding definitions for certain dry cleaning and laundering terms;
- allowing certain dry cleaning and laundering operations by right in certain zones, subject to certain standards; and
- permitting certain existing dry cleaning and laundry operations to continue as conforming uses.

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

DIVISION 59-A-2	“DEFINITIONS AND INTERPRETATION”
Section 59-A-2.1	“Definitions”
DIVISION 59-C-4	“COMMERCIAL ZONES”
Section 59-C-4.2	“Land uses”
DIVISION 59-C-5	“INDUSTRIAL ZONES”
Section 59-C-5.2	“Land uses”
DIVISION 59-C-6	“CENTRAL BUSINESS DISTRICT ZONES”
Section 59-C-6.22	“Land uses”
DIVISION 59-G-2	“SPECIAL EXCEPTIONS—STANDARDS AND REQUIREMENTS”
Section 59-G-2.46	“Retail and service establishments.
Section 59-G-2.47	“Retail establishments in a multiple-family dwelling”
Section 59-G-2.48	“Retail establishments in an office building”

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.

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-A-2 is amended as follows:**

2 **DIVISION 59-A-2. DEFINITIONS AND INTERPRETATION.**

3 * * *

4 **59-A-2.1. Definitions.**

5 * * *

6 **Dry cleaning and laundry establishment:** An establishment for the mechanical
7 cleaning of garments, articles or goods of fabric for retail customers. A dry
8 cleaning and laundry establishment does not include a laundry or laundromat
9 which provides self-service type washing and drying for use of retail customers.

11 **Dry cleaning and laundry pick-up station:** An establishment where customers
12 drop-off and pick up garments or articles that are sent to another location for
13 cleaning or laundering. A dry cleaning and laundry pick-up station does not
14 include on-site dry cleaning or laundry facilities.

16 **Dry cleaning and laundry plant:** An establishment for the mechanical cleaning
17 of garments, articles or goods of fabric, including a linen, diaper, or uniform
18 laundering service, containing more than 3,000 square feet of gross floor area. A
19 dry cleaning and laundering plant may perform work on the premises for other dry
20 cleaning and laundry services and serve retail customers.

21 * * *

22 **Sec. 2. Division 59-C-4 is amended as follows:**

23 **DIVISION 59-C-4. COMMERCIAL ZONES.**

24 * * *

25 **59-C-4.2. Land uses.**

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	C-T	O-M	C-O	C-P	C-1	C-2	C-3	C-4	C-5	C-6	H-M	Country Inn
(e) Services:												
* * *												
Dry cleaning and laundry establishments, consisting of no more than 3,000 square feet of gross floor area. ²⁸					P	P		P		P		
Dry cleaning and laundry pick-up station, consisting of no more than 3,000 square feet of gross floor area. ²⁸	SE ¹⁵		SE ¹¹	SE ¹¹	P	P		P	P	P		
* * *								P	P	P		

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See "Retail establishments in an office building," section 59-G-2.48.

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See "Retail and service establishments," section 59-G-2.46.

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[For local service only; no work for other similar establishments is to be done.] Any existing dry cleaning and laundry establishment or dry cleaning and laundry pick-up station consisting of more than 3,000 square feet of gross floor area is a conforming use and may be continued, structurally altered, repaired or reconstructed, so long as the use is not increased, extended or enlarged beyond the dimensions which existed on (ZTA effective date).

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Sec. 3. Division 59-C-5 is amended as follows:

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DIVISION 59-C-5. INDUSTRIAL ZONES.

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59-C-5.2. Land uses.

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	I-1	I-2	I-3	I-4	R&D	LSC
(b) Manufacturing and industrial.						
I. Uses of a light industrial nature.						
* * *						
Dry cleaning and laundry plant[s].	P	P		P		
Electroplating and manufacturing of small parts such as coils, condensers, transformers, and crystal holders.	P	P	P	P	P	
* * *						
[Laundry plants.	P	P		P]		

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Sec. 4. DIVISION 59-C-6 is amended as follows:

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DIVISION 59-C-6. CENTRAL BUSINESS DISTRICT ZONES.

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* * *

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59-C-6.22. Land uses.

	CBD-0.5		CBD-R1		CBD-1		CBD-2		CBD-3		CBD-R2	
	S	O	S	O	S	O	S	O	S	O	S	O
(e) Services.												
* * *												
Dry cleaning and laundry establishments, <u>consisting of no more than 3,000 square feet of gross floor area.*</u>	P ¹⁵	P ¹⁵			P ⁹	P ⁹						
Dry cleaning and laundry pick-up stations, <u>consisting of no more than 3,000 square feet of gross floor area.*</u>	P	P			P	P	P	P	P	P	P	P
* * *												

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⁹ Primarily intended for local service; however, work may be done on the premises for one other similar establishment or pick-up station.

¹⁵ Local service only, except that work may be done on the premises for other establishments or pick-up stations on sites of 6,000 square feet or less which

57 were rezoned from the C-2 zone to the CBD-0.5 zone by sectional map
58 amendment, provided that:

- 59 (1) There is an existing building on the site which predates the sectional
60 map amendment;
- 61 (2) The dry cleaning establishment is no larger than 3,000 sq. ft. in size
62 and contains a retail counter; and
- 63 (3) No more than five (5) trucks are operated in connection with the
64 establishment.

65 * Any existing dry cleaning and laundry establishment or dry cleaning and
66 laundry pick-up station consisting of more than 3,000 square feet of gross
67 floor area is a conforming use and may be continued, structurally altered,
68 repaired or reconstructed, so long as the use is not increased, extended or
69 enlarged beyond the dimensions which existed on (ZTA effective date).

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71 **Sec. 5. Division 59-G-2 is amended as follows:**

72 **DIVISION 59-G-2. SPECIAL EXCEPTIONS—STANDARDS AND**
73 **REQUIREMENTS.**

74 * * *

75 **59-G-2.46 Retail and service establishments.**

76 Small-scale retail sales and personal service establishments may be permitted,
77 provided the following requirements are met:

- 78 (a) The convenience goods and services provided are those usually
79 requiring frequent purchase and a minimum of travel by occupants of
80 the nearby commercial area and adjacent residential neighborhood;
81 they include only the following types of establishments:
- 82 (1) Barbershop;
- 83 (2) Beauty shop;

- 84 (3) Delicatessen;
- 85 (4) Drugstore;
- 86 (5) Dry cleaning and laundry pick-up station, consisting of no more
87 than 3,000 square feet of gross floor area. Any existing dry
88 cleaning and laundry pick-up station consisting of more than
89 3,000 square feet of gross floor area is a conforming use and
90 may be continued, structurally altered, repaired or
91 reconstructed, so long as the use is not increased, extended or
92 enlarged beyond the dimensions which existed on (ZTA
93 effective date);
- 94 (6) Eating and drinking establishment, excluding a drive-in;
- 95 (7) Florist, provided, that a florist in existence in the C-T zone on
96 April 1, 1986, is not required to obtain a special exception and
97 is not a nonconforming use, subject to the special regulations of
98 section 59-C-4.307(a);
- 99 (8) Newsstand;

100 * * *

101 **59-G-2.47. Retail establishments in a multiple-family dwelling.**

102 Retail sales and personal service establishments in a multiple-family dwelling or
103 group of dwellings may be permitted subject to the following requirements:

104 (a) Only the following types of establishments shall be permitted:

105 Banks or savings and loan offices.

106 Barber and beauty shops.

107 Book stores.

108 Drug stores.

109 Dry cleaning and laundry pick-up stations, consisting of no more than
110 3,000 square feet of gross floor area. Any existing dry cleaning and

111 laundry pick-up station consisting of more than 3,000 square feet of gross
112 floor area is a conforming use and may be continued, structurally altered,
113 repaired or reconstructed, so long as the use is not increased, extended or
114 enlarged beyond the dimensions which existed on (ZTA effective date).

115 Florists.

116 Food and beverage stores.

117 Gift shops.

118 Jewelry stores.

119 Laundromats.

120 Newsstands.

121 Offices, banking.

122 Restaurants.

123 Variety and dry goods stores.

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126 **59-G-2.48. Retail establishments in an office building.**

127 Retail sales and personal service establishments in an office building may be
128 permitted subject to the following requirements:

129 Retail sales and personal service establishments in an office building may be
130 permitted subject to the following requirements:

131 (a) Only the following types of establishments shall be permitted:

132 Barber and beauty shops.

133 Delicatessens.

134 Drug stores.

135 Dry cleaning and laundry pick-up stations, consisting of no more than
136 3,000 square feet of gross floor area. Any existing dry cleaning and
137 laundry pick-up station consisting of more than 3,000 square feet of

138 gross floor area is a conforming use and may be continued,
139 structurally altered, repaired or reconstructed, so long as the use is not
140 increased, extended or enlarged beyond the dimensions which existed
141 on (ZTA effective date).

142 Newsstands.

143 Restaurants.

144 Specialty shops.

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147 **Sec. 6. Effective date.** This ordinance becomes effective 20 days after the
148 date of Council adoption.

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150 This is a correct copy of Council action.

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155 Mary A. Edgar, CMC

156 Clerk of the Council



**THE MARYLAND-NATIONAL CAPITAL PARK AND
PLANNING COMMISSION**
Department of Park & Planning, Montgomery County, Maryland
8787 Georgia Avenue, Silver Spring, Maryland 20910

MEMORANDUM

TO: Greg Russ, Planner Coordinator, Development Review
FROM: Mark Pfefferle, Planner Coordinator, Environmental Planning
DATE: February 25, 2003
SUBJECT: ZTA 03-02

Environmental Planning supports the adoption of zoning text ZTA-03-02.

The technology for dry cleaning facilities has advanced considerably in the past few years. However, dry cleaners work with a wide range of materials that can cause air and water pollution. The most common is perchloroethylene (perc). Perc is a toxic solvent that has been named a hazardous air pollutant (HAP) according to the federal Clean Air Act. The US EPA controls the release of perc into the air by issuing a National Emission Standard for Hazardous Air Pollutants (NESHAP) for the solvent. Dry cleaning and laundry facilities are regulated by the US EPA National Pollution Discharge Elimination System (NPDES) pretreatment standards and stormwater regulations. Dry cleaners and laundry facilities must develop a stormwater management pollution prevention plan to mitigate the off-site transport of contaminated stormwater. Facilities must also meet pretreatment standards or local limits prior to the release of the effluent into waters of the United States or public wastewater systems. Dry cleaning and laundry facilities may also generate hazardous waste substances and be subject to federal and state hazardous regulations. Dry cleaning and laundry pick-up stations will not generate the same wastes and are not subject to the requirements described above.

APNO	APDESC	ISSDTM	ZCATE	BLDGAREA	ADDRESS
201734	USE & OCCU	4/27/00	DRYCLEAN & LAUNDRY ESTABLISHMENT	2,665.00	26067 RIDGE RD
202706	USE & OCCU		DRYCLEANING PLANT	6,300.00	2447 LINDEN LA
204719	USE & OCCU	5/3/00	DRYCLEANING ESTABLISHMENT	2,085.00	13402 KINGSVIEW VILLAGE AVE
205557	USE & OCCU	8/28/00	DRY CLEANING AND LAUNDRY	1,000.00	807 OLNEY-SANDY SPRING RD
208035	USE & OCCU	9/8/00	DRY/CLEAN/LAUNDRY/DYE SERVICES	2,736.00	1119 UNIVERSITY BLV
209015	USE & OCCU		DRY CLEANING AND LAUNDRY ESTABLISHMENT	1,800.00	10119 COLESVILLE RD
209825	USE & OCCU		DRY CLEAN AND LAUNDRY PICK-UP	1,000.00	19730 GERMANTOWN RD
209990	USE & OCCU		DRY CLEAN AND LAUNDRY PICK-UP	1,200.00	5522 BAUER DR
210873	USE & OCCU	4/2/01	DRY CLEANING AND LAUNDRY ESTABLISHMENT	1,378.00	823 WAYNE AVE
212840	USE & OCCU		DRYCLEANING AND LAUNDRY PICK-UP STATION	1,473.00	4611 SANGAMORE RD
213018	USE & OCCU		DRYCLEAN AND LAUNDRY PICK-UP STATION	1,473.00	4701 SANGAMORE RD
213879	USE & OCCU		DRY CLEANING ESTABLISHMENT	1,560.00	15446 OLD COLUMBIA PIK
215496	USE & OCCU		DRY CLEANING AND LAUNDRY PICK-UP STATION	100.00	8627 16TH ST
215597	USE & OCCU		DRY CLEANING AND LAUNDRY PICK-UP STATION	862.00	9900 KEY WEST AVE
216718	USE & OCCU		DRY CLEANING AND LAUNDRY PICK-UP STATION	1,500.00	8407 SNOUFFER SCHOOL RD
217939	USE & OCCU		DRY CLEANING AND LAUNDRY PICK-UP STATION	1,400.00	7607 MAC ARTHUR BLV
218184	USE & OCCU		DRY CLEAN & LAUNDRY PICK-UP STATION	2,527.00	18114 VILLAGE MART DR
218251	USE & OCCU	12/10/02	DRYCLEANING ESTABLISHMENT	915.00	4463 WILLARD AVE
218733	USE & OCCU		DRY CLEAN & LAUNDRY PICK-UP STATION	1,035.00	9035 GAITHER RD
219083	USE & OCCU		DRYCLEANING ESTABLISHMENT	6,576.00	9315 GEORGIA AVE
2017540	USE & OCCU	4/27/00	DRYCLEANING AND LAUNDRY ESTABLISHMENT	2,085.00	13402 KINGSVIEW VILLAGE AVE
TOTAL					