

# ATTACHMENT 1

Zoning Text Amendment No: 05-07  
Concerning: Country Inn Zone –  
Clarification of building and parking setbacks  
Draft No. & Date: 1 – 3/24/05  
Introduced: April 12, 2005  
Public Hearing: June 14, 2005; 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**

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By: Councilmembers Floreen, Knapp and Leventhal

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

- clarifying building and parking setback requirements in the Country Inn Zone; and
- authorizing the District Council to approve certain exceptions to the setback requirements for a parking facility existing at the time of reclassification to the Country Inn zone.

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

DIVISION 59-C-4    “COMMERCIAL ZONES”  
Section 59-C-4.39    “Country Inn Zone – Purpose and Development Standards”  
Section 59-C-4.394    “Setbacks”  
Section 59-C-4.397    “Off-street parking”

*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-C-4 is amended as follows:**

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

3   \* \* \*

4   **59-C-4.39.       Country Inn Zone – Purpose and development standards.**

5   \* \* \*

6   **59-C-4.394.     Setbacks.**

7   \* \* \*

8   (a) Minimum setback from any street – 50 feet, except that the District Council may  
9       approve a setback less than 50 feet for any building [and parking] existing on the site  
10      at the time of reclassification to the Country Inn zone, and for any addition or  
11      improvement to an existing building shown on the Development Plan.

12   (b) Minimum setback from any other boundary of the lot – 75 feet, except that the District  
13      Council may approve a setback less than 75 feet for any building [and parking]  
14      existing on the site at the time of reclassification to the Country Inn zone, and for any  
15      [addition or improvement] modification to an existing building shown on the  
16      Development Plan.

17   **59-C-4.397.     Off-street parking.**

18   \* \* \*

19   (b) **Design.** The design and location of [the] any parking [facilities shall] facility must  
20      [be such as to] minimize any adverse effect upon surrounding land and development,  
21      [including] and comply with the following requirements:

- 22      (1) No parking space is allowed within 25 feet of any street or highway, [nor] or  
23         within 50 feet of any other boundary of the lot, except that, the District Council  
24         may approve a setback less than 25 feet or 50 feet for any parking facility existing  
25         on the site at the time of reclassification to the Country Inn Zone and for any  
26         modification to an existing parking facility shown on the Development Plan.

27   \* \* \*

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

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32 This is a correct copy of Council action.

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37 Linda M. Lauer

38 Clerk of the Council

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OCT 08 2003

OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

Ordinance No: 15-16  
Zoning Text Amendment No: 03-22  
Concerning: Country Inn Zone  
Draft No. & Date: 2 - 9/30/03  
Introduced: July 29, 2003  
Public Hearing: 9/9/03; 1:30 PM  
Adopted: September 30, 2003  
Effective: September 30, 2003

**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 Floreen, Knapp and Leventhal

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

- Authorizing the District Council to approve certain exceptions to the setback requirements for any building **[[s]]** and parking area existing at the time of reclassification to the Country Inn zone and for any addition or improvement to an existing building shown on the Development Plan.

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

DIVISION 59-C-4	"COMMERCIAL ZONES"
Section 59-C-4.39	"Country inn zone-Purpose and development standards"
Section 59-C-4.394	"Setbacks"

**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.*

## OPINION

Zoning Text Amendment No. 03-22 was introduced on July 29, 2003. Under ZTA 03-22, the District Council would be authorized to approve a reduced setback for any building and parking area that exists on a site at the time of reclassification to the Country Inn zone, including any addition or improvement to the building shown on the Development Plan. The minimum setback from any street is 50 feet and the minimum setback from any other site boundary is 75 feet.

The Montgomery County Planning Board in its report to the Council recommended that the text amendment be approved with a modification.

The County Council held a public hearing on September 9, 2003, to receive testimony concerning the proposed text amendment. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on September 25, 2003 to review the amendment. The Country Inn zone is primarily intended for the development of country inns in existing structures in rural locations. A country inn may include in the same building dining, lodging, and certain commercial uses. The issue is that some existing structures suitable for use as a country inn were constructed close to the roads they served and the structures and any potential improvements may be within the required building setback area. ZTA 03-22 would allow reduced building and parking setbacks to be approved by the District Council at the time of rezoning to the Country Inn zone. The Committee recommends that ZTA 03-22 be approved with a minor revision to insert 75 feet in place of 50 feet on line 12 of page 3 of the ZTA and clarify that only an addition or improvement to a building that exists on the site at the time of reclassification to the Country Inn zone may be exempted from the building setback requirements.

The District Council reviewed Zoning Text Amendment No. 03-22 at a worksession held on September 30, 2003, and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 03-22 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-C-4 is amended as follows:**

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

3       \* \* \*

4       **59-C-4.39.   Country Inn zone-Purpose and development standards.**

5       \* \* \*

6       **59-C-4.394.       Setbacks.**

7       (a)   Minimum setback from any street—50 feet, except that the District Council  
8       may approve a setback less than 50 feet for any building and parking  
9       existing on the site at the time of reclassification to the Country Inn zone and  
10       for any addition or improvement to an existing building shown on the  
11       Development Plan.

12       (b)   Minimum setback from any other boundary of the lot—75 feet, except that  
13       the District Council may approve a setback less than ~~[[50]] 75 feet for any~~  
14       building and parking existing on the site at the time of reclassification to the  
15       Country Inn zone and for any addition or improvement to an existing  
16       building shown on the Development Plan.

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18       **Sec. 2. Effective date.** This ordinance becomes effective immediately upon  
19       Council adoption.

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21       This is a correct copy of Council action.

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24       Mary A. Edgar, CMC

25       Clerk of the Council