

Ordinance No. O-1-13

AN ORDINANCE TO AMEND CHAPTER 24 (CITY ZONING ORDINANCE),  
ARTICLE I, ENTITLED, "IN GENERAL," § 24-1, ENTITLED, "DEFINITIONS,"  
ARTICLE III, ENTITLED, "REGULATIONS APPLICABLE TO PARTICULAR ZONES,"  
DIVISION 11, ENTITLED, "C-1 ZONE, GENERAL COMMERCIAL,"  
§ 24-112, USES PERMITTED AS SPECIAL EXCEPCIONS,"  
DIVISION 12, ENTITLED, "C-2 ZONE, GENERAL COMMERCIAL,"  
§ 24-118, USES PERMITTED AS SPECIAL EXCEPCIONS,"  
DIVISION 14, ENTITLED, "I-1 ZONE, LIGHT INDUSTRIAL,"  
§ 24-136, ENTITLED, "USES PERMITTED BY RIGHT,"  
SO AS TO PROVIDE NEW STANDARDS FOR FORTUNE TELLING USES

**Text Amendment CTAM-1439-2012**

BE IT ORDAINED, by the Mayor and Council of the City of Gaithersburg, in public meeting assembled, that Chapter 24, Articles I and III, Divisions 12, 14, 19, 21, and 22 of the City Code be, and they hereby are, amended to read as follows:

**ARTICLE I. IN GENERAL**

\* \* \* \*

**Sec. 24-1. Definitions.**

\* \* \* \*

*Fortune Telling Business.* Any attempt to tell fortunes or predict the future (for pay or voluntary contributions) by means of occult or psychic powers, faculties, or forces; necromancy, palmistry, psychic psychometry, spirits, mediumship, seership, prophesy, cards, crystals, talismans, sorcery, charms, potions, magnetism, tea leaves, magic, numerology, mechanical devices, handwriting analyses, phrenology, character readings, or any other similar means. A fortune telling business shall not be considered allowed as a home occupation, or classified as a church, or other place of worship. This definition shall not apply to fortune telling at street festivals, carnivals, comedic routines, fundraisers, or other similar entertainment purposes operated on a limited basis and not requiring the issuance of a use an occupancy permit. The term "limited basis" shall mean operation of the use not more than four (4) times per year and not to exceed twelve (12) days in any year.

\* \* \* \*

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
<del>Single strikethrough</del>	<i>Deleted from existing law by original bill.</i>
<u><b>Double underlining</b></u>	<i>Added by Amendment.</i>
<del><b>Double boldface strikethrough</b></del>	<i>Deleted from existing law or the bill by amendment.</i>
****	<i>Existing law unaffected by bill.</i>

Psychic. See "Fortune Telling Business."

\* \* \* \*

### ARTICLE III. REGULATIONS APPLICABLE TO PARTICULAR ZONES

\* \* \* \*

#### DIVISION 11. C-1 ZONE, GENERAL COMMERCIAL

\* \* \* \*

##### **Sec. 24-112. Uses permitted as special exceptions**

The following uses are permitted in the C-1 Zone as special exceptions after approval by the board of appeals:

\* \* \* \*

##### (7) Fortune telling businesses

\* \* \* \*

#### DIVISION 12. C-2 ZONE, GENERAL COMMERCIAL

\* \* \* \*

##### **Sec. 24-118. Uses permitted as special exceptions**

The following uses are permitted in the C-2 Zone as special exceptions after approval by the board of appeals in accordance with the provisions of section 24-189, or by the city council in accord with section 24-167A(C) as to subparagraph (9) :

\* \* \* \*

##### (11) Fortune telling businesses

\* \* \* \*

#### DIVISION 14. I-1 ZONE, LIGHT INDUSTRIAL

##### **SEC. 24-136. Uses permitted by right**

\* \* \* \*


##### H. *Other uses:*

\* \* \* \*

(9) Fortune telling businesses

\* \* \* \*

ADOPTED by the City Council of Gaithersburg, Maryland, this 22<sup>nd</sup> day of January, 2013.

  
\_\_\_\_\_  
SIDNEY A. KATZ, MAYOR and  
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland this 22<sup>nd</sup> day of January, 2013. APPROVED by the Mayor of the City of Gaithersburg, Maryland this 22<sup>nd</sup> day of January 2013.

  
\_\_\_\_\_  
SIDNEY A. KATZ, MAYOR

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the City Council of Gaithersburg, in public meeting assembled, on the 22<sup>nd</sup> day of January, 2013, and the same was APPROVED by the Mayor of the City of Gaithersburg on the 22<sup>nd</sup> day of January, 2013. This Ordinance will become effective on the 11<sup>th</sup> day of February, 2013.

  
\_\_\_\_\_  
Tony Tomasello, City Manager