

Ordinance No.: 19-02
Zoning Text Amendment No.: 18-13
Concerning: Regional Shopping
Center Overlay Zone –
Standards
Draft No. & Date: 2 – 12/13/18
Introduced: December 11, 2018
Public Hearing: January 15, 2019
Adopted: February 5, 2019
Effective: February 25, 2019

**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 Riemer

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- revise the standard for the allowed height of certain free-standing uses in the Regional Shopping Center Overlay zone

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

Division 4.9. “Overlay Zones”
Section 4.9.12. “Regional Shopping Center (RSC) 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.*

OPINION

Zoning Text Amendment (ZTA) 18-13, lead sponsor Councilmember Riemer, was introduced on December 11, 2018. ZTA 18-13 would amend the Regional Shopping Center Overlay zone. It would allow for free-standing buildings used for Retail Sales and Service, Structured Parking, or Health Clubs and Facilities to have a maximum height of 90 feet.

In its report to the Council, the Montgomery County Planning Board recommended approval as introduced. Planning staff did not object to ZTA 18-13. They both noted that any impact of the additional height to surrounding neighborhoods would be mitigated by the current setback provisions for buildings above 45 feet (a minimum setback of 3 feet for each 1 foot of building height over 45 feet when the structure is adjacent to vacant or residentially-improved property in an Agricultural, Rural Residential, or Residential zone).

The Council's public hearing was conducted on January 15, 2019. All testimony supported the approval of ZTA 18-13.

The Council referred the text amendment to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on January 28, 2019. The Committee recommended approving ZTA 18-13 as introduced. Staff included an editorial change to the numbering of the subsection on line 25.

The Council agreed with the recommendation of the 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. 18-13 will be approved as introduced.

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 59-4.9 is amended as follows:**

2 **Division 4.9. Overlay Zones**

3 * * *

4 **Section 4.9.12. Regional Shopping Center (RSC) Overlay Zone**

5 A. Purpose

6 The purpose of the RSC Overlay zone is to:

- 7 1. Provide flexibility of development standards to facilitate certain uses
- 8 compatible with a regional shopping center.
- 9 2. Provide parking design standards and requirements compatible with
- 10 the function and circulation needs of regional shopping centers.

11 * * *

12 C. Development Standards

13 1. To accommodate development at a regional shopping center with a

14 gross leasable area that is greater than or will be greater than (if

15 approved by site plan) 1,200,000 square feet, building height may be

16 increased to:

- 17 a. 90 feet for a building that includes a theater complex;
- 18 b. 150 feet for a Hotel, Motel; [and]
- 19 c. 150 feet for an apartment building or a multi-use building with
- 20 residential use[.]; and
- 21 d. 90 feet for a free-standing building for any of the following
- 22 uses or uses within the following use categories:
 - 23 i. Retail Sales and Service;
 - 24 ii. Structured Parking; or
 - 25 [[ii]]iii. Health Clubs and Facilities.

26 2. Any portion of a building over 45 feet in height must be set back from

27 an abutting property in an Agricultural, Rural Residential, or

28 Residential zone a minimum of 3 feet for each 1 foot of building
29 height over 45 feet.

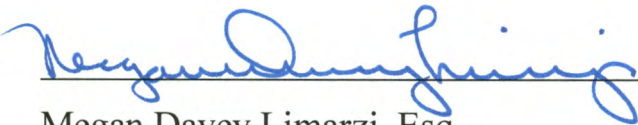
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31 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the
32 date of Council adoption.

33

34 This is a correct copy of Council action.

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37 Megan Davey Limarzi, Esq.

38 Clerk of the Council