

Zoning Text Amendment No.: 12-01
Concerning: Commercial zones- Large
Retail Uses
Draft No. & Date: 1 – 1/11/12
Introduced: January 31, 2012
Public Hearing:
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: Council President Berliner and Councilmember Ervin

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- Establishing additional requirements in the C-4 zone for retail uses of a certain size, located within one-half mile of a metro station; and
- generally providing standards for the development of certain size retail uses.

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

DIVISION 59-C-4 “COMMERCIAL ZONES”
Section 59-C-4.2 “Land uses”
Section 59-C-4.378. “Special regulations—C-4 zone

And adding

Section 59-C4.379 “Large retail uses near metro stations”

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 that text 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-C-4 is amended as follows:

DIVISION 59-C-4. COMMERCIAL ZONES.

* * *

Sec. 59-C-4.2. Land uses.

No use is allowed except as indicated in the following table:

-Permitted Uses. Uses designated by the letter "P" are permitted on any lot in the zones indicated, subject to all applicable regulations.

-Special Exception Uses. Uses designated by the letters "SE" may be authorized as special exceptions under article 59-G.

	C-T	O-M	C-O	C-P	C-1	C-2	C-3	C-4	C-5	C-6	H-M	Country Inn
(a) Residential:												
* * *												
Dwellings.	P ⁶	P ⁶ /SE	P ^{2, 52}		SE	P ⁴⁰ /SE	SE	P [*] /SE		SE		P ⁴
* * *												
(d) Commercial:**												

* * *

* As part of a mixed-use project designed for a large retail user that complies with the standards and requirements of Section 59-C-4.379.

** In the C-4 zone, if project is within the scope of Section 59-C-4.379, the project must satisfy the requirements of Section 59-C-4.379.

* * *

59-C-4.378. Special regulations—C-4 zone.

19 **Development above FAR 0.25.** In order to encourage the orderly grouping and
20 planned development of low-intensity, highway commercial centers, to limit the
21 number and to control the location of access points to C-4 zoned sites, to
22 encourage an appropriate scale of development near metro stations, and to
23 generally enhance the appearance of small commercial centers located along major
24 roadways, the following optional method of development may be permitted,
25 provided that the applicable approved and adopted master plan does not indicate
26 that higher intensity commercial development above FAR 0.25 would be
27 unsuitable for the applicable site; and provided further that the following site
28 development standards and site plan review procedures shall be in effect. If this
29 method is used, all of the above requirements of the C-4 zone [shall] must be met
30 except as follows:

31 (a) **Minimum Area of Lot.** The optional method of development shall not be
32 permitted on a lot or parcel of land which has a total area of less than 2
33 acres.

34 (b) **Development Density.**

35 (1) Increases in the gross floor area of buildings, above a FAR of 0.25,
36 may be permitted[,] up to a maximum FAR of 0.75 for projects[, upon
37 a finding by the planning board] if the Planning Board finds that an
38 increased amount of gross floor area, above a FAR of 0.25, would be
39 compatible with the intensity of surrounding existing and planned
40 land uses, would not have an adverse impact on existing and planned
41 public facilities in the area, and would be [in accord] consistent with
42 the land use recommendations and guidelines of the applicable
43 approved and adopted master or sector plan.

- 44 (2) Increases in the gross floor area of buildings, above a FAR of 0.25,
45 may be permitted up to a maximum FAR of 1.5 for a mixed-use
46 project if:
- 47 (A) the project is within the scope of Section 59-C-4.379; and
48 (B) the Planning Board finds that the project is compatible with the
49 intensity of surrounding existing and planned land uses, will not
50 have an adverse impact on existing and planned public facilities
51 in the area, and will be consistent with the land use
52 recommendations of the applicable approved and adopted
53 master or sector plan and any design guidelines approved to
54 implement the master or sector plan.
- 55 (c) **Height Limit.**
- 56 (1) [No building shall exceed] The maximum building height is 3 stories
57 or 40 feet [in height].
- 58 (2) The maximum building height may be increased to 75 feet to
59 accommodate a mixed-use project within the scope of Section 59-C-
60 4.379 unless the Planning Board finds that an increased height would
61 be incompatible with the intensity of surrounding existing and
62 planned land uses, would have an adverse impact on existing and
63 planned public facilities in the area, and would not be consistent with
64 the land use recommendations of the applicable approved and adopted
65 master or sector plan.
- 66 (d) **Maximum Lot Coverage.** The building coverage may be increased to a
67 maximum of 35 percent of the lot; however, the building coverage on a
68 project that satisfies Section 59-C-4.379 may be increased to a maximum of
69 45 percent of the lot.

70 (e) **Setbacks.** The setback from adjoining residentially zoned land, not
71 recommended for commercial or industrial zoning on an approved and
72 adopted master or sector plan, [shall] must not be less than either the setback
73 required in the adjacent residential zone or the height of the building,
74 whichever is greater.

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76 **59-C-4.379. Large retail uses near a metro station.**

77 **59-C-4.379.1 Scope.**

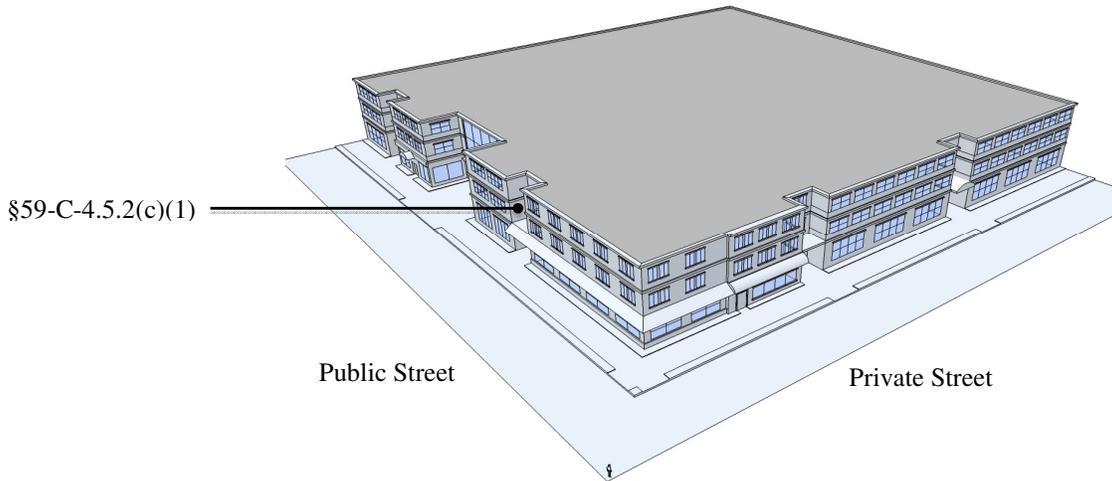
78 This subsection applies to any project with:

- 79 (a) a retail use designed for a single retailer that uses at least 50,000 square feet
80 of gross floor area on the ground area of a building (footprint), or more than
81 100,000 square feet of all floor area designed for a single retail user; and
82 (b) a pedestrian entrance designed for a single large retail user defined in
83 Subsection (a), located within one-half mile of a metro station entrance.

84 **59-C-4.379.2 Requirements.**

- 85 (a) For any project within the scope of this subsection, notwithstanding any
86 other provision of this Chapter, the maximum building footprint of the area
87 designed for a single retail user is 80,000 square feet.
88 (b) In addition to the requirements of the C4 zone, any project within the scope
89 of this Section:
90 (1) must get a site plan approved under Division 59-D-3; and
91 (2) the following land uses are prohibited on the site:
92 (A) except for any drive-through existing on January 1, 2012, any
93 drive-through service window or lane that is visible from a
94 public street;
95 (B) automobile repair or service facility; and
96 (C) automobile filling station.

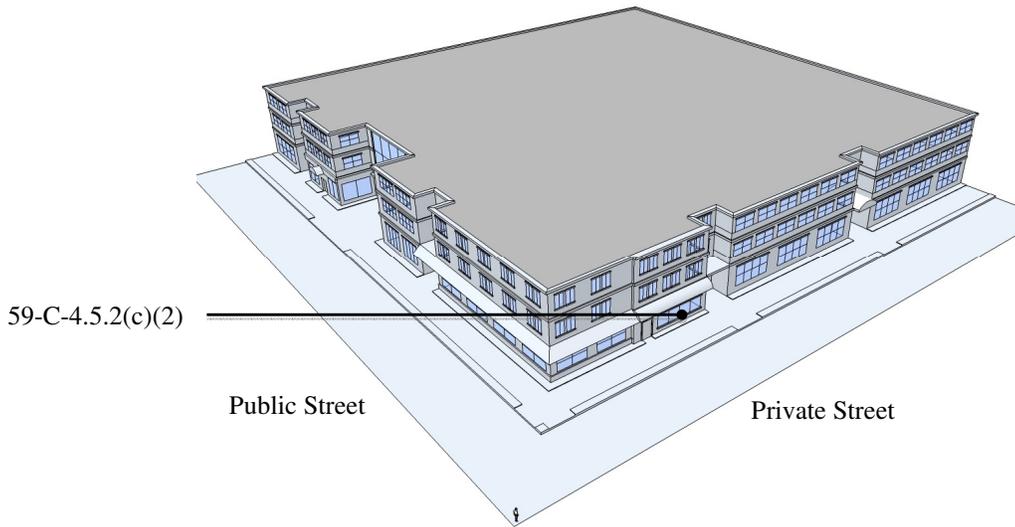
- 97 (c) On or in each building designed for a large retail user:
98 (1) Any facade longer than 100 horizontal feet must incorporate wall
99 plane projections or recesses.



- 111 (2) Street level retail facades that front public or private streets or parking
112 areas must provide transparent glazing (i.e., transparent windows,
113 unobstructed display windows, or transparent store doors) for at least
114 60 percent of the horizontal length of the building façade between the
115 height, at a minimum, of 3 feet and 8 feet above the walkway grade.
116 The Planning Board may waive this requirement if it finds that a
117 satisfactory site design can otherwise assist in activating pedestrian
118 traffic along the public or private street.

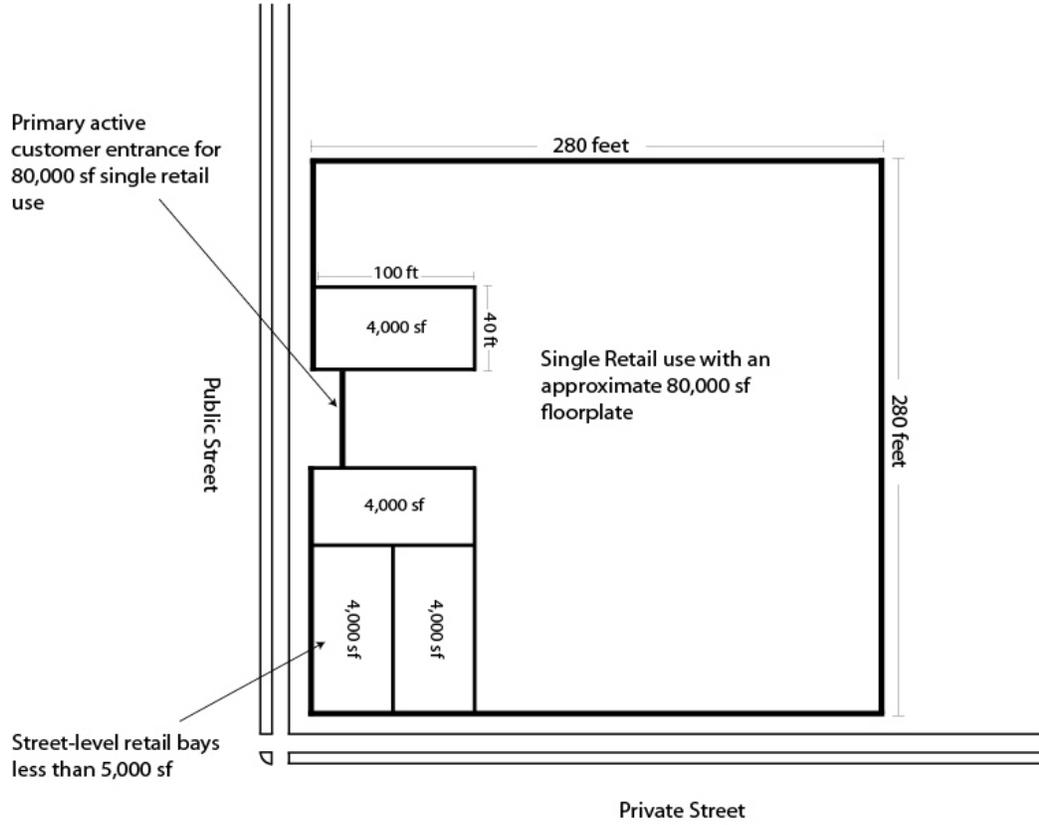
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(3) At least 20 percent additional street level retail (calculated on the footprint area designed for the largest single retail user) must be used for businesses with less than 5,000 square feet of tenant gross floor area each. The tenant space must be located at street level, and the façade and customer entrance must front a public or private street. A secondary entrance accessing the primary retail use is prohibited. At least 50 percent of the additional tenant space(s) must be located along the façade where the primary active customer entrance for the largest single retail use is located. The Planning Board may waive this requirement if it finds that a satisfactory site design can otherwise assist in activating pedestrian traffic along the public or private street.

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(4) All sides of a building that front an abutting public right-of-way must have at least one active retail, residential, or office entrance.



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(5) Areas for storage, truck parking, trash collection or compaction and loading must be screened from public rights-of-way.

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(6) Variations in rooflines must be used when possible. Full architectural parapets or equivalent features must be used around the entire building to conceal rooftop mechanical equipment.

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(7) The total of any residential floor area and any office floor area must be equal to or greater than the gross floor area designed for a single large retail user. At least 50 percent of the gross floor area of the non-retail component must be located above the street level retail footprint.

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59-C-4.5(c)(7)

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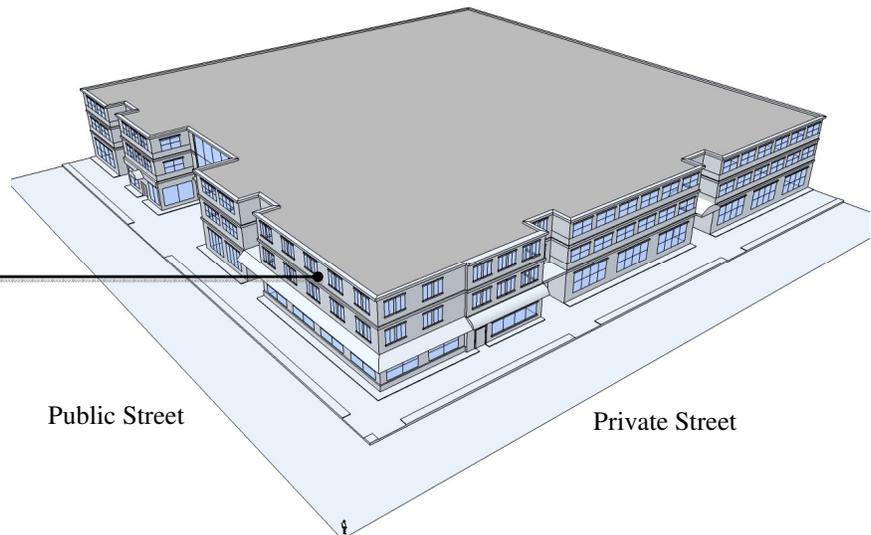
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(8) Parking facilities designed for a large retail user, excluding access driveways, must be located below-grade or in a structure behind or within the primary building. The Planning Board may waive the location requirement if it finds that a satisfactory site design can be

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201 achieved to screen parked vehicles from view along any public or
202 private street.

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

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208 This is a correct copy of Council action.

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211 Linda M. Lauer, Clerk of the Council

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