

Zoning Text Amendment No: 12-02  
Concerning: Commercial Zones -  
Combination Retail Stores  
Draft No. & Date: 1 – 1/23/12  
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**

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By: Councilmembers Ervin, Navarro, Elrich, and Riemer

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- amending defining the term “combination retail store”;
- amending the required findings for a combination retail use special exception; and
- generally amending the provisions for a combination retail store.

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-G-2 “SPECIAL EXCEPTIONS—STANDARDS AND  
REQUIREMENTS”  
Section 59-C-2.15 “Combination Retail Store”

*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   **59-A-2.1 Definitions.**

4   \* \* \*

5   **Combination retail store:** A department or retail store that exceeds [120,000]  
 6   50,000 square feet and that includes a pharmacy and a full line grocery store. [A  
 7   club or membership store that charges a membership or access fee and sells  
 8   primarily bulk merchandise is not a combination retail store.]

9   \* \* \*

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

11   DIVISION 59-C-4. COMMERCIAL ZONES.

12   \* \* \*

13   **59-C-4.2. Land uses.**

14   \* \* \*

	C-T	O-M	C-O	C-P	C -1	C-2	C-3	C-4	C-5	C-6	H-M	Country Inn
(d) Commercial:												
* * *												
Combination retail store. <sup>61</sup>						<u>P/SE*</u>	<u>P/SE*</u>	<u>P/SE*</u>				

15   \* \* \*

16   <sup>61</sup> Any combination retail store in existence before [November 29, 2004] April 1,  
 17   2012 is a conforming use and may continue [in accordance with] under the  
 18   standards in effect before November 29, 2004. Any reconstruction or enlargement  
 19   of a combination retail store in existence before [November 29, 2004] April 1,  
 20   2012 must comply with the standards in effect after [November 29, 2004] April 1,  
 21   2012.

22 \* Except in a regional mall as defined in Section 59-A-2.1, a combination retail  
23 store that is located further than one half mile from a metro station must be  
24 approved as a special exception under Section 59-G-2.15.

25 \* \* \*

26 **Sec. 2. DIVISION 59-G-2 is amended as follows:**

27 DIVISION 59-G-2. SPECIAL EXEPTIONS – STANDARDS AND  
28 REQUIREMENTS.

29 \* \* \*

30 **USE** **SECTION**

31 \* \* \*

32 **59-G-2.15. Combination Retail Store.**

33 A special exception for a combination retail store may be granted, subject to the  
34 following requirements:

35 (a) The building must be designed in a way that reduces the [buildings]  
36 building's massive scale and contributes to its visual interest. Long building  
37 walls should be [broken-up] broken up with projections or recessions or  
38 other effective treatments that improve building design.

39 (b) Parking areas must provide safe, convenient, and efficient access, and must  
40 be landscaped to define vehicular drives and pedestrian areas.

41 (c) The site must have direct vehicular access to an existing arterial or major  
42 highway, and the streets and roads adjoining the site must be adequate to  
43 accommodate the increased traffic generated. The applicant must provide a  
44 traffic impact study to demonstrate that acceptable peak hour levels of  
45 service will result after taking into account existing and programmed  
46 roads[,] and any improvements to be provided by the applicant.

47 (d) The site must be screened from any abutting residentially zoned property by  
48 the natural terrain or by a solid wall or fence, not less than five feet in

49 height, together with a three-foot wide planting strip on the outside of the  
50 wall or fence, planted in shrubs and evergreens three feet high at the time of  
51 the original planting.

52 (e) Product displays, parked vehicles, and other obstructions that reduce  
53 visibility at intersections or at entrances and exits to and from the site are not  
54 permitted.

55 (f) Lighting must not reflect, or cause glare, on any property located in a  
56 residential zone. Any light source on the site may not increase the light on a  
57 residentially zoned property by more than .1 footcandle.

58 (g) The proposed combined retail store must be consistent with land use  
59 recommendations and the neighborhood vision in the applicable master plan  
60 or sector plan.

61 (h) If the proposed combined retail store would require the demolition of  
62 existing retail space, then 20 percent of the total gross floor area of the  
63 proposed project must be used for businesses with less than 5,000 square  
64 feet of tenant gross floor area each. The tenant space must be located at  
65 street level, and the façade and customer entrance must front a public or  
66 private street. A secondary entrance accessing the primary retail use is  
67 prohibited.

68 \* \* \*

69 **Sec. 3. Effective date.** This ordinance becomes effective 20 days after the  
70 date of Council adoption.

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72 This is a correct copy of Council action.

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75 Linda M. Lauer, Clerk of the Council