



**Committee:** PHP  
**Committee Review:** Completed  
**Staff:** Livhu Ndou, Senior Legislative Attorney  
**Purpose:** Final action – vote expected

AGENDA ITEM #4D  
December 9, 2025  
**Action**

## SUBJECT

Zoning Text Amendment (ZTA) 25-13, Omnibus – Revisions, Clarifications, and Corrections

Lead Sponsors: Council President Fani-González and Councilmember Friedson

## EXPECTED ATTENDEES

- Atul Sharma, Chief – Design, Placemaking, and Policy, Montgomery County Planning Department
- Lisa Govoni, Supervisor – Design, Placemaking, and Policy, Montgomery County Planning Department
- Benjamin Berbert, Planner III – Design, Placemaking, and Policy, Montgomery County Planning Department
- Ehsan Motazed, Deputy Director, Department of Permitting Services (DPS)
- Victor Salazar, Division Chief – Zoning and Code Compliance, DPS
- Patricia Wolford, Manager – Zoning and Code Compliance, DPS

## COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

The Planning, Housing, and Parks (PHP) Committee unanimously recommends approval of ZTA 25-13 with amendments.

## DESCRIPTION/ISSUE

ZTA 25-13 will make several technical, clarifying, and other amendments to the Zoning Ordinance, such as:

- amending the height restrictions for a regional shopping center in the RSC Overlay Zone;
- placing a gross floor area cap on household living in the Employment zones;
- clarifying the gross floor area cap on non-residential uses for Commercial to Residential Reconstruction;
- clarifying the applicable conditional use standards for Townhouse Living;
- require setbacks for limited outdoor storage of items such as vehicles and boats; and
- correcting outdated cross-references to expedited approval plans.

## SUMMARY OF KEY DISCUSSION POINTS

- Under the current Zoning Ordinance, regional shopping centers in the Regional Shopping Center (RSC) Overlay Zone with a gross leasable area that is greater than or will be greater than 1,200,000 square feet may increase building height for a theater complex, hotel or motel, apartment building or multi-use building with residential use, or a freestanding building for retail

sales and service, structured parking, or health clubs and facilities. ZTA 25-13 will remove the restriction that a regional shopping center in the RSC Overlay Zone must have a gross leasable area that is greater than or will be greater than 1,200,000 square feet to increase building height for those listed uses. A regional shopping center is defined as being 600,000 square feet, so compatibility will be retained while allowing for more flexible development.

- ZTA 25-13 will place a gross floor area cap of 30% on household living uses in the Employment zones (GR, NR, and EOF) to preserve existing retail spaces.
- ZTA 25-13 will add the phrase “notwithstanding [Section 4.1.3.D](#)” to the gross floor area language for the Commercial to Residential Reconstruction use. This will clarify that the decision the Council made to allow up to 30% of the gross floor area on the subject site as non-residential for office-to-residential conversions supersedes the language in the apartment building definition that says “An apartment may contain up to 10% of the gross floor area as Retail/Service Establishment uses, otherwise it is a multi use building.”
- ZTA 25-13 will clarify that for Townhouse Living in the residential detached zones, an applicant may choose between either the Design for Life standards or the standards from [ZTA 24-01, Household Living – Civic and Institutional Uses](#), which allowed Multi-Unit Living and Townhouse Living on properties with a Religious Assembly or Educational Institution (Private) use in certain zones.
- ZTA 25-13 will require large items such as vehicles and boats to comply with the accessory structure setbacks of the underlying zone, to create a buffer for neighboring properties.
- ZTA 25-13 will correct outdated references to expedited approval plans by removing references to Section 7.3.7, [which no longer exists](#).
- The Planning, Housing, and Parks (PHP) Committee recommended approval with several amendments, including: 1) adding additional cross-references to the Commercial to Residential Reconstruction amendment, 2) clarifying the accessory structure setback for limited outdoor storage, 3) clarifying that the limited outdoor storage requirement applies to personal property on private residential property, and 4) clarifying the requirements for the parking of vehicles versus bulk items.
- Councilmember Jawando proposes an amendment to remove the language regarding the limited outdoor storage of vehicles and bulk items.

**This report contains:**

|   |            |
|---|------------|
| Staff Memorandum                                | Pages 1-12 |
| ZTA 25-13, as amended                           | © 1        |
| Planning Board Recommendation                   | © 13       |
| Planning Staff Memorandum                       | © 16       |
| Climate Assessment                              | © 26       |
| Racial Equity & Social Justice Impact Statement | © 32       |
| County Executive Memorandum                     | © 36       |
| Councilmember Jawando Letter                    | © 41       |

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## **M E M O R A N D U M**

December 4, 2025

TO: District Council

FROM: Livhu Ndou, Senior Legislative Attorney

SUBJECT: Zoning Text Amendment (ZTA) 25-13, Omnibus – Revisions, Clarifications, and Corrections

PURPOSE: Action

### **EXPECTED ATTENDEES**

- Atul Sharma, Chief – Design, Placemaking, and Policy, Montgomery County Planning Department
- Lisa Govoni, Supervisor – Design, Placemaking, and Policy, Montgomery County Planning Department
- Benjamin Berbert, Planner III – Design, Placemaking, and Policy, Montgomery County Planning Department
- Ehsan Motazedi, Deputy Director, Department of Permitting Services (DPS)
- Victor Salazar, Division Chief – Zoning and Code Compliance, DPS
- Patricia Wolford, Manager – Zoning and Code Compliance, DPS

### **INTRODUCTION**

Zoning Text Amendment (ZTA) 25-13, Omnibus – Revisions, Clarifications, and Corrections, Lead Sponsors Council President Fani-González and Councilmember Friedson, was introduced on October 14, 2025. ZTA 25-13 will make several technical, clarifying, and other amendments to the Zoning Ordinance, including: amending the height restrictions for a regional shopping center in the RSC Overlay Zone; placing a gross floor area cap on household living in the Employment zones; clarifying the gross floor area cap on non-residential uses for Commercial to Residential Reconstruction; clarifying the applicable conditional use standards for Townhouse Living; requiring setbacks for limited outdoor storage of items such as vehicles and boats; and correcting outdated cross-references to expedited approval plans.

## **PUBLIC HEARING**

A public hearing was held on November 18, 2025. The Council also received written testimony.<sup>1</sup> The Planning Board testified in support of the majority of the ZTA but expressed concerns about changes regarding vehicle and boat storage and parking. The Sierra Club Montgomery County Group testified and submitted written testimony, asking to add an amendment that would make public utility buildings a conditional use in all Commercial/Residential zones.<sup>2</sup> Selzer Gurvitch, a law firm, submitted written testimony requesting an amendment to increase the 30% gross floor area cap on household living uses in the Employment Zones to 50%. The letter argues that reinstatement of the 30% gross floor area cap “will not provide shopping centers with excess surface parking facilities the necessary flexibility and opportunity to accommodate infill housing.”

The County Executive submitted a letter to the PHP Committee on November 25, 2025. The letter requests that the ZTA provisions with “significant operational changes” be removed from ZTA 25-13 and addressed separately. First, the County Executive requested removal of the amendment to the RSC Overlay Zone, as DPS expressed that it “might raise compatibility concerns about new height allowances for medium-sized shopping centers.” Second, the County Executive requested an amendment that would remove language allowing up to 30% non-residential gross floor area for the Commercial-to-Residential Reconstruction instead of the 10% currently allowed for all residential properties. Third, the County Executive recommended removing the amendment that would set a 30% cap on household living in the Employment Zones.<sup>3</sup> The County Executive supported language in ZTA 25-13 amending the Limited Outdoor Storage use, but noted that DPS believes the amendments proposed by Planning Board are unnecessary from an enforcement standpoint.

## **SUMMARY OF IMPACT STATEMENTS**

### **RESJ Impact Statement**

The Office of Legislative Oversight (OLO) provided a Racial Equity and Social Justice (RESJ) Impact Statement on October 31, 2025. OLO found that the racial equity and social justice impact of ZTA 25-13 is indeterminate because “several factors are unknown to determine how proposed policy changes in the ZTA will impact RESJ in the County.” OLO found that the RESJ impacts of allowing regional shopping centers to increase building heights for certain uses regardless of their leasable square footage are unknown but noted that the impacted malls “likely have predominantly White ownership.” OLO found that the RESJ impact of reinstating a 30% gross floor area cap on housing for development projects in certain employment zones is indeterminant because while it would “make it more difficult to make housing developments large enough to require moderately

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<sup>1</sup> Written testimony can be found here:

<https://www.montgomerycountymd.gov/COUNCIL/OnDemand/testimony/20251118/item4.html>.

<sup>2</sup> This requested amendment is outside the scope of ZTA 25-13 as advertised. Therefore, this concern would need to be addressed in a separate ZTA.

<sup>3</sup> While the County Executive’s memorandum notes that this cap did not exist before, this cap existed prior to adoption of [ZTA 25-03, Expedited Approvals – Commercial to Residential Reconstruction](#) (see lines 348-353).

priced dwelling units (MPDUs),” it could “benefit existing businesses in impacted employment zones by preventing redevelopment that could increase their rents or eliminate their business spaces entirely.” Lastly, OLO found that creating storage requirements for large items would burden community members who have large items, but that “BIPOC community members are less likely to have the resources to own large items such as boats, RVs, and portable storage units.”

### **Planning Board Recommendation**

On November 6, 2025, the Planning Board recommended approval of ZTA 25-13 with amendments. The Board supported the technical and clarifying amendments, as well as changes to the RSC Overlay Zone and limits to residential uses in the Employment Zones. However, the Board noted that it was “not sure that applying structure setbacks to items that are properly registered and on wheels is the appropriate enforcement mechanism”, and recommended clarifying that the changes apply to personal property and on residential properties, and that restrictions on licensed and registered vehicles be removed.

### **Climate Assessment**

The Planning Board reviewed the Climate Assessment and found some minor positive impacts but overall more negative impacts. The Board found “limited minor positive impacts due to the removal of the gross leasable area requirement for regional shopping centers before being allowed to increase building heights for specific uses”; “negative impacts anticipated with the amendment requiring the outdoor storage of large items within the accessory structure setbacks, because many property owners have limited areas to store items on their properties without creating more pavement to avoid the setbacks”; and slight negative impacts “caused by the decrease in housing opportunities in employment zones, as the 30% cap on housing in these zones will limit the potential for sustainable mixed-use development.”

### **DISCUSSION**

ZTA 25-13 has been referred to as an omnibus zoning text amendment (ZTA). An omnibus generally refers to a law that covers several different, and possibly unrelated, topics. The Council has also done “technical corrections” bills and ZTAs. The difference between ZTA 25-13 and those technical measures is a technical corrections ZTA will make typographical, formatting, and other proofreading changes to various sections of the Zoning Ordinance. But ZTA 25-13, a broader omnibus, includes both technical and operational changes. The zoning ordinance requirements are met because the ZTA is consistent with the procedural requirements for notice and public hearing. ZTA 25-13 contains the following provisions, which the PHP Committee did not recommend amending:

## **1. Height restrictions for a Regional Shopping Center in the Regional Shopping Center (RSC) Overlay Zone**

Under the current Zoning Ordinance, regional shopping centers in the Regional Shopping Center (RSC) Overlay Zone with a gross leasable area that is greater than or will be greater than 1,200,000 square feet may increase building height for certain uses as follows:<sup>4</sup>

- 90 feet for a building that includes a theater complex;
- 150 feet for a Hotel, Motel;
- 150 feet for an apartment building or a multi-use building with residential use; and
- 90 feet for a free-standing building for any of the following uses or uses within the following use categories:
  - Retail Sales and Service;
  - Structured Parking; or
  - Health Clubs and Facilities.

ZTA 25-13 will remove the restriction that a regional shopping center in the RSC Overlay Zone must have a gross leasable area that is greater than or will be greater than 1,200,000 square feet to increase building height for those listed uses. The Zoning Ordinance defines a regional shopping center as “[a] shopping center with a minimum of 600,000 gross leasable square feet and a minimum of 50 separate tenants.” So, while the 1.2 million square foot threshold is removed under this ZTA, a development will still need to have a large footprint and meet the definition of a shopping center to achieve the additional height.

## **2. Gross floor area cap on household living in the Employment zones**

ZTA 25-13 will place a gross floor area cap of 30% on household living uses in the Employment zones. The Employment zones are: General Retail (GR), Neighborhood Retail (NR), Life Sciences Center (LSC), and Employment Office (EOF).<sup>5</sup> This cap existed before the passage of [ZTA 25-03, Expedited Approvals – Commercial to Residential Reconstruction](#). Given concerns about the preservation of existing retail spaces, ZTA 25-13 would restore the original 30% gross floor area cap, effectively limiting the amount of residential use in a standard method development project in the Employment zones.<sup>6</sup> The household living uses in the Zoning Ordinance are: Single-Unit Living, Two-Unit Living, Townhouse Living, and Multi-Unit Living.

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<sup>4</sup> The RSC Overlay Zone includes two properties: Westfield Montgomery and Westfield Wheaton.

<sup>5</sup> The text of ZTA 25-13 does not include the LSC zone because it already specifies “Gross floor area of all Household Living uses is limited to 30% of the maximum allowed FAR mapped on the subject site.”

<sup>6</sup> Of the Employment zones, only the LSC and EOF zone allow development under optional method. Under optional method development, in the EOF zone, gross floor area of all Household Living uses is limited to 30% of the gross floor area on the subject site; and in the LSC zone, gross floor area of all Household Living uses is limited to 30% of the maximum allowed FAR mapped on the subject site. Gross floor area is the total horizontal area of all floors in a building, while floor area ratio (FAR) is the ratio between gross floor area of all buildings on a tract divided by the area of the tract. Tract is defined in the Zoning Ordinance as “a contiguous area of land, including all proposed and existing rights-of-way, lots, parcels, and other land dedicated by the owner or a predecessor in title.”

### **3. Conditional use standards for Townhouse Living**

[ZTA 24-01, Household Living – Civic and Institutional Uses](#), allowed Multi-Unit Living and Townhouse Living on properties with a Religious Assembly or Educational Institution (Private) use in certain zones. Under the current Zoning Ordinance, for Townhouse Living the Hearing Examiner must apply Design for Life standards in the RE-1, R-200, R-90, and R-60 zones, and must apply the ZTA 24-01 standards in Residential Detached zones.<sup>7</sup> The RE-1, R-200, R-90, and R-60 zones are listed under Residential Detached zones in the use table, therefore there could be a misinterpretation that the Hearing Examiner must apply both sets of standards. ZTA 25-13 will clarify that for Townhouse Living in the residential detached zones, an applicant may choose between either the Design for Life standards or the standards from ZTA 24-01. ZTA 25-13 does not make any changes to the requirements, other than allowing an applicant to choose which set of standards they wish to apply.

### **4. References to expedited approval plans**

ZTA 25-13 will correct outdated references to expedited approval plans by removing references to Section 7.3.7. That section was previously for the Mixed-Income Housing Community Plan. However, under [ZTA 25-03, Expedited Approvals – Commercial to Residential Reconstruction](#), all expedited approval plans were consolidated into [Section 7.3.5](#). With the consolidation of Sections 7.3.5. through Section 7.3.7., Section 7.3.7. no longer exists.

### **COMMITTEE RECOMMENDATIONS**

The Planning, Housing, and Parks (PHP) Committee held a worksession on December 1, 2025. The PHP Committee unanimously recommended approval of ZTA 25-13 with amendments. Those amendments include:

#### **1. Gross floor area cap on non-residential uses for Commercial to Residential Reconstruction**

A Commercial to Residential Reconstruction under [Section 3.3.2.B](#) requires development to be in either the Apartment Building type or a Townhouse Building type. Further, a Commercial to Residential Reconstruction under Section 3.3.2. states “Gross floor area of all non-residential uses is limited to 30% of the gross floor area on the subject site.” However, the definition of an Apartment Building under [Section 4.1.3.D](#), of the Zoning Ordinance states it “may contain up to 10% of the gross floor area as Retail/Service Establishment uses, otherwise it is a multi use building.” Since non-residential uses include Retail/Service Establishment uses, these two provisions are in conflict. Therefore, ZTA 25-13 will add the phrase “notwithstanding Section 4.1.3.D” to the gross floor area language for the Commercial to Residential Reconstruction use. This will clarify that the decision the Council made to allow up to 30% of the gross floor area on the subject site as non-residential for [Commercial to Residential Reconstruction](#) supersedes the language in the apartment building definition.

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<sup>7</sup> “Design for Life” refers to communities that include accessibility features. These changes were made under [ZTA 15-02, Townhouse Living – Design for Life](#).



***Recommended Amendment:***

ZTA 25-13 adds the phrase “notwithstanding Section 4.1.3.D” to the gross floor area language for the Commercial to Residential Reconstruction use to clarify that up to 30% of the gross floor area on the subject site may be non-residential despite the building type restriction of 10%. As noted above, ZTA 25-13 also adds a cap on household living uses in the Employment zones. The PHP Committee recommends amending ZTA 25-13 to add these conflicting sections as well. The referenced sections include:

- [Section 3.3.1.D.2.a.iv](#), limiting the gross floor area of all Household Living uses to 30% of the gross floor area on the subject site in the Employment zones for Townhouse Living;
- [Section 3.3.1.E.2.a.i](#), limiting the gross floor area of all Household Living uses to 30% of the gross floor area on the subject site in the Employment zones for Multi-Unit Living; and
- [Sections 4.6.3.C.2.a](#) and [Section 4.6.3.E.2.a](#), limiting gross floor area of all Household Living uses to 30% of the gross floor area on the subject site under standard method development in the Employment zones.

**Section 3.3.2. Group Living**

\* \* \*

**B. Commercial to Residential Reconstruction**

\* \* \*

**3. Use Standards**

\* \* \*

- d. Notwithstanding [Section] Sections 3.3.1.D.2.a.iv, 3.3.1.E.2.a.i., 4.1.3.D, 4.6.3.C.2.a., and 4.6.3.E.2.a, gross [Gross] floor area of all non-residential uses is limited to 30% of the gross floor area on the subject site.

**2. Outdoor storage of bulk items such as boats**

ZTA 25-13 will require large items such as vehicle attachments and boats to be stored consistent with the accessory structure setbacks of the underlying zone, to create a buffer for neighboring properties. Specifically, ZTA 25-13 includes “outdoor storage of a licensed, unlicensed, registered, or unregistered vehicle or bulk item such as a boat with any kind of primary or auxiliary mechanical propulsion, recreational vehicle, portable storage unit, motor home, travel or camping trailers, campers, or non-freight trailers” under Limited Outdoor Storage; and “if no applicable plan is required, the permitted storage area must be within the accessory structure setbacks for standard method development in the underlying zone and the permitted storage area must be located behind the rear building line of the principal building.”

This language includes many different types of bulk items. Example images of some of those items are below:





The Zoning Ordinance defines a “Recreational Vehicle” as “a licensed and registered vehicle that is used for the leisure of the operator and guests and not used as an office or contain an entry for transactions. Recreation vehicle includes: 1. motor homes; 2. travel trailers; 3. campers or camping trailers including truck inserts and collapsible units; or 4. non-freight trailers as defined by the Maryland Motor Vehicle Administration, used to transport other leisure equipment such as a boat, horse, motorcycle, show car, race car, snowmobile, or bicycle.” The intent of the ZTA is that, for example, in the R-60 zone a property owner may have 1 light commercial vehicle and 1 recreational vehicle, or 2 light commercial vehicles. Since a boat or other trailer may be attached to a recreational vehicle by definition, if it is not attached to the recreational vehicle, it will need to comply with the amended Limited Outdoor Storage provisions. This will mean that such items must be placed at least 5 feet from the neighboring property line, if not attached to a recreational



vehicle in the driveway. If a bulk item is attached to a recreational vehicle, the limit will be only 1 and in accordance with parking requirements, such as being on a paved surface such as a driveway.

### ***Recommended Amendments:***

The PHP made several recommended amendments to the Limited Outdoor Storage and Parking requirements.

- a) The PHP Committee recommended a clarifying amendment to say that storage “must comply with” the accessory structure setback, not be “within” the accessory structure setbacks. This is to clarify what side of the setback line the storage must be.
- b) The Planning Board expressed concern that the Limited Outdoor Storage section applies to commercial uses. Limited Outdoor Storage is not its own use in the use table and so is not listed under commercial. Nor does the section state that it only applies to commercial uses. However, [Section 6.6.2.](#) states that Division 6.6. applies to “any site where merchandise, material, or equipment is displayed or stored outside of a completely enclosed building.” Of note, the County Executive memorandum noted that the clarifying amendment regarding “on private residential property” is unnecessary for enforcement. The PHP Committee recommended that the applicability of the section be expanded to include personal property, and that the ZTA language about bulk items specify storage on private residential property.
- c) DPS recommended amendments to clarify that DHCA authority over hazardous waste and unused vehicles not be impacted. DHCA considers “unused” vehicles such as boats that are stored outside for over 30 days solid waste. This authority is governed by [Section 48-24A](#) and [Section 26-9\(a\)\(13\)](#) of the County Code. This means that an inoperable boat would receive a solid waste violation and removal would be required, regardless of whether it is stored in the driveway or in the rear or front yard. Inoperability is a subjective determination, based on evidence such as holes in the hull, rust, neglect, broken windows, mold, or an inoperable motor. Further, according to DPS guidance, vehicles in the front yard must be parked on a surfaced area. Temporary, short-term parking is permitted on unpaved areas in the side and rear yard. Lastly, if a vehicle is parked on the grass and causes damage to the grassy area, then it becomes a violation regardless of where it is parked, side or rear yard.<sup>8</sup>

The PHP Committee recommended adding a citation to DHCA authority and removing language about whether a vehicle is licensed or registered. Further, the PHP Committee recommended removing “portable storage unit” from the list of bulk items, since they are treated as accessory structures with separate standards. Lastly, Planning Staff recommended adding language that personal vehicles are not included in this subsection. The Committee unanimously recommended the amendment but requested Council Staff confirm with DHCA that this language would not cause enforcement issues. DHCA has confirmed that the language as amended is acceptable.

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<sup>8</sup> <https://www.montgomerycountymd.gov/goodneighbors/>;  
<https://montgomerycountymd.gov/goodneighbors/resources/files/faqs.pdf>

- d) The Planning Board expressed concern that the proposed changes to Limited Outdoor Storage are too broad, because they could require the storage of licensed and registered vehicles to comply with the accessory structure setbacks. And on smaller lots, parking in the driveway could violate that setback. Of note, DPS – the enforcing agency for this section – reported that additional amendment was unnecessary because as written the language would not be interpreted that way. The PHP Committee recommended an amendment to clarify that the property owner may either comply with the parking requirements of [Section 6.2.5.L](#), which lists the parking requirements for commercial and recreational vehicle parking, or of [Section 6.6.3.B](#), Outdoor Storage.

The sum total of the language as amended by the Committee reads (see next page):

## **Division 6.2. Parking, Queuing, and Loading**

\* \* \*

### **Section 6.2.2. Applicability**

- A. Under Division 6.2, any use must provide off-street parking that permits a vehicle to enter and exit the property. Any change in floor area, capacity, use, or parking design requires recalculation of the parking requirement under Division 6.2, and may be subject to a payment under Chapter 60. The parking ratios of Division 6.2 do not apply to any:
1. structure on the National Register of Historic Places; or
  2. expansion or cumulative expansions of less than 500 square feet in gross floor area or impervious cover.
- B. An applicant must not reduce the area of an existing off-street parking facility below the minimum number of parking spaces required under Division 6.2 unless a parking waiver under Section 6.2.10 is approved.
- C. Any use with off-street parking that does not comply with Division 6.2 must comply with the Limited Outdoor Storage requirements of Section 6.6.3.B.1.

\* \* \*

### **Sec. 8. DIVISION 59-6.6 is amended as follows:**

\* \* \*

## **Division 6.6. Outdoor Display and Storage**

\* \* \*

### **Section 6.6.2. Applicability**

- A. Division 6.6 applies to any site where merchandise, material, ~~[[or]] equipment, or personal property~~ is displayed or stored outside of a completely enclosed building.

\* \* \*

### **Section 6.6.3. Design Standards**

\* \* \*

#### **B. Outdoor Storage**

##### **1. Limited Outdoor Storage**

###### **a. Defined**

Limited outdoor storage includes:

- i. overnight outdoor storage of any vehicle awaiting repair;
- ii. outdoor storage of merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers;
- iii. outdoor sales area for building supplies, garden supplies, or plants;
- iv. outdoor storage of fleet vehicles; [and]
- v. outdoor storage of any vehicle, boat, recreational vehicle, or other similar vehicle at a storage facility[.]; and
- vi. legal outdoor storage, as defined in Chapter 26, on private residential property, of a [[licensed, unlicensed, registered, or unregistered]] vehicle or bulk item such as a boat with any kind of primary or auxiliary mechanical propulsion, recreational vehicle, [[portable storage unit,]] motor home, travel or camping trailers, campers, or non-freight trailers[[.]]; not including personal vehicles.

###### **b. Standards**

- i. Limited outdoor storage is allowed when it is accessory to an allowed use if the deciding body approves the applicable plan illustrating the extent of the permitted area for limited outdoor storage. If no applicable plan is required, the permitted storage area must [[be within]] comply with the accessory structure setbacks for standard method development in the underlying zone and the permitted storage area must be located behind the rear building line of the principal building.
- ii. Limited outdoor storage must satisfy the standards of the zone or the use.

## ADDITIONAL AMENDMENT

On December 4, 2025, Councilmember Jawando submitted a letter requesting removal of the language regarding Limited Outdoor Storage. This amendment would remove the entire section of language shown on page 11 of this staff report from ZTA 25-13. As noted in the letter and at the Committee worksession, Councilmember Jawando has expressed concern that adding additional requirements for the storage of the listed bulk items will be “overly burdensome on small business owners who may use trailers for their work or on residents who use trailers to store bikes or other sports equipment and only hitch such trailers to their vehicles for weekend or occasional outings.” The letter notes climate concerns regarding the potential lengthening of driveways as well as the costs to homeowners.

### This packet contains:

|   |      |
|---|------|
| ZTA 25-13, as amended                           | © 1  |
| Planning Board Recommendation                   | © 13 |
| Planning Staff Memorandum                       | © 16 |
| Climate Assessment                              | © 26 |
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| County Executive Memorandum                     | © 36 |
| Councilmember Jawando Letter                    | © 41 |

Ordinance No.: \_\_\_\_\_  
Zoning Text Amendment No.: 25-13  
Concerning: Omnibus – Revisions,  
Clarifications, and  
Corrections  
Revised: 12/3/2025 Draft No.: 2  
Introduced: October 14, 2025  
Public Hearing: \_\_\_\_\_  
Adopted: \_\_\_\_\_  
Effective: \_\_\_\_\_

**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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Lead Sponsor: Council President Fani-González and Councilmember Friedson

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

- (1) amend the height restrictions for a regional shopping center in the RSC Overlay Zone;
- (2) place a gross floor area cap on household living in the Employment zones;
- (3) clarify the gross floor area cap on non-residential uses for Commercial to Residential Reconstruction;
- (4) clarify the applicable conditional use standards for Townhouse Living;
- (5) require accessory structure setbacks for limited outdoor storage of items such as vehicles and boats;
- (6) correct outdated cross-references to expedited approval plans; and
- (7) generally correct technical, typographical, grammatical, reference, and codification errors in, and make stylistic, clarifying, and conforming amendments to, various provisions of the zoning ordinance.

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

|                |                                      |
|----------------|--------------------------------------|
| Division 1.4.  | “Defined Terms”                      |
| Section 1.4.2. | “Specific Terms and Phrases Defined” |
| Division 3.3.  | “Residential Uses”                   |
| Section 3.3.1. | “Household Living”                   |
| Section 3.3.2. | “Group Living”                       |
| Section 3.3.4. | “Mixed Income Housing Community”     |
| Division 4.4.  | “Residential Zones”                  |
| Section 4.4.2. | “Optional Method Development”        |



|                       |   |
|-----------------------|---|
| Division 4.5.         | “Commercial/Residential Zones”                |
| Section 4.5.4.        | “Optional Method Development”                 |
| Division 4.6.         | “Employment Zones”                            |
| Section 4.6.3.        | “Standard Method Development”                 |
| Section 4.6.4.        | “Optional Method Development”                 |
| Division 4.9.         | “Overlay Zones”                               |
| Section 4.9.14.       | “Regional Shopping Center (RSC) Overlay Zone” |
| <u>Division 6.2.</u>  | <u>“Parking, Queuing, and Loading”</u>        |
| <u>Section 6.2.2.</u> | <u>“Applicability”</u>                        |
| Division 6.6.         | “Outdoor Display and Storage”                 |
| Section 6.6.3.        | “Design Standards”                            |

**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.*

*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 59-1.4 is amended as follows:**

**Division 1.4. Defined Terms**

\* \* \*

**Section 1.4.2. Specific Terms and Phrases Defined**

\* \* \*

**Regional Shopping Center:** A shopping center with a minimum of 600,000 gross leasable square feet and a minimum of 50 separate tenants.

\* \* \*

**Sec. 2. DIVISION 59-3.3 is amended as follows:**

**Division 3.3. Residential Uses**

\* \* \*

**Section 3.3.1. Household Living**

\* \* \*

**D. Townhouse Living**

\* \* \*

**2. Use Standards**

\* \* \*

- b. Where Townhouse Living is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the standards of either Section 3.3.1.D.2.b.i. or Section 3.3.1.D.2.b.ii. [following standards:]

\* \* \*

**Section 3.3.2. Group Living**

\* \* \*

**B. Commercial to Residential Reconstruction**

\* \* \*

**3. Use Standards**

\* \* \*

- d. Notwithstanding [[Section]] Sections 3.3.1.D.2.a.iv,  
3.3.1.E.2.a.i., 4.1.3.D, 4.6.3.C.2.a., and 4.6.3.E.2.a, gross  
[Gross] floor area of all non-residential uses is limited to 30%  
of the gross floor area on the subject site.

\* \* \*

#### **Section 3.3.4. Mixed Income Housing Community**

\* \* \*

#### **B. Exemptions**

1. A sketch plan and a site plan are not required for a Mixed-Income Housing Community if the Planning Board approves a Mixed-Income Housing Community plan under Section [7.3.7] 7.3.5.A.2.c.

\* \* \*

### **Sec. 3. DIVISION 59-4.4 is amended as follows:**

#### **Division 4.4. Residential Zones**

\* \* \*

#### **Section 4.4.2. Optional Method Development**

The RE-2C, RE-1, R-200, R-90, and R-60 zone allow development under optional method MPDU Development and optional method Cluster Development. The R-40, TLD, TMD, THD, R-30, R-20, and R-10 zone allow development under optional method MPDU Development.

#### **A. Optional Method MPDU Development**

This optional method of development is permitted where moderately priced dwelling units (MPDUs) are included in a development above the minimum required by Chapter 25A, to facilitate the construction of those units. Optional method MPDU Development allows additional building types and provides more flexibility for certain dimensional standards.

**1. Development Approval Procedure**

Site plan approval under Section 7.3.4 is required unless an expedited approval plan is approved under Section 7.3.5. [a Mixed-Income Housing Community plan is approved under Section 7.3.7].

\* \* \*

**Sec. 4. DIVISION 59-4.5 is amended as follows:**

**Division 4.5. Commercial/Residential Zones**

\* \* \*

**Section 4.5.4. Optional Method Development**

The CRT and CR zones allow development under the optional method.

**A. General Requirements**

**1. Procedure for Approval**

A sketch plan must be approved under Section 7.3.3, unless an expedited approval plan is approved under Section 7.3.5[, or a Mixed-Income Housing Community plan is approved under Section 7.3.7]. A site plan must be approved under Section 7.3.4 for any development on a property with an approved sketch plan.

\* \* \*

**Sec. 5. DIVISION 59-4.6 is amended as follows:**

**Division 4.6. Employment Zones**

\* \* \*

**Section 4.6.3. Standard Method Development**

The GR, NR, LSC, and EOF zones allow standard method development under the following limitations and requirements.

\* \* \*

**C. GR and NR Zones, Standard Method Development Standards**

|   |  |   |   |   |
|---|--|---|---|---|
|   |  | * | * | * |
| <b>2. Lot and Density</b>   |  |   |   |   |
|   |  | * | * | * |
| <b><u>Specification for Density</u></b>   |  |   |   |   |
| <b><u>a. Gross floor area of all Household Living uses is limited to 30% of the gross floor area on the subject site.</u></b> |  |   |   |   |

82

\* \* \*

83 **E. EOF Zone, Standard Method Development Standards**

84

|   |  |   |   |   |
|---|--|---|---|---|
|   |  | * | * | * |
| <b>2. Lot and Density</b>   |  |   |   |   |
|   |  | * | * | * |
| <b><u>Specification for Density</u></b>   |  |   |   |   |
| <b><u>a. Gross floor area of all Household Living uses is limited to 30% of the gross floor area on the subject site.</u></b> |  |   |   |   |

85

\* \* \*

86 **Section 4.6.4. Optional Method Development**

87 The LSC and EOF zones allow development under the optional method.

88 **A. General Requirements**

89 **1. Procedure for Approval**

90 A sketch plan must be approved under Section 7.3.3, unless [a Signature  
91 Business Headquarters plan is approved under Section 7.3.5,] an expedited  
92 approval plan is approved under Section 7.3.5[, or a Mixed-Income Housing  
93 Community plan is approved under Section 7.3.7]. A site plan must be  
94 approved under Section 7.3.4 for any development on a property with an  
95 approved sketch plan.

96

\* \* \*

97 **Sec. 6. DIVISION 59-4.9 is amended as follows:**

98 **Division 4.9. Overlay Zones**

99

\* \* \*

100 **Section 4.9.14. Regional Shopping Center (RSC) Overlay Zone**

101

\* \* \*

**C. Development Standards**

1. To accommodate development at a regional shopping center [with a gross leasable area that is greater than or will be greater than (if approved by site plan) 1,200,000 square feet], building height may be increased to:
  - a. 90 feet for a building that includes a theater complex;
  - b. 150 feet for a Hotel, Motel;
  - c. 150 feet for an apartment building or a multi-use building with residential use; and
  - d. 90 feet for a free-standing building for any of the following uses or uses within the following use categories:
    - i. Retail Sales and Service;
    - ii. Structured Parking; or
    - iii. Health Clubs and Facilities.
2. Any portion of a building over 45 feet in height must be set back from an abutting property in an Agricultural, Rural Residential, or Residential zone a minimum of 3 feet for each [1] one foot of building height over 45 feet.

\* \* \*

**Sec. 7. DIVISION 59-6.2 is amended as follows:**

**Division 6.2. Parking, Queuing, and Loading**

\* \* \*

**Section 6.2.2. Applicability**

- A. Under Division 6.2, any use must provide off-street parking that permits a vehicle to enter and exit the property. Any change in floor area, capacity, use, or parking design requires recalculation of the parking requirement

under Division 6.2, and may be subject to a payment under Chapter 60. The parking ratios of Division 6.2 do not apply to any:

1. structure on the National Register of Historic Places; or
2. expansion or cumulative expansions of less than 500 square feet in gross floor area or impervious cover.

B. An applicant must not reduce the area of an existing off-street parking facility below the minimum number of parking spaces required under Division 6.2 unless a parking waiver under Section 6.2.10 is approved.

C. Any use with off-street parking that does not comply with Division 6.2 must comply with the Limited Outdoor Storage requirements of Section 6.6.3.B.1.

\* \* \*

## **Sec. 8. DIVISION 59-6.6 is amended as follows:**

\* \* \*

### **Division 6.6. Outdoor Display and Storage**

\* \* \*

#### **Section 6.6.2. Applicability**

A. Division 6.6 applies to any site where merchandise, material, ~~[[or]] equipment, or personal property~~ is displayed or stored outside of a completely enclosed building.

\* \* \*

#### **Section 6.6.3. Design Standards**

\* \* \*

### **B. Outdoor Storage**

#### **1. Limited Outdoor Storage**

##### **a. Defined**

Limited outdoor storage includes:

- i. overnight outdoor storage of any vehicle awaiting repair;



- ii. outdoor storage of merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers;
- iii. outdoor sales area for building supplies, garden supplies, or plants;
- iv. outdoor storage of fleet vehicles; [and]
- v. outdoor storage of any vehicle, boat, recreational vehicle, or other similar vehicle at a storage facility[.]; and
- vi. legal outdoor storage on private residential property, as defined in Chapter 26, of a [[licensed, unlicensed, registered, or unregistered]] vehicle or bulk item such as a boat with any kind of primary or auxiliary mechanical propulsion, recreational vehicle, [[portable storage unit,]] motor home, travel or camping trailers, campers, or non-freight trailers[.]]; not including personal vehicles.

**b. Standards**

- i. Limited outdoor storage is allowed when it is accessory to an allowed use if the deciding body approves the applicable plan illustrating the extent of the permitted area for limited outdoor storage. If no applicable plan is required, the permitted storage area must [[be within]] comply with the accessory structure setbacks for standard method development in the underlying zone and the permitted storage area must be located behind the rear building line of the principal building.
- ii. Limited outdoor storage must satisfy the standards of the zone or the use.

\* \* \*

182           **Sec. 9. Effective date.** This ordinance becomes effective 20 days after the  
183   date of Council adoption.

This is a correct copy of Council action.

---

Sara R. Tenenbaum  
Clerk of the Council

**November 10, 2025**

**To:** The Honorable Kate Stewart  
President, Montgomery County Council  
Stella B. Werner Council Office Building  
100 Maryland Avenue, Room 501  
Rockville, Maryland 20850

**From:** Montgomery County Planning Board

**Subject:** Zoning Text Amendment 25-13

### **BOARD RECOMMENDATION**

The Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission met on November 6, 2025, and by a vote of 3:0 (Vice Chair Linden and Commissioner Pedoeem absent) recommended support for ZTA 25-13 with amendments. This piece of legislation is an omnibus ZTA that would amend various aspects of the code, including:

- Lifting the minimum square footage requirement for additional building heights in the Regional Shopping Center (RSC) Overlay Zone;
- Instituting a gross floor area (GFA) cap on Household Living uses in the Employment Zones;
- Clarifying the amount of non-residential uses that are allowed in a project with a Commercial to Residential Reconstruction (CRR) use;
- Clarifying the conditional use standards for Townhouse Living in Residential Zones
- Updating section cross-references for expedited approval plans; and
- Requiring new setbacks for the placement of limited outdoor storage items such as vehicles, boats, and trailers.

The Planning Board supports most of the amendments within the ZTA as they are mostly technical in nature, such as clarifying how to apply the Townhouse Living standards or amending section references. Other minor changes that will provide flexibility and guidance to the development community include removing the restrictions in the RSC Overlay Zone, clarifying the amount of non-residential uses allowed in CRR projects, and reasonably limiting the residential uses allowed in the Employment Zones.

However, the Planning Board is concerned with the proposed changes that expand the definition and use standards for Limited Outdoor Storage. The Board's first concern is the applicability of the Outdoor Storage section of the code and whether the standards apply to individual

residential properties. The applicability section of Division 6.6. Outdoor Storage and Display states it applies to anywhere that merchandise, material, or equipment is stored outside. That, along with the existing definition of Limited Outdoor Storage, implies these provisions are intended for non-residential uses. The changes proposed in ZTA 25-13, however, seem geared toward residential properties with the included uses and setbacks. The ZTA could clarify what use classes Limited Outdoor Storage applies to, and if residential uses are intended, add clarity in both the applicability and definition sections that Limited Outdoor Storage applies to personal property on private residential properties.

Additionally, the Board is concerned that the expanded definition of Limited Outdoor Storage is too broad and could have substantial unintended consequences for residents. The expanded definition includes licensed, unlicensed, registered, and unregistered vehicles, etc. These items would need to meet accessory structure setbacks that are usually at least 5 feet from a side lot line and must be placed behind a rear building line of the principal building. On many residential properties, driveways are built within a side setback, often up to the property line itself, and do not extend behind the rear building line. This would render such existing driveways unable to serve as parking for personal vehicles, or for any boats, trailers, or other personal items on wheels. The Board is sympathetic to concerns that residents may park or store large personal items adjacent to property lines, but is not sure that applying structure setbacks to items that are properly registered and on wheels is the appropriate enforcement mechanism. If the Council wishes to continue amending the definition and standards for Limited Outdoor Storage, the Board recommends removing the words “licensed” and “registered” from the definition, leaving “unlicensed” and “unregistered” as the applicable items.

The Planning Board also considered a climate assessment produced by Planning Staff for ZTA 25-13. Many of the proposals in the ZTA are technical or clarifying in nature and would therefore not have any measurable impact on the climate. Other changes, however, were considered, including lifting the square footage limits in the RSC Overlay Zone, adding a cap on household living GFA in Employment Zones, and modifying the definition of Limited Outdoor Storage. Lifting the leasable square footage limits in the RSC Overlay Zone was observed to have mostly minor positive impacts, encouraging the redevelopment of already disturbed sites and creating opportunities for mixed-use development that is more efficient for transportation. Applying a 30% household living cap on Employment Zone properties had both positive and negative impacts, but it was difficult to determine the scale of any impacts due to unknown variability in the residential market. The proposed changes to Limited Outdoor Storage were seen as having mostly negative impacts, particularly around the potential creation of new impervious surfaces from expanding and relocating driveways to accommodate the side setback and placing vehicles and bulk items behind the rear building line. The climate assessment recommends not applying these new standards to licensed and registered vehicles to reduce the number of potentially impacted properties.

The Board appreciates the opportunity to provide comments on ZTA 25-13, supporting most of the proposed changes. However, the Board does recommend the Council reconsider the changes

proposed to the Limited Outdoor Storage section, considering the potential major negative impacts on homeowners' personal vehicles. The Board also encourages Council to consider whether zoning is the appropriate tool for such enforcement actions. If the Council has any questions about the Board's recommendations, they should not hesitate to reach out to Planning Staff.

#### **CERTIFICATION**

This is to certify that the attached report is a true and correct copy of the technical staff report, and the foregoing is the recommendation adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission, at its regular meeting held in Wheaton, Maryland, on Thursday, November 6, 2025.



**Artie L. Harris**  
Chair

#### Attachments:

- A – Planning Report for ZTA 25-13
- B – Climate Assessment for ZTA 25-13

# ZTA 25-13 OMNIBUS – REVISIONS, CLARIFICATIONS, AND CORRECTIONS

## Description

ZTA 25-13 would make several technical, clarifying, and other policy amendments to the Zoning Ordinance, including amending height restrictions for regional shopping centers in the RSC Overlay Zone, instating a gross floor area cap on household living in the Employment Zones, clarifying the non-residential cap limit in Commercial to Residential Reconstructions, clarifying the conditional use standards for Townhouse Living, requiring setbacks for outdoor storage of large items, and correcting section references related to expedited approval plans.

ZTA 25-13  
Completed: 10-30-25

MCPB  
Item No. 12  
11-06-25

2425 Reedie Drive  
Floor 14  
Wheaton, MD 20902

|     |  |
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#### ZTA SPONSORS

Sponsors:  
Councilmembers Fani-Gonzalez, and  
Friedson

#### INTRODUCTION DATE

October 14, 2025

#### COUNCIL PUBLIC HEARING DATE

November 18, 2025

#### REVIEW BASIS

Chapter 59

## Summary

This Omnibus ZTA addresses several smaller but separate revisions to the Zoning Ordinance including technical, clarifying, and policy amendments. Including:

- Amending the height restrictions for regional shopping centers in the RSC Overlay Zone
- Reinstating a gross floor area cap on household living in the employment zones
- Clarifying the non-residential limits on Commercial to Residential Reconstructions
- Clarifying the applicable conditional use standards for Townhouse Living
- Requiring setbacks for certain stored items on private properties
- Correcting section references related to expedited approval plans.



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## SECTION 1 – BACKGROUND

### Rationale For Introduction

Zoning Text Amendment (ZTA) 25-13, Omnibus – Revisions, Clarifications, and Corrections was introduced on October 14, 2025, by Councilmembers Fani-Gonzalez and Friedson (Attachment A). The ZTA is scheduled for a Public Hearing on November 18, 2025.

Unlike most ZTAs that are focused on one particular change to the Zoning Code, an Omnibus ZTA combines multiple, unrelated changes into one ZTA. Sometimes, multi-topic ZTAs are introduced that are only focused on technical corrections. Omnibus ZTA's, including ZTA 25-13, often include some degree of policy changing, though they are typically considered to be minor.

## SECTION 2 – ANALYSIS AND RECOMMENDATIONS

ZTA 25-13 includes both technical corrections and other policy geared revisions. Listed in order they appear in the ZTA, these revisions include:

- Clarification around conditional use standards for Townhouse Living
- Clarification on non-residential development associated with a Commercial to Residential Reconstruction
- A technical correction replacing the Mixed-Income Housing Community plan with an expedited approval plan, and otherwise updating incorrect section references related to the expedited approval plan
- Applying a 30% limit on Household Living uses to the gross floor area of any development in an Employment Zone
- Removing the minimum square foot requirement for a regional shopping center in an RSC Overlay Zone pertaining to more flexible development standards around height
- Adding regulatory requirements for outdoor storage of bulk items such as boats, recreational vehicles, campers, or other major trailers or pieces of equipment.

---

### TOWNHOUSE LIVING

The first section of the ZTA, lines 18-21, adds clarifying text to the conditional use standards for Townhouse Living. Townhouse Living first became allowed as a conditional use in certain residential zones with the adoption of ZTA 20-03 (Design for Life). That ZTA allows townhouses as a conditional use if the application follows a set of standards specific to Design for Life, which requires applicable new housing units to be more accessible to those with disabilities. With the passage of ZTA 24-01 (FAITH), Townhouse Living was also allowed as a conditional use on land associated with an

Institutional use. The problem is the way ZTA 24-01 added the FAITH standards created confusion in the code. Townhouse Living had two distinct lists of development standards, without any clarifying statement as to whether both lists applied, or only one of the two. The ZTA adds “standards of either Section” to clarify that an applicant only needs to follow the list of standards for Design for Life, or the list of standards for FAITH.

**Recommendation:** Support the clarifying language.

---

#### COMMERCIAL TO RESIDENTIAL RECONSTRUCTION

The next section of ZTA 25-13, on lines 29-31, provides clarifying language for non-residential uses as part of a Commercial to Residential Reconstruction, approved as part of ZTA 25-03 earlier in 2025. The use of Commercial to Residential Reconstruction allows for an expedited review of predominantly residential development applications on certain land zoned commercial if it meets certain development and vacancy criteria. The use is intended to allow up to 30% non-residential uses as part of an application; however, the allowed building type of Apartment Building generally limits non-residential uses to 10%. The proposed language in ZTA 25-13 clarifies that, notwithstanding the 10% limit in Apartment Building types, the non-residential use may be up to 30% of the gross floor area.

**Recommendation:** Support the clarifying language.

---

#### EXPEDITED APPROVAL PLAN

There are a few instances within ZTA 25-13 that are correcting plan types and section references that were not updated as part of ZTA 25-03, which consolidated four existing types of regulatory applications into one new expedited approval plan. Updates are seen on Lines 55-57, 66-70, and 89-94 of the ZTA, deleting name and section references for Signature Business Headquarters, or Mixed-Income Housing Community plan, and replacing it with the expedited approval plan.

**Recommendation:** Support the technical corrections to plan types and section references.

---

#### EMPLOYMENT ZONES

Beginning on line 73 through line 83 of the ZTA, the development standards tables for the GR (general retail), NR (neighborhood retail), and EOF (employment/office) are amended to add a specification for density, limiting Household Living uses to 30% of the gross floor area of the subject site. Prior to the adoption of ZTA 25-03, there was a 30% limit on household living uses in the employment zones. This limit was removed as part of ZTA 25-03 to provide additional opportunities for the redevelopment of commercial areas into housing. Concerns, however, quickly arose about the displacement of community serving retail; therefore, this Omnibus ZTA is reinstating the 30% gross floor area limit to household living.

Planning Staff notes the LSC (life science center) zone is not part of ZTA 25-13. The vast majority of LSC zoned land in the county is within the recently adopted Great Seneca Science Center (GSSC)

Overlay Zone, which explicitly encourages a higher mix of residential development as recommended by the 2024 *Great Seneca Plan*. Planning Staff also notes that the residential uses limited in the Employment Zones are “Household Living”, which includes Single-Unit, Two-Unit, Townhouse, and Multi-Unit living. Household Living does not include the Group Living uses, which include the Commercial to Residential Reconstruction use.

**Recommendation:** Support reinstating the 30% limit on household living uses to the development standards tables for the GR, NR, and EOF zones.

---

#### REGIONAL SHOPPING CENTER OVERLAY ZONE

The next section of ZTA 25-13 (lines 97 – 118) amends the Regional Shopping Center (RSC) Overlay Zone. The RSC Overlay Zone is intended to provide flexible development standards and parking design standards that facilitate large scale retail development while remaining compatible with their surroundings. There are two locations with an RSC Overlay Zone, the first being the Westfield Wheaton Shopping Mall located in downtown Wheaton, and the second being the Westfield Montgomery Mall property off Democracy Boulevard in Bethesda. This overlay zone allows any uses permitted by the underlying zone, in addition to large theaters, Combination Retail, and Retail/Service Establishments over 85,000 square feet in size. The overlay zone further allowed additional development height of certain uses if the total site was developed with a gross leasable area of more than 1.2 million square feet of development, including:

- 90 feet for a theater building, retail buildings, health clubs, and structured parking
- 150 feet for a hotel, apartment, or multi-use building with residential uses

The ZTA removed the 1.2 million square foot gross leasable area minimum, which would allow these additional building heights even if the total development were under 1.2 million square feet of leasable area. This modification reflects the declining importance of physical retail and allows the two RSC properties to redevelop in the future with less than 1.2 million square feet of leasable area and a higher amount of other entertainment or residential uses.

**Recommendation:** Support removing the 1.2 million square foot gross leasable area requirement for the extra building heights.

---

#### OUTDOOR DISPLAY AND STORAGE

The last section of ZTA 25-13, starting on line 121, amends the definition of Limited Outdoor Storage, and amends the standards for the use. Limited Outdoor Storage is allowed as an accessory to any allowed use and includes things such as overnight storage of vehicles or equipment awaiting repair, storage of merchandise in containers, outdoor display area for garden and building suppliers, parking of fleet vehicles, or the storage of vehicles, boats, or trailers in a storage yard. The ZTA adds to the definition a new subsection iv. to include outdoor storage of any bulky item such as a boat, recreational vehicle, portable storage unit, motor home, travel or camping trailer, or non-freight

trailer. This text addition seems potentially redundant to existing subsection v., which includes any vehicle, boat, recreational vehicle, or other vehicle at a storage facility, except it now covers the same types of vehicles anywhere, not only at a storage facility.

The second part of the amendment to Limited Outdoor Storage is to the use standards. The existing standard allowed Limited Outdoor Storage when it is accessory to an allowed use, and the regulatory deciding body approves a plan illustrating the extent of the storage area. The ZTA adds language to allow Limited Outdoor Storage without an approved plan, if it meets the accessory structure setbacks and is located behind the rear building line. This change would make it easier for more locations to have Limited Outdoor Storage without having to seek plan approval, if it follows the reasonable required placement standards.

Planning Staff, however, has concerns with the amendments to the Outdoor Display and Storage section of the code. As written, Section 6.6.3.B. Outdoor Storage does not explicitly state where it applies; however, the applicability section in Section 6.6.2. states that the entire division applies to a site where merchandise, material, or equipment is stored outside. The existing code under Outdoor Storage Standards in Section 6.6.3.B.1.b. also currently requires Outdoor Storage to be shown on an applicable plan. Further, the existing definition of Outdoor Storage under Section 6.6.3.B. is a specific list that includes:

- Vehicles awaiting repair
- Merchandise in boxes, crates, pallets, or containers
- Outdoor sales areas
- Fleet vehicles
- Vehicles, boats, and recreational vehicles (RVs) at a “storage facility”

Combined, this implied to Planning Staff that the focus of the section is on storage for non-residential purposes. However, upon raising this question with Council Staff, Planning Staff learned the intent is for the modified code section to apply to individual property owners, and additional discussions with MCDPS concluded that the provisions under Division 6.6. for Outdoor Display and Storage do apply private individual residential properties. If the new outdoor storage standards are to apply to individual residential properties, Planning Staff recommends the applicability section under 6.6.2. should be amended to specify the storage is for both business and personal use, and to expand the type of items that are applicable to include personal property.

### **Section 6.6.2. Applicability**

A. Division 6.6. applies to any site where merchandise, material, ~~or~~ equipment, or personal property is displayed or stored outside of a completely enclosed building.

Further, the proposed code was added as subsection iv. (lines 137-142) which seems the most targeted to private residential properties, should be amended to clearly state outdoor storage on a private property.

iv. outdoor storage on a private residential property of a licensed, unlicensed, registered, or unregistered vehicle or...

In addition to concerns about the interpretation of applicability for Outdoor Storage, Planning Staff is further concerned that, as written, the new provisions are very restrictive, and may create practical enforcement and equity issues, especially on smaller lots (particularly R-60 and R-90) where driveways are often built within the accessory structure side setbacks (5 feet). As written, any vehicle (including a personal car), RV, travel or camping trailer, boat, or other storage trailer, both licensed and operational, or not, would have to meet these accessory structure setbacks. This could effectively prohibit many residential properties from allowing on-site parking of any kind unless it were added behind the building, potentially creating substantial additional areas of impervious surfaces and financial hardship. Because the location of this storage of vehicles and equipment is not required to be shown on a site plan, enforcement could solely be carried out based on complaints from neighbors.

At a minimum, if Council is to continue with this part of the ZTA, Planning Staff recommends not restricting licensed and registered personal cars, vans, light trucks, and light commercial vehicles in the definition. This, at a minimum, would allow residents to park personal vehicles for daily use in existing driveways that may be located within the accessory structure setbacks. For practical purposes, Planning Staff also would recommend not including any licensed and/or registered boat, RV, camper trailer, or storage trailer that is on wheels and is street legal. What would remain applicable to the accessory structure setbacks would be the storage of any vehicle, boat, camper trailer, RV, or storage trailer that is unlicensed and unregistered for use. Passage of this ZTA without these exemptions could find an unknown number of homeowners or renters of residential properties in our smaller lot zones in violation of the new setback requirements, with little recourse. The amended ZTA section, including the clarification on private property discussed above, would read as follows:

vi. outdoor storage on a private residential property of an ~~licensed~~, unlicensed, ~~registered~~, or unregistered vehicle or bulk item such as a boat with any kind of primary or auxiliary mechanical propulsion, recreational vehicle, portable storage unit, motor home, travel or camping trailers, campers, or non-freight trailers.

**Recommendations:** Clarify that Sections 6.6.2. and 6.6.3. can apply to private residential properties and amend the definition of Limited Outdoor Storage subsection vi. To exempt control of licensed and registered vehicles listed within the subsection.

### SECTION 3 – CLIMATE ASSESSMENT

Bill 3-22, passed by the County Council on July 12, 2022, requires the Planning Board to prepare a climate assessment for each Zoning Text Amendment, Master Plan, and Master Plan Amendment,

ZTA 25-13, Omnibus – Revisions, Clarifications, and Corrections

effective March 1, 2023. Each Climate Assessment must include the potential positive or negative effects a ZTA may have on climate change (including greenhouse gas emissions) and on community resilience and adaptive capacity. The climate impact assessment for ZTA 25-13 is attached in Attachment C.

Planning Staff anticipate ZTA 25-13 will have both positive and negative impacts on greenhouse gas emissions and sequestration, community resiliency, and adaptive capacity, but the negatives will outnumber the positives. The technical amendments updating section references, clarifying Townhouse Living conditional use standards, and clarifying the commercial limits of a Commercial to Residential Reconstruction are anticipated to be negligible to zero. Impacts from amending the code to remove the leasable area requirement for Regional Shopping Centers will have mostly positive impacts, as these locations tend to be highly developed now, and this ZTA would encourage additional development activities on these sites. The benefits are limited, however, because there are only two such centers in the County.

Impacts from placing a 30% cap on household living in employment zones is mostly minor but negative, as this could reduce opportunities for residential infill development near employment and retail options, causing pressure to develop on greener sites further away from amenities. Impacts from amending the standards and definition of Limited Outdoor Storage will likely have the most negative impacts, as these new provisions requiring items such as vehicles, trailers, and boats to meet accessory structure setbacks could render many existing driveways especially on smaller residential lots, unable to accommodate storage of these items, forcing homeowners to expand impervious surfaces on private properties in front of or behind their homes to continue storing such items. The impacts of creating the paving and the stormwater and runoff impacts of the new impervious surfaces could be locally high.

To mitigate some of the negative impacts from ZTA 25-13, Environmental Planning Staff recommend exempting properly titled and registered vehicles, trailers, RVs, or other large items on wheels from having to meet accessory structure setbacks. This would reduce the number of homeowners that may need to expand impervious surfaces to accommodate personal storage compliant with these setbacks.

## SECTION 4 – CONCLUSION

Planning Staff recommends that the Planning Board transmit comments supporting ZTA 25-13, with the amendments presented in this report that would not apply the Limited Outdoor Storage requirements to any licensed and registered vehicle, boat, trailer, or RV. Planning Staff also recommend support for the prepared climate assessment for ZTA 25-13

## SECTION 5 – ATTACHMENTS

*Attachment A: Zoning Text Amendment 25-13 Intro Packet*

*Attachment B: Climate Assessment 25-13*



## CLIMATE ASSESSMENT FOR

### ZTA 25-13, Omnibus – Revisions, Clarifications, and Corrections

#### PURPOSE OF CLIMATE ASSESSMENT

The purpose of this Climate Assessment is to evaluate the anticipated impact of the zoning text amendment (ZTAs) on the county's contribution to addressing climate change. The assessment will provide the County Council with a better understanding of the potential climate impacts and implications of the proposed ZTAs at the county level. The scope of the Climate Assessments is limited to addressing climate change, specifically the effect of the land use recommendation of the ZTA on greenhouse gas (GHG) emissions and carbon sequestration, and how actions proposed by the ZTA could improve the county's adaptive capacity to climate change and increase community resilience.

#### SUMMARY

The ZTA is anticipated to have some minor positive impacts but overall will have more negative impacts. This ZTA is amending various provisions at once, and different sections of the ZTA are likely to have different types of impacts. There will be limited minor positive impacts due to the removal of the gross leasable area requirement for regional shopping centers before being allowed to increase building heights for specific uses. There are some negative impacts anticipated with the amendment requiring the outdoor storage of large items within the accessory structure setbacks, because many property owners have limited areas to store items on their properties without creating more pavement to avoid the setbacks. Slight negative impacts are also likely to be caused by the decrease in housing opportunities in employment zones, as the 30% cap on housing in these zones will limit the potential for sustainable mixed-use development.

The technical, grammatical, and other changes with this ZTA are unlikely to have any impacts as they are clarifying already existing processes.

#### BACKGROUND AND PURPOSE OF ZTA 25-13

This Zoning Text Amendment was introduced by the District Council on October 14, 2025. The purpose of the ZTA is to create several technical, clarifying, and other amendments to the Zoning Ordinance. The amendments that will cause the greatest changes are: the amended height restrictions for the regional shopping centers for greater developmental flexibility, the placement of a 30% gross floor area cap on household living uses in the Employment zones to preserve existing retail spaces, and the requirement for large items to be stored outside of the accessory structure setbacks of the underlying zone in order to provide a buffer between these items and neighboring properties.

The other amendments to the Zoning Ordinance are clarifying changes. These include the clarification of the gross floor area cap on non-residential uses for Commercial to Residential Reconstruction, the correction of outdated cross-references to expedited approval plans, and clarifying the applicable conditional use standards for Townhouse Living. These changes will create a more formal process in the Zoning Ordinance but are unlikely to cause any impacts beyond increased clarity and efficiency in the interpretation of the Ordinance. Thus, the clarifying amendments within this ZTA will not be analyzed for their potential climate impact as they are primarily making clarifying amendments to various provisions of the Zoning Ordinance.

## VARIABLES THAT COULD AFFECT THE ASSESSMENT

For many ZTAs, it is difficult to determine the impacts on climate because of variables such as the scale and location of change, which may be difficult to ascertain. With this ZTA, major unknown variables that could affect the climate assessment include:

- Will the two regional shopping centers alter their development programs even with the added flexibility around building heights?
- How many properties may change their outdoor storage of large items after the creation of the requirement to store large items within accessory structure setbacks?
- How much potential housing would have been created in employment zones if the 30% cap on household living had not been introduced?

## ANTICIPATED IMPACTS

There are both minor positive and slight negative impacts anticipated with ZTA 25-13. Positive impacts are anticipated from the increased flexibility on building heights for regional shopping centers; however, impacts to the county meeting climate goals are very minor because there are only two regional shopping centers in the county. The amendment requiring large items that are stored outside to adhere to the accessory structure setbacks will have negative impacts, especially on smaller lots, through reduced resiliency, adaptive capacity, and carbon sequestration, because green areas may be cleared for storage. Additional negative impacts come from applying a 30% development cap on household uses in the Employment Zones. The reduction in the potential for mixed-use development will remove opportunities for sustainable reuse of existing developed areas.

Below is a more detailed analysis of the variables identified as having an impact on carbon emissions as determined in the assessment worksheets found in *Climate Assessment Recommendations for Master Plans and Zoning Text Amendments in Montgomery County*.

## GREENHOUSE GAS EMISSIONS, CARBON SEQUESTRATION, AND DRAWDOWN

ZTA 25-13 is anticipated to have slight positive impacts and some negative impacts on greenhouse gas emissions. There will be minor sequestration or drawdown reductions associated with this proposal, due to the potential for more development to spread further out with less mixed-use potential, and reduced sequestration due to green cover cleared for outdoor storage. There will be minor improvements to sequestration at shopping mall areas due to increased developmental flexibility (for the purposes of this assessment, drawdown and sequestration are terms used interchangeably).

## **GHG Emissions and Sequestration Checklist of Variables**

### **Transportation.**

- **Vehicle miles traveled by type:** There may be minor negative impacts leading to increased vehicle miles traveled by limiting residential development potential in employment zones since new residents may have to live further from employment and retail/service opportunities.
- **Number of trips:** The addition of the gross floor area cap in employment zones will have a negative impact on GHG emissions, as there will be a decreased potential for mixed-use development in employment zones. There will be less potential for people to live and work in the same areas, thus increasing the distance between housing and employment locations.
- **Non-vehicle modes of transportation:** There will be a minor negative impact due to the gross floor area cap. With the decreased potential for mixed-use development, there will be a minor decrease in walkability between locations of housing and employment.

### **Building Embodied Emissions.**

- **Pavement infrastructure:** The removal of the restriction on regional shopping centers having a gross leasable area of at least 1,200,000 square ft. will have minimal positive impacts, as this could potentially reduce the amount of new pavement surfaces being built in undeveloped areas, as regional shopping centers could redevelop existing impervious space for uses such as housing. However, this impact would be minimal due to the small number of regional shopping centers. Additional minor negative impacts are anticipated with adding a 30% gross floor area cap on housing living uses in employment zones, as this will decrease the potential for mixed-use housing in these areas. With a limit to the amount of housing in these zones, new housing developments may be pressured to build in undeveloped areas, rather than in areas with existing pavement infrastructure. Finally, negative impacts may be seen with the outdoor storage portion of the ZTA because many property owners may need to relocate on-site storage into a green area to meet the new setback requirements.

### **Land Cover Change and Management.**

- **Area of forest, areas of non-forest tree canopy, and areas of green cover:** Due to the decrease in the potential for housing in employment zones, there will be fewer options for potential housing sites on previously developed land, potentially increasing development pressure on sites that include areas of forest, non-forest tree canopy, and green cover. The potential removal and overall reduction in the amount of trees and green cover would decrease carbon sequestration in the county.

The setback requirements large vehicles and other items would have to follow could spur further pavement being built on green areas, as currently driveways are often built across setback lines on smaller lot residential properties, which may become off-limits to storage going forward.

## COMMUNITY RESILIENCE AND ADAPTIVE CAPACITY

Montgomery Planning anticipates that ZTA 25-13 will most likely have both a slight negative and a slight positive impact on Community Resiliency and Adaptation. Positive impacts would result from increased development flexibility in regional shopping centers. Slight negative impacts stem from increased environmental sensitivity due to additional development on natural areas for both new housing and to accommodate new storage opportunities.

### Community Resilience and Adaptive Capacity Checklist of Variables

#### Exposure-Related Factors.

- **Activity in flood risk areas:** With the increased pavement likely due to the new setbacks impacting the outdoor storage of large items, the additional impervious surfaces created could create issues with water management, excessive runoff, and lot-to-lot water conveyance. The impervious pavements cannot uptake water during flood and stormwater events, and the potential loss of vegetation due to the construction of pavements will no longer be present as a buffer to stormwater and overall intake of water.
- **Activity in urban heat island:** The increase in pavement to accommodate storage of large items could add to the urban heat island effect, as the reduction in vegetative cover and shade from tree canopy will create warmer temperatures. Further, pavement can absorb higher amounts of solar radiation and thus hold more heat, causing the surrounding areas to be warmer.

#### Sensitivity-Related Factors.

- **Change to forest cover, non-forest tree canopy, and other green areas:** Similar to the land cover change and management effects, due to the decrease in the potential for housing in employment zones, there may be more stress on other properties in the county to develop housing, which could include areas of forest, non-forest tree

canopy, and other green areas, creating a slight negative impact. Also, the potential for increased pavement infrastructure to accommodate the storage of large items that meet setbacks could reduce forest, canopy, and green areas. Additional pavement would be created within the setbacks, as current paved driveways most often go beyond the building setback and therefore would not be a viable option for these large items, given this ZTA.

- **Change in perviousness:** The removal of the restriction on regional shopping centers will have minimal positive impacts, as this could reduce the amount of impervious surfaces being built in undeveloped areas, as regional shopping centers could remove some of their current shopping and parking to make space for other uses, such as housing. However, this impact would be minimal due to the small number of regional shopping centers. Conversely, with the potential decrease in the ability to develop mixed-use housing in employment zones, there could be an increase in the amount of imperviousness in the county. Mixed-use development encourages the sharing of impervious surfaces as multiple uses can be done on one area, rather than separating these uses into two different developed areas. Increased impervious surface areas are also likely to accommodate outdoor storage that meets setbacks, since many homeowners currently store regulated items in driveways that often cross the accessory structure setback lines. Any increased impervious surface areas in the county would have a negative impact on the resilience and adaptive capacity a community has to handle a changing climate.

#### **Adaptive Capacity Factors.**

- **Change in availability or distribution of economic and financial resources:** The increased developmental flexibility for regional shopping centers could increase the financial viability of these shopping centers, as these large centers can adapt and evolve to the changing needs and consumer trends in the county while being profitable in new ways with developmental changes.

#### **RELATIONSHIP TO GREENHOUSE GAS (GHG) REDUCTION AND SEQUESTRATION ACTIONS CONTAINED IN THE MONTGOMERY COUNTY CLIMATE ACTION PLAN (CAP)**

ZTA 25-13 will likely have minor negative and minimal positive impacts on GHG reduction and sequestration actions in the Montgomery County CAP. There is an increase in the potential for traffic, which could increase GHG emissions. There is also the potential for decreased sequestration due to new development potentially occurring in green areas including tree canopy and some forest area. The minimal positive impacts could occur with the increased developmental flexibility for shopping centers, but are limited to two sites in the county currently.

- **Traffic Management Systems:** The decrease in household living development in employment zones may slightly increase traffic in the county, as there will be more separation between places of employment and housing areas. Increased traffic increases GHG emissions from vehicles.
- **Retain and increase forests, and retain and increase tree canopy:** The reduction of requirements to the square footage of regional shopping centers and thus the ability for increased building height will allow for future development on these shopping centers to include possibilities of taller structures, with a decreased building footprint. This flexibility will widen future development possibilities, thus decreasing the pressure for development to occur in other areas of land that include existing forested areas in the county, thus promoting continued sequestration. While positive, this impact will be minimal as there is a small number of regional shopping centers. There will be a potential decrease in the amount of forest retained in the county, as there may be pressure to develop housing on green areas that may include forest or tree canopy rather than existing disturbed land in employment zones. There will be a potential decrease in tree canopy due to increased storage needs. Tree canopy may be cleared for space, and this will have negative impacts on the CAP goals.

## RECOMMENDED AMENDMENTS

In reviewing the negative impacts anticipated by this Climate Assessment, and considering changes that could be recommended that keep the intent of the proposed zoning policy, Planning Staff recommends revisions to the outdoor storage portion of the ZTA. Specifically, exempting the storage of vehicles that are properly registered and licensed from having to meet the accessory structure setbacks. Staff supports expanding that further to any registered and titled motorized vehicle or trailer currently allowed to park on residential properties. As drafted, the new provision will cause storage limitations for items already being owned and operated lawfully. These storage limitations will necessitate increasing paving in green and vegetated areas on residential properties. With this recommendation, licensure will be encouraged for items that are unregistered or unlicensed.

## SOURCES OF INFORMATION, ASSUMPTIONS, AND METHODOLOGIES USED

The climate assessment for ZTA 25-13 was prepared using the methodology (tables 1 and 2) for ZTAs contained within the [Climate Assessment Recommendations for Master Plans and Zoning Text Amendments in Montgomery County, December 1, 2022](#).

# Racial Equity and Social Justice (RESJ) Impact Statement

## Office of Legislative Oversight

### ZTA 25-13: Omnibus – Revisions, Clarifications, and Corrections

#### SUMMARY

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The Office of Legislative Oversight (OLO) finds the racial equity and social justice (RESJ) impact of Zoning Text Amendment (ZTA) 25-13 is indeterminate. Several factors are unknown to determine how proposed policy changes in the ZTA will impact RESJ in the County.

#### PURPOSE OF RESJ STATEMENTS

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RESJ impact statements (RESJIS) for zoning text amendments (ZTAs) evaluate the anticipated impact of ZTAs on racial equity and social justice in the County. RESJ is a **process** that focuses on centering the needs, leadership, and power of Black, Indigenous, and other People of Color (BIPOC) and communities with low incomes. RESJ is also a **goal** of eliminating racial and social inequities. Applying a RESJ lens is essential to achieve RESJ.<sup>1</sup> This involves seeing, thinking, and working differently to address the racial and social inequities that cause racial and social disparities.<sup>2</sup>

#### PURPOSE OF ZTA 25-13

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The purpose of ZTA 25-13 is to “make several technical, clarifying, and other amendments to the Zoning Ordinance.” If enacted, ZTA 25-13 would do the following:<sup>3</sup>

- Allow regional shopping centers (RSC) to increase building heights for certain uses<sup>4</sup> regardless of their leasable square footage.<sup>5</sup> The ZTA would do this by removing the current requirement in the RSC overlay zone that only allows RSCs with a gross leasable area greater than 1,200,000 sq. ft. to increase building heights for these uses.<sup>6</sup>
- Reinstated a 30 percent gross floor area (GFA) cap on housing for development projects in certain employment zones.<sup>7</sup> This cap was recently removed with the Council’s passage of ZTA 25-03 on April 8, 2025.<sup>8</sup>
- Clarify that up to 30 percent of the GFA of office-to-residential conversion projects are allowed to have non-residential uses.
- Clarify that townhouse projects in residential detached zones must either meet Design for Life standards or standards for townhomes on properties with a religious or educational institution.
- Require large items such as boats, RVs, or portable storage units<sup>9</sup> be stored behind buildings and use the same setback guidelines as accessory structures in the underlying zone.
- Correct outdated references in the Zoning Ordinance.

The Council introduced ZTA 25-13 on October 14, 2025.

#### ANTICIPATED RESJ IMPACTS

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Of the various provisions included in ZTA 25-13, three make substantive changes that could have RESJ impacts:

- Allowing RSCs to increase building heights for certain uses regardless of their leasable square footage;

# RESJ Impact Statement

## Zoning Text Amendment 25-13

- Reinstating a 30 percent GFA cap on housing for development projects in certain employment zones; and
- Creating storage requirements for large items.

The remaining provisions are clarifying or technical changes that will likely not have RESJ impacts.

To consider the anticipated impact of ZTA 25-13 on RESJ in the County, OLO recommends the consideration of two related questions:

- Who would primarily benefit or be burdened by this ZTA?
- What racial and social inequities could passage of this ZTA weaken or strengthen?

Figure 1 describes the substantive policy changes from ZTA 25-13 and their anticipated impact on RESJ based on these questions. The chart shows two of the policies have an indeterminate RESJ impact, and one has no RESJ impact. For the policies with an indeterminate impact, the following factors are unknown for determining the RESJ impact:

- What uses will RSCs pursue with less restrictions to increase building heights?
- What are the demographics of existing business owners operating in impacted employment zones?

**Figure 1. Substantive Policy Changes in ZTA 25-13 and Anticipated Impacts on RESJ**

| Policy Change   | Description   | Anticipated RESJ Impact  |
|---|---|--|
| <b>Allowing RSCs to increase building heights for certain uses regardless of their leasable square footage.</b> | Currently, the RSC overlay zone only allows RSCs with leasable square footage greater than 1,200,000 sq. ft. to increase building heights for uses such as theaters, hotels, and apartment buildings, among others. ZTA 25-13 would remove the restriction on leasable square footage in the RSC overlay zone. The RSC overlay zone only applies to Westfield Montgomery and Westfield Wheaton. | <p><b>Indeterminate</b> – This change would benefit RSCs by placing less restrictions to increase building heights for certain uses. However, it is unknown which uses the RSCs will pursue with this policy change. Thus, it is unknown how this change would impact community members by race and ethnicity.</p> <p>Of note, Westfield Montgomery and Westfield Wheaton are owned by Unibail-Rodamco-Westfield,<sup>10</sup> a European corporation owned by shareholders via publicly traded stocks.<sup>11</sup> Therefore, their ownership is not identifiable by race and ethnicity. However, national data suggests that White families are up to two times more likely to own stocks than Black and Latinx families.<sup>12</sup> Thus, these malls likely have predominantly White ownership.</p> |



# RESJ Impact Statement

## Zoning Text Amendment 25-13

| Policy Change  | Description  | Anticipated RESJ Impact   |
|--|--|---|
| <b>Reinstating a 30 percent GFA cap on housing for development projects in certain employment zones.</b> | Currently, development projects in certain employment zones have no restrictions on how much housing they can have. ZTA 25-13 would reinstate a 30 percent GFA cap on housing for these projects, which was removed earlier this year when the Council passed ZTA 25-03. | <p><b>Indeterminate</b> – Amid the County’s shortage of affordable housing,<sup>13</sup> this change could particularly burden community members who demand affordable housing, since it would make it more difficult to make housing developments large enough to require moderately priced dwelling units (MPDUs).<sup>14</sup> As noted in Table A (Appendix), Black and Latinx community members are more likely to demand affordable housing because of lower income levels.</p> <p>On the other hand, this change could benefit existing businesses in impacted employment zones by preventing redevelopment that could increase their rents or eliminate their business spaces entirely. OLO does not have data on the racial and ethnic demographics of business owners operating in the impacted employment zones.</p> |
| <b>Creating storage requirements for large items.</b>  | ZTA 25-13 would require large items such as boats, RVs, and portable storage units to be stored behind buildings and use the same setback guidelines as accessory structures in the underlying zone.   | <p><b>None</b> – This change would burden community members who own large items. Because of racial inequities such as the racial wealth divide, BIPOC community members are less likely to have the resources to own large items such as boats, RVs, and portable storage units. Thus, this change is not likely to impact BIPOC community members nor racial and social inequities.</p>  |

Taken together, OLO finds the RESJ impact of ZTA 25-13 is indeterminate.

### RECOMMENDED AMENDMENTS

Bill 44-20 amending the County’s Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to zoning text amendments aimed at narrowing racial and social inequities are warranted in developing RESJ impact statements.<sup>15</sup> OLO finds the RESJ impact of ZTA 25-13 is indeterminate. As such, OLO does not offer recommended amendments.

# RESJ Impact Statement

## Zoning Text Amendment 25-13

### CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of zoning text amendments on racial equity and social justice is a challenging, analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement on the proposed zoning text amendment is intended to inform the Council's decision-making process rather than determine it. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the ZTA under consideration.

### APPENDIX

**Table A. Median Household Income by Race and Ethnicity, Montgomery County**

| Race or ethnicity <sup>16</sup> | Median Income |
|---------------------------------|---------------|
| Asian                           | \$144,493     |
| Black                           | \$89,362      |
| Native American                 | \$105,952     |
| Pacific Islander                | \$142,589     |
| White                           | \$159,895     |
| Latinx                          | \$94,619      |
| County                          | \$128,733     |

Source: [Table S1903](#), 2023 American Community Survey 5-Year Estimates, Census Bureau.

<sup>1</sup> Definition of racial equity and social justice adopted from [Marlysa Gamblin et.al., "Applying a Racial Equity Lens into Federal Nutrition Programs," Bread for the World](#) and from [Racial Equity Tools](#).

<sup>2</sup> Ibid.

<sup>3</sup> [Introduction Staff Report for ZTA 25-13, Montgomery Council Council, Introduced October 14, 2025, pg. 1.](#)

<sup>4</sup> Allowable uses to increase building height include a theater complex, hotel or motel, apartment building or multi-use building with residential uses, or a freestanding building for retail sales and service, structured parking, or health clubs and facilities. Refer to Introduction Staff Report for ZTA 25-13, pg. 1.

<sup>5</sup> Of note, a regional shopping center is defined as a shopping center with a minimum of 600,000 gross leasable square feet and a minimum of 50 separate tenants. Refer to [Montgomery County Zoning Ordinance § 59-1.4.2](#).

<sup>6</sup> Of note, the Regional Shopping Center Overlay Zone only applies to Montgomery Mall (Westfield Montgomery) and Wheaton Mall (Westfield Wheaton). See [Planning, Housing, and Economic Development Worksession Staff Report for ZTA 18-13, Montgomery County Council, January 24, 2019, pg. 1.](#)

<sup>7</sup> Impacted employment zones include General Retail (GR), Neighborhood Retail (NR), and Employment Office (EOF). Refer to Introduction Staff Report for ZTA 25-13, pg. 1.

<sup>8</sup> [Zoning Text Amendment 25-03, Montgomery County Council, Adopted April 8, 2025, pg. 18.](#)

<sup>9</sup> Provision would apply to outdoor storage of a licensed, unlicensed, registered, or unregistered vehicle or bulk item such as a boat with any kind of primary or auxiliary mechanical propulsion, recreational vehicle, portable storage unit, motor home, travel or camping trailers, campers, or non-freight trailers. Refer to ZTA 25-13 in Introduction Staff Report for ZTA 25-13, pg. 9.

<sup>10</sup> [Jonathan Lehrfeld, "Major Maryland mall could be sold as owner defaults on \\$235 million loan," CoStar, April 23, 2025.](#)

<sup>11</sup> [Unibail-Rodamco-Westfield SE, Wall Street Journal.](#)

<sup>12</sup> [Drew Desilver, "A booming U.S. stock market doesn't benefit all racial and ethnic groups equally," Pew Research Center, March 6, 2024.](#)

<sup>13</sup> ["Housing Needs Assessment," Montgomery Planning.](#)

<sup>14</sup> MPDUs are required for any new development in the County with 20 or more units. See ["MPDU Developers," Department of Housing and Community Affairs.](#)

<sup>15</sup> [Bill 44-20, Racial Equity and Social Justice – Impact Statements – Advisory Committee – Amendments, Montgomery County Council.](#)

<sup>16</sup> Race is inclusive of Latinx origin.



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich  
County Executive

MEMORANDUM

November 25, 2025

TO: Planning, Housing, and Parks Committee  
Councilmember Andrew Friedson, Chair  
Councilmember Natali Fani-Gonzalez  
Councilmember Will Jawando

FROM: Marc Elrich, County Executive *Marc Elrich*

SUBJECT: Comments regarding ZTA 25-13, Omnibus – Revisions, Clarifications, and Corrections

Attached is a memorandum from the Department of Permitting Services for your consideration in your review of ZTA 25-13. Here are my additional comments:

Given – as noted by DPS – that “ZTA 25-13 is a technical ‘cleanup’ amendment that clarifies several sections of Chapter 59” and that it also has “a few minor yet significant operational changes,” I recommend removing the sections with the significant operational changes from this ZTA and considering them separately. Those sections are as follows:

- The amendment to the RSC Overlay Zone should be removed so that the magnitude of the change is fully appreciated. It removes the 1.2 million square-foot size threshold for Regional Shopping Centers seeking increased heights. DPS is concerned that nearby communities might raise compatibility concerns about new height allowances for medium-sized shopping centers. I share that concern – we need to have a full understanding of all properties in the county that could be affected by this change.
- I recommend removing the amendment that would single out Commercial-to-Residential Conversion to allow up to 30% non-residential GFA instead of the 10% currently allowed for all residential properties.
- I recommend removing the amendment that would set a 30% cap on household-living in the Employment Zones (GR, NR, EOF), because, according to DPS, this amendment creates a cap where none existed before.

I support the language in ZTA 25-13 as written in Section 6.6.3.B.1.vi, which defines limited outdoor storage as follows:

“outdoor storage of a licensed, unlicensed, registered, or unregistered vehicle or bulk item such as a boat with any kind of primary or auxiliary mechanical propulsion, recreational vehicle, portable storage unit, motor home, travel or camping trailers, campers, or non-freight trailers.”

According to DPS, the existing code defines outdoor storage only in commercial settings and regulates large items only when placed in storage facilities, leaving no clear basis to apply the provision on residential properties. The Department believes the new language resolves that ambiguity by explicitly identifying the covered items and establishing consistent placement standards, which makes enforcement predictable and defensible. The Planning Board has recommended revising this section to refer to outdoor storage on a private residential property and recommends deleting licensed and registered items. DPS does not believe these changes are necessary from an enforcement standpoint.

Enclosures: Memorandum from Department of Permitting Services regarding ZTA 25-13, dated November 10, 2025

cc: Livhu Ndou, Senior Legislative Attorney, Montgomery County Council  
Craig Howard, Executive Director, Montgomery County Council  
Ken Hartman-Espada, Assistant Chief Administrative Officer  
Tricia Swanson, Director of Strategic Partnerships  
Rabbiah Sabbahkhan, Director, Department of Permitting Services



## DEPARTMENT OF PERMITTING SERVICES

Marc Elrich  
*County Executive*

Rabbiah Sabbakhan  
*Director*

### MEMORANDUM

November 10, 2025

**To:** Claire Iseli, Special Assistant  
Office of the County Executive  
  
Meredith Wellington, Land Use Policy Analyst  
Office of the County Executive

**Thru:** Victor Salazar, Division Chief  
Zoning & Code Compliance

**From:** Rabbiah Sabbakhan, Director *Rabbiah Sabbakhan*  
Department of Permitting Services

**Subject:** Department of Permitting Services Comments: Zoning Text Amendment (ZTA)  
25-13, Omnibus – Revisions, Clarifications, and Corrections

**Sponsors:** Councilmembers Fani-Gonzalez and Friedson

### Description

ZTA 25-13 is a technical “cleanup” amendment that clarifies several sections of Chapter 59, while introducing a few minor yet significant operational changes. Key elements include:

- Removing the 1.2 million sq ft size threshold for Regional Shopping Centers (RSC Overlay) seeking height increases.
- Setting a 30% cap on household-living space in Employment Zones (GR, NR, EOF).
- Clarifying that Commercial-to-Residential conversions may include up to 30% non-residential GFA, overriding older 10% language.
- Allowing Townhouse Living applicants to choose either the Design-for-Life standards or the ZTA 24-01 standards.
- Expanding and tightening rules for outdoor storage (boats, RVs, trailers, portable units) by requiring placement behind the main building and within accessory-structure setbacks.
- Updating obsolete code cross-references (§7.3.5 replaces §7.3.7).



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311 · 240-777-0311 · 711 for [MD Relay TTY](https://www.montgomerycountymd.gov/dps)  
[www.montgomerycountymd.gov/dps](https://www.montgomerycountymd.gov/dps)

A public hearing is scheduled for November 18, 2025.

### **Operational Impacts on DPS**

*Overall Effect: Minimal cost and no new staffing requirements, but minor updates are needed to DPS review templates, checklists, and customer guidance.*

1. Zoning, Residential, Customer Support, and Land Development:
  - a. Add intake checks for the 30% household-living limit in Employment Zones and the clarified 30% non-residential allowance for office-to-housing conversions.
  - b. Update form letters and code citations reflecting the new §7.3.5 reference.
2. Zoning Site Plan and Building Height Reviews:
  - a. More shopping center owners may now qualify for height increases, as the 1.2 million square foot threshold has been removed. Zoning will rely on DRC, Planning Board, and approved Certified Site Plans for specific calculated height increases.
  - b. DPS may see a modest uptick in RSC Overlay inquiries and compatibility analyses, but within existing workload capacity.
3. Zoning, Residential Code Enforcement:
  - a. The broadened “Limited Outdoor Storage” definition gives inspectors a clearer basis for citations and fewer disputed NOVs.
  - b. A short-term learning curve is expected while inspectors and customers adjust.
4. Customer Service and Outreach:
  - a. Recommend posting a one-page FAQ and a quick reference sheet that summarizes the new caps and outdoor storage rules.
  - b. Update pre-design consultation scripts and website FAQs.

*Net Impact: Streamlines reviews and reduces ambiguity without changing DPS staffing or budget levels.*

### **Concerns**

- Housing advocates may criticize the 30% residential cap in Employment Zones as limiting housing supply.
- Nearby communities could raise compatibility concerns about new height allowances at medium-sized shopping centers.
- Small contractors may find the expanded outdoor-storage limits restrictive, but the clearer setbacks improve neighborhood compatibility.

### **Potential Amendments**

None required for DPS operations.

### **Additional Analysis**

- ZTA 25-13 brings the zoning code into better alignment with current development practices and eliminates confusion.
- Adoption will improve clarity for applicants and reduce administrative interpretation requests.
- ZTA 25-13 is operations-neutral for DPS.
- No fiscal impact anticipated beyond routine staff time for training and outreach.

cc: Ken Hartman-Espada, Assistant Chief Administrative Officer  
Debbie Spielberg, Special Assistant, Office of the County Executive  
Dale Tibbits, Special Assistant, Office of the County Executive  
Tricia Swanson, Director of Strategic Partnerships  
Saif Shamim, Senior Executive Administrative Aide  
Scott Bruton, Director, Department of Housing and Community Affairs  
Erin Ashbarry, Division Chief, Office of the County Attorney  
Corey E. Talcott, Chief, Division of Zoning, Land Use & Economic Development, Office of the County Attorney  
Elana Robison, Department of Permitting Services, Office of the County Attorney




## MEMORANDUM

December 4, 2025

TO: Council President Natali Fani-González  
PHP Committee Chair Andrew Friedson

CC: Councilmembers & Confidential Aides  
Livhu Ndou, Senior Legislative Attorney  
Planning Department Director Jason Sartori  
Planning Board Chair Artie Harris  
Benjamin Berbert, Planner III - Design, Placemaking, and Policy, Planning Department

FROM: Will Jawando, Councilmember At-Large 

SUBJECT: Amendment to ZTA 25-13, Omnibus – Revisions, Clarifications, and Corrections

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Thank you to PHP Committee colleagues and Ms. Ndou for their efforts on ZTA 25-13. As noted at PHP, while I voted in favor of the ZTA, I have concerns, including the concerns noted by Planning, regarding requiring new setbacks for the placement of limited outdoor storage items such as vehicles, boats, and trailers. (See [Council staff packet at Circle 12 through Circle 30](#)).

While the amendments we approved improved the ZTA provision, I am concerned about unintended consequences, such as being overly burdensome on small business owners who may use trailers for their work or on residents who use trailers to store bikes or other sports equipment and only hitch such trailers to their vehicles for weekend or occasional outings.

I am also cognizant of the many kinds of driveways and yards in the County; while moving a large item such as a boat or camper behind the rear building line of a house and away from the property line may be no problem for some, for others it could require lengthening an existing driveway, a costly change (which of course would have climate consequences, as noted in Planning's climate assessment), necessitating a backyard fence be torn down, or other infrastructure changes and moving expenses. In some cases, such a move may not be physically possible if the backyard is not configured to accommodate such a large item. I am highly attuned to residents' affordability concerns, as I know you are, and believe such unintended consequences may not yet have been fully considered. I hope graphics Ms. Ndou creates for full Council consideration may help to illustrate some of these possible scenarios.

My staff has spoken with Ms. Ndou and Planning to determine if there is a narrow amendment that would resolve my concerns, but I am not yet aware of one. Accordingly, as of now, I will move for this part of the ZTA to be removed at full Council. I welcome working with you on this issue - to better understand the problem you are trying to solve for here, the County-wide data over time related to that problem, how other jurisdictions have approached such issues, and if there is a narrower alternative approach possible with fewer possible unintended consequences. Thank you.