

Clerk's note: On page 1 and on page 3, line 4, a technical correction is made to change Section 4.9.11 to Section 4.9.12, to reflect previous Council action.

**CORRECTED**

Ordinance No.: 18-33

Zoning Text Amendment No.: 17-02

Concerning: Overlay Zone – Regional  
Shopping Center

Draft No. & Date: 2-7/17/17

Introduced: May 16, 2017

Public Hearing: June 20, 2017

Adopted: November 14, 2017

Effective: December 4, 2017

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

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By: Council President at the request of the Planning Board

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

- allow residential uses in the Regional Shopping Center (RSC) Overlay Zone;
- allow additional height in the Overlay zone to accommodate development of residential buildings or multi-use buildings with residential units; and
- generally amend the provisions of the Regional Shopping Center (RSC) Overlay zone

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

ARTICLE 59-4.

“Development Standards for Euclidean Zones”

Section 59.4.9.

“Overlay Zones”

Section ~~[[59.4.9.11]]~~ 59.4.9.12.

“Regional Shopping Center (RSC) Overlay Zone”

**EXPLANATION:** ***Boldface** indicates a Heading or a defined term.*

*Underlining indicates text that is added to existing law by the original text amendment.*

***[Single boldface brackets]** indicate text that is deleted from existing law by original text amendment.*

*Double underlining indicates text that is added to the text amendment by amendment.*

***[[Double boldface brackets]]** indicate text that is deleted from the text amendment by amendment.*

*\* \* \* indicates existing law unaffected by the text amendment.*

## OPINION

Zoning Text Amendment (ZTA) 17-02, lead sponsor the Council President at the request of the Planning Board, was introduced on May 16, 2017. ZTA 17-02 would allow a building with residential uses up to a height of 150 feet in a Regional Shopping Center Overlay zoned area. The proposed ZTA would implement the recommendations of the Planning Board Draft Rock Spring Master Plan.

The Planning Board and Planning staff recommended approval of ZTA 17-02 as introduced. There was general testimony about the lack of future school capacity in the Master Plan area for all of the proposed residential development.

The Council held a public hearing on June 20, 2017 at 7:30 p.m., in combination with the Planning Board Draft Rock Spring Master Plan. A representative of the regional mall owner spoke in favor of ZTA 17-02. The Council referred the matter to the Planning, Housing, and Economic Development Committee meeting.

On July 10, 2017, the Planning, Housing, and Economic Development Committee recommended approval of ZTA 17-02 with revisions. The Committee recommended that the ZTA should make it clear that all the uses allowed in the underlying zone are allowed in the Overlay zone. The Committee also recommended that hotels be allowed the same height as residential buildings under the ZTA (150 feet).

The District Council reviewed Zoning Text Amendment No. 17-02 at a worksession held on October 31, 2017. The Council agreed with the Committee's recommendation to approve ZTA 17-04 as amended.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 17-02 will be approved as amended.

## ORDINANCE

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:*

1        **Sec. 1. ARTICLE 59-4 is amended as follows:**

2        **DIVISION 4.9. Overlay Zones**

3        \*   \*   \*

4        **Section ~~[[4.9.11]]~~ 4.9.12. Regional Shopping Center (RSC) Overlay Zone**

5        **B.     Land Uses**

6            The following uses, in addition to those allowed in the underlying zone, are  
7            permitted as part of a regional shopping center:

8            ~~[[1.   Hotel, Motel]]~~

9            ~~[[2]]~~1.        The following Recreation and Entertainment Facility use:  
10                   theater complex

11           ~~[[3]]~~2.        Combination Retail

12           ~~[[4]]~~3.        Retail/Service Establishment (85,001 - 120,000 SF)

13           ~~[[5]]~~4.        Retail/Service Establishment (120,001 SF and Over)

14           ~~[[6.   Residential]]~~

15        **C.     Development Standards**

16           1.        To accommodate development at a regional shopping center with a  
17                   gross leasable area that is greater than or will be greater than (if  
18                   approved by site plan) 1,200,000 square feet, building height may be  
19                   increased to:

20                   a.        90 feet for a building that includes a theater complex[, and];

21                   b.        ~~[[130]]~~ 150 feet for a Hotel, Motel; and

22                   c.        150 feet for an apartment building or a multi-use building with  
23                   residential use.

24           2.        Any portion of a building over 45 feet in height must be set back from  
25                   an abutting property in an Agricultural, Rural Residential, or  
26                   Residential zone a minimum of 3 feet for each 1 foot of building  
27                   height over 45 feet.

\* \* \*

**E. Parking**

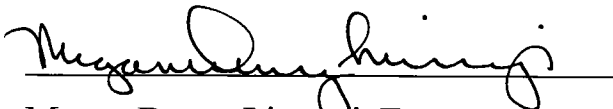
**1. Requirement**

- a. The parking requirement for a regional shopping center is 4 parking spaces for each 1,000 square feet of gross leasable area.
- b. The parking requirement for separate [standing] office and professional [buildings] uses, and for any residential use, is under Division 6.2.

\* \* \*

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

This is a correct copy of Council action.



Megan Davey Limarzi, Esq.  
Clerk of the Council