

**Introduction**

**MEMORANDUM**

December 7, 2018

TO: County Council 

FROM: Jeffrey L. Zyontz, Senior Legislative Analyst

SUBJECT: Zoning Text Amendment 18-13, Regional Shopping Center Overlay Zone – Standards

PURPOSE: No vote required – with introduction, a public hearing may be established

Zoning Text Amendment (ZTA) 18-13, lead sponsor Councilmember Riemer, is scheduled for introduction on December 11, 2018. ZTA 18-13 would amend the Regional Shopping Center Overlay zone. It would allow for free-standing buildings used for Retail Sales and Service, Structured Parking, or Health Clubs and Facilities to have a maximum height of 90 feet.<sup>1</sup>

The Regional Shopping Center Overlay zone applies to Montgomery Mall (Westfield Montgomery) and Wheaton Mall (Westfield Wheaton). The general building height limit in the zone is 45 feet. The Overlay zone has exceptions to that height limit for a building that includes a theater complex (90 feet), a Hotel, Motel (150 feet), and an apartment building or a multi-use building with residential use (150 feet). ZTA 18-13 would add to those exceptions to the general building height limit.

A public hearing concerning ZTA 18-13 is scheduled for January 15, 2019.

This packet contains  
ZTA 18-13

© number  
1 – 4

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<sup>1</sup> Key words: #WestfieldMallHeight, #Regional Mall, #building height, #Retail Uses, #Health Clubs.

Zoning Text Amendment No.: 18-13  
Concerning: Regional Shopping  
Center Overlay Zone –  
Standards  
Draft No. & Date: 1 – 11/16/18  
Introduced:  
Public Hearing:  
Adopted:  
Effective:  
Ordinance No.:

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

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Lead Sponsor: Councilmember Riemer

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

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

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

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

**EXPLANATION:** ***Boldface** indicates a Heading or a defined term.*  
*Underlining indicates text that is added to existing law by the original text amendment.*  
*[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.*  
*Double underlining indicates text that is added to the text amendment by amendment.*  
*[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.*  
*\* \* \* indicates existing law unaffected by the text amendment.*

*ORDINANCE*

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

1           **Sec. 1. DIVISION 59-4.9 is amended as follows:**

2           **Division 4.9. Overlay Zones**

3           \*   \*   \*

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

5           A.    Purpose

6           The purpose of the RSC Overlay zone is to:

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

11          \*   \*   \*

12          C.    Development Standards

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

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

30 \* \* \*

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

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34 This is a correct copy of Council action.

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37 Megan Davey Limarzi, Esq.  
38 Clerk of the Council