

Ordinance No: 15-86  
Zoning Text Amendment No: 06-05  
Concerning: C-2 zone—Site Plan Review  
Draft No. & Date: 1 – 1/30/06  
Introduced: January 31, 2006  
Public Hearing: March 7, 2006; 1:30 p.m.  
Adopted: October 10, 2006  
Effective: October 10, 2006

**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: Councilmember Praisner

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance for the purpose of:

- requiring site plan review for certain commercial projects in the C-2 zone, under certain circumstances; and
- generally amending the C-2 zone.

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

DIVISION 59-C-4  
Section 59-C-4.35  
ARTICLE 59-D

“COMMERCIAL ZONES”  
“C-2 zone-Purpose and development standards”  
“ZONING DISTRICTS—APPROVAL PROCURES”

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

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

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

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

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

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

## OPINION

Zoning Text Amendment No. 06-05 was introduced on January 31, 2006, for the purpose of requiring site plan review for certain commercial projects in the C-2 zone, under certain circumstances; and generally amending the C-2 zone.

The Montgomery County Planning Board in its report to the Council recommended that the text amendment be approved with amendments. In particular the Planning Board recommended excluding regional malls from the requirement for site plan approval.

The County Council held a public hearing on March 7, 2006, to receive testimony concerning the proposed text amendment. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held work sessions on June 19 and September 18, 2006 to review the amendment. The Committee recommended amended language to: clarify the meaning of total floor area, prevent a project from avoiding site plan approval by a series of building permits and exclude regional malls from this site plan approval requirement. The Committee found that 200,000 square feet of total floor area represents a significant change in the character of most shopping centers; shopping centers of this size are larger than neighborhood centers and provide for sub-regional market. The Committee found that a change in the character of a shopping center warrants public review through the site plan approval process. Regional malls are excluded from a requirement for site plan approval because malls do not change their character with an addition of 200,000 square feet on total floor area.

The District Council reviewed Zoning Text Amendment No. 06-05 at a worksession held on October 10, 2006, and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

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. 06-05 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:*

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

**DIVISION 59-C-4. COMMERCIAL ZONES.**

\* \* \*

**59-C-4.35. C-2 zone –Purpose and development standards.**

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**59-C-4.357. C-2 zone—Purpose and development standards.**

Residential development in the C-2 zone pursuant to 59-C-4.351(b) must include Moderately Priced Dwelling Units (MPDUs) in accordance with the provisions of Chapter 25A.

**59-C-4.358. C-2 zone—Site Plan Review.**

[[Notwithstanding any provision to the contrary, site plan review under 59-D-3 is required as a precondition for the issuance of a building permit for any commercial use in the C-2 zone with over 200,000 square feet of gross floor area that did not receive a building permit before January 30, 2006. This requirement for site plan review does not apply to any commercial use in the C-2 zone with over 200,000 gross square feet of gross floor area that received a building permit before January 30, 2006.]] Before a building permit is issued in the C-2 zone, the Planning Board must approve a site plan under §59-D-3 if the permit is not for a regional shopping center but allows any new structure, addition to an existing structure, or any new structure that would replace a demolished structure that in any combination would exceed 200,000 square feet of total floor area. Total floor area for this purpose includes gross floor area, and the sum of the gross horizontal area on any floor or paved surface of any: parking deck, above-ground parking garage, and basement with public access. Total floor area must also include any new structure, addition to an existing structure, or new structure that replaces any existing structures with building permits approved up to 5 years before the building permit application; however total floor area approved by building permits issued before August 1, 2006 must be excluded from total floor area. If construction authorized by a building permit issued in the C-2 zone

after August 1, 2006 has not started, the Planning Board must approve a site plan under §59-D-3, if site plan approval would be required for a new building permit under this section.

**Sec. 2. ARTICLE 59-D is amended as follows:**

**ARTICLE 59-D. ZONING DISTRICTS—APPROVAL PROCEDURES.**

**Plan Approvals Required**

		Development	Project Plan		Diagrammatic
	Section	Plan	Optional Method	Site Plan	Plan
Zone	Number	(Division 59-D-1)	(Division 59-D-2)	(Division 59-D-3)	(Division 59-D-4)
* * *					
C-P				X	
C-2				E	
* * *					

X—Required.

M—Required only if optional regulations for MPDUs are used.

H—Required [only if over 3 stories or 42 feet in height].

N—Required only if development exceeds FAR 0.25.

O—Required only for optional method of development.

E—Required only [for additional height in accordance with subsection 59-C-4.351] in accordance with certain provisions of the C-2 zone.

**Sec. 3. Effective date.** This ordinance becomes effective immediately upon Council adoption.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council