



Committee: PHP

Committee Review: At a future date

Staff: Livhu Ndou, Senior Legislative Attorney

Purpose: To introduce agenda item – no vote expected

AGENDA ITEM #2A

October 14, 2025

Introduction

SUBJECT

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

Lead Sponsors: Councilmembers Fani-González and Friedson

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- To introduce agenda item – no vote expected

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- correcting outdated cross-references to expedited approval plans.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 in order 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 be stored within 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](#).
- A public hearing is tentatively scheduled for November 18, 2025.

This report contains:

ZTA 25-13

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Ordinance No.: _____
Zoning Text Amendment No.: 25-13
Concerning: Omnibus – Revisions,
Clarifications, and
Corrections
Revised: 10/7/2025 Draft No.: 1
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**

Lead Sponsor: Councilmembers Fani-González and Friedson

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”
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 4.1.3.D, 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

* * *

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

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* * *

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

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

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* * *

85 **Section 4.6.4. Optional Method Development**

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

87 **A. General Requirements**

88 **1. Procedure for Approval**

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

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* * *

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

97 **Division 4.9. Overlay Zones**

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* * *

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

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* * *

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 59-6.6 is amended as follows:

Division 6.6. Outdoor Display and Storage

* * *

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. 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.

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 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.

* * *

156 **Sec. 8. Effective date.** This ordinance becomes effective 20 days after the
157 date of Council adoption.

This is a correct copy of Council action.

Sara R. Tenenbaum
Clerk of the Council