

Ordinance No.: 18-12
Zoning Text Amendment No.: 15-10
Concerning: Combination Retail -
Definition
Draft No. & Date: 2 – 2/4/16
Introduced: November 3, 2015
Public Hearing: January 12, 2016
Adopted: February 9, 2016
Effective: February 29, 2016

**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: Council President Leventhal
Co-sponsors: Councilmembers Elrich, Hucker, Navarro, and Riemer

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- revise the definition of “Combination Retail”; and
- generally amend the approval and development standards for Combination Retail uses.

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

DIVISION 59-3.5. “Commercial Uses”
Section 59-3.5.11. “Retail Sales and Service”

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

Council President Leventhal is the lead sponsor of ZTA 15-10. Councilmembers Elrich, Hucker, Navarro, and Riemer are co-sponsors. ZTA 15-10 would amend the definition of Combination Retail by reducing the size specification from 85,000 square feet of floor area to 65,000 square feet of floor area. Combination retail stores larger than 65,000 square feet would be required to get conditional use approval.

In its report to the Council, the Montgomery County Planning Board recommended against the approval of ZTA 15-10. In its opinion, the Council's concern might be better focused on the compatible integration of small businesses near Metrorail Stations. In any event, the Planning Board recommended amending the definition of Combination Retail to include club membership stores due to their similar impact.

Planning Staff recommended approval of ZTA 15-10 as introduced.

The Council held a public hearing on January 12, 2016. The Council received 4 emails in support of ZTA 15-10 from residents in the Aspen Hill area. These residents believe that approval of the ZTA would support existing neighborhood shopping centers.

The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

On February 1, 2016, the Committee (3-0) recommended approval of ZTA 15-10 as introduced. The Committee considered including membership retailers in the definition of a Combination Retail store, the specific revision recommended by the Planning Board, but did not recommend it.

The Committee found the Planning Staff recommendation and reasoning persuasive:

Over the past decade, the prototypical building size of this use has evolved, including the emergence of smaller building footprints in more urban settings. As such, the Council's proposed modification of the building size threshold is consistent with current trends, especially in urban and metro station areas.

The District Council reviewed Zoning Text Amendment No. 15-14 at a worksession held on February 9, 2016. The Council agreed with the Committee recommendations.

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. 15-10 will be approved as introduced.

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 59-3.5 is amended as follows:**

2 **DIVISION 59-3.5. Commercial Uses**

3 * * *

4 **Section 3.5.11. Retail Sales and Service**

5 **A. Combination Retail**

6 **1. Defined**

7 Combination Retail means a department or retail store that exceeds
8 [85,000] 65,000 square feet and that includes a pharmacy and a full
9 line of groceries. Combination Retail does not include a grocery store,
10 or a club or membership store that charges a membership or access fee
11 and sells primarily bulk merchandise (See Section 3.5.11.B,
12 Retail/Service Establishment).

13 * * *

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

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17 This is a correct copy of Council action.

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20 Linda M. Lauer, Clerk of the Council