

Clerk's Note: A technical error is corrected on line 4; the correct Section number is 4.9.13 rather than 4.9.12.

CORRECTED

Ordinance No.: 18-29

Zoning Text Amendment No.: 17-05

Concerning: Ripley/Silver Spring South
Overlay Zone – Standards

Draft No. & Date: 1 – 5/3/17

Introduced: July 18, 2017

Public Hearing: September 19, 2017

Adopted: October 10, 2017

Effective: October 30, 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**

Lead Sponsor: Councilmember Hucker

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- amend the development standards for the Ripley/South Silver Spring (RSS) Overlay zone

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

DIVISION 59-4.9. “Overlay Zones”

Section ~~[[4.9.12]]~~ 4.9.13. “Ripley/South Silver Spring (RSS) 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 No. 17-05 was introduced on July 18, 2017 to create incentives for the provision of major public facilities¹ and a significant retail opportunity in the Ripley/Silver Spring South Overlay zone area.

In its report to the Council, the Montgomery County Planning Board recommended approval as introduced.

The County Council held a public hearing on September 19, 2017 to receive testimony concerning the proposed text amendment. In addition to the positive recommendation from the Planning Board, a developer who can take advantage of the additional height testified in favor of the ZTA. The Montgomery Civic Federation testified against the ZTA. The Federation believes that the additional height is well beyond the height limits contemplated in the master plan. The Federation pointed out that the above-ground parking that “causes” the need for additional height is not a recommended public benefit in the Master Plan. The testimony pointed to significant retail floor area that has been provided by other developers without allowing building heights above 200 feet. In the opinion expressed in testimony, the ZTA amounts to special legislation for the benefit of a particular entity.

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 a worksession on September 25, 2017 to review the text amendment. After careful review of the materials of record, the Committee recommended that ZTA 07-05 be approved as introduced. The Committee believed that the additional building height was warranted by the provision of land uses that enhanced the development of the Silver Spring Central Business District.

The District Council reviewed Zoning Text Amendment No. 17-05 at a worksession held on October 10, 2017. The Council agreed with the Committee’s recommendation to approve ZTA 17-05.

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. 17-05 will be approved as introduced.

¹ Major public facilities include, but are not limited to, such facilities as a school, library, recreation center, park, County service center, bike share station, public transportation or utility upgrade, or other resource delineated in an applicable master plan. Major public facilities provide public services at a convenient location where increased density creates a greater need for civic uses and greater demands on public infrastructure.

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]]~~ 4.9.13. Ripley/South Silver Spring (RSS) Overlay Zone**

5 * * *

6 **C. Development Standards**

7 **1. Building Height**

8 * * *

9 b. For a property zoned CR and mapped at 200 feet, the Planning
10 Board may approve a maximum building height of 200 feet
11 only in an optional method development project that provides
12 ground floor retail. If no ground floor retail is provided, the
13 maximum building height is 145 feet. Any structure or device
14 used to collect or radiate electromagnetic waves, including a
15 satellite dish, must not be included in calculating building
16 height under this paragraph.

17 c. For a property zoned CR and mapped at 200 feet, the Planning
18 Board may approve a maximum building height of 270 feet, if
19 an optional method development project includes the provision
20 of an on-site or off-site major public facility under Section
21 4.7.3.A and also provides a ground floor level grocery store or
22 other qualifying basic service under Section 4.7.3.C.3 of at least
23 10,000 square feet of floor area.

24 * * *

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

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28 This is a correct copy of Council action.

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Linda M. Lauer

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Linda M. Lauer, Clerk of the Council