



Zoning Text Amendment (ZTA) No. 12-01, Large Retail Uses in Commercial Zones
Zoning Text Amendment (ZTA) No. 12-02, Combination Retail Stores

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Completed 3/1/12

Description

ZTA No. 12-01 establishes additional requirements in the C-4 zone with respect to retail uses with a ground floor area of at least 50,000 square feet or in a development containing more than 100,000 square feet of retail for a single user, and located within one-half mile of a metro station. Specifically, the ZTA would:

- limit the maximum footprint to 80,000 square feet;
- require space to be provided for small retailers (less than 5,000 square feet per space);
- require mixed use buildings (either office or residential in addition to retail); and
- require conformance to design standards.

The ZTA would also allow increased floor area and building height in the C-4 zone for projects with large single retail users if they conform to the proposed standards. **ZTA No. 12-02** amends the term “combination retail store” (retail/pharmacy/grocery store), applies to property more than one half mile from a metro station and amends the required findings for a combination retail use special exception to include requirements for: light spillover onto residential property; consistency with master plan recommendations; and small retail space under certain circumstances.

Summary

Staff recommends approval of ZTA Nos. 12-01 and 12-02 with modifications to make plain language clarifications to both ZTAs to ensure that the intent is clear. Staff also recommends further modifications to ZTA 12-02 to: clarify whether combination retail uses in the C-2 and C-3 zones would be allowed within one-half mile of a Metro station and eliminate the proposed specific requirement for consistency with the area master or sector plan. The proposed requirement is redundant since there is currently a general special exception condition that addresses this issue. Staff further recommends that the specific conditions of ZTA 12-02 be amended to clarify the intent of when small retail tenant space would be required as part of a project.

ZTA 12-01 was introduced to address potential adverse impacts caused by retail uses with very large footprints on C-4 zoned properties located *within one-half mile of a Metro station* by allowing such uses only as part of a mixed-use project and with building design features that help to activate streets at a pedestrian scale within these areas. In addition, the ZTA requires that some smaller retail businesses be integrated into such sites to provide some variety in retail choices. Site plan review would also be required to ensure compatibility with adjacent properties.

Currently a combination retail store is regulated by special exception in the C-2 and C-3 zones when the store (combination of retail/grocery/pharmacy) exceeds 120,000 square feet of gross floor area. Club membership stores are excluded from the current combination retail definition, thereby not required to obtain special exception approval. ZTA 12-02 would require any store larger than 50,000 square feet to be approved through the special exception process, would eliminate the club membership exemption and would add this land use provision to the C-4 zone. Staff's understanding of the intent of ZTA 12-02 was to complement ZTA 12-01 by permitting a combination retail store that is located more than one-half mile from a Metro station to obtain special exception approval. Any existing store would not be affected by the ZTA unless the store expands. ZTA 12-02 would not apply to regional malls.

ZTA 12-01 (ATTACHMENT 1)

Land Uses-(Lines 10-16)

ZTA 12-01 proposes to allow residential uses as part of a mixed use building subject to the requirements of proposed new Section 59-C-4.379 pertaining to large retail uses near a metro station.

59-C-4.378. Special regulations—C-4 zone. (Lines 18-74)

The ZTA proposes an increase in density from the current maximum of 0.75 FAR (standard development maximum is only 0.25 FAR) to 1.5 FAR to accommodate mixed-use buildings that adhere to the requirements of proposed new Section 59-C-4.379 (discussed below). To accommodate the increased density, the Planning Board would be required to make a finding that the project will be compatible with the intensity of surrounding existing and planned land uses, will not have an adverse impact on existing and planned public facilities in the area, and will be consistent with the land use recommendations of the applicable approved and adopted master or sector plan and any design guidelines approved to implement the master or sector plan.

ZTA 12-01 further proposes an increase to the maximum building height from 40 feet to 75 feet to accommodate a mixed-use project within the scope of Section 59-C-4.379. The increased height would not be allowed if the Planning Board finds that the increased height would be incompatible with the intensity of surrounding existing and planned land uses, would have an adverse impact on existing and planned public facilities in the area, or would not be consistent with the land use recommendations of the applicable approved and adopted master or sector plan.

Further, the maximum building coverage is proposed to increase from 35 percent to 45 percent for a project that satisfies Section 59-C-4.379.

59-C-4.379. Large retail uses near a metro station. (Lines 86-207)

For a retail use designed for a single retailer that has at least 50,000 square feet of gross floor area on the ground floor (footprint) of a building or has more than 100,000 square feet of total floor area in a building and that is located within one-half mile of a metro station entrance, the requirements for a project are summarized as follows:

- The maximum area of an individual floor designed for a single retail user may not exceed 80,000 square feet.
- Site plan approval is required

- Prohibited uses--a drive-through service window or lane that is visible from a public street, an automobile repair or service facility or an automobile filling station
- Any facade longer than 100 horizontal feet must incorporate wall plane projections or recesses.
- Transparent glazing (i.e., transparent windows, unobstructed display windows, or transparent store doors) required for at least 60 percent of the horizontal length of the street level building façade when fronting public or private streets or parking (can be waived by Planning Board)
- At least 20 percent additional street level retail for small businesses (less than 5,000 square feet of tenant gross floor area each). Tenant space must be located at street level, and the façade and customer entrance must front a public or private street. No secondary entrance accessing the primary retail use allowed. At least 50 percent of the additional tenant space(s) must be located along the façade where the primary active customer entrance for the largest single retail use is located (can be waived by Planning Board).
- All sides of a building that front an abutting public right-of-way must have at least one active retail, residential, or office entrance
- Storage and loading areas must be screened from public rights-of-way
- The floor area of any non-retail components must be equal to or greater than the gross floor area of the single largest retail user. At least 50 percent of the gross floor area of the non-retail component must be located above the street level retail footprint.
- Parking facilities must be located below-grade or in a structure behind or within the primary building (can be waived by Planning Board).

Staff believes that it is important, in areas near metro stations, to ensure that uses are integrated to promote complete communities and that uses and buildings are visually compatible with each other and adjacent communities to provide a harmonious pattern of development. Building placement, height, massing, façade treatments, and the location of parking facilities affect sense of place, orientation, and the perception of comfort and convenience. As such, it is important to retain and promote the compatible integration of small businesses and mix of uses within complete communities to provide diverse employment and retail opportunities and housing choices for all incomes, ages, and family sizes. Staff believes that the provisions of ZTA 12-01 assist in limiting potential adverse impact of large commercial uses due to size, aesthetics, parking, and loss of small businesses and promote the integration of uses in urban settings near metro stations. **Staff recommends approval of ZTA 12-01 with plain language clarifications as provided in Attachment 1.**

ZTA 12-02 (ATTACHMENT 2)

59-A-2.1 Definitions. (Lines 3-8)

Currently a combination retail store is defined as a department or retail store that exceeds 120,000 square feet and that includes a pharmacy and a full line grocery store. Club membership stores are excluded from the current definition, thereby not required to obtain special exception approval. ZTA 12-02 would change the threshold for classification as a combination retail store from 120,000 square feet to any department or retail store/pharmacy/grocery store combination larger than 50,000 square feet. The reduction of the building size criteria falls within the range of sizes for large retail establishments being regulated in several neighboring jurisdictions (sizes range between 20,000 square feet to 125,000 square feet--see Attachment 4) as well other jurisdictions throughout the nation. Staff agrees with the sponsors' proposed elimination of the club membership exemption for a combination retail store.

59-C-4.2. Land uses. (Lines 13-24)

Currently a combination retail store is regulated by special exception in the C-2 and C-3 zones. Staff's understanding of the sponsors' intent is that any store larger than 50,000 square feet (the proposed new definition of combination retail store) would need to be approved through the special exception process in the C-2, C-3 and C-4 zones when the project is located more than one-half mile of a Metro station. In the C-4 zone, any combination retail store proposed within one-half mile of a Metro station would be permitted by-right but would be subject to the new regulations proposed in ZTA 12-01. As introduced, ZTA 12-02 also permits a combination retail store by-right in the C-2 and C-3 zones when located within one-half mile of a Metro station; but does not subject a project in these zones to the regulations for large retail uses near metro stations as proposed in ZTA 12-01 for the C-4 zone only. **Staff recommends that ZTA 12-02 be clarified for the C-2 and C-3 zones by eliminating the proposed by-right establishment of a new combination retail store within one-half mile of a Metro station. If the sponsors' intent is to allow the use by-right within one-half mile of a Metro station, staff recommends that it be subjected to the proposed requirements of Section 59-C-4.379 (Large retail uses near a metro station) of ZTA 12-01. It should be noted that Footnote 61 would grandfather existing combination retail uses established before April 1, 2012.**

Special Exception Requirements for 59-G-2.15. Combination Retail Store. (Lines 32-67)

In addition to the general conditions of approval for any special exception application (Section 59-G-1.21), Section 59-G-2.15 provides certain specific requirements for approval of a combination retail store as summarized below:

- Reduction of the building's mass and scale with projections or recessions along long walls
- Safe and efficient access to parking including landscaped areas
- Must have direct vehicular access to an existing arterial or major highway; must provide a traffic impact study to demonstrate acceptable peak hour levels of service
- Site must be screened from any abutting residentially zoned property
- Obstructions that reduce visibility at intersections or at entrances and exits to and from the site are prohibited
- Lighting must not reflect, or cause glare, on any residentially zoned property

ZTA 12-02 proposes additional requirements to further minimize impacts of a combination retail use on adjacent properties. The first modification adds a standard 0.1 footcandle requirement to the lighting requirement (f). Staff agrees with the intent of the provision but recommends plain language modifications to the text to further clarify the provision.

The second addition (proposed requirement "g") proposes a specific requirement for consistency with the area master or sector plan. Staff recommends eliminating this addition since there is currently a general special exception condition that addresses this issue.

The third modification (proposed requirement "h") would require 20 percent of the total gross floor area of the proposed project to be used for businesses that each have less than 5,000 square feet of tenant gross floor area if construction of the combination retail store resulted in the demolition of existing retail space. **Staff recommends that this condition be required only if construction of the combination retail store**

resulted in the demolition of existing retail space of less than 5,000 square feet for at least one tenant. Otherwise, there is the potential of requiring small retail space as replacement for a demolished large retail establishment. **Alternatively, the condition could require small business space without a connection to the demolition of existing space.**

In summary, in areas that are more than one-half mile from a metro station, it is important to preserve the ability to develop retail buildings while minimizing adverse impacts from such commercial uses. In numerous studies, retail uses with large building footprints have been shown to create unique impacts related to the environment, traffic congestion, architectural scale, compatibility with adjoining uses, lighting, and long-term vacancy if a retail tenant leaves. Staff believes that the general conditions for special exception approval along with the specific special exception requirements for combination retail uses as modified herein assist in limiting the aforementioned potential adverse impacts of such development. This is especially the case when noting the lower floor area threshold for requiring a special exception for a combination retail store (previously those buildings exceeding 120,000 square feet required a special exception; as proposed, a threshold exceeding 50,000 square feet would require a special exception).

Applicability

Zoning Text Amendment 12-01 (Attachment 1) applies to property zoned C-4 and located within one-half mile of a Metro station. Currently there are only three sites in the County that fit this criteria; Pike Center located at Rockville Pike and Bou Avenue (Twinbrook); Spring Center located at the intersection of Spring Street and 16th Street (Silver Spring); and Loehmann's Plaza located at Parklawn and Randolph Road (White Flint). Maps in Attachment 3 depict these locations.

Zoning Text Amendment 12-02 (Attachment 2) could be applicable inside or outside of one-half mile of a Metro station, depending on the approach decided by the County Council. Maps in Attachment 3 depict the applicable locations for the C-2, C-3 and C-4 zones. In summary, the number of sites large enough to accommodate a 50,000 square foot building footprint is as follows:

Parcels larger than 50,000 SF

Countywide:

C-2 – 77 parcels

C-3 – 23 parcels

C-4 – 16 parcels

Parcels within ½ mile of Metro stations:

C-2 – 24 parcels

C-3 – 0 parcels

C-4 – 3 parcels

ATTACHMENTS

1. ZTA 12-01 as modified by staff
2. ZTA 12-02 as modified by staff
3. GIS Maps of C-2, C-3 & C-4 zones within and greater than one-half mile of Metro station
4. Table of Local Jurisdictions Regulating Large Retail Establishments

ATTACHMENT 1

Zoning Text Amendment No.: 12-01
Concerning: Commercial zones- Large
Retail Uses
Draft No. & Date: 1 – 1/11/12
Introduced: January 31, 2012
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**

By: Council President Berliner and Councilmember Ervin

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- Establishing additional requirements in the C-4 zone for retail uses of a certain size, located within one-half mile of a metro station; and
- generally providing standards for the development of certain size retail uses.

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

DIVISION 59-C-4 “COMMERCIAL ZONES”
Section 59-C-4.2 “Land uses”
Section 59-C-4.378. “Special regulations—C-4 zone

And adding

Section 59-C4.379 “Large retail uses near metro stations”

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 that text 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-C-4 is amended as follows:

DIVISION 59-C-4. COMMERCIAL ZONES.

* * *

Sec. 59-C-4.2. Land uses.

No use is allowed except as indicated in the following table:

-Permitted Uses. Uses designated by the letter "P" are permitted on any lot in the zones indicated, subject to all applicable regulations.

-Special Exception Uses. Uses designated by the letters "SE" may be authorized as special exceptions under article 59-G.

	C-T	O-M	C-O	C-P	C-1	C-2	C-3	C-4	C-5	C-6	H-M	Country Inn
(a) Residential:												
* * *												
Dwellings.	P ⁶	P ⁶ /SE	P ^{2, 52}		SE	P ⁴⁰ /SE	SE	P [*] /SE		SE		P ⁴
* * *												
(d) Commercial:**												

* * *

* As part of a mixed-use project designed for a large retail user that complies with the standards and requirements of Section 59-C-4.379.

** In the C-4 zone, if project is within the scope of Section 59-C-4.379, the project must satisfy the requirements of Section 59-C-4.379.

* * *

59-C-4.378. Special regulations—C-4 zone.

19 **Development above FAR 0.25.** In order to encourage the orderly grouping and
 20 planned development of low-intensity, highway commercial centers, to limit the
 21 number and to control the location of access points to C-4 zoned sites, to
 22 encourage an appropriate scale of development near metro stations, and to
 23 generally enhance the appearance of small commercial centers located along major
 24 roadways, the following optional method of development may be permitted,
 25 provided that the applicable approved and adopted master plan does not indicate
 26 that higher intensity commercial development above FAR 0.25 would be
 27 unsuitable for the applicable site; and provided further that the following site
 28 development standards and site plan review procedures shall be in effect. If this
 29 method is used, all of the above requirements of the C-4 zone [shall] must be met
 30 except as follows:

31 (a) **Minimum Area of Lot.** The optional method of development shall not be
 32 permitted on a lot or parcel of land which has a total area of less than 2
 33 acres.

34 (b) **Development Density.**

35 (1) [[Increases in the gross floor area of buildings, above a FAR of 0.25,
 36 may be permitted[, up to a]] A maximum FAR of 0.75 [[for projects]]
 37 may be permitted[, upon a finding by the planning board] if the
 38 Planning Board finds that an increased amount of gross floor area,
 39 above a FAR of 0.25, would be compatible with the intensity of
 40 surrounding existing and planned land uses, would not have an
 41 adverse impact on existing and planned public facilities in the area,
 42 and would be [in accord] consistent with the land use
 43 recommendations and guidelines of the applicable approved and
 44 adopted master or sector plan.

- 45 (2) [[Increases in the gross floor area of buildings, above a FAR of 0.25,
46 may be permitted up to a]] A maximum FAR of 1.5 may be permitted
47 for a mixed-use project if:
- 48 (A) the project is within the scope of Section 59-C-4.379; and
49 (B) the Planning Board finds that the project is compatible with the
50 intensity of surrounding existing and planned land uses, will not
51 have an adverse impact on existing and planned public facilities
52 in the area, and will be consistent with the land use
53 recommendations of the applicable approved and adopted
54 master or sector plan and any design guidelines approved to
55 implement the master or sector plan.
- 56 (c) **Height Limit.**
- 57 (1) [No building shall exceed] The maximum building height is 3 stories
58 or 40 feet [in height].
- 59 (2) The maximum building height may be increased to 75 feet to
60 accommodate a mixed-use project within the scope of Section 59-C-
61 4.379 unless the Planning Board finds that an increased height would
62 be incompatible with the intensity of surrounding existing and
63 planned land uses, would have an adverse impact on existing and
64 planned public facilities in the area, [[and]] or would not be consistent
65 with the land use recommendations of the applicable approved and
66 adopted master or sector plan.
- 67 (d) **Maximum Lot Coverage.** The building coverage may be increased to a
68 maximum of 35 percent of the lot; however, the building coverage on a
69 project that satisfies Section 59-C-4.379 may be increased to a maximum of
70 45 percent of the lot.

71 (e) **Setbacks.** The setback from adjoining residentially zoned land, not
72 recommended for commercial or industrial zoning on an approved and
73 adopted master or sector plan, [shall] must not be less than either the setback
74 required in the adjacent residential zone or the height of the building,
75 whichever is greater.

76 * * *

77 **59-C-4.379. Large retail uses near a metro station.**

78 **59-C-4.379.1 Scope.**

79 This subsection applies to any project with:

80 (a) a retail use designed for a single retailer that uses at least 50,000 square feet
81 of gross floor area on the ground area of a building (footprint)[[,]] or more
82 than 100,000 square feet of all floor area [[designed for a single retail user]];
83 and

84 (b) a pedestrian entrance [[designed for a single large retail user defined in
85 Subsection (a),]] located within one-half mile of a metro station entrance.

86 **59-C-4.379.2 Requirements.**

87 (a) For any project within the scope of this subsection, notwithstanding any
88 other provision of this Chapter, the maximum [[building footprint of the]]
89 area of an individual floor designed for a single retail user [[is]] may not
90 exceed 80,000 square feet.

91 (b) In addition to the requirements of the C-4 zone, for any project within the
92 scope of this Section:

93 (1) [[must get a s]]Site plan [[approved]] approval under Division 59-D-3
94 is required; and

95 (2) the following land uses are prohibited on the site:

96 (A) a drive-through service window or lane that is visible from a
97 public street, except for any drive-through existing on January

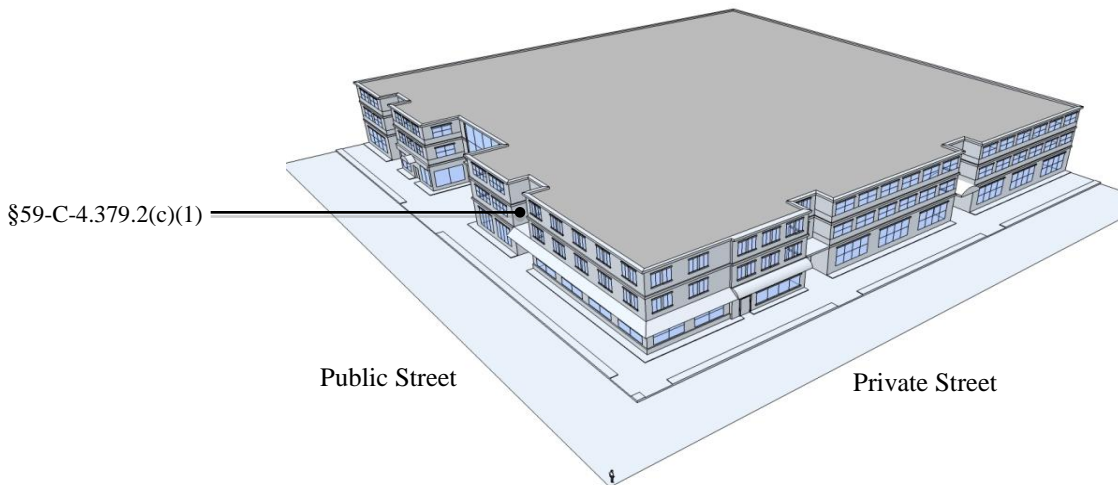
98 1, 2012, [[any drive-through service window or lane that is
99 visible from a public street]];

100 (B) an automobile repair or service facility; and

101 (C) an automobile filling station.

102 (c) On or in each building designed for a large retail user:

103 (1) Any facade longer than 100 horizontal feet must incorporate wall
104 plane projections or recesses.



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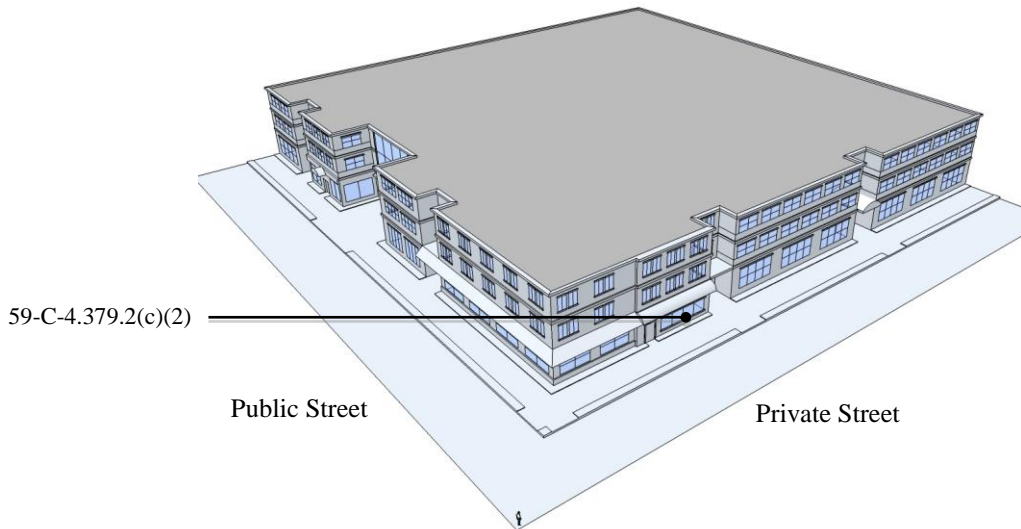
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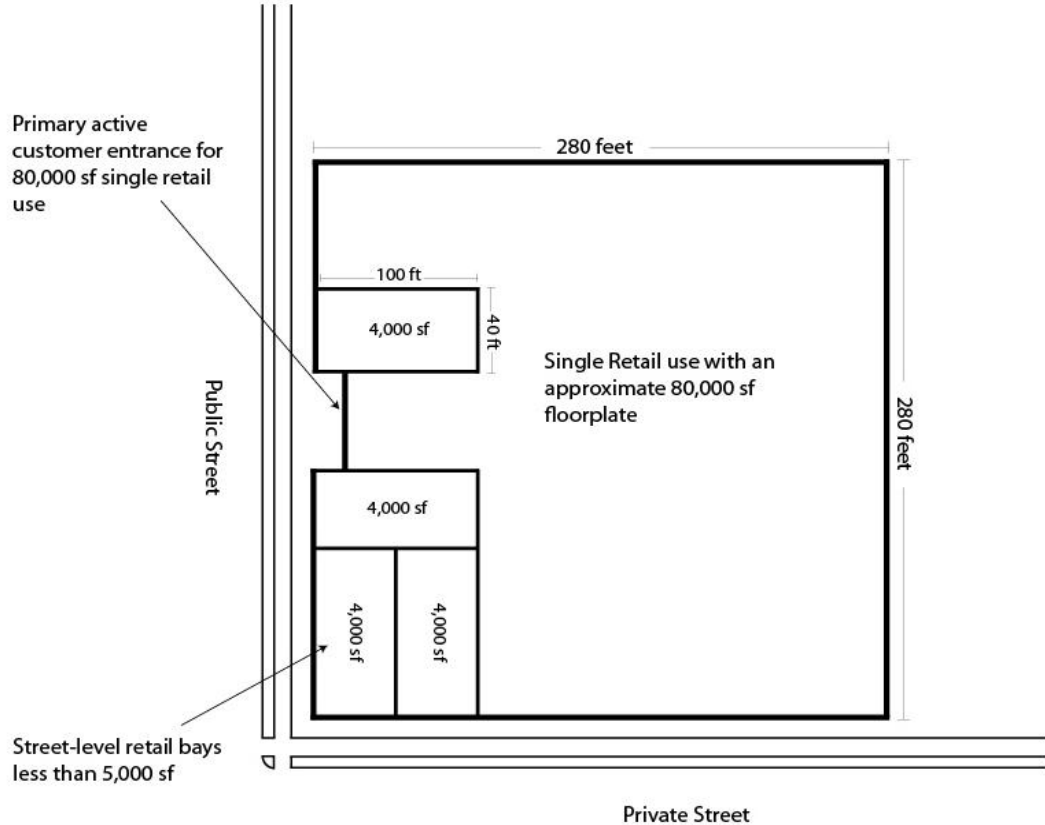
(2) Street level retail facades that front public or private streets or parking areas must provide transparent glazing (i.e., transparent windows, unobstructed display windows, or transparent store doors) for at least 60 percent of the horizontal length of the building façade between the height, at a minimum, of 3 feet and 8 feet above the walkway grade. The Planning Board may waive this requirement if it finds that a satisfactory site design can otherwise assist in activating pedestrian traffic along the public or private street.

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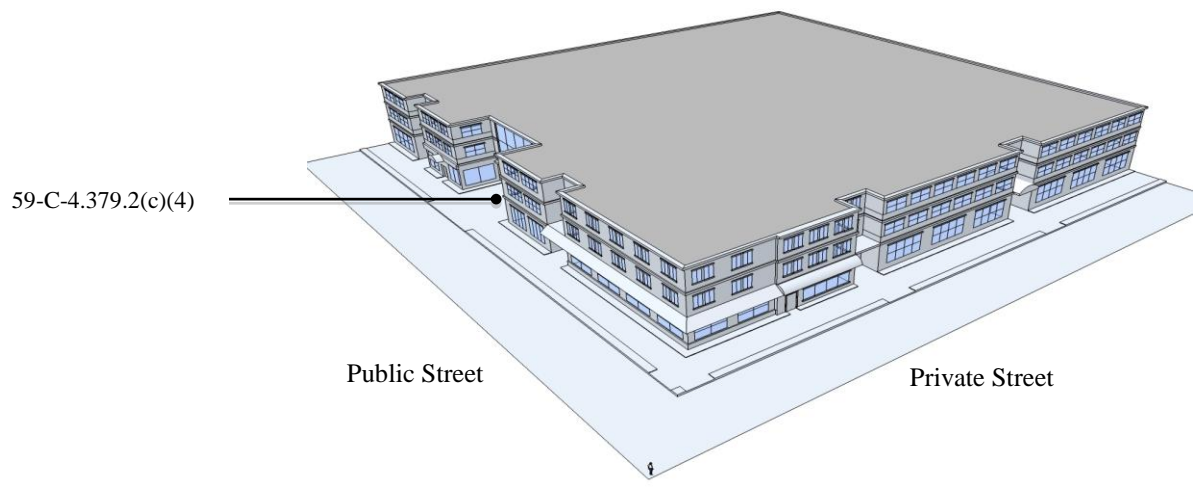


(3) At least 20 percent additional street level retail (calculated on the footprint area designed for the largest single retail user) must be used for businesses with less than 5,000 square feet of tenant gross floor area each. The tenant space must be located at street level, and the façade and customer entrance must front a public or private street. A secondary entrance accessing the primary retail use is prohibited. At least 50 percent of the additional tenant space(s) must be located along the façade where the primary active customer entrance for the largest single retail use is located. The Planning Board may waive this requirement if it finds that a satisfactory site design can otherwise assist in activating pedestrian traffic along the public or private street.

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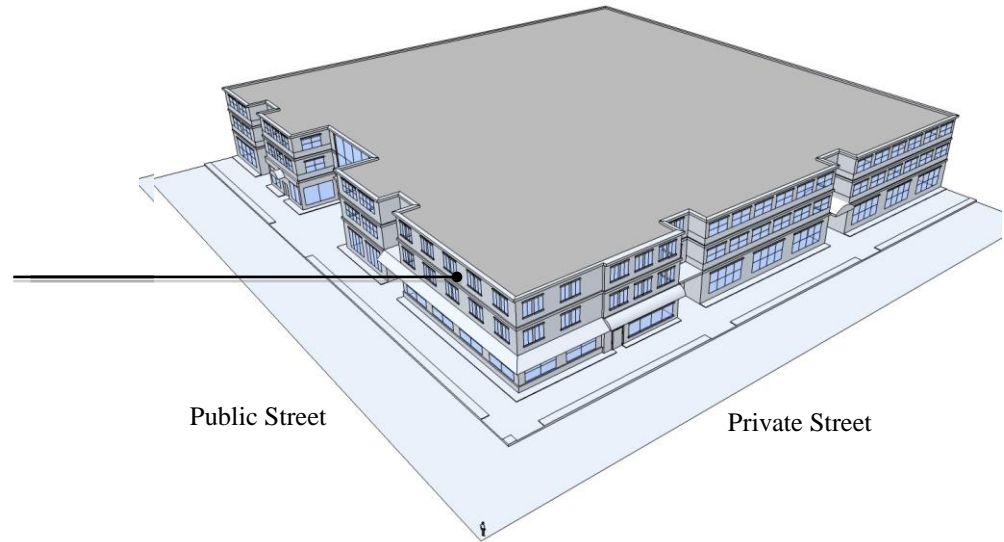


(4) All sides of a building that front an abutting public right-of-way must have at least one active retail, residential, or office entrance.



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- (5) Areas for storage, truck parking, trash collection or compaction and loading must be screened from public rights-of-way.
- (6) Variations in rooflines must be used when possible. Full architectural parapets or equivalent features must be used around the entire building to conceal rooftop mechanical equipment.
- (7) The total of any residential floor area and any office floor area must be equal to or greater than the gross floor area designed for a single large retail user. At least 50 percent of the gross floor area of the non-retail component must be located above the street level retail footprint.



- (8) Parking facilities designed for a large retail user, excluding access driveways, must be located below-grade or in a structure behind or within the primary building. The Planning Board may waive the location requirement if it finds that a satisfactory site design can be

206 achieved to screen parked vehicles from view along any public or
207 private street.

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

212

213 This is a correct copy of Council action.

214

215 _____

216 Linda M. Lauer, Clerk of the Council

217

ATTACHMENT 2

Zoning Text Amendment No: 12-02
Concerning: Commercial Zones -
Combination Retail Stores
Draft No. & Date: 1 – 1/23/12
Introduced: January 31, 2012
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**

By: Councilmembers Ervin, Navarro, Elrich, and Riemer

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- amending defining the term “combination retail store”;
- amending the required findings for a combination retail use special exception; and
- generally amending the provisions for a combination retail store.

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

DIVISION 59-A-2	“DEFINITIONS AND INTERPRETATION”
Section 59-A-2.1	“Definitions”
DIVISION 59-C-4	“COMMERCIAL ZONES”
Section 59-C-4.2	“Land uses”
DIVISION 59-G-2	“SPECIAL EXCEPTIONS—STANDARDS AND REQUIREMENTS”
Section 59-C-2.15	“Combination Retail Store”

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.

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-A-2 is amended as follows:**

2 DIVISION 59-A-2. DEFINITIONS AND INTERPRETATION.

3 **59-A-2.1 Definitions.**

4 * * *

5 **Combination retail store:** A department or retail store that exceeds [120,000]
 6 50,000 square feet and that includes a pharmacy and a full line grocery store. [A
 7 club or membership store that charges a membership or access fee and sells
 8 primarily bulk merchandise is not a combination retail store.]

9 * * *

10 **Sec. 2. Division 59-C-4 is amended as follows:**

11 DIVISION 59-C-4. COMMERCIAL ZONES.

12 * * *

13 **59-C-4.2. Land uses.**

14 * * *

	C-T	O-M	C-O	C-P	C -1	C-2	C-3	C-4	C-5	C-6	H-M	Country Inn
(d) Commercial:												
* * *												
Combination retail store. ⁶¹						<u>[[P/]]</u> SE*	<u>[[P/]]</u> SE*	<u>P/SE*</u>				

15 * * *

16 ⁶¹ Any combination retail store in existence before [November 29, 2004] April 1,
 17 2012 is a conforming use and may continue [in accordance with] under the
 18 standards in effect before November 29, 2004. Any reconstruction or enlargement
 19 of a combination retail store in existence before [November 29, 2004] April 1,
 20 2012 must comply with the standards in effect after [November 29, 2004] April 1,
 21 2012.

22 * Except in a regional mall as defined in Section 59-A-2.1, a combination retail
23 store that is located further than one half mile from a metro station must be
24 approved as a special exception under Section 59-G-2.15.

25 * * *

26 **Sec. 2. DIVISION 59-G-2 is amended as follows:**

27 DIVISION 59-G-2. SPECIAL EXEPTIONS – STANDARDS AND
28 REQUIREMENTS.

29 * * *

30 **USE**

SECTION

31 * * *

32 **59-G-2.15. Combination Retail Store.**

33 A special exception for a combination retail store may be granted, subject to the
34 following requirements:

- 35 (a) The building must be designed in a way that reduces the [buildings]
36 building’s massive scale and contributes to its visual interest. Long building
37 walls should be [broken-up] broken up with projections or recessions or
38 other effective treatments that improve building design.
- 39 (b) Parking areas must provide safe, convenient, and efficient access, and must
40 be landscaped to define vehicular drives and pedestrian areas.
- 41 (c) The site must have direct vehicular access to an existing arterial or major
42 highway, and the streets and roads adjoining the site must be adequate to
43 accommodate the increased traffic generated. The applicant must provide a
44 traffic impact study to demonstrate that acceptable peak hour levels of
45 service will result after taking into account existing and programmed
46 roads[,] and any improvements to be provided by the applicant.
- 47 (d) The site must be screened from any abutting residentially zoned property by
48 the natural terrain or by a solid wall or fence, not less than five feet in

49 height, together with a three-foot wide planting strip on the outside of the
50 wall or fence, planted in shrubs and evergreens three feet high at the time of
51 the original planting.

52 (e) Product displays, parked vehicles, and other obstructions that reduce
53 visibility at intersections or at entrances and exits to and from the site are not
54 permitted.

55 (f) Lighting must not reflect, or cause glare, on any property located in a
56 residential zone. [[Any light source on the site may not increase the light on
57 a residentially zoned property by more than .1 footcandle.]] Lighting levels
58 along any lot line that abuts residentially zoned property must not exceed 0.1
59 foot-candles.

60 (g) [[The proposed combined retail store must be consistent with land use
61 recommendations and the neighborhood vision in the applicable master plan
62 or sector plan.]]

63 [[h]]If the proposed [[combined]] combination retail store would require the
64 demolition of at least one existing retail tenant space of less than 5,000
65 square feet, then 20 percent of the total gross floor area of the proposed
66 project must be used for businesses with less than 5,000 square feet of tenant
67 gross floor area each. The tenant space must be located at street level, and
68 the façade and customer entrance must front a public or private street. A
69 secondary entrance accessing the primary retail use is prohibited.

70 * * *

71 **Sec. 3. Effective date.** This ordinance becomes effective 20 days after the
72 date of Council adoption.

73

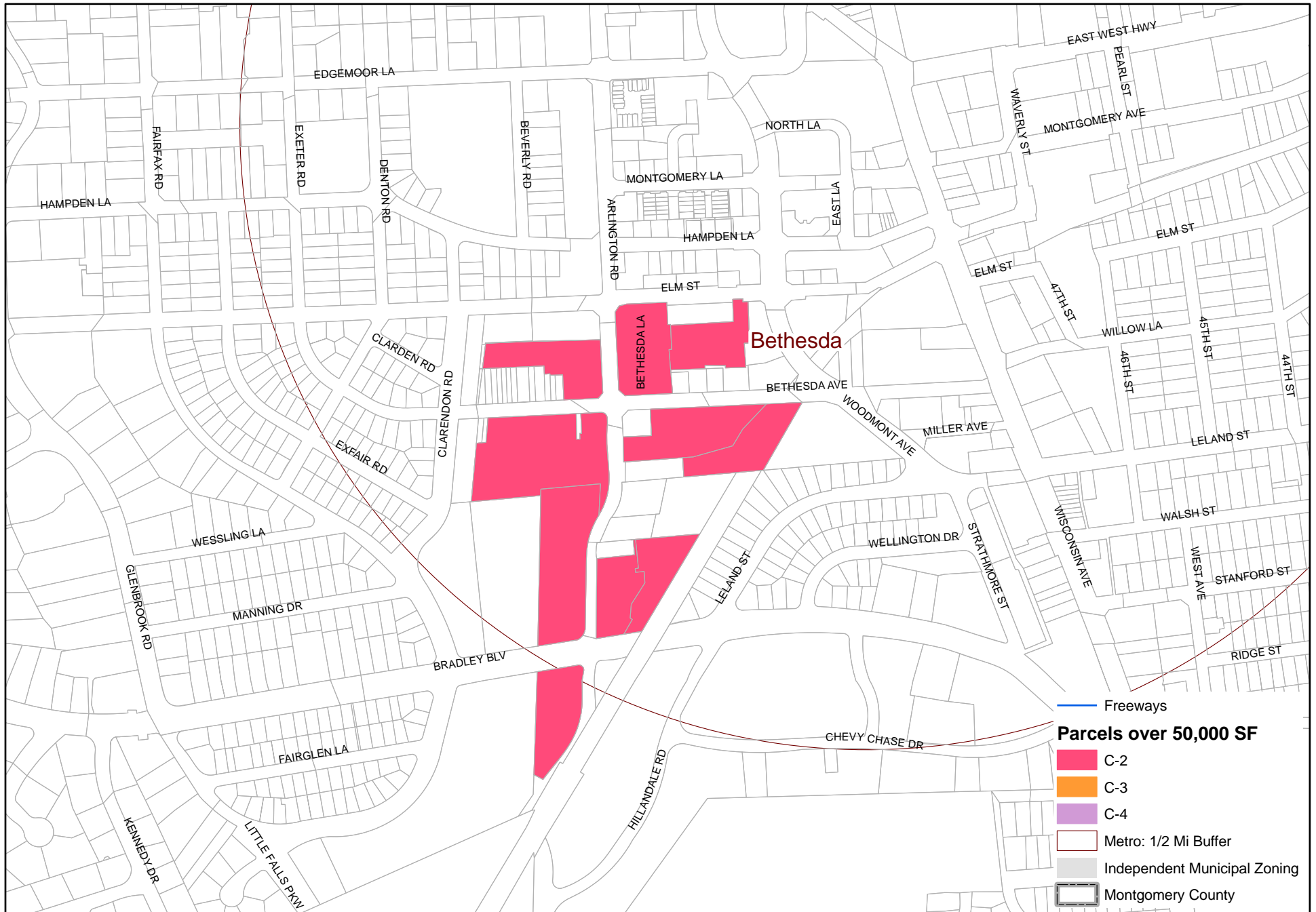
74 This is a correct copy of Council action.

75

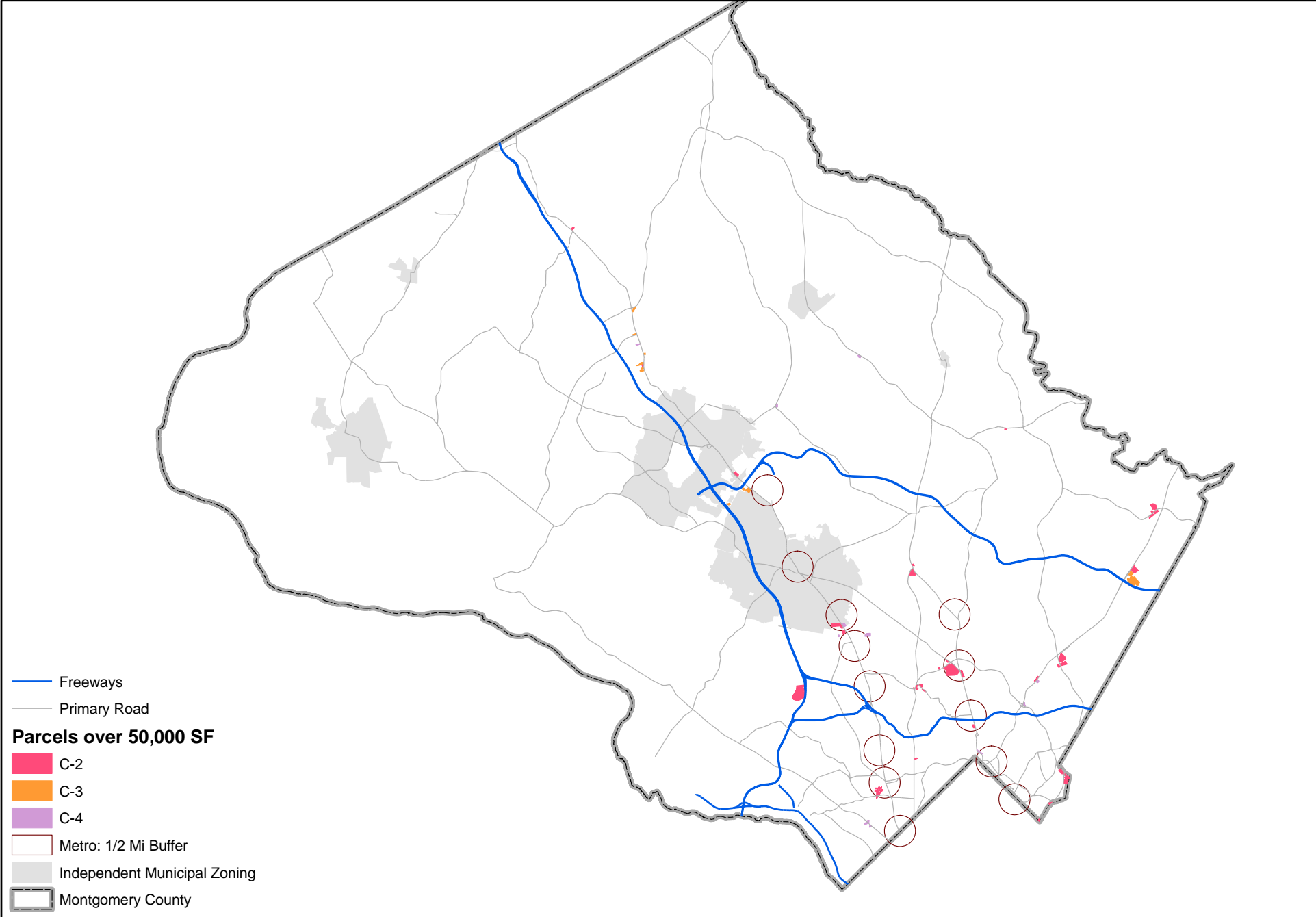
76 _____

77 Linda M. Lauer, Clerk of the Council

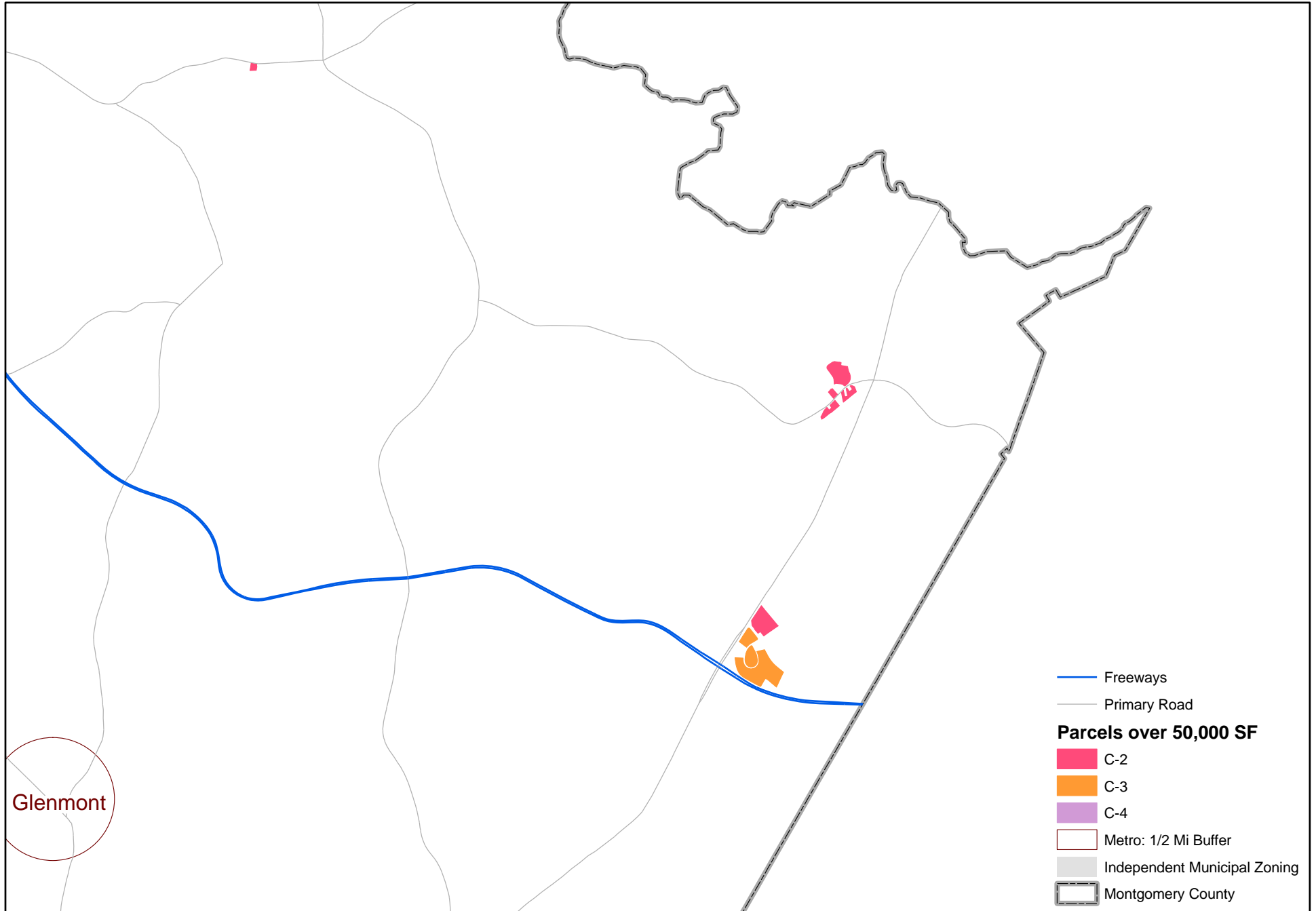
C-2, C-3, C-4 Parcels >50,000 SF



C-2, C-3, C-4 Parcels >50,000 SF



C-2, C-3, C-4 Parcels >50,000 SF



ATTACHMENT 4

Table of Local Jurisdictions Regulating Large Retail Establishments

Anne Arundel County	Retail establishments in some zones are limited to 25,000 square feet (SF) of gross floor area (GFA); in other zones, the store's gross floor area is only limited by the maximum floor area ratio.
Alexandria	Any retail establishment with 20,000 SF or more GFA must be approved by special exception.
Arlington County	Any retail establishment with 50,000 SF or more of floor area on any 1 level, or that requires 200 or more parking spaces, must be approved by special exception.
Rockville	No retail establishment may be more than 65,000 SF of GFA on any level. No absolute limit on the size of a retail establishment.
Loudoun County	Any retail establishment with 75,000 SF or more GFA must be approved by special exception.
Fairfax	Certain retail establishments with 80,000 SF or more GFA must be approved by special exception.
Prince George's County	Combination retail stores (department, grocery, and drugstores) with 125,000 SF or more GFA must be approved by special exception.