

# ATTACHMENT 1

Zoning Text Amendment No: 04-20  
Concerning: Building Height Standards  
Draft No. & Date: 1 – 9/21/04  
Introduced: September 28, 2004  
Public Hearing: 11/9/04; 1:30 p.m.  
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**

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By: Councilmember Denis

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

- allowing a hotel by right in the C-2 zone as part of a regional shopping center with gross leaseable area in excess of 1,200,000 square feet, under certain circumstances; and
- allowing an increase in building height to accommodate development of a theater complex and hotel at a regional shopping center with a gross leaseable area in excess of 1,200,000 square feet.

By amending the following section 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-4.35	“C-2 zone—Purpose and development standards”
Section 59-C-4.351	“Building height”

**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:*

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

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

\* \* \*

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

	C-T	O-M	C-O	C-P	C-1	C-2	C-3	C-4	C-5	C-6	H-M	Country Inn
<b>(a) Residential:</b>												
* * *												
Hotel or motel.						P <sup>3</sup>						

3 A hotel or motel is a permitted use in the C-2 zone (i) if located in a central business district, or (ii) if located as part of a regional shopping center with gross leaseable area in excess of 1,200,000 square feet. Additionally, any hotel or motel lawfully existing in the C-2 zone on October 24, 1972, or reclassified to the C-2 zone on (effective date of Takoma Park SMA) is a conforming use and may continue to exist in accordance with the provisions of this chapter in effect prior to October 24, 1972. Any hotel or motel lawfully existing in the C-2 zone on October 24, 1972 may be converted in whole or in part to multi-family residential use provided that: (i) at least 25% of the units are restricted in sales price or rental price to amounts that comply with Montgomery County’s Moderately Priced Dwelling Unit (“MPDU”) regulations. In the event of conversion in whole or in part to multi-family residential use, the residential use will not be regarded as a nonconforming use and may continue to exist in accordance with the development standards of this Chapter in effect prior to October 24, 1972, which were applicable to hotel or motel uses.

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

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**59-C-4.351. Building height.**

25 The maximum building height at any point measured from the finished grade is 3  
26 stories or 42 feet, except that the height may be increased as follows:

27 (a) To 5 stories or 60 feet if the building satisfies all of the following criteria:

28 1. The building is an expansion of a use that either:

29 (i) Existed on November 23, 1976; or

30 (ii) Received site plan approval in accordance with Division 59-D-3  
31 between November 23, 1976, and March 26, 1985, for the  
32 purpose of attaining the increased height allowed by this  
33 section.

34 2. The roof elevation of the expansion does not exceed the roof elevation  
35 of the existing or approved use as specified by paragraph (a) above.  
36 Elevation is measured from sea level.

37 3. The expansion receives site plan approval in accordance with Division  
38 59-D-3; or

39 (b) To 75 feet to accommodate mixed commercial and residential development,  
40 provided:

41 1. The residential component consists of a minimum of 60% of the  
42 overall FAR, and

43 2. The development is at least 300 feet from any one-family residential  
44 use [.] or

45 (c) To accommodate development at a regional shopping center with a gross  
46 leaseable area in excess of 1,200,000 square feet, building height may be  
47 increased to: (1) 90 feet for a theater complex, and (2) 130 feet for a hotel.  
48 Any increase in building height under this provision must receive site plan  
49 approval in accordance with Division 59-D-3 and the building must be at  
50 least 500 feet from any residentially zoned property. The hotel must be

51 oriented towards a major highway or freeway to minimize impacts on  
52 residentially zoned and used properties.

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

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57 This is a correct copy of Council action.

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62 Mary A. Edgar, CMC

63 Clerk of the Council