

ZTA 25-13 OMNIBUS – REVISIONS, CLARIFICATIONS, AND CORRECTIONS

Description

ZTA 25-13 would make several technical, clarifying, and other policy amendments to the Zoning Ordinance, including amending height restrictions for regional shopping centers in the RSC Overlay Zone, instating a gross floor area cap on household living in the Employment Zones, clarifying the non-residential cap limit in Commercial to Residential Reconstructions, clarifying the conditional use standards for Townhouse Living, requiring setbacks for outdoor storage of large items, and correcting section references related to expedited approval plans.

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ZTA SPONSORS

Sponsors:
Councilmembers Fani-Gonzalez, and
Friedson

INTRODUCTION DATE

October 14, 2025

COUNCIL PUBLIC HEARING DATE

November 18, 2025

REVIEW BASIS

Chapter 59

Summary

This Omnibus ZTA addresses several smaller but separate revisions to the Zoning Ordinance including technical, clarifying, and policy amendments. Including:

- Amending the height restrictions for regional shopping centers in the RSC Overlay Zone
- Reinstating a gross floor area cap on household living in the employment zones
- Clarifying the non-residential limits on Commercial to Residential Reconstructions
- Clarifying the applicable conditional use standards for Townhouse Living
- Requiring setbacks for certain stored items on private properties
- Correcting section references related to expedited approval plans.

TABLE OF CONTENTS

SECTION 1 – BACKGROUND 2

 Rationale For Introduction 2

SECTION 2 – ANALYSIS AND RECOMMENDATIONS 2

SECTION 3 – CLIMATE ASSESSMENT 6

SECTION 4 – CONCLUSION 7

SECTION 5 – ATTACHMENTS 8

SECTION 1 – BACKGROUND

Rationale For Introduction

Zoning Text Amendment (ZTA) 25-13, Omnibus – Revisions, Clarifications, and Corrections was introduced on October 14, 2025, by Councilmembers Fani-Gonzalez and Friedson (Attachment A). The ZTA is scheduled for a Public Hearing on November 18, 2025.

Unlike most ZTAs that are focused on one particular change to the Zoning Code, an Omnibus ZTA combines multiple, unrelated changes into one ZTA. Sometimes, multi-topic ZTAs are introduced that are only focused on technical corrections. Omnibus ZTA's, including ZTA 25-13, often include some degree of policy changing, though they are typically considered to be minor.

SECTION 2 – ANALYSIS AND RECOMMENDATIONS

ZTA 25-13 includes both technical corrections and other policy geared revisions. Listed in order they appear in the ZTA, these revisions include:

- Clarification around conditional use standards for Townhouse Living
- Clarification on non-residential development associated with a Commercial to Residential Reconstruction
- A technical correction replacing the Mixed-Income Housing Community plan with an expedited approval plan, and otherwise updating incorrect section references related to the expedited approval plan
- Applying a 30% limit on Household Living uses to the gross floor area of any development in an Employment Zone
- Removing the minimum square foot requirement for a regional shopping center in an RSC Overlay Zone pertaining to more flexible development standards around height
- Adding regulatory requirements for outdoor storage of bulk items such as boats, recreational vehicles, campers, or other major trailers or pieces of equipment.

TOWNHOUSE LIVING

The first section of the ZTA, lines 18-21, adds clarifying text to the conditional use standards for Townhouse Living. Townhouse Living first became allowed as a conditional use in certain residential zones with the adoption of ZTA 20-03 (Design for Life). That ZTA allows townhouses as a conditional use if the application follows a set of standards specific to Design for Life, which requires applicable new housing units to be more accessible to those with disabilities. With the passage of ZTA 24-01 (FAITH), Townhouse Living was also allowed as a conditional use on land associated with an

Institutional use. The problem is the way ZTA 24-01 added the FAITH standards created confusion in the code. Townhouse Living had two distinct lists of development standards, without any clarifying statement as to whether both lists applied, or only one of the two. The ZTA adds “standards of either Section” to clarify that an applicant only needs to follow the list of standards for Design for Life, or the list of standards for FAITH.

Recommendation: Support the clarifying language.

COMMERCIAL TO RESIDENTIAL RECONSTRUCTION

The next section of ZTA 25-13, on lines 29-31, provides clarifying language for non-residential uses as part of a Commercial to Residential Reconstruction, approved as part of ZTA 25-03 earlier in 2025. The use of Commercial to Residential Reconstruction allows for an expedited review of predominantly residential development applications on certain land zoned commercial if it meets certain development and vacancy criteria. The use is intended to allow up to 30% non-residential uses as part of an application; however, the allowed building type of Apartment Building generally limits non-residential uses to 10%. The proposed language in ZTA 25-13 clarifies that, notwithstanding the 10% limit in Apartment Building types, the non-residential use may be up to 30% of the gross floor area.

Recommendation: Support the clarifying language.

EXPEDITED APPROVAL PLAN

There are a few instances within ZTA 25-13 that are correcting plan types and section references that were not updated as part of ZTA 25-03, which consolidated four existing types of regulatory applications into one new expedited approval plan. Updates are seen on Lines 55-57, 66-70, and 89-94 of the ZTA, deleting name and section references for Signature Business Headquarters, or Mixed-Income Housing Community plan, and replacing it with the expedited approval plan.

Recommendation: Support the technical corrections to plan types and section references.

EMPLOYMENT ZONES

Beginning on line 73 through line 83 of the ZTA, the development standards tables for the GR (general retail), NR (neighborhood retail), and EOF (employment/office) are amended to add a specification for density, limiting Household Living uses to 30% of the gross floor area of the subject site. Prior to the adoption of ZTA 25-03, there was a 30% limit on household living uses in the employment zones. This limit was removed as part of ZTA 25-03 to provide additional opportunities for the redevelopment of commercial areas into housing. Concerns, however, quickly arose about the displacement of community serving retail; therefore, this Omnibus ZTA is reinstating the 30% gross floor area limit to household living.

Planning Staff notes the LSC (life science center) zone is not part of ZTA 25-13. The vast majority of LSC zoned land in the county is within the recently adopted Great Seneca Science Center (GSSC)

Overlay Zone, which explicitly encourages a higher mix of residential development as recommended by the 2024 *Great Seneca Plan*. Planning Staff also notes that the residential uses limited in the Employment Zones are “Household Living”, which includes Single-Unit, Two-Unit, Townhouse, and Multi-Unit living. Household Living does not include the Group Living uses, which include the Commercial to Residential Reconstruction use.

Recommendation: Support reinstating the 30% limit on household living uses to the development standards tables for the GR, NR, and EOF zones.

REGIONAL SHOPPING CENTER OVERLAY ZONE

The next section of ZTA 25-13 (lines 97 – 118) amends the Regional Shopping Center (RSC) Overlay Zone. The RSC Overlay Zone is intended to provide flexible development standards and parking design standards that facilitate large scale retail development while remaining compatible with their surroundings. There are two locations with an RSC Overlay Zone, the first being the Westfield Wheaton Shopping Mall located in downtown Wheaton, and the second being the Westfield Montgomery Mall property off Democracy Boulevard in Bethesda. This overlay zone allows any uses permitted by the underlying zone, in addition to large theaters, Combination Retail, and Retail/Service Establishments over 85,000 square feet in size. The overlay zone further allowed additional development height of certain uses if the total site was developed with a gross leasable area of more than 1.2 million square feet of development, including:

- 90 feet for a theater building, retail buildings, health clubs, and structured parking
- 150 feet for a hotel, apartment, or multi-use building with residential uses

The ZTA removed the 1.2 million square foot gross leasable area minimum, which would allow these additional building heights even if the total development were under 1.2 million square feet of leasable area. This modification reflects the declining importance of physical retail and allows the two RSC properties to redevelop in the future with less than 1.2 million square feet of leasable area and a higher amount of other entertainment or residential uses.

Recommendation: Support removing the 1.2 million square foot gross leasable area requirement for the extra building heights.

OUTDOOR DISPLAY AND STORAGE

The last section of ZTA 25-13, starting on line 121, amends the definition of Limited Outdoor Storage, and amends the standards for the use. Limited Outdoor Storage is allowed as an accessory to any allowed use and includes things such as overnight storage of vehicles or equipment awaiting repair, storage of merchandise in containers, outdoor display area for garden and building suppliers, parking of fleet vehicles, or the storage of vehicles, boats, or trailers in a storage yard. The ZTA adds to the definition a new subsection iv. to include outdoor storage of any bulky item such as a boat, recreational vehicle, portable storage unit, motor home, travel or camping trailer, or non-freight

trailer. This text addition seems potentially redundant to existing subsection v., which includes any vehicle, boat, recreational vehicle, or other vehicle at a storage facility, except it now covers the same types of vehicles anywhere, not only at a storage facility.

The second part of the amendment to Limited Outdoor Storage is to the use standards. The existing standard allowed Limited Outdoor Storage when it is accessory to an allowed use, and the regulatory deciding body approves a plan illustrating the extent of the storage area. The ZTA adds language to allow Limited Outdoor Storage without an approved plan, if it meets the accessory structure setbacks and is located behind the rear building line. This change would make it easier for more locations to have Limited Outdoor Storage without having to seek plan approval, if it follows the reasonable required placement standards.

Planning Staff, however, has concerns with the amendments to the Outdoor Display and Storage section of the code. As written, Section 6.6.3.B. Outdoor Storage does not explicitly state where it applies; however, the applicability section in Section 6.6.2. states that the entire division applies to a site where merchandise, material, or equipment is stored outside. The existing code under Outdoor Storage Standards in Section 6.6.3.B.1.b. also currently requires Outdoor Storage to be shown on an applicable plan. Further, the existing definition of Outdoor Storage under Section 6.6.3.B. is a specific list that includes:

- Vehicles awaiting repair
- Merchandise in boxes, crates, pallets, or containers
- Outdoor sales areas
- Fleet vehicles
- Vehicles, boats, and recreational vehicles (RVs) at a “storage facility”

Combined, this implied to Planning Staff that the focus of the section is on storage for non-residential purposes. However, upon raising this question with Council Staff, Planning Staff learned the intent is for the modified code section to apply to individual property owners, and additional discussions with MCDPS concluded that the provisions under Division 6.6. for Outdoor Display and Storage do apply private individual residential properties. If the new outdoor storage standards are to apply to individual residential properties, Planning Staff recommends the applicability section under 6.6.2. should be amended to specify the storage is for both business and personal use, and to expand the type of items that are applicable to include personal property.

Section 6.6.2. Applicability

A. Division 6.6. applies to any site where merchandise, material, ~~or~~ equipment, or personal property is displayed or stored outside of a completely enclosed building.

Further, the proposed code was added as subsection iv. (lines 137-142) which seems the most targeted to private residential properties, should be amended to clearly state outdoor storage on a private property.

iv. outdoor storage on a private residential property of a licensed, unlicensed, registered, or unregistered vehicle or...

In addition to concerns about the interpretation of applicability for Outdoor Storage, Planning Staff is further concerned that, as written, the new provisions are very restrictive, and may create practical enforcement and equity issues, especially on smaller lots (particularly R-60 and R-90) where driveways are often built within the accessory structure side setbacks (5 feet). As written, any vehicle (including a personal car), RV, travel or camping trailer, boat, or other storage trailer, both licensed and operational, or not, would have to meet these accessory structure setbacks. This could effectively prohibit many residential properties from allowing on-site parking of any kind unless it were added behind the building, potentially creating substantial additional areas of impervious surfaces and financial hardship. Because the location of this storage of vehicles and equipment is not required to be shown on a site plan, enforcement could solely be carried out based on complaints from neighbors.

At a minimum, if Council is to continue with this part of the ZTA, Planning Staff recommends not restricting licensed and registered personal cars, vans, light trucks, and light commercial vehicles in the definition. This, at a minimum, would allow residents to park personal vehicles for daily use in existing driveways that may be located within the accessory structure setbacks. For practical purposes, Planning Staff also would recommend not including any licensed and/or registered boat, RV, camper trailer, or storage trailer that is on wheels and is street legal. What would remain applicable to the accessory structure setbacks would be the storage of any vehicle, boat, camper trailer, RV, or storage trailer that is unlicensed and unregistered for use. Passage of this ZTA without these exemptions could find an unknown number of homeowners or renters of residential properties in our smaller lot zones in violation of the new setback requirements, with little recourse. The amended ZTA section, including the clarification on private property discussed above, would read as follows:

vi. outdoor storage on a private residential property of an ~~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.

Recommendations: Clarify that Sections 6.6.2. and 6.6.3. can apply to private residential properties and amend the definition of Limited Outdoor Storage subsection vi. To exempt control of licensed and registered vehicles listed within the subsection.

SECTION 3 – CLIMATE ASSESSMENT

Bill 3-22, passed by the County Council on July 12, 2022, requires the Planning Board to prepare a climate assessment for each Zoning Text Amendment, Master Plan, and Master Plan Amendment,

effective March 1, 2023. Each Climate Assessment must include the potential positive or negative effects a ZTA may have on climate change (including greenhouse gas emissions) and on community resilience and adaptive capacity. The climate impact assessment for ZTA 25-13 is attached in Attachment C.

Planning Staff anticipate ZTA 25-13 will have both positive and negative impacts on greenhouse gas emissions and sequestration, community resiliency, and adaptive capacity, but the negatives will outnumber the positives. The technical amendments updating section references, clarifying Townhouse Living conditional use standards, and clarifying the commercial limits of a Commercial to Residential Reconstruction are anticipated to be negligible to zero. Impacts from amending the code to remove the leasable area requirement for Regional Shopping Centers will have mostly positive impacts, as these locations tend to be highly developed now, and this ZTA would encourage additional development activities on these sites. The benefits are limited, however, because there are only two such centers in the County.

Impacts from placing a 30% cap on household living in employment zones is mostly minor but negative, as this could reduce opportunities for residential infill development near employment and retail options, causing pressure to develop on greener sites further away from amenities. Impacts from amending the standards and definition of Limited Outdoor Storage will likely have the most negative impacts, as these new provisions requiring items such as vehicles, trailers, and boats to meet accessory structure setbacks could render many existing driveways especially on smaller residential lots, unable to accommodate storage of these items, forcing homeowners to expand impervious surfaces on private properties in front of or behind their homes to continue storing such items. The impacts of creating the paving and the stormwater and runoff impacts of the new impervious surfaces could be locally high.

To mitigate some of the negative impacts from ZTA 25-13, Environmental Planning Staff recommend exempting properly titled and registered vehicles, trailers, RVs, or other large items on wheels from having to meet accessory structure setbacks. This would reduce the number of homeowners that may need to expand impervious surfaces to accommodate personal storage compliant with these setbacks.

SECTION 4 – CONCLUSION

Planning Staff recommends that the Planning Board transmit comments supporting ZTA 25-13, with the amendments presented in this report that would not apply the Limited Outdoor Storage requirements to any licensed and registered vehicle, boat, trailer, or RV. Planning Staff also recommend support for the prepared climate assessment for ZTA 25-13

SECTION 5 – ATTACHMENTS

Attachment A: Zoning Text Amendment 25-13 Intro Packet

Attachment B: Climate Assessment 25-13