

Zoning Ordinance Rewrite

Montgomery County Council Worksession
January 14, 2014



Brief History



Jan 2009	Zoning Discovery
March 2009	ZAP Panel appointed
Jan 2010	Approach & Annotated Outline
April 2010	Open Houses, Planning Board & Council Direction

Oct 2010	Preliminary Drafts
Nov 2011	ZAP Discussion Drafts
July 2012	Consolidated Draft

Sept 2012	Planning Board review begins
May 2013	Planning Board Draft released
June 2013	PHED review begins
Dec 2013	PHED Draft released

Outreach

Public meetings

- 40+ Planning Board worksessions
- 13 PHED worksessions
- 75+ ZAP meetings (including working groups)
- 80+ public meetings attended by staff
- 8 Open houses

Public hearings

- 7 Planning Board hearings
- 3 Council hearings

Digital updates

- Regularly updated website
- Email blasts to 600+ people
- Press releases for project milestones

Mailings to over 10,000 property owners

Newspaper notification of ZTA and DMA



The Big Picture: Why rewrite the code?

County

- Diverse
- Growing
- Built-out

Zoning Code

- Unwieldy
- Outdated
- Complicated



Vision



The Revised Zoning Code...

- Is easier to use and forward-thinking
- Encourages better development, enhances compatibility, and promotes sustainability
- Supports master plans



Balance

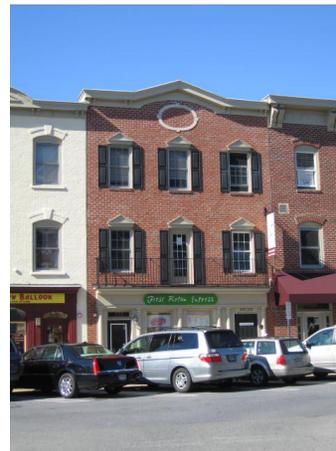


How do we get there?

Modernize

Clarify

Simplify



Modernize

Neighborhood protections

- Compatibility standards, site plan thresholds
- Added site plan conformance with master plan

Uses that reflect changing needs & priorities

- Urban agriculture, solar collection system, uses based on intensity
- Moving away from single-use zoning

Sustainability

- Reduce parking requirements, encourage structured parking
- “Greening” of future surface parking areas
- Pedestrian focused design

New floating zones

- Couples flexibility with better defined application and development parameters



Clarify

Employ graphics and diagrams

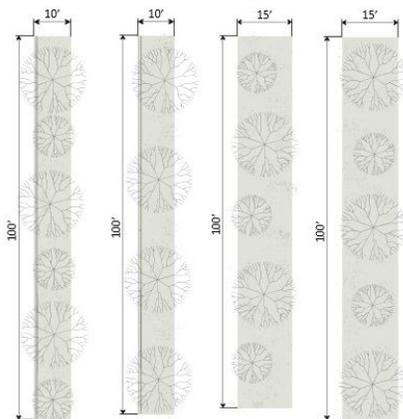
Delineate Euclidean vs Floating zones

Fine tune height and density through zone formulas

- C/R, Employment, and Industrial zones

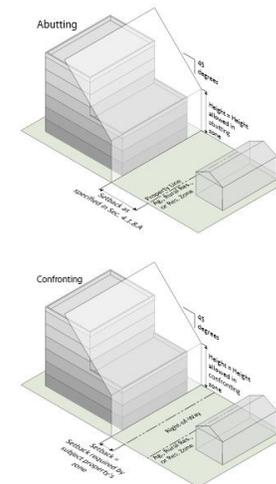
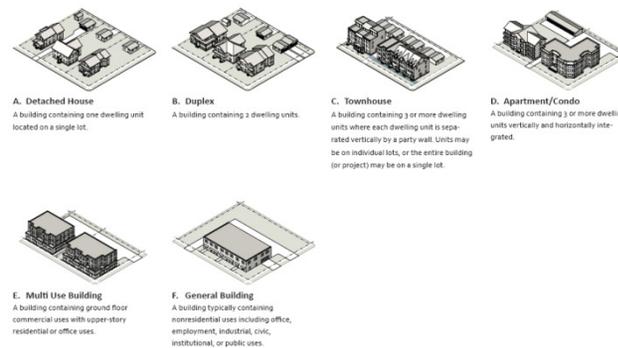
Standardize point based public benefit system

Protections for legal nonconforming uses and existing approvals



Sec. 4.1.2. Building Type Descriptions

Building types are established to regulate the form applicable to development within each zone. The building type does not determine uses allowed within the structure. All graphic depictions of building types are for illustrative purposes only and are not meant to limit or exclude other designs.



What's New?

- Very few changes proposed for the Ag, Rural and Residential zones.
 - RDT zone renamed Agricultural Reserve (AR), and
 - Consolidated of similar uses
- Modifications proposed for the C/R zones:
 - Revised some uses due to consolidation of uses and zones,
 - Created development standards for the standard method of development, and
 - Adjusted some public benefit point allocations
- New Employment zones:
 - Modeled on the C/R family of zones
 - Optional method of development requires public benefit points



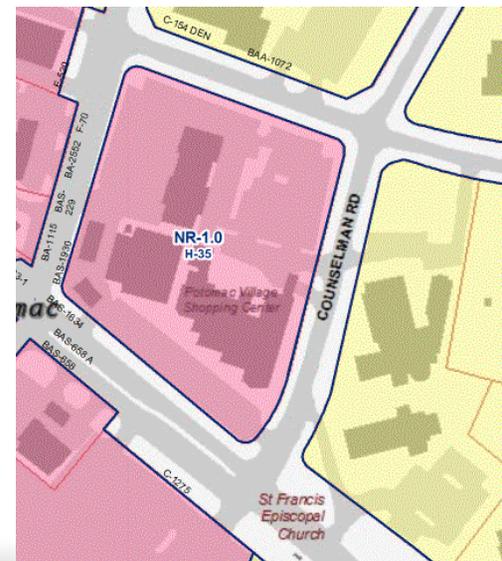
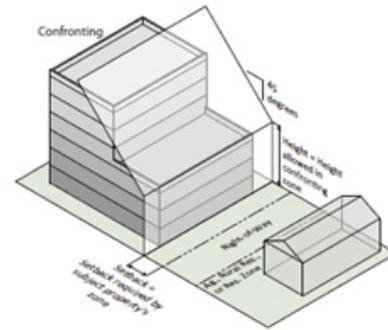
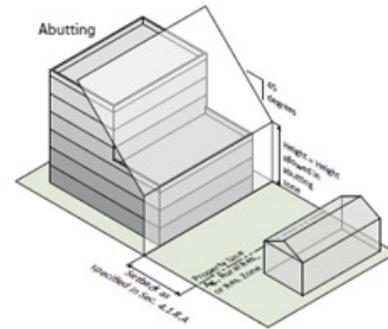
What's New?

- Industrial zones:
 - Names indicate intensity - Light, Moderate and Heavy Industrial
 - Modeled on current industrial zones
 - Minor uses changes to provide increased flexibility while retaining industrial focus
- New Floating zones:
 - Modeled on Euclidean zones
 - Clear limits on density
 - For any increase in density, must meet 6 of 15 prerequisites
 - Same compatibility and master plan findings as for current floating zones



What's New?

- Neighborhood Protections
 - Height and setback requirements for all non-residentially zoned properties adjacent to residential zones
 - Site plan thresholds based on abutting/confronting zone, use, height and density
 - Added master plan conformance to site plan
 - All master plan recommended heights and density mapped



Floating Zones: Current Code

22 floating zones

Most can go on Residential base zones

Very few require a master plan recommendation, most do not

Many have very specific requirements

Issues

Narrow, single-use zones

Can be difficult to find a zone that works



Floating Zones- Proposed

- Residential -Detached, Townhouse, Apartment
- C/R – Neighborhood, Town, and CR
- Employment – Office, Life Science Center, General Retail, Neighborhood Retail
- Industrial – Light, Moderate

Benefits

- Flexibility
- Infill



Protections

- Density limited by base zone and tract size
- Prerequisites for transit & infrastructure, vicinity & facilities, and environment & Resources
- Extensive public process
- Compatibility and master plan findings



Nonresidential Buildings Residential Zones

New code regulates building types as well as uses, specifying zones and development standards.

Non-residential buildings currently exist in residential zones on the ground and in current code. They may contain only uses that are permitted, limited or conditional uses allowed in the zone.

In current code, some special exceptions have standards such as minimum street frontage or lot size, but many do not. Planning Board draft included existing standards for special exceptions, plus standards for all nonresidential buildings to better protect the residential uses in a residential zone.



Nonresidential Building in Residential Zones

More protection for neighboring houses

Development Standard	Detached House (R-60)	Nonresidential Building (R-60)
Lot width at front lot line	25'	60'
Density	7.26 units/acre	0.75 FAR
Front Setback	25'	30'
Side Setback abutting detached house	8'	12'
Rear Setback abutting detached house	20'	30'
Parking Setbacks (front, side, rear)	n/a	10'
Screening/Landscaping	n/a	Required between building or parking lot and detached house



Nonresidential Buildings Residential Zones

PHED Committee draft does not explicitly allow nonresidential buildings in residential zone. Compromise language allows “Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use or Conditional Use allowed in the zone.”

This effectively limits nonresidential building types to those that accommodate the uses currently permitted by right in our residential zones, as well as conditional uses. The language leaves nonresidential buildings with the same setbacks and other development standards as residential buildings, except where otherwise regulated by special exception standards.



Conclusion

The draft before you represents a great opportunity for Montgomery County to have a more understandable, clear and coherent zoning ordinance that will be easier to use and to enforce.

It offers a better organization of uses and zones, clearer procedures and a solid foundation in modern planning and design principles.

We look forward to working with you on your review of this important project.

