

M E M O R A N D U M

November 13, 2015

TO: Planning Housing and Economic Development Committee

FROM: Jeff Zyontz, Senior Legislative Analyst

SUBJECT: Worksession 2 – Zoning Text Amendment 15-09,
Zoning Rewrite – Revisions, Clarifications, and Corrections

On November 9 the Committee agreed to entertain additional amendments from Planning Staff concerning open space. In particular, Planning Staff would like to clarify the requirements for the provision of open space under the new zoning code, Zoning Text Amendment (ZTA) 15-09.

Under the new zoning ordinance, open space must be provided for certain building types, methods of development and/or zones. The open space requirement can be one of four types: rural, common, public, or amenity open space. The modifications in ZTA 15-09 under Section 4.3.5; Section 4.4.1 through Section 4.4.14; Section 4.5.3; and Section 4.6.3 were proposed to better align the requirement for common open space to the prior requirement for green area, in light of the changes to the definition and design of common open space compared to green area. In all zones, the requirement for open space for townhouse would be lower than the requirement for green area.

One of the primary goals in defining common open space and creating design requirements was to ensure that this area would in fact be accessible to all residents and visitors to the neighborhood. One area of confusion that remains involves conservation easements. While conservation areas or land trusts for natural, archeological or historic resources are allowed in the common open space (as they were under the old code) they must still meet the definition and design requirements under Section 6.3.5. Because common open space is intended for recreation and gathering, and a Category 1 Forest Conservation easement is intended to preserve forested land in an undisturbed state and would prohibit most recreational uses, staff believes the following clarification is beneficial.

Section 6.3.5. Common Open Space

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B. Design Requirements

1. Common open space must be located in a central position or central positions in the neighborhood bordered by streets or building lots, and must not be located in a Category 1 Forest Conservation easement, or an area otherwise unsuitable for recreational uses. It may be public or private. Common open space may [[also]] be placed in a location taking advantage of an important adjacent natural feature or open space, if the deciding body finds

that the space will better serve the needs of residents and their visitors and continues to meet the intent of Division 6.3.

The Committee previously agreed to the Planning Board recommend changes for townhouse development standards. The following table summarizes those changed standards:

	Min Lot Area		Site coverage		Lot coverage		Common open space	
	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed
RNC Standard	1400	1100	na	30%				
RNC OM	1500	1200	na	30%				
RE-2C MPDU	1500	1200	na	40%	50%	na		
RE-2C Cluster	15000	15000	na	na	15%	25%		
RE -1 MPDU	1500	1200	na	40%	50%	na		
RE-1 Cluster	12000	12000	na	na	15%	15%		
RE-200 OM	1200	1000	na	40%	50%	na		
R-200 Cluster	9000	9000	na	na	25%	25%		
R-90 MPDU	1200	1000	na	40%	60%	na	30%	15%
R-90 Cluster	1500	1200	na	40%	75%	na	30%	15%
R-60 MPDU	1200	1000	na	40%	60%	na	40%	20%
R-60 Cluster	1500	1200	na	40%	75%	na	40%	20%
R-40 MPDU	1200	na	na	40%	60%	na	40%	20%
TLD Standard	1600	1250	35%	40%	na	na	50%	25%
TLD Optional			na	40%	60%	na	45%	20%
TMD Standard	1400	1100	35%	40%			45%	20%
TMD Optional			na	40%	60%	na	45%	20%
THD Standard	1200	1000	35%	40%			40%	20%
THD Optional			na	40%	75%	na	30%	15%
R-30 Standard	1200	1000	18%	25%			65%	35%
R-30 Optional			na	30%	75%	na	35%	25%
R-20 Standard			18%	25%			60%	30%
R-20 Optional			na	30%	75%	na	35%	25%
R-10 Standard			12%	20%			50%	30%
R-10 Optional			na	25%	75%	na	35%	25%
GR & NR stand					90%	na	20%	10%
LSC standard					90%	na	20%	10%
EOF Standard					90%	na	20%	10%

Issues resolved (2-0 with Council President Leventhal absent of Council business) on November 9:

1. Accessory apartment provisions; Section 3.3.3.A

The Committee agree to revise Section 3.3.3.A as follows:

Section 3.3.3.A.2.c

Where an Accessory Apartment conditional use application is filed under Section 3.3.3.A.2.b, the Hearing Examiner may approve a conditional use for the Accessory Apartment under Section 7.3.1, except that the findings under Section 7.3.1.E are not applicable to this type of conditional use. The limited use standards of Section 3.3.3.A.2.a and Section 3.3.3.A.2.c apply to all accessory apartment conditional use applications. In addition, the limited use standards of Section 3.3.3.B.2 apply to Attached Accessory Apartment applications, and the limited use standards of Section 3.3.3.C.2.a apply to Detached Accessory Apartment applications.

The Committee did not recommend adding a requirement that any detached house be at least 5 years old on the date of application for an Accessory Apartment license or a conditional use.

Retail square footage allowed in the R-10 Zone:

The Committee agreed to a change in the Land Use Table to reflect their recommendation that 10,000 square feet of retail floor area be allowed in the R-10 zone.

The determination on building height in Commercial/Residential, Employment, and Industrial zones:
Section 4.1.7.C.2.a

The Committee agree with the following revisions:

2. ***Building Height in Commercial/Residential, Employment, and Industrial Zones***

- a. *[[Building]] For a building located within 35 feet of a street right-of-way, building height is [[always]] measured from the level of approved curb grade opposite the middle of the front of a building to the highest point of roof surface of a flat roof or to the mean height level between eaves and ridge of a pitched roof. If a building is located on a terrace, the height may be increased by the height of the terrace. [On a corner lot exceeding 20,000 square feet, the height of the building may be measured from either adjoining curb grade.] For a corner lot or a lot extending through from street to street, the height [may] [[must be]] is measured from [either] the curb grade opposite the middle of the [[front of a]] building façade along either right-of-way; however, under Section 7.3.4, Site Plan, the Planning Board may approve an alternative point of measurement. The alternative measurement point must be taken from the approved curb grade along either right-of-way. In*

approving an alternative point of measurement, the Planning Board must consider compatibility and building height variation on the site.

Surface parking in the “build to” area: Section 4.1.7.B.2.b

The Committee agreed to the following revisions:

2. *Build-to Area
Defined*

- a. *The build-to area is the area on the lot from ~~[[the edge of]]~~ the lot line or right-of-way to the maximum setback where a certain percentage of the front or side street building facade must be located], measured as a range from the edge of the lot line].*
- b. *A ~~[[surface parking lot and a]]~~ drive aisle ~~[[are]]~~ is prohibited in the build-to area. All other structures and uses customarily allowed on the lot are allowed in the build-to area, ~~[except a surface parking lot]~~ including an access driveway perpendicular to the right-of-way.*

Determining when site approval for standard method projects is required: Section 7.3.4.A

The Committee agreed to the following revisions:

A. *Applicability and Description*

* * *

- 8. *A site plan is required under standard method development for any new construction or expansion of an existing structure, where the proposed intensity, described in the table below, includes ~~[[any]]~~ both the existing structure and ~~[[the]]~~ any expansion, as follows:*

Editorial change to Section 4.5.2

The Committee recommended changing the “and” to an “or”, to indicate that either Section 4.5.2.C or Section 4.7.3.D.6.c may apply.