Zoning Ordinance Rewrite

Montgomery County Council Worksession
January 14, 2014
**Brief History**

**Phase 1: Approach & Outline**  
Fall 2008 – Spring 2010

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

**Phase 2: Code Drafting**  
Summer 2010 – Summer 2012

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

**Phase 3: Public Review & Implementation**  
Fall 2012-2014

- 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- Outdated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

Redevelopment

Neighborhood Protection

Flexibility

Predictability

Efficient Review Process

Community participation

Modernization

Stability
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
Simplify

Consolidated zones & uses
- 39 zones, 1 use table

Use standards replace footnotes

Refined plan types
- Sketch plan replaces project plan, concept plan, etc...
- Development Plan replaces Schematic Development Plan, etc

Consistent outline format

Plain English language
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

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