

ZAP COMMENT DISCUSSION 2/15/12

Agricultural Conservation Purpose
Affordable Housing

Agricultural Conservation Zone

- Agriculture Advisory Committee briefing on AC Intent Statement in late February
- Discussion of comments & proposed changes at March ZAP meeting

- CR Zones in White Flint, Wheaton, & GSSC:
 - 414 acres previously zoned for only commercial/industrial uses in White Flint now mixed-use
 - 8 sketch plans
 - Total number of MPDUs > 900 MPDUs; bonus MPDUs > 150 units
- CBDs (2006-2008):
 - 7 out of 21 project plans provided > 12.5% MPDUs
 - Total number of MPDUs < 120 units; bonus MPDUs < 20 units
 - No BLTs required

Single-Use Zoning

- Current C-1, C-T, (C-2), C-O, C-P, H-M, O-M: **0 MPDUs**
- C-1 & C-T:
 - 520 acres
 - If developed at 0.15 FAR residential w/1,000sf units: 425 MPDUs required
- C-2:
 - 502 acres
 - If developed at 0.75 FAR residential w/1,000sf units: 2,050 MPDUs required
- C-O, C-P, H-M, O-M:
 - 317 acres
 - If developed at 0.25 FAR residential w/1,000sf units: 431 MPDUs required
- Conversion to C/R: **2,906 MPDUs**

Mixed-Use Zoning

- TOMX-2 & TOMX-2/TDR:
 - 201 acres
 - Conversion establishes **maximum ceiling** accommodating “density bonus units” recommended by master plan.
 - In Shady Grove Area:
 - Total density ranges from CRT1.0 to CRT1.75;
 - Commercial density set at C0.25;
 - Residential ranges from R1.0 to R1.5;
 - Heights range from H60 to H160
 - Affordable housing recommendations will be **priority public benefits**
- TDRs
 - Remains overlay zone w/optional method
 - **Required to develop above base density up to zoning limit**
- Example:
 - 1,812,161sf site with 26,000sf commercial
 - 530 base units up to 835 units = 1,670,000sf of various unit types averaging 2,000sf
 - CRT1.0 C0.25 R1.0 H60

Public Benefits in CR & CRT

- Affordable Housing:
 - 12 points per 1% MPDUs b/w 12.5% & 15%
 - 2 points per 1% MPDUs > 15%
- Criteria for Approval by Planning Board
 - Recommendations, objectives & priorities of master plan
 - Incentive Density Guidelines
 - Size & configuration of tract
 - Relationship of site to adjacent properties;
 - Presence or lack of similar public benefits nearby; and
 - Enhancements beyond required criteria.
- 28 of 35 public benefits have been used in 8 sketch plans
(Number of benefits remains the same for CR and CRT in Draft 59-6, not 44; energy conservation & generation were split into separate benefits)

Sketch Plan References

- 320110010: Mid-Pike Plaza
 - 320110020: North Bethesda Gateway
 - 320110030: North Bethesda II
 - 320120010: Mallory Square
 - 320120020: Hanover Shady Grove
 - 320120030: 11141 Georgia Avenue
 - 320120040: White Flint Mall Redevelopment
 - 320120050: Camden Shady Grove
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- Submittals & resolutions, if approved, detailing density, open space, uses, and public benefits are available at:

<http://www.montgomeryplanning.org/development/finder.shtm>

(Type in the application number & click “Search for Related Plans & Reports”.)

HOC Recommendations

- Require 20% MPDUs
 - Rejected by PHED
 - ≈\$150,000 per unit + BLTs @ \$225,000 each
- Allow up to 40 points for 20% MPDUs
 - Approved with ZTA
- Payments
 - Allow pay-in-lieu
 - Require commercial development to pay toward affordable housing
 - Need changes to Chapter 25A
 - Could be incorporated in new Ordinance

MPDU Optional Method - Existing

- Zones:
 - RE-2C, RE-1, R-200, R-150, R-90, R-60, R-40
 - R-30, R-20, R-10, RH
 - Mixed-use zones

- Building Types **Currently Allowed** in RE-2C, RE-1, R-200, R-90, R-60
 - One-family attached
 - One-family detached
 - One-family semi-detached
 - Townhouse

- Density (units per acre of useable area):

| RE-2C | RE-1 | R-200 | R-90 | R-60 | R-30 | R-20 | R-10 | R-H |
|-------|------|-------|------|------|-------|-------|-------|-----|
| 0.48 | 1.22 | 2.44 | 4.39 | 6.10 | 17.69 | 26.47 | 53.07 | * |

* 22% over 59-C-2.411(b)

MPDU Optional Method – Usable Area

- Current usable area definition
 - Deduct from the gross area of the tract:
 - Land indicated on the master plan of highways as a right-of-way with a width of 100 feet or more; and
 - All ultimate 100-year floodplain areas which, in the opinion of the planning board, would constitute an excessively high percentage of the total area of the tract.
- Allow density to be calculated on gross tract?
 - Consistent with all other zones that have density based on area
 - Create more MPDUs and incentive to develop under optional method

MPDU Optional Method – Density

- Standard Method
 - Density is determined by lot size
 - Defacto units per acre:

| Development Method | RE-2C | RE-1 | R-200 | R-90 | R-60 |
|--------------------------------|-------|------|-------|------|------|
| Standard (43,560/min lot size) | 0.50 | 1.09 | 2.18 | 4.84 | 7.26 |
| MPDU Optional (table) | 0.48 | 1.22 | 2.44 | 4.39 | 6.10 |

(Existing multi-family zones allow 1.22 times standard method for 15% MPDUs.)

- Conform to Chapter 25A (1.22 times standard method for 15% MPDUs)?

| Development Method | RE-2C | RE-1 | R-200 | R-90 | R-60 |
|-------------------------|-------|------|-------|------|------|
| Potential MPDU Optional | 0.60 | 1.30 | 2.70 | 5.90 | 8.9 |

- Recommendations
 - Retained **existing density** in Draft 59-6.
 - Retain **building types** currently allowed
 - Decrease minimum **lot sizes**
 - Increase **open space** requirement

Accessory Apartments – Existing Standards

- Special Exception in single family residential and ag
- Special Exception
 - One per lot
 - Attached if ≤ 1 acre; detached allowed if > 1 acre in existing structure; detached allowed if ≥ 2 acres in new structure housing care-giver
 - Dwelling must be at least 5 years old
 - Occupant, ownership, & other uses restrictions
 - Entrance to apartment must retain appearance of dwelling
 - Modifications/improvements must be compatible with dwelling and context
 - Must be subordinate (up to 1,200sf if attached; lesser of 2,500sf or 50% of main dwelling floor area if detached)
 - No excessive concentration
 - 2 parking spaces unless adequate on-street parking is available
 - General conditional use criteria (MP consistency, compatibility, adverse effects, etc.)

Accessory Apartments – Proposed C or L

- Recommendation from **Working Group on SEs**
- Attached, Small (≤ 800 sf)
 - Limited Use in all zones (except industrial)
- Attached, Large ($\leq 1,200$ sf)
 - Conditional Use in all Ag/Rural, RMD, and townhouse zones
 - Limited Use in RE, RLD, RHD, C/R, and E
- Detached, Small (≤ 800 sf)
 - Conditional Use in all Ag/Rural, RMD, and townhouse zones
 - Limited Use in RE, RLD, RHD, C/R, and E
- Detached, Large ($\leq 1,200$ sf)
 - Conditional Use in all Ag/Rural, RMD, and townhouse zones
 - Limited Use in RE, RLD, RHD, C/R, and E

Accessory Apartments – Proposed Standards

- Attached, Defined
 - A second dwelling unit that is part of the principal structure of a detached house building type
- Detached, Defined
 - A second dwelling unit located in a separate accessory a structure on the same lot as a detached house building type
- Limited
 - One per lot
 - Owner-occupied
 - Same address
 - Separate entrance on side/rear
 - One parking space
 - Spacing requirement
 - Size & occupancy limits
- Conditional
 - All limited criteria
 - General conditional use criteria (MP consistency, compatibility, adverse effects, etc.)