

Zoning Rewrite Implementation Worksession #8

Remaining Issues

April 29, 2013

Remaining Issues

Draft text

Commercial Preservation Regional Shopping Center Overlay zone - CP-RSC

D. Commercial Preservation - Regional Shopping Center (CP-RSC) Overlay Zone

1. Purpose

The purpose of the CP-RSC Overlay zone is to:

- a. Provide flexibility of development standards to facilitate certain uses compatible with a regional shopping center.
- b. Provide parking design standards and requirements compatible with the function and circulation needs of regional shopping centers.

2. Land Uses

The following uses are allowed as part of a Regional Shopping Center:

- a. Hotel, Motel
- b. The following Recreation and Entertainment Facility use: theater complex

3. Development Standards

a. To accommodate development at a regional shopping center with a gross leasable area that is greater than or will be greater than (if approved by site plan) 1,200,000 square feet, building height may be increased to:

- i. 90 feet for a building that includes a theater complex, and
- ii. 130 feet for a Hotel, Motel.

b. For any increase in building height, that portion of the building must be set back from the nearest Residential zone a minimum of 3 feet for each 1 foot of building height.

4. Site Plan

A site plan is required for any increase in building height under Sec. 4.8.2.D.3.a;

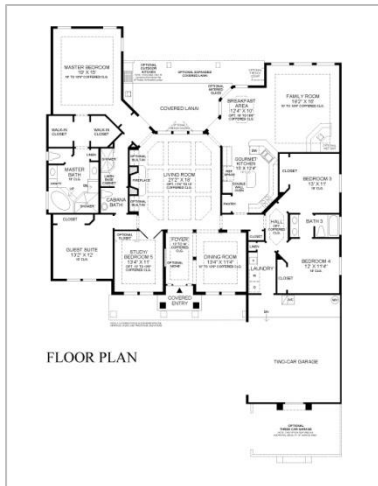


Commercial Preservation

Regional Shopping Center Overlay zone - CP-RSC

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5. Parking

a. Requirement

- i. The parking requirement for a regional shopping center is 5.5 parking spaces for each 1,000 square feet of gross leasable area and may be reduced by 15% if an entrance to a regional shopping center is within 1,600 feet of a Metrorail station entrance, defined as the straight-line distance between a main pedestrian entrance of a building for which the parking reduction is to be granted and a station entrance controlled by the W.M.A.T.A. A station entrance is defined as the street-level entrance of any escalator or the gate or similar barrier of any station entrance that has no escalator.
- ii. The parking requirement for separate standing office and professional buildings is under Div. 7.2.
- iii. All storage space that exceeds 35% of the total gross leasable area shall be excluded in calculating the number of required parking spaces. The owner must submit an annual report specifying the amount of storage space that is greater than 35% of the gross leasable area.

b. Pedestrian Access

The major point of pedestrian access for an off-street parking facility that occupies contiguous land area integral to the regional shopping center property may extend more than 500 feet walking distance from an entrance to the center in order to satisfy the number of spaces required under Sec. 4.8.2.D.5.a.i.

Commercial Preservation

Regional Shopping Center Overlay zone - CP-RSC

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5. Parking

c. Parking Space Size

DPS or the Planning Board may approve smaller than standard size parking spaces for up to 20% of the total parking spaces at the regional shopping center. Any modified standard size space must be for employee use only. Such spaces may be allowed in addition to small car spaces and must be located in a separate area marked for employee parking only. Any modified standard size space must have the following minimum dimensions:

Angle of Parking Space to Drive Aisle	Width	Length
0° (parallel)	6.5'	20.5'
45° - 59°	11'	22.5'
60° - 75°	9'	22'
90° (perpendicular)	8'	17.5'

d. Off-site Parking

Off-site parking spaces may be allowed under the following circumstances:

- i. The off-site parking facility will be used only by employees of the regional shopping center during seasonal peak periods to help satisfy peak parking requirements.
- ii. The off-site parking facility will contain a maximum of 20% of the total parking spaces provided for the regional shopping center.
- iii. DPS or the Planning Board must find that there are appropriate contractual or lease agreements guaranteeing the continued availability, for specified peak shopping periods, of such off-site parking spaces for the regional shopping center.
- iv. DPS or the Planning Board must find that appropriate administrative mechanisms exist to ensure that employees will be required to use the off-site parking facility during specified peak shopping periods.



Remaining Issues

Draft text



Building Lot Termination Overlay zone - BLT

Germantown TMX-2 Area

- Changes in BLT points and SF per BLT
- Reduces estimated BLTs from build out in Germantown
- Potentially no net loss countywide



Montgomery County
Agricultural Reserve

BLTs

Available: 872-1000

Best Case Scenario for Purchase:
approx. 675

Current:

- TMX: One BLT per 9,000sf res & 7,500sf non-res comprising 12.5% of incentive density GFA
- CR: One BLT per 20,000sf comprising 5% of incentive density area
- LSC: complex

Proposed Scenario:

- Rationalized with price of TDRs
- One BLT per 31,500sf comprising 7.5% of incentive density GFA (9 points)
- LSC: made equivalent in price & points

- LSC
 - Increase of 22 BLTs
- Germantown TMX-2 Area
 - Current: approx. 212 BLTs at full build-out
 - Proposed: approx. 32 BLTs at full build-out
 - Net Loss: 180 BLTs
- CR Translation
 - Net increase of approx. 150 BLTs
- White Oak
 - 788 acres into CR (45 BLTs +/-)
 - 80 acres into CRT (2 BLTs +/-)
- Question:
 - Accept change (“dispersal scenario” w/no net loss)
 - Establish overlay zone for Germantown Transit Area w/existing BLT formula

Remaining Issues

Draft text

Article 59-9 Mapped Zones Existing Prior to Adoption of this Ordinance

ARTICLE 59-9. MAPPED ZONES EXISTING PRIOR TO ADOPTION OF THIS ORDINANCE

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Remaining Issues

Draft text

Article 59-9 Mapped Zones Existing Prior to Adoption of this Ordinance

Div. 9.1. In General

Sec. 9.1.1. Applicability

The zones in this Article (Article 59-9) may be mapped on the zoning map, but may not be requested by any property owner under a Local Map Amendment, and may not be applied to any additional property in a master plan adopted after [date of adoption].

Sec. 9.1.2. Modification of Zones

A. Amending a Development Plan

An amendment to an approved development plan or schematic development plan in any zone in this Article (Article 59-9) must follow the procedures for amending a floating zone plan under Sec. 8.2.1.1, the parking, queuing, and loading standards in Sec. 7.2, and the signage standards in Sec. 7.7.

B. Requesting a New Floating Zone

Unless prohibited by a specific provision of the zone, a property owner with land in one of the zones in this Article (Article 59-9) may request a new floating zone under Article 5.



Remaining Issues

General Building

Allow conditional uses in existing detached house buildings

Sec. 4.1.3. Building Types

- Modify Detached House & Duplex descriptions
- Add section on “Non-residential Uses in a Detached House in a Residential Zone”



A. Detached House

A building containing a dwelling unit located on a single lot. A detached house may contain ancillary non-residential uses, such as a home occupation or family daycare.

B. Non-residential Uses in a Detached House in a Residential Zone

A detached house building type may be used entirely for non-residential uses and may be occupied or built under the detached house development standards only if:

1. The building is
 - a. Existing at the time of the application for a limited or conditional use and expansions up to 500 SF are limited to improvements required by the Fire Marshall or ADA regulations; or
 - b. If not existing, may only be built up to the existing coverage and front façade width of any detached house on an abutting lot;
2. The character of the building remains or is designed as residential in nature;
3. Parking and parking setbacks can be accommodated on site; and
4. The use is approved by site plan under Sec. 8.3.4 or conditional use under Sec. 8.3.1.

Remaining Issues

General Building

General Building in Residential zones

The only non-residential use that is currently required to be located in a former house is the Offices, Professional Non-resident use. The current code allows the following special exception uses in the R-60 and R-90 zones, with no requirement that the use go into a house or an already existing church or school:

- Charitable philanthropic institution
- Day Care Center
- Clinic no more than 4 practitioners
- Day care facility for more than 4 seniors
- Domiciliary care for more than 16
- Nursing home
- Hospice
- Funeral Parlor, undertaker.

Several have additional standards regarding lot size and/or setbacks.

Added language to conditional use approvals- Any structure to be constructed, reconstructed, or altered under a conditional use in a Residential Detached zone must, whenever practicable, have the exterior appearance of a detached house, duplex, or townhouse building type as allowed in the zone.

Remaining Issues

Draft text



Farm Market On-Site – parking required

Farm Market, On-site

1. Defined

A Farm Market, On-site is the display and retail sale of agricultural products produced on the farm where the farm market is located, or agricultural products produced on another farm under the control of the owner or operator of that farm market. A limited portion of the sales may include agricultural products produced on another farm. A Farm Market, On-site may include farm food products certified as non-potentially hazardous by the Department of Health and Human Services.

2. Use Standards

Where a Farm Market, On-site is allowed as a limited use, it is subject to the following standards:

- b. In the R-90, R-60, R-40, TLD, TMD, THD, R-30, R-20, R-10, CRN, CRT, CR, GR, NR, LSC, EOF, and IM zones:
 - i. All of the agricultural products for display and retail sale must be produced on-site.
 - ii. The minimum setback for the sale and display area is 25 feet from any lot line shared with a property in a Residential zone.

Parking Requirement: 3 spaces, indicated in parking table under 59-7

Remaining Issues

Implementation - “T” Designation

Allowances:

- MPDU Density Bonus
- WFHU Height Bonus
- Height Measurement

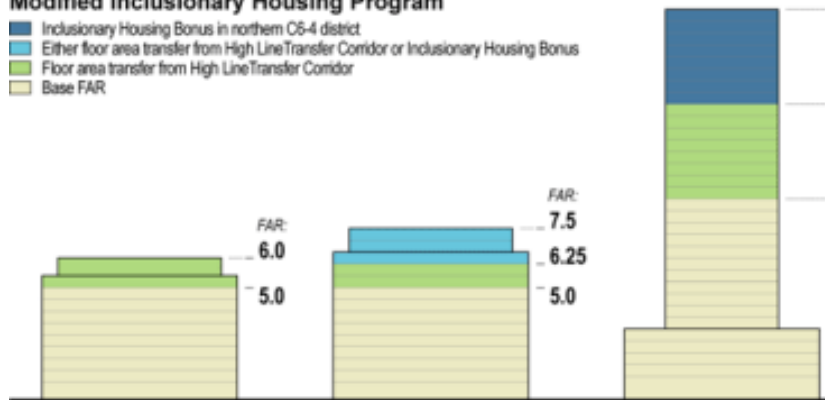
FAR range to accommodate density bonus in CR zones:

- Total FAR: 0.5 to 9.5
- C & R FAR: 0.25 to 9.0
- (No mapping change)

Identical language for Employment zones

Modified Inclusionary Housing Program

- Inclusionary Housing Bonus in northern C6-4 district
- Either floor area transfer from High Line Transfer Corridor or Inclusionary Housing Bonus
- Floor area transfer from High Line Transfer Corridor
- Base FAR



6. Special regulations for certain zones translated from certain zones existing before (date of adoption minus one).

- These special regulations are temporary and apply to certain properties rezoned by district map amendment to implement this Chapter (Chapter 59) and are indicated on the zoning map as the zoning classification followed by a T, such as “CR2.0 C1.5 R1.5 H75 T”.
- For C/R-zoned properties designated with a T, the following provisions apply:
 - Residential density may be increased above the number following the R on the zoning map by up to 1.195 times for MPDUs provided above 12.5% as allowed under Chapter 25A. The density bonus achieved is equal to the percent indicated in Sec. 25A-5.(c)(3) minus the increment above 12.5%. MPDUs provided over 12.5% are not considered in the calculation of gross floor area nor in the calculation of density bonus achieved.
 - Total density may be increased above the number following the zoning classification on the zoning map equal to the residential density bonus achieved.
 - In any case, to achieve a density bonus under this Section (Sec. 2.1.2.F.6), at least one more MPDU than would be required at 12.5% must be provided.

6. Special regulations for certain zones translated certain zones existing before (date of adoption minus one). continued

“T” Designation

Allowances:

- MPDU Density Bonus
- WFHU Height Bonus
- Height Measurement

FAR range to accommodate density bonus in CR zones:

- Total FAR: 0.5 to 9.5
- C & R FAR: 0.25 to 9.0
- (No mapping change)

- i. Height may be increased above the number following the H on the zoning map by up to 1.5 times if the height is the minimum necessary for any workforce housing units provided based on the floor area provided for workforce housing units divided by the average residential floor plate area, where each whole number and any remaining fraction allows an increase of 10 feet.
- ii. Height is measured from the level of approved **street 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. In the case of a building setback from the street line 35 feet or more, the building height is measured from the average elevation of finished ground surface along the front of the building. On a corner lot exceeding 20,000 SF, the height of the building may be measured from either adjoining **curb grade**. For a lot extending through from street to street, the height may measured from either **curb grade**.
- c. If not otherwise required by this Chapter (Chapter 59), any density or height increases under this Section (Sec. 1.1.2.F.6) must be approved by the Planning Board under site plan review, Sec. 8.3.4.

Remaining Issues

ZTA Advisors Review

Recommended edits:

- Remove the purpose of the ordinance – stated in the Land Use Article.

Div. 1.2. Purpose

Sec. 1.2.1. Purpose of Chapter 59

A. The purpose of this Chapter is to protect and promote the health, safety, comfort, and welfare of the present and future inhabitants of the District. The zoning provisions regulations in this Chapter constitute the zoning ordinance text.

B. Interpretation and application of this Chapter are the basic and minimum requirements for the protection of public health, safety, comfort, and welfare.

4-202 Zoning Regulations – Adoption, purposes.

Purposes. – the zoning regulations shall be designed to:

- (1) control street congestion;
- (2) promote health, public safety, and general welfare;
- (3) provide adequate light and air;
- (4) promote the conservation of natural resources;
- (5) prevent environmental pollution;
- (6) avoid an undue concentration of population; and
- (7) promote or facilitate adequate transportation, water, sewerage, schools, recreation, parks, and other public facilities.

Remaining Issues

ZTA Advisors Review

Recommended edits:

- Remove “How to Use the Code” – place in the preamble to the text.

Div. 1.4. Use of the Code

- **Sec. 1.4.1. Coordination with Other Regulations**
 - **Sec. 1.4.2. Code Organization**
 - **Sec. 1.4.3. Step-By-Step Use of the Code**
-
- Application submittal requirements for an LMA - recommend removing
 - estimate of peak hour trips, and
 - if property is within an SPA, applicant must submit water quality inventories...
 - Rationale - these 2 requirements are better suited for review at site plan