

# Zoning Rewrite Worksession #35

May 2, 2013

# Mapping Language and District Map Amendment

Additional language to add to Div. 2.4 Zoning Map

## Remaining Issues

### mapping

Authorized Changes to the Zoning Map

1. District Map Amendment enacted...
2. Sectional Map Amendment as authorized....
3. Local Map Amendment as authorized...
4. Corrective Map Amendment as authorized...and
5. Administrative zoning district line adjustments as authorized under Sec. 8.4.6.

### Changes to be Recorded on Digital Zoning Layer

Any change to the digital zoning layer must record the zoning change, the date of the change, the documentation supporting the change, and be certified by the Planning Director.

### Scale of Digital Zoning Layer

Certified copies of the Montgomery County digital zoning layer must be provided at a measurable scale, to be determined at the time of print.

# Mapping Language and District Map Amendment

Additional language to add to Div. 2.4 Zoning Map

## Remaining Issues

### mapping

#### Sec. 8.4.6. Administrative Zoning Line Adjustments

The Planning Director may certify adjustments to a zoning district line in the following circumstances:

- (a) When more accurate parcel information such as a sealed survey plat or a recorded plat becomes available and evidence indicates that the property boundary was intended to match the zoning district line; and
- (b) When written text, a map exhibit adopted by comprehensive zoning legislation, or during a property rezoning clearly documents a discrepancy between a zoning district line as shown on the digital zoning layer and the change intended.

#### Sec. 8.5.2 Notice Required.

Before proposing a zoning line adjustment under Sec. 8.4.6, the Planning Department must provide notice to all property owners abutting or confronting the proposed zoning line adjustment. The notice must include a statement indicating how the property owner may appeal any decision of the Planning Department. The property owner must object within 30 days of the date of the notice. If the notice is not appealed, the Planning Director may authorize the zoning line adjustment.

## Remaining Issues

### General Building

Allow conditional uses in existing detached house buildings

#### Sec. 4.1.3. Building Types

- Modify 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 nonresidential uses, such as a home occupation or family daycare.

A detached house building type may be used entirely for nonresidential uses if:

1. The detached house is a minimum of 5 years old when an applicant files for a use and occupancy permit for the nonresidential use;
2. Expansions of the existing detached house are limited to a maximum of 500 SF and restricted to improvements required by the Fire Marshall or ADA regulations;
3. The building and site retains the exterior appearance of a detached house;
4. Parking and parking setbacks are accommodated on site; and
5. Where a conditional use approval is not required, the applicant obtains site plan approval under Sec. 8.3.4.

# Remaining Issues

## General Building

Allow conditional uses in existing detached house buildings

### Sec. 4.1.3. Building Types

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



## B. General Building

A building typically containing nonresidential uses including office, commercial, industrial, civic and institutional, or public uses. When a general building is approved for a limited or conditional use in a Residential Detached zone, the building and site design must, to the maximum extent practicable, have the exterior appearance of a detached house.

Reduce minimum lot size to minimum (equal to minimum for a detached house); retain other protections.

## Remaining Issues

### ZTA Advisors Review

#### Recommended edits:

Application submittal requirements for an LMA - recommend removing estimate of peak hour trips

#### Staff Recommendation: change requirement to

If the incremental increase in vehicular peak-hour trips between the density of the base zoning and the density of the requested floating zone is greater than 30, a Traffic Study must be submitted under the Planning Board's LATR Guidelines.

## Remaining Issues

### Zombie Zone Reanimation

#### Sec. 5.1.4. Special Provisions for Properties Zoned Under Article 59-9.

Properties zoned under Article 59-9 may request a floating zone under this Article (Art. 59-5) if:

1. The prerequisites under Sec. 5.1.3 can be met;
2. The District Council finds that the density and uses requested are equivalent or will have less impact than what would be allowed if the subject property was a Euclidean zone under Article 59-4; and
3. Land uses, building types, and development standards follow the requirements in this Division (Div. 5.1) for rezoning from the equivalent Euclidean zone to the proposed floating zone.



## Remaining Issues

### Public Benefit Point Question

#### Proposed Modification of Public Benefit Points Required

Zone	Site Size/ Max Total FAR	Points (min)	Categories (min)
CRT	< 10,000 SF or < 1.5 max FAR	25	2
	10,000 to < 1,250,000 SF or 1.5 to < 3.25 max FAR	50	3
	<b>≥ 1,250,000 SF or ≥ 3.5 max FAR</b>	<b>75</b>	<b>4</b>
CR	< 10,000 SF or < 1.5 max FAR	50	3
	10,000 to < 1,250,000 SF or 1.5 to < 3.25 max FAR	100	4
	<b>≥ 1,250,000 SF or ≥ 3.5 max FAR</b>	<b>125</b>	<b>5</b>
Similar limits & ratios for ELS & EOF			