

# Zoning Text Amendment 13-04 District Map Amendment G-956

May 23, 2013

## Zoning Text Amendment 13-04; District Map Amendment G-956

### Outline

- Staff Recommendation
- ZTA 13-04 and DMA G-956 overview
- Staff Recommended Revisions

### Staff Recommendation

- Approval of ZTA 13-04, Zoning Ordinance – Revised, and
- DMA G-956, adopting the zoning maps implementing the new ordinance and making the GIS layer the official zoning maps of the County, with
- Revisions specified in Section 3, Staff Recommended Revisions.



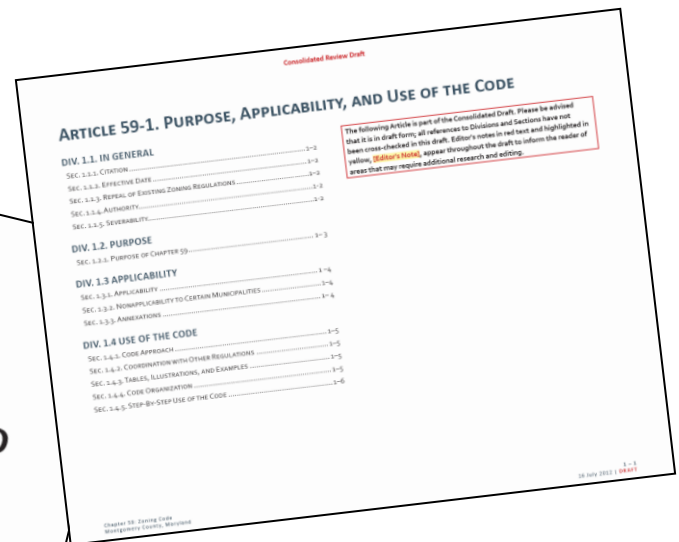
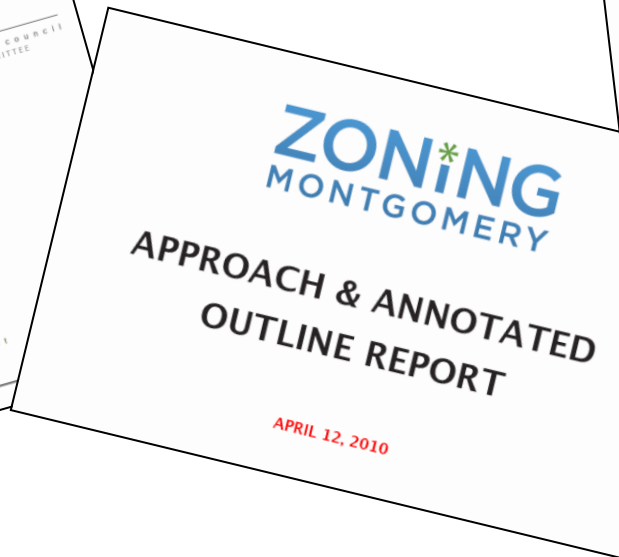
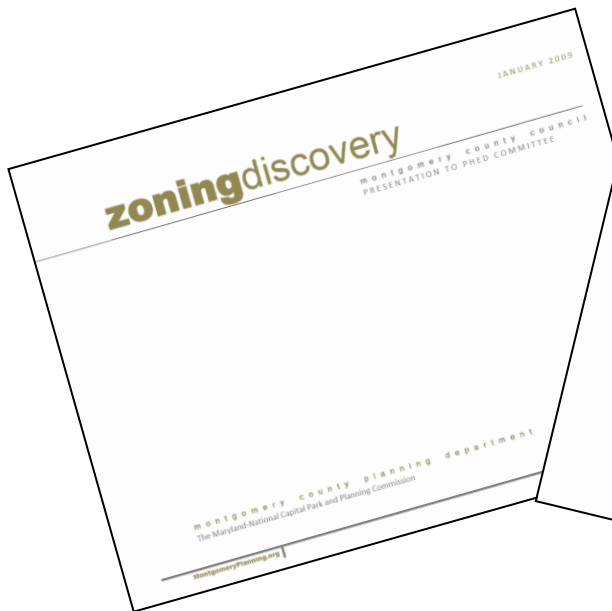
## Basic Goals

- Simplify and consolidate;
- Improve clarity and consistency;
- Accommodate changing markets and demographics, while protecting established neighborhoods;
- Reflect more sustainable policy goals; and
- Provide the tools necessary to shift from greenfield development to infill, mixed-use development.

## ZTA 13-04, Zoning Ordinance – Revised

### Changes:

- Layout, presentation, and organization
- Modifications to mixed-use and industrial zoning regulations,
- Minimizing impacts to agricultural and residential requirements.



## Overview

### ZTA 13-04

- Organization
- Land Uses
- Building Types
- Development Methods
- Floating Zones
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- Administration & Procedures

### DMA G-956

## ZTA 13-04, Zoning Ordinance – Revised

Complete revision of the existing zoning ordinance, Chapter 59 of the Montgomery County Code.

Chapter 59 specifically establishes the zoning districts that regulate:

- Allowed uses,
- Allowed densities and heights,
- Lot standards, such as setbacks and coverage, and
- Parking, landscaping, open space, and sign regulations.

Chapter 59 also establishes the review process for rezoning, text amendments, and regulatory applications.

# Organization

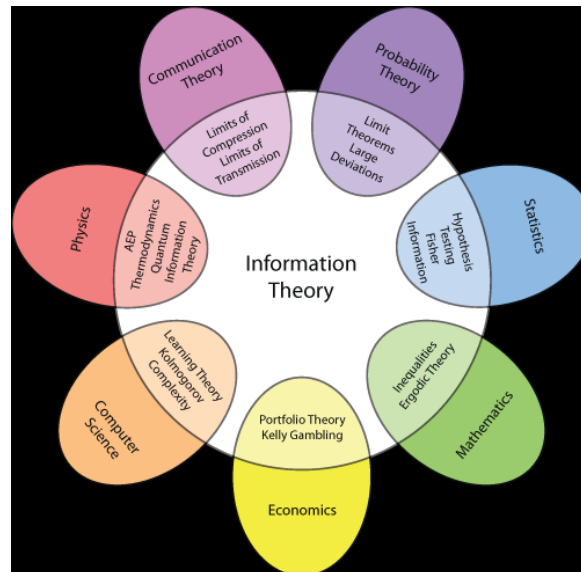
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1. General Zoning Code Provisions
2. Zones
3. Uses and Use Standards
4. Euclidean Zone Requirements
5. Floating Zone Requirements
6. Optional Method Requirements
7. General Development Requirements
8. Administration and Procedures
9. Zones Retained from Previous Ordinance



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## Land Uses

- Use definitions and use standards are in one location, Article 59-3
- Consolidated
- Collected in one table
- General philosophy: group by intensity, rather than differentiate by name

DMA G-956

USE OR USE GROUP	Definitions and Standards	Ag	Rural Residential		Residential												Commercial/ Residential			Employment				Industrial								
					Residential Detached								Residential Townhouse			Residential Multi-Unit																
			AR	R	RC	RNC	RE-2	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD	THD	R-30	R-20	R-10	CRN	CRT	CR	GR	NR	LSC	EOF	IL	IM	IH			
Shooting Range (Indoor)	3.5.10.I																									C				C	C	C
Shooting Range (Outdoor)	3.5.10.J	C	C	C																												
RETAIL SALES AND SERVICE	3.5.11																															
Retail/Service Establishment (Up to 5,000 SF)	3.5.11.A																L	P	P	P	P	P	L	L	P	P	P					
Retail/Service Establishment (5,001 - 15,000 SF)	3.5.11.A																	L	P	P	P	P	L	L	L	L	L					
Retail/Service Establishment (15,001 - 50,000 SF)	3.5.11.A																		L	P	P	P	P	L	L	L	L					
Retail/Service Establishment (50,001 - 85,000 SF)	3.5.11.A																			L	L	P	P			L	L					
Retail/Service Establishment (85,001-120,000 SF)	3.5.11.A																			L	L	L	L			L	L					
Retail/Service Establishment (120,001 SF and Over)	3.5.11.A																			L	L	C	C			L	L					

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## Building Types

- Form-based code: Introduction of building types
- Impetus:
  - Different types of buildings are necessary to accommodate the various uses allowed in any given zone, but
  - Development standards (setbacks, lot width, coverage, etc.) should be based on building type, not by zone.

### Sec. 4.1.3. Building Types

Building types are established to regulate the form of development allowed within each zone. Uses allowed within any building type are determined by the uses allowed within the zone under [Sec. 3.1.6](#); the building type does not determine use, only the applicable development standards. All graphic depictions of building types are for illustrative purposes only and are not meant to limit or exclude other designs.



#### A. Detached House

A building containing one dwelling unit. A detached house may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care. An existing detached house building type may be used entirely for a nonresidential use if:

1. The detached house is a minimum of 3 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 square feet and restricted to improvements required by the Fire Marshall or ADA regulations; and
3. The building and site retain the exterior appearance of a detached house;
4. Parking and parking setbacks are accommodated on-site.



#### B. Duplex

A building containing 2 principal dwelling units. A duplex may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care.



#### C. Townhouse

A building containing 3 or more dwelling units where each dwelling unit is separated vertically by a party wall. A townhouse may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care.



#### D. Apartment/Condo

A building containing 3 or more dwelling units vertically and horizontally arranged. An apartment/condo may contain up to 50% of the gross floor area as Retail/Service Establishment uses, otherwise it is a multi use building.



#### E. Multi Use Building

A building with Retail/Service Establishments along the majority of the ground floor facing any street or open space and other nonresidential uses or residential uses above.



#### F. 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.

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### B. Public Benefit Points and Categories

1. Public benefits under [Div. 6.6](#) must be provided according to zone and to the tract size or maximum total mapped FAR, whichever requires fewer public benefit points:

Zone	Tract Size OR Max Total FAR	Public Benefit Points (min)	Number of Benefit Categories (min)
CRT	< 10,000 SF OR < 1.5 max FAR	25	2
	10,000 SF to < 1,250,000 SF OR 1.5 to < 3.25 max FAR	50	3
	≥ 1,250,000 SF OR ≥ 3.5 max FAR	75	4
CR	< 10,000 SF OR < 1.5 max FAR	50	3
	10,000 SF to < 1,250,000 SF OR 1.5 to < 3.25 max FAR	100	4
	≥ 1,250,000 SF OR ≥ 3.5 max FAR	125	5

2. In the CR zone, the purchase of BLTs is required under [Sec. 6.6.3.F.1.a.](#)

## Development Methods

- Standard method development standards have been separated from optional method development standards for clarity.
- Optional method development (MPDU, TDR, and Cluster) in the residential zones is only allowed:
  - In the same zones, with
  - The same building types, and
  - At the same densities as allowed in the existing zoning ordinance.
- Optional method development applies to more properties under the revised zoning ordinance: CR, CRT, EOF, and LSC.
- Public benefit points have been modified slightly – lowering the amount of points that may be awarded in many cases – and new requirements for very large or high-density projects have been proposed.



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## Floating Zones

- Euclidean & floating zones are currently indistinguishable.
- Distinct articles in the revised zoning ordinance they have been separated into .
- Proposed floating zones are fundamentally different in applicability, format, and organization.
- There are four families of floating zones mirroring the Euclidean zones:
  - Residential,
  - Commercial-Residential,
  - Employment, and
  - Industrial.
- Uses and densities are restricted by:
  - Zone that is being replaced and
  - Amount of land that is assembled.
- Development standards are flexible.

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## General Requirements

- Apply across zones:
  - Site access,
  - Parking/queuing/loading,
  - Open space and recreation,
  - Compatibility standards,
  - General landscaping and outdoor lighting,
  - Outdoor display and storage, and
  - Signs.
- Parking section, in particular, has been clarified and now matches the land use table.
- Most changes based on achieving greater sustainability and public health:
  - Impervious area,
  - Tree canopy,
  - Air and water quality,
  - Parking requirements are generally lower,
  - Surface parking lots require more landscaping,
- Landscape and lighting standards have been codified.

## Administration and Procedures

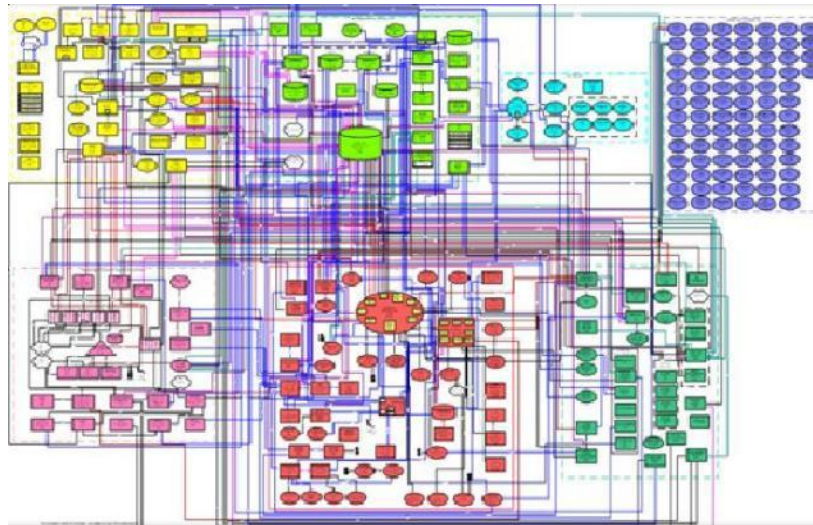
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- Grouping of all approvals by approving bodies,
- Consistent organization step-by-step under each approval section,
- Revised submittal requirements to ensure that proper information is given at each approval step,
- Revised findings in line with approval purpose and the iterative nature of many procedures,
- Standardized notice requirements, and
- Incorporation of internet-based noticing.



## Adoption of District-Wide Zoning Maps

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#### DMA G-956:

- Digital zoning maps implementing the new zoning ordinance.
- The following impacts:
  - The RDT (Rural Density Transfer) zone will be renamed the AR (Agricultural Reserve) zone;
  - The R, RC, RNC, RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40, R-30, R-20, R-10 and LSC zones will not be changed;
  - All commercial and mixed uses zones (except those noted below) will be classified as one of the following zones: CR, CRT, CRN, NR, GR, or EOF zones;
  - The industrial zones will become an IL, IM, or IH zone; and
  - The R-H, PCC, PD, PNZ, PRC, TS, and various R-T zones will not be changed.

## Staff Recommended Revisions

Page	Recommendation
ii Table of Contents	The title of the Article 59-4 should be “Article 59-4. Euclidean Zone <b>[Regulations] Requirements: General and Standard Method</b> ”.
iv Table of Contents	The title of Article 59-5 should be “Article 59-5. Floating Zone <b>[Regulations] Requirements</b> ”.
iv Table of Contents	The title of Article 59-6 should be “Article 59-6. Optional Method <b>[Regulations] Requirements</b> ”.
v Table of Contents	The title of Article 59-7 should be “Article 59-7. General Development <b>[Regulations] Requirements</b> ”.
1-10 Definitions	The definition of Cultural Institution should read “Any <b>[private] privately owned or operated</b> facility where works of art or other objects are kept and displayed, or where books, periodicals, and other reading material is offered for reading, viewing, listening, study, or reference, but not typically offered for sale. Cultural Institution includes a museum, cultural or art gallery, and library.”
1-17 Definitions	The definition of Lawn Maintenance Service should be modified to read, “The business of cutting grass, raking leaves, snow removal, and other activities associated with maintaining a yard; <b>regulated as a low impact home occupation</b> ”.
3-8 Use Table	The use Playground, Outdoor Area (Private), should be removed from the rural zone. The use is intended for development that requires common open space such as Optional Method MPDU or Cluster Development, neither of which is allowed under the rural zone.

## Staff Recommended Revisions

Page	Recommendation
3-43 Animal Boarding and Care	Under Sec. 3.5.1.B.2.b use standards (f) and (h) should be combined. Modify (f) to read “The sound level at the nearest property line <del>[cannot exceed 60 dBA]</del> must satisfy Chapter 31B.”, and strike (h), <del>[For all building in which animals will be contained, sound levels emanating from the interior of the building must satisfy Chapter 31B as measured at the property line.]</del> .
3-44 Veterinary Office/ Hospital	Under Sec. 3.5.1.C.2.b use standards v. and vii. should be combined. Modify v. to read “The sound level at the nearest property line <del>[cannot exceed 60 dBA]</del> must satisfy Chapter 31B.”, and strike vii., <del>[For all building in which animals will be contained, sound levels emanating from the interior of the building must satisfy Chapter 31B as measured at the property line.]</del> .
4-64 Regional Shopping Center Overlay	Sec. 4.8.2.D.3.b should read “ <del>[For any increase in building height]</del> Any portion of a building over 45 feet, <del>[that portion of the building]</del> must be set back from <del>[the nearest]</del> an abutting property in a Residential zone a minimum of 3 feet for each one foot of building height over 45 feet.”
4-67 Industrial Mixed-Use Overlay	Under Sec. 4.8.3.3 development standards a. through e. should be deleted. The modified development standards for the IL zone and the overlay standards a. through e. are redundant. Development standard f. should read “ <del>[The Planning Board may approve a reduction in the amenity open space requirement to a minimum of 10% of the site.]</del> A maximum of 50% of the required amenity open space may be located off-site within the IMU-TB Overlay zone.”
6-23 Public Benefit Categories	Under Sec. 6.6.3.D.2 the heading should read “ <del>[Affordable Housing]</del> Moderately Priced Dwelling Units” as there is a separate public benefit for Workforce Housing. It will follow Live/Work in alphabetical order.
7-3 Driveway Access	Under Sec. 7.1.4.A. IM needs to be added to the Driveway Dimensions table in the same row and column as the IL and IH zones.

## Remaining Questions

C-2:

Regional mall = 90'/130' for certain uses (captured in overlay).

Height Base = 42'

Translation, if no other provisions apply = H45.

Mixed use = 75'

Translation = H75 if:

- site > 1.5 acres & within 1,500' of Metro in a CBD & sector plan recommends mixed use & adjoins 50' public parking garage & site plan or
- site is within 500' of Bus Transit Center & site plan (footnote 40).

FAR Base = 1.5

Translation, if no other provisions apply = 1.5

Mixed use = 2.5

Translation = CRT2.5 C1.0 R2.0 H75 if:

- C = 1.0 & ground floor is primarily retail;
- Meets mixed use provisions above.

**Or**

Special Exception allows 6 to 21.5 units per acre with productivity housing or 26.23 w/bonus MPDUs and 50' (i.e., up to 0.75 FAR residential)

## Remaining Questions

### C-2:

#### Summary of Ranges:

- Height: 45' to 180'
- FAR: 1.5 to 2.5

#### Draft Translation (Standards):

- Abutting R-200 or lower
- Abutting R-90 or higher
- Confronting R-90 or higher
- Otherwise  
across from Mont Mall

GR1.5 H65 (45)

CRT1.5 C1.5 R0.75 H45

CRT2.0 C1.5 R0.75 H45

CRT2.25 C1.5 R0.75 H75 (50) (custom conversion)

#### Alternative 1:

- Abutting R-200 or lower
- Otherwise

GR1.5 H65

CRT1.5 C1.5 R1.0 H45

#### Alternative 2:

- Same as Draft Translation except –
- Confronting R-90 or higher
- Otherwise

CRT2.0 C1.5 R1.5 H45

CRT2.25 C1.5 R0.75 H75



## Remaining Questions

### CBD-2:

#### Optional Method:

- Density may not exceed limits in applicable master plan
- Zoning limits
  - C= 4.0 if single-use
  - C= 3.0 if mixed use
- Woodmont Triangle: C limited to 1.0 FAR

#### Standard Method:

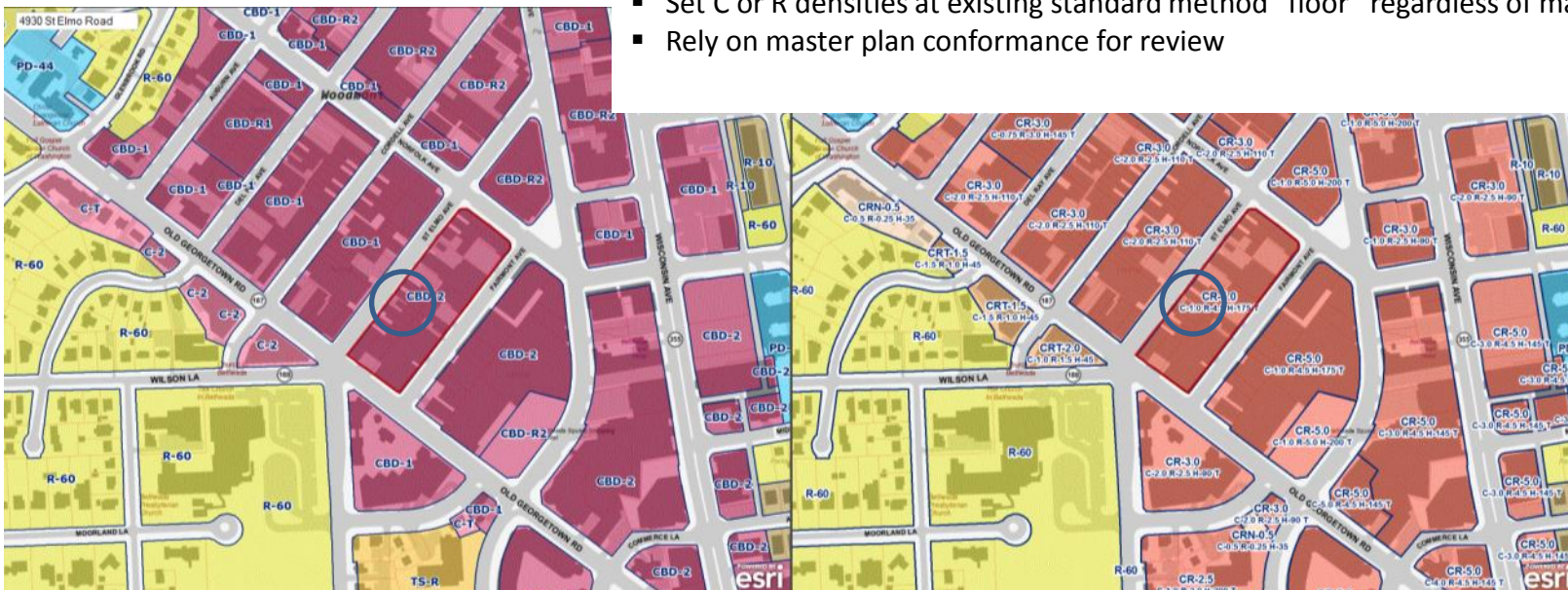
- No density limits set by master plan
- Zoning limit: C = 2.0

#### Alternative 1:

- Master plan trumps
- C= 2.0 accommodated by density averaging

#### Alternative 2:

- Set C or R densities at existing standard method “floor” regardless of master plan
- Rely on master plan conformance for review



## Remaining Questions

### CBD-1:

#### Height under “T” zones

- Draft accommodates WFHU increases
- Add language from footnote 1
  - Map CBD-1 at 90’
  - For CR-zoned properties with H90, allow increase above 90’ to no more than 143’ if recommended in the applicable master plan.
  - (Previously captured with specific height recommendation from the plan.)

### Translation Request:

#### Specific property requests for alternative translation

- Currently R-200 & I-4
- Request for commercial zoning (NR)
- More “appropriate” use given context

Staff does not recommend individual translation exceptions – master plan issue.  
(IL is proposed with allowances for retail, restaurant, recreation.)