



Montgomery County Revised Zoning Code

PROJECT INITIATION

SEPTEMBER 2009

CODE STUDIO

Farr Associates

Rhodeside & Harwell

Nelson\Nygaard Consulting Services

Bob Sitkowski

Today's Presentation

- Intro to the Team/Experience
- Scope of Work
- Progress to Date
- Project Approach
 - “Food for Thought”
- Discussion Group Dialogue
 - Breakout Session



Montgomery County Revised Zoning Code

PROJECT TEAM

PROJECT MANAGEMENT & ZONING

CODE STUDIO
Austin, TX

Lee D. Einsweiler
Colin P. Scarff

Project Management
Zoning
Code Drafting

NELSON\NYGAARD
Boston, MA

Jason Schreiber

Transportation Planning
Parking Analysis
Context Sensitive Design

TRANSPORTATION
& PARKING

FARR ASSOCIATES
Chicago, IL

Doug Farr
Leslie Oberholtzer

Sustainable Design
Urban Design
Rural Stewardship

SUSTAINABLE
URBANISM

RHODESIDE & HARWELL
Alexandria, VA

Deana Rhodeside
Ed Hamm

Public Outreach
Landscape Architecture
Local Support

OUTREACH &
PUBLIC INVOLVEMENT

ROBERT J. SITKOWSKI
Hartford, CT

Bob Sitkowski

Legal Review

LEGAL REVIEW

Code Studio (Austin)

- Recognized National Zoning Experts
- Success in Urban, Suburban and Rural Settings
- Plain English Drafting, Illustrative Codes -- Broadcasting Code Intent
- Prior Experience with M-NCPPC Prince George's County Mixed Use Zones

- Lee Einsweiler, Project Leader
 - 25+ Years Planning, Zoning Experience
 - Over 50 Adopted Codes, 20+ Full Re-Writes
 - Current Work: Denver (Zoning), Louisiana (Model Code Toolkit)

Farr Associates (Chicago)

- Leaders in Sustainable Coding, Planning & Architecture
- Initiators of LEED for Neighborhood Development
- Experience in Existing and Newly-Developing Communities

- Leslie Oberholtzer, RLA, LEED AP
 - 20+ Years Planning Experience
 - Current Work: Des Plaines, Illinois (Citywide Form-Based Code); Lakeland, Tennessee (Citywide Development Code); Michigan Avenue (Sustainable Streetscape Design)

Rhodeside & Harwell (Alexandria)

- Broad Planning and Urban Design experience locally, nationally and internationally
- Excellent communication capabilities
- Certified MFD firm with M-NCPPC

- Deana Rhodeside, PhD
 - 25+ Years Planning, Zoning Experience
 - Extensive M-NCPPC experience
 - Current Work: Montgomery County (Master Plan Reassessment); Portsmouth, VA (Form-Based Code); Prince George's County (Mixed-Use Zoning)

Nelson\Nygaard (Boston & NY)

- Parking and Transportation Planning Experts
- Exclusive Focus on Sustainable, Livable-Community Development
- Digestible Language for Framework, Guidelines, Policy Statements or Code-Ready Regulatory Text

- Tom Brown
 - Specialist in Revising Accessory Parking Standards
 - Recent Work: DC (Framework for Comprehensive Re-Write), Raleigh, NC (Right-Sizing Parking Requirements); New Orleans and Ann Arbor (Guidelines to Foster Compact, Multi-Modal Downtowns)

Bob Sitkowski (W. Hartford)

- Sustainable Development Strategies
- Experienced in Evaluating, Drafting, and Implementing Zoning and Planning Regulations
- Has Represented Developers, Landowners, Municipalities and Advocacy Groups

- Bob Sitkowski, AIA, AICP, LEED-AP
 - Architect, Urban Designer, Planner and Lawyer
 - Board of Directors, Form-Based Codes Institute, CT Green Building Council
 - Former Counsel, Robinson & Cole (Hartford)



Montgomery County Revised Zoning Code

SCOPE OF WORK

Scope of Work

- Three Phases
 - Annotated Outline
 - Code Drafting
 - Implementation (Optional)
- Phase 1: Annotated Outline
 - 1.1 Existing Material Review
 - 1.2 Project Initiation Meeting
 - 1.3 Project Schedule
 - 1.4 Draft Annotated Outline
 - 1.5 Draft Approach Report
 - 1.6 Staff/Zoning Advisory Panel Meeting
 - 1.7 Final Annotated Outline/Approach Report
 - 1.8 Council Update/Community Forums



Montgomery County Revised Zoning Code

PROGRESS TO DATE

Initial Issues Outreach

- Facilitated by Justice & Sustainability
- Invitation Only Focus Groups, September 2008
- 70+ Pages of Detailed Comments Available

Initial Issues Outreach (cont)

- Q1: What Works? What Does Not Work?
 - Need the code published in electronic format
 - Need instantaneous updates, hyperlinks to definitions, and cross references to relevant policies that may be scattered throughout the code
 - Need to change the code from a suburban to an urban focus, with emphasis on infill and redevelopment
 - Difficulty using and interpreting code, particularly the policy guidelines around TDRs and MPDUs

Initial Issues Outreach (cont)

- Q2: Most Successful Aspects of the Code?
 - Good overall organization
 - Good basic residential zones
 - Montgomery County has a diversity of great places to live
 - TDRs, MPDUs and other policy goals

Initial Issues Outreach (cont)

- Q3: Continue with Existing? Revise/Modify? Start From Scratch?
 - Very few support existing code
 - Broad support for a complete re-write, but understanding of practical impossibility

Initial Issues Outreach (cont)

- Q4: Suggestions to Make Code More User-Friendly?
 - Illustrations in master plans often create unrealistic expectations, subjective interpretations
 - Broad support for graphics to describe measurements

Initial Issues Outreach (cont)

- Q5: Larger Number of Zones with Fewer Uses or Fewer Zones With More Use Flexibility?
 - Broad support for fewer zones
 - Focus on performance and impacts

Initial Issues Outreach (cont)

- Q6: Application Processing Speed versus Public Participation?
 - Public participation and length of process not necessarily linked
 - Inter-agency coordination often a factor in delays

Initial Issues Outreach (cont)

- Q7: Does the Zoning Code Work to Implement Master Plans?
 - Wide-ranging discussion with no consensus

Initial Issues Outreach (cont)

- Q8: Are Footnotes Helpful or Confusing?
 - No consensus
 - Agreed it is difficult when policy is embedded in footnotes

Initial Issues Outreach (cont)

- Q9: Allow Accessory Apartments by Right?
 - Government stakeholders and land use professionals in favor
 - Civic and community participants divided,
 - Some emphasized importance of special exception process in providing community input
 - Other participants supported the proposal as a way to generate affordable housing

Initial Issues Outreach (cont)

- Q10: Should Text Amendments be Grouped? Limited to Twice a Year?
 - Many government stakeholders supported the idea
 - Strong opposition from land-use professionals who preferred an emphasis on better quality County staff work and the role of the ZTA screening committee

Initial Issues Outreach (cont)

- Q11: New or Emerging Issues?
 - Sustainability and renewable energy
 - Stormwater, particularly state regulations
 - Bicycle and pedestrian safety
 - Infill and redevelopment

Initial Issues Outreach (cont)

- Q12: Other Comments?
 - Responses varied widely
 - Many participants expressed an interest in further examination of form-based codes

Zoning Discovery

- White Paper
 - Technical Appendix
 - Fact Sheets
- “Green” Papers

JANUARY 2009

zoningdiscovery

PROGRAMMATIC STUDY REPORT
PRESENTATION TO WPD COMMITTEE

R-60

The R-60 Zone typically results in moderate density residential neighborhoods. Properties located in this zone typically front to double-lot streets and are set away from transportation hubs.

Minimum lot size	6,000 sq. ft. (11.71 ac.)
Maximum lot width	100 ft.
Maximum lot depth	125 ft.
Minimum setback from street	25 ft.
Maximum building height (1) (max. height from 1st floor)	35 ft. (10.67 m)
Maximum building coverage	75%
Open Space/Permeable Area	
Notes	
1. 100' street parking (on-street parking)	

Notes:

- Building length may be no more than 3 times or 60% by R-60.
- Refer to applicable regulations in the Montgomery County Zoning Code.

Notes: Lot Size, Setback, and Coverage

R-90

The R-90 Zone results in moderate density residential neighborhoods. Properties located in this zone typically front to double-lot streets and are set away from transportation hubs.

Minimum lot size	6,000 sq. ft. (11.71 ac.)
Maximum lot width	100 ft.
Maximum lot depth	125 ft.
Minimum setback from street	25 ft.
Maximum building height (1) (max. height from 1st floor)	35 ft. (10.67 m)
Maximum building coverage	75%
Open Space/Permeable Area	
Notes	
1. 100' street parking (on-street parking)	

Notes:

- Building length may be no more than 3 times or 60% by R-90.
- Refer to applicable regulations in the Montgomery County Zoning Code.

Notes: Lot Size, Setback, and Coverage

Notes: Building Height and Floor

At Longley Foster Green Paper
Initiation for discussion and study to create a program, ordinance or policy of sustainability and quality of place.

200 Longley Avenue
Silver Spring, MD 20910
301.584.6000
www.MontgomeryPlanning.org

I. Allowed Land Uses:

By Long 10

March 10, 2009

At Longley Foster Green Paper
Initiation for discussion and study to create a program, ordinance or policy of sustainability and quality of place.

200 Longley Avenue
Silver Spring, MD 20910
301.584.6000
www.MontgomeryPlanning.org

II. Land Use Districts: Consolidation and Focused Integration

By Long 10

At Long Meeting, Project Manager
Doreen Davidson
Jonathan Shaw

April 1, 2009

Zoning Discovery (cont)

- Goals:
 - Simplify and streamline the standards and process
 - Match land use to development patterns
 - Rationalize development standards
 - Accommodate change, recognize consistency
 - Update technology

Zoning Discovery (cont)

- Key Policy Issues
 - Changing residential growth from greenfields to infill
 - Designing for people
 - Designing for green
 - Designing for connections
 - Focus on accommodating right growth in right place

Other Elements

- Zoning Advisory Panel
 - Represents stakeholders, provides a sounding board
- Web Site
 - www.montgomeryplanning.org/development/zoning
- Recent Plans
 - Takoma/Langley Park
 - Gaithersburg West
 - Kensington
 - White Flint



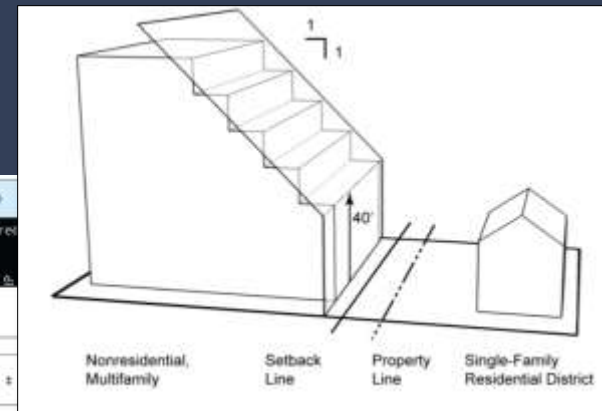
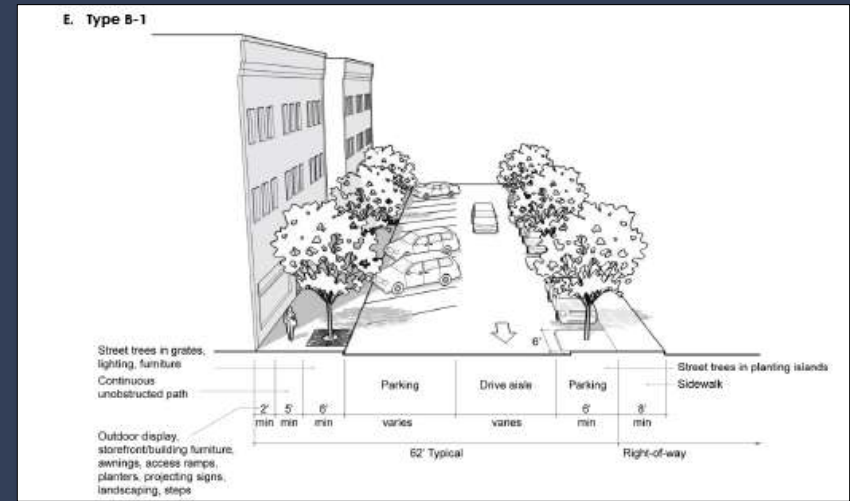


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PROJECT APPROACH

Easy to Use and Understand

- Code Should be Readable
- Use Plain English
- Use Special Phrases Only when Necessary and Well Recognized Meaning
- Use Language Consistently
- Attractively Presented with Tables, Graphics, Flowcharts



		RESIDENTIAL					NONRESIDENTIAL					PLANNED					
USE CATEGORY	SPECIFIC USE	RR	RS	RS-M	RU	RU-M	RC	CR	CI	CS	CEID	OSSP	IL	IPDM	UC	UC	IP
Retail Sales and Service	All retail sales and service, except as listed below						P		L	P			P		L		
	Antique shop	L					P		P	P			P				
	Art, music, dance, photographic studio or gallery						P	P	P	P			P				
	Convenience store with gasoline sales						L		L	L			L		HL		HL L 5.3.4F
Self-Service Storage	Drive-through facilities						L		L	L			L		HL		HL 5.3.4I
	Veterinary clinic, animal hospital, kennel						L	L	L	L			L		HL	HL	HL L 5.3.4U
	All self-service storage								L				L		HL	HL	5.3.4R
Vehicle Sales and Service	Car wash								L				L	L	HL	HL	5.3.4E
	Manufactured home sales								L				L	L		HL	5.3.4N
	Vehicle sales, leasing or rental								L				L	L	HL	HL	L 5.3.4R
	Vehicle service												L	L	HL	HL	5.3.4T
	Vehicle service, limited						L/M		L				L	L	HL	HL	HL 5.3.4T

Legally Sound

- Code Should Respect and Respond to Legal Limitations and Challenges
 - Uses With Special Federal or State Protections
 - Procedural Requirements of Law, Streamlined Where Appropriate

Sustainable Coding Process

Tier 1: Neighborhood Completeness

Mix of Housing/Accessory DU

Multi-modal Streets

Walkability

Transit Oriented Developments



Tier 2: Energy Conservation

Energy Generation: Renewable & District

Tree Canopy Requirements

Transportation Demand Management

Water Conservation

Lighting



Single-Use Areas

- Majority of the County; Bulk of the Zoning Code
- Maintain/Preserve Existing Character
 - Protect Established Neighborhoods
- Streamline Development Review
- Update Dimensional Standards
- Improve Base Development Standards (Quality)
- Review and Consolidate Permitted Uses
- Consolidate Existing Zoning Districts
- Amend Parking Regulations
- Make Document Easy to Use and Understand

Pedestrian-Oriented, Mixed Use Areas

- Emphasis on Form & Character Rather than Use & Density
- Form Standards Integrated into Zoning Code
- Standards Applied Through Pro-Active Area Plans



Improved Clarity, Predictability



Old Standards:

Hard to Understand



New Standards:

Must Be Clear,
Understandable and
Predictable



Red on Zoning Map



Also Red on a Zoning Map

Important Elements: Height



Important Elements: Building Placement



Important Elements: Windows & Doors



Important Elements: Use



Important Elements: Street Space



Elements of Form: Public Space



= Clear, Predicable Results

SHOPFRONT



PLACEMENT

SETBACK AREA

20' min. (7' ft. if ground floor use is a restaurant with outdoor seating) to 15' ft. behind ROW line.

REQUIRED BUILDING FRONTAGE

1. Primary street (sites less than 100 ft. in width). The building facade must be located within the setback area for a minimum of 80% of the site width.
2. Primary street (sites less than 100 ft. in width). The building facade must be located within the setback area for a minimum of 70% of the site width. For sites under 100 ft. in width, the required building frontage may be reduced to accommodate no more than a single 20-ft. access drive for a new parking area.
3. Side street. The building facade must be located within the setback area for a minimum of 40% of the site depth.

PARKING SETBACK

1. Primary street setback. Min 30' ft. behind ROW line.
2. Side street setback. Min 10' ft. behind ROW line.
3. Parking shall be located behind the parking setback line. No parking is permitted between the street and the building. This requirement shall not restrict on-street parking.

ELEMENTS

TRANSPARENCY (WINDOWS & DOORS)

1. Ground floor. Primary Street 50% min, Side Street 30% min. Ground floor transparency is measured between 2 and 12 ft. above the adjacent sidewalk.
2. Upper floor. Min 20% (floor to floor).
3. A minimum of 60% of the window pane surface area shall allow views into the ground floor for a depth of at least 8 ft. Windows shall not be made opaque by window treatments (including operable sunscreen devices within the conditioned space).

BUILDING ENTRANCE

1. A functioning entrance, operable during normal business hours, is required (acing the primary street. An angled entrance may be provided at either corner of the building along the primary street to meet this requirement.
2. A building located on two primary streets shall have either one entrance per frontage or provide one angled entrance at the corner of the building at the intersection. Buildings located on corner lots shall meet all applicable intersection sight distance requirements. Additional entrances off another street, pedestrian area or internal parking areas are permitted.
3. A minimum of 50% of the required entrance shall be transparent.
4. Recessed entrances shall not exceed 3 ft. in depth and one floor in height.

BLANK WALL AREA

Blank lengths of wall exceeding 25 linear ft. are prohibited on all primary and side street building façades.

HEIGHT

GROUND FLOOR ELEVATION

For ground floor residential uses, the ground floor finished elevation shall be a minimum of 18 inches above the adjacent sidewalk. There is no minimum for ground floor nonresidential uses.

FLOOR HEIGHT

1. Ground floors shall have a floor to floor height of at least 14 ft.
2. Each upper floor shall have a floor to floor height of at least 9 ft.





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DISCUSSION GROUP DIALOGUE

Breakout Session

- Group Discussion (40 minutes)
- Key Questions:
 - Major issues that were not raised tonight?
 - Anything you did not agree with? Anything right on target?
 - Certain growth areas shifting from “suburban” to “urban” – what needs to be considered there?
 - What does a “user-friendly” code mean to you?
 - What is the appropriate role of public participation in planning and zoning decision-making?
- Report Back
 - Top issues or concerns