

Montgomery County Revised Zoning Code

CONFIRMATION OF DIRECTION

APRIL 2010

CODE STUDIO
Rhodeside & Harwell
Farr Associates
Nelson\Nygaard

ZONING
MONTGOMERY

**APPROACH & ANNOTATED
OUTLINE REPORT**

DRAFT FEBRUARY 15, 2010

Today's Presentation

- Project Update
- Approach
- Project Objectives
- Layout and Format
- Annotated Outline
- Sustainability Audit
- Next Steps



Montgomery County Revised Zoning Code

PROJECT UPDATE

Project Team

- Code Studio (Austin)
 - Project Management, Code Drafting
- Rhodeside & Harwell (Alexandria)
 - Public Outreach, Landscape Architecture
- Farr Associates (Chicago)
 - Sustainability, Urban Design
- Nelson\Nygaard (Boston, NYC)
 - Parking, Transportation

Scope of Work

- Three Phases
 - Annotated Outline
 - Code Drafting
 - Implementation (Optional)
- Phase 1: Annotated Outline
 - 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

Zoning Discovery

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

JANUARY 2009

zoningdiscovery

PROGRAM 12, COUNTY BOARD
PRESENTATION TO WPD COMMITTEE

R-60

The R-60 Zone typically results in moderate density subdivisions with a fairly dense housing pattern, usually near commercial centers and adjacent CBDs.

Minimum lot size	6,000 sq. ft. (17.7m)
Maximum height	35 ft.
Min. front setback	20 ft.
Minimum lot width	25 ft.
Maximum lot area	10,000 sq. ft.
Maximum building height (1) (max. height over 10 ft.)	35 ft. (10.7m)
Maximum building coverage	75%
Open Space/Tree Area	

Notes:
1. Building height may be increased to 35 feet or 30 ft. by R-60.

2. Refer to applicable regulations in the Montgomery County Zoning Code.

R-90

The R-90 Zone results in moderate density subdivisions with a fairly dense housing pattern, usually near commercial centers and adjacent CBDs.

Minimum lot size	6,000 sq. ft. (17.7m)
Maximum height	35 ft.
Min. front setback	20 ft.
Minimum lot width	25 ft.
Maximum lot area	10,000 sq. ft.
Maximum building height (1) (max. height over 10 ft.)	35 ft. (10.7m)
Maximum building coverage	75%
Open Space/Tree Area	

Notes:
1. Building height may be increased to 35 feet or 30 ft. by R-90.

2. Refer to applicable regulations in the Montgomery County Zoning Code.

Montgomery Planning
M-NCPPC

2008 Strategic Action Plan
Urban Sprawl, 60-69-10
100-100-0000

I. Allowed Land Uses:

By Law 10

March 10, 2009

Montgomery Planning
M-NCPPC

2008 Strategic Action Plan
Urban Sprawl, 60-69-10
100-100-0000

II. Land Use Districts: Consolidation and Focused Integration

By Law 10
Project Manager
District Chairperson
Jessica Short

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



Montgomery County Revised Zoning Code

APPROACH

Basis of Analysis

- Zoning Discovery
- Stakeholder Sessions
- Critical Review
 - Regulations, plans, reports, studies
- Best Practices
- Consultant Experience

DOCUMENTS REVIEWED AND MEETINGS HELD

RULES AND REGULATIONS

County Charter

Code of Ordinances (Chapter 59 Zoning, Chapter 49 Streets and Roads)

REPORTS, HANDBOOKS AND POLICY DOCUMENTS

Zoning Discovery

Everything you Always Wanted to Know About Planning Zoning and Subdivision in Montgomery County Maryland But Were Afraid to Ask. Small Group Discussion and Online Survey Report (Justice and Sustainability)

Reducing Our Footprint, 2009–2011 Growth Policy

GREEN PAPERS

Allowed Land Uses: A Three-Tier System

Land Use Districts: Consolidation and Focused Integration Definitions

Approval Procedures

Development Standards

Sustainability

SECTOR PLANS

Germantown Forward, February 2009

Takoma / Langley Crossroads Sector Plan, June 2009

Gaithersburg West Master Plan, The Life Sciences Center, July 2009

White Flint Sector Plan, Midtown on the Pike, July 2009

Kensington and Vicinity Sector Plan, October 2009

URBAN DESIGN GUIDELINES

Urban Design Guidelines for the White Flint Master Plan, April 2009

Urban Design Guidelines for the Germantown Employment Area Sector Plan, May 2009

STAKEHOLDER INTERVIEWS AND PUBLIC MEETINGS

Internal Planning Staff

Public Listening Sessions

Zoning Text Amendment Advisers

Aides to Council Members

Master Plan Area Team Leaders

Homebuilders Meeting

Zoning Advisory Panel

Planning Board

Document Contents

- **Project Objectives** - A ten-point summary of the general and coding objectives for the project.
- **Layout and Format** - Addresses the look, feel, structure and maintenance of the new zoning code and concludes with a proposed outline.
- **Annotated Outline** - Making up the bulk of the document, this section provides a detailed explanation of the ideas and approaches to a model outline for the new zoning code.
- **Sustainability Audit** - A comprehensive review of the existing zoning code, including tools that would improve sustainability.



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PROJECT OBJECTIVES

Objectives

1. Shift Emphasis from Greenfields to Infill
 - Greenfields almost gone
 - Redevelopment, infill will become more common
2. Re-Think the Planning and Zoning Framework
 - Master Plan --> Code --> Design Guidelines
 - “Toolkit” in place of “one-off’s”
3. Match Regulations to Impacts
 - Right rules, right place (context)
4. Improve the Quality of Development

Objectives (continued)

5. Provide Incentives for Public Benefits
 - Ensure development benefits the community
6. Simplify and Streamline Standards and Process
 - Single, unified plan review
 - Consolidated districts, “families” = similar approach
7. Match Land Use and Development Patterns
 - Encourage mixed use
 - Focus on physical design (built form)

Objectives (continued)

8. Provide Easy Access and Use of Code
 - Improve web interface, update speed
 - User-friendly features, plain English
9. Modernize and Consolidate
 - Intuitive Table of Contents
 - Consistent, modern uses
10. Efficient and Effective Implementation Strategy
 - Text amendment, map changes
 - For future discussion . . .



Montgomery County Revised Zoning Code

LAYOUT AND FORMAT

Document Improvements

- Plain English
 - Dump the Footnotes!
- Digital Enhancements
 - Clickable Table of Contents, Cross-References

DOCUMENT CHECKLIST FOR PLAIN LANGUAGE



- Written for the average reader
- Organized to serve the reader's needs
- Has useful headings
- Uses active voice
- Uses short sections and sentences
- Uses the simplest tense possible
- Omits excess words
- Uses concrete, familiar words
- Uses lists and tables to simplify complex material
- Uses no more than two or three subordinate levels
- Simple graphics used to convey concepts

Page Layout

- Running header
- Titles
- Graphics, tables
- Indented Text
- White Space
- Version (date)

CONTEMPORARY PAGE LAYOUT

Article 3 | Application and Permits
3.7 Site Plan Review

SEC. 3.7 Site Plan Review

3.7.1 Applicability

A. The site plan review process assures any future development will occur in a planned and orderly manner. All proposed development, except for single-family and two-family development on single lots (which may be approved through the issuance of building permits), shall be subject to the site plan review process. A change in the category of use (from overnight accommodations to retail sales, for example) that may result in alternative standards for parking, landscaping, or buffers shall also require a site plan.

B. Types of Site Plans
There shall be three types of site plans with differing levels of approval required for each. The criteria for establishing which type of site plan and the corresponding level of approval for each are indicated below:

- 1. Simplified Site Plans**
 - a. Criteria**
Projects shall be considered simplified site plans if:
 - (1) They do not involve the development of more than 25 residential units or 25,000 square feet of non-residential space;
 - (2) They do not require a TIA pursuant to Sec. 3.3, Traffic Impact Analysis (TIA);
 - (3) They request no modifications of any of the standards established in this Ordinance other than those which the Planning Director or designer may make administratively; and
 - (4) They do not involve the development of any use that requires the issuance of a special use permit.
 - b. Approving Authority**
The Planning Director or designer shall be the approving authority for simplified site plans.
- 2. Minor Site Plans**
 - a. Criteria**
Projects shall be considered minor site plans if:
 - (1) They request no modifications of any of the standards established in this Ordinance other than those which the Planning Director or designer may make administratively; and
 - (2) They do not involve the development of any use that requires the issuance of a major special use permit.

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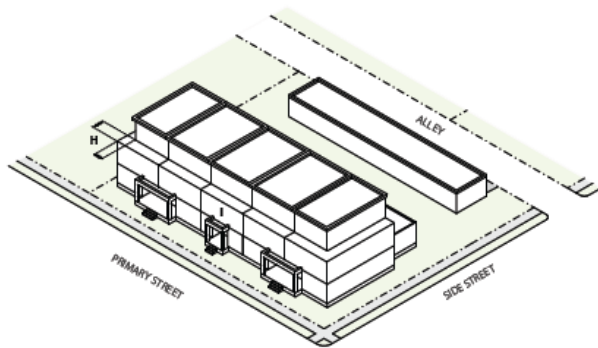
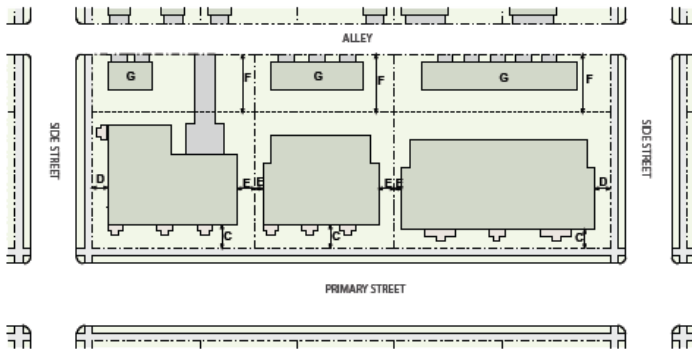
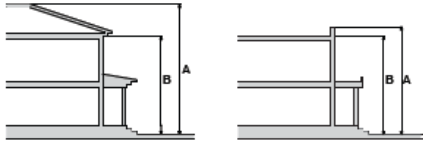
Effective 11/06

Latham, North Carolina
Land Development Ordinance

Page Layout Example

Article 5. Urban Neighborhood Context
Division 5.3 Design Standards

E. Row House (Residential)



Article 5. Urban Neighborhood Context
Division 5.3 Design Standards

ROW HOUSE (RESIDENTIAL)

HEIGHT	U-TU-B1*	U-RH-2.5	U-RH-3A
A Stories (max)	2.5	2.5	2.5
A Feet, pitched or flat roof, front 65% of lot (max)	35'	35'	35'
Feet, pitched or flat roof, rear 35% of lot (max)	35'	19'	19'
B Wall Plate Height (max)	25'	25'	25'

SITING	U-TU-B1*	U-RH-2.5	U-RH-3A
ZONE LOT			
Zone Lot Size (min)	6,000 sf	6,000 sf	6,000 sf
Zone Lot Size (max)	9,375 sf	na	na
Dwelling Units per Primary Structure (min/max)	3/na	3/10	3/10
SETBACKS			
C Primary Street, block sensitive setback required (see Sec. 13.1.1.3)	yes	yes	yes
C Primary Street where block sensitive setback does not apply (min)	20'	20'	20'
D Side Street (min)	5'	5'	5'
E Side Interior (min)	5'	5'	5'
F Rear, alley/no alley (min)	12'/20'	12'/20'	12'/20'

PARKING	
Surface Parking Location	Not allowed between building and Primary Street
Vehicle Access	From alley; or From street when no alley present See Sec. 5.3.6

ACCESSORY STRUCTURES	
G Detached Accessory Structures Allowed	See Sec. 5.3.4

DESIGN ELEMENTS	U-TU-B1*	U-RH-2.5	U-RH-3A
BUILDING CONFIGURATION			
H Upper Story Stepback, for Flat Roof, Above 25', Primary Street and Side Interior	10'	10'	10'
I Street facing attached garage door width per Primary Structure	20'	20'	20'

GROUND STORY ACTIVATION	
J Required Entrance, Primary Street	Each dwelling unit shall have a ground story street-facing entrance.

*Form is permitted ONLY on corner zone lots where at least one of the intersecting streets is a collector or arterial street, according to the functional street classifications adopted by the Public Works Department.

Outline

Current

- A. In General
- B. Exemption From Controls
- C. Zoning Districts, Regulations
- D. Zoning Districts – Approval Procedures
- E. Off-Street Parking and Loading
- F. Signs
- G. Special Exceptions, Variances , and Nonconforming Uses
- H. Amendment Procedures

Proposed

- A. General Provisions
- B. Zoning Districts Established
- C. Uses and Use Standards
- D. District Regulations
- E. General Development Standards
- F. Administration and Enforcement
- G. Definitions



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ANNOTATED OUTLINE

How to Read This Chapter

The annotated outline in this chapter is crafted to help the reader understand where existing provisions are located, and which provisions may be entirely new. An overview of the proposed code outline is included in the Table of Contents at the beginning of this document. Shown below are a few of the formatting conventions applied:

[Sec. 59-A-1.1. Reference to existing section of Chapter 59, Zoning] = Relevant section of existing Montgomery County Zoning Code

[NEW] = An entirely new section.

A. General Provisions

- Key Legal Provisions
- Transitional Provisions
 - Rules for Application After Adoption
 - May Include District Conversion Table

B. Zoning Districts Established

- Convert TDR's to an Overlay
 - Retain same base districts
- Group Districts in Families
 - Similar approach to all districts within the family

C. Uses and Use Standards

- Use Interpretation (administrative)
- Allowed Use Table(s)
- Use Categories
 - Consolidate uses into groups like “retail sales”
- Use Standards
 - Apply to a specific use, linked from table to text
 - Replaces footnotes
- Accessory Uses
- Temporary Uses

D. District Regulations

- Measurement and Exceptions
 - Visual, where possible
- Development Typologies
 - Alternative to MPDU, Cluster and TDR Methods
 - Density Incentive for Providing Public Benefits
 - Environment, Design, Diversity, Connectivity

Development Typologies

- Possible Patterns/Templates:
 - Conservation Subdivision
 - Cottage Housing
 - Neighborhood Center
- Building Types
 - Supplement traditional height, bulk, setback
 - Standards for multiple building types where allowed together in the same district
 - Often described as “form standards”

Sample Building Type Palette

SAMPLE PALETTE OF BUILDING TYPES



Single-Family House

A building type containing one principal dwelling unit typically located on a single lot with private yards on all four sides.

Attached House

A building type containing two principal dwelling units on a single lot with private yards on all four sides. Each unit has its own external entrance. Units can be located on separate floors, side by side, or back-to-back. Often call a duplex or two family house.

Townhouse

A building type with three or more attached dwelling units consolidated into a single structure. Each unit shares a common side wall or a common floor or ceiling. Units may be stacked vertically, however, no more than one unit is permitted above another unit. Each ground floor unit has its own external street facing entrance.

Apartment

A building type containing three or more dwelling units consolidated into a single structure. An apartment contains internal common walls. Dwelling units within a building may be situated either wholly or partially over or under other dwelling units. The building often shares a common entrance. Primary entrances are prominent and street facing.

Mixed Use

A building type intended for ground floor commercial uses with upper-story residential or offices uses. Windows are provided on the ground floor to encourage interaction between the pedestrian and the ground story space. Primary entrances are prominent and street facing and are spaced at regular intervals along the street edge.

Shopfront

A building type intended primarily for ground floor retail and upper-story residential or offices uses. Large storefront windows are provided to encourage interaction between the pedestrian and the ground story space. Each ground floor unit has a street facing entrance spaced at regular intervals along the street edge. This building type should be linked to priority retail streets as specified in any applicable master plan.

D.4. Agricultural Districts

Symbol	Proposed Zone	Intended Purpose	Current Zone
AGRICULTURAL DISTRICTS			
AC	Agriculture Conservation	To protect and preserve land exclusively for large-scale agricultural and farming activity. Residential is allowed as an accessory use to the agricultural activity.	RDT
AR	Agricultural Residential	To preserve and accommodate small-scale farming and rural housing.	R, RC, LDRC

D.5. Residential Districts

RESIDENTIAL DISTRICTS			
RE-2	Residential Estate -2	Estate housing with detached units on 2 or more acres.	RE-2, RE-2/TDR, RE-2C, RE-2C/TDR
RE-1	Residential Estate -1	Estate housing with detached units on 1 or more acres.	RE-1, RE-1/TDR
RLD-20	Residential Low Density -20	Low-density housing with detached units on minimum 20,000 square foot lots.	R-200, R-200/TDR, R-150, R-150/TDR, RNC, RNC/TDR, RMH-200
RMD-9	Residential Medium Density -9	Medium-density housing with detached units on minimum 9,000 square foot lots.	R-90, R-90/TDR
RMD-6	Residential Medium Density -6	Medium-density housing with detached units on minimum 6,000 square foot lots.	R-60, R-60/TDR, R-40, RMH
RHD-6	Residential High Density -6	High-density housing with a variety of unit types on minimum 6,000 square foot single-family detached lots (with smaller lots for other unit types).	RT-6, RT-8
RHD-4	Residential High Density -4	High-density housing with a variety of unit types on minimum 4,000 square foot single-family detached lots (with smaller lots for other unit types).	RT-10
RHD-2	Residential High Density -2	High-density housing with a variety of unit types on minimum 2,000 square foot single-family detached lots (with smaller lots for other unit types).	RT-12.5, RT-15, R-30, R-30/TDR, R-4plex

D.6. Mixed Use Districts

Symbol	Proposed Zone	Intended Purpose	Current Zone
MIXED USE DISTRICTS			
CR	Commercial/ Residential	To allow mix of residential and nonresidential uses at varying densities and heights; 0.25 - 8.0 FAR	CR, C-Inn, R-20, R-20/TDR, C-T, R-H, R-10, R-10/TDR, CBD-0.5, CBD-R1, CBD-R2, CBD-1, CBD-2, CBD-3, HM, TSR, TSM, TOMX-2, TOMX-2/TDR, TMX-2, C-1, C-2, C-3, C-4, C-5, C-6, MXTC, MXTC/TDR, MXPD
CR Components		Description	Range
	-C	Max nonresidential density	0.25 - 7.5 FAR
	-R	Max residential density	0.25 - 7.5 FAR
	-H	Max height	40 - 300 feet

D.7. Mixed Campus District

MIXED CAMPUS DISTRICTS				
MC	Mixed Campus	To provide office and employment opportunities with supporting housing and commercial uses. Especially for medical/biotech/scientific research and industry.		O-M, C-O, I-3, R&D, LSC, CP
MC Components		Description	Range	
	-C	Max nonresidential density	0.25 - 3 FAR	n/a
	-R	Max residential density	0.25 - 2.5 FAR	n/a
	-H	Max height	40 - 125 feet	n/a

D.8. Industrial Districts

INDUSTRIAL DISTRICTS			
IL	Industrial Light	To protect and preserve areas for light industry, artisan, warehousing and distribution.	I-1, I-4, RS
IH	Industrial Heavy	To protect and preserve areas for heavy industry and manufacturing.	I-2, MRR

D.9. Planned Development (PD)

PLANNED DEVELOPMENT			
PD	Planned Development	To allow a type of development integrating varied and compatible land uses with greater flexibility in site planning and building design.	PD, TS, PN, PRC, MXN, PCC, RMX-1, RMX-2, RMX-2C, RMX-3, RMX-3C, RMX-1/TDR, RMX-2/TDR, RMX-2C/TDR, RMX-3/TDR

Overlay Districts

- New TDR Overlays
- Retain Environmental Overlays
- Seek to Replace Design Overlays

E. General Development Standards

- Streetscape
- Access Management
- Parking and Loading
- Landscaping and Screening
- Outdoor Site Lighting
- Signs
- Outdoor Display and Storage
- Resource Protection

F. Administration and Enforcement

- Review Bodies
- Common Review Procedures
- Development Review
- Nonconformities
- Enforcement

G. Definitions

- Word Usage
- Abbreviations
- Defined Terms



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SUSTAINABILITY AUDIT

Sustainability Audit

- Buildings and Neighborhoods
- Stormwater
- Parking
- Tree Canopy and Heat Island
- Water Reuse and Irrigation
- Energy
- Food Production
- Lighting
- Waste Reduction

Sustainability Audit

BUILDINGS AND NEIGHBORHOODS							
Sustainability Objective	Code Section	Priority Level	Applicable Context	Existing Code	Recommended Changes	References	Notes
DENSITY							
Transit supported density along transit corridors and stations	Zoning (districts and mapping)	1	Sub-Res TND-Res Sub-Com TND-Com	59-C-1.3, 59-C-1.53: Most sf housing development standards max out around 5-6 DU/AC Other mixed use and multifamily allows higher densities sufficient to support transit	REQUIRE minimum housing density to support transit type (metro, commuter rail, bus rapid transit) within a quarter mile of corridors/stations		
Utilize TDRs to increase density in desired locations	Zoning	1	All	59-C-1.33 Transferable Development Rights Zones 59-C-15.868: CR zones give a density incentive to those utilizing TDRs in TDR designated receiving areas	CONTINUE utilizing Transferable Development Rights per area Master Plans & Sector Plans to preserve high quality ag/natural land and focus density, especially near transit		
COMMERCIAL MIXED USE							
Mixed use commercial areas, including offices and residential above stores	Zoning (uses)	1	Sub-Com TND-Com Urban	Permitted in several districts, including: Central Business Districts, Planned Neighborhood, Mixed Use Neighborhood, Mixed Use Planned Development, Transit Station Development Areas, Residential Mixed Use Districts, Mixed Use Town Center, Transit Oriented Mixed Use Zones, Transit Mixed Use Zone	CONTINUE to permit vertically mixed-use buildings in appropriate areas		
Walkability to daily retail/services/civic uses (within 1/4 to 1/3 mile radius of most households)	Subdivision	1	Sub-Res TND-Res	59-C-2.3: Commercial uses not permitted except in a limited capacity in MF districts 59-C-1.3, 59-C-1.53, 59-C-1.4, 59-C-1.53, 59-C-1.72: Most sf housing development standards max out around 5-6 DU/AC	REQUIRE minimum density in key walkable neighborhoods to support a corner store PERMIT corner stores in new residential subdivisions with development standards OR REQUIRE new subdivisions to incorporate some level of commercial development to suit daily needs of residents	LEED-ND (NPD C3); SmartCode; Rocky Mountain Land Use Institute Sustainable Code	

Sustainability Audit

- Comments Needed
 - Zoning Advisory Panel
 - Executive Agencies
- Strategy
 - Gauge Willingness to Implement Concepts
 - Not All Elements Found in Zoning
 - Requires Coordinated Approach



Montgomery County Revised Zoning Code

NEXT STEPS

Next Steps

- Public Open Houses
- Zoning Advisory Panel Discussion
- Ordinance Drafting (2010-2011)

Discussion . . .

More Information:

www.zoningmontgomery.org

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