


MEMORANDUM

January 14, 2011

TO: County Council

FROM: Jeffrey L. Zyontz,  Legislative Attorney

SUBJECT: Update – Zoning Ordinance Rewrite

On April 20, 2010 the Council had a presentation on a Planning Staff report entitled Zoning Montgomery – Approach & Annotated Outline Report (Report). The report provided a glimpse of what the new zoning code could look like. It presented an approach based on best practices that should address problems in the current code. The report had 4 sections: 1) Project Objectives; 2) Layout and Format; 3) Annotated Outline; and 4) Sustainability Audit.

Since that briefing, the Planning Staff, with their consultant, Code Studios, has begun writing drafts of code sections, starting with the provisions for residential development. The new Council will hear the Planning Director and Planning Board Chair explain the reasons for the project, process, the overall schedule, and what is in drafts to date. The Council will also hear about the opportunity for public input to date and future opportunities.

A new draft zoning code, ready for the public hearing process, is expected in the fall of 2011.

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Planning Director memorandum

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MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MEMORANDUM

Date: January 14, 2011

To: Montgomery County Council

From: Rollin Stanley, Director, Montgomery County Planning Department

RS

Re: Update on the Zoning Ordinance Rewrite

The Zoning Ordinance Rewrite project was initiated in the spring of 2008. Over the last three years, planners working on the rewrite project have provided several briefings to the Planning Board, County Council and members of the public. The Planning, Housing and Economic Development Committee has been briefed on the progress of the project three times since 2008. The Council's most recent update on the Zoning Rewrite took place on April 20, 2010 in conjunction with a presentation and discussion of the *Approach & Annotated Outline* prepared by Code Studio, our consultant on the project.

Background:

A major motivation for the Rewrite Project is that the current zoning code has not been comprehensively rewritten since 1977. The current 1,152-page code is viewed as antiquated and hard to use, its standards are not in keeping with modern development practices, and the code is not administered consistently. The number of zones has nearly tripled from 41 in 1977 to the current 120 and the code specifies over 400 land uses.

- During the first phase of the project in 2009 the *Zoning Discovery* was written. The *Zoning Discovery* analyzes the current code and provides direction for the rewrite process. It also provided a basis for the *Approach & Annotated Outline*.
- The Planning Board appointed a 23-member Zoning Advisory Panel (ZAP) in March 2009 to provide feedback and advice on each stage of the rewrite project as it moves forward. This panel has been actively meeting on a monthly basis for almost two years.
- In August of 2009 the zoning consultant, Code Studio, was retained. And, a webpage dedicated to the Zoning Code Rewrite project www.ZoningMontgomery.org was launched at the same time.

Currently:

The Rewrite Project continues on schedule and on budget. We are currently in the code drafting phase of the project.

- The initial sections of the new code are drafted by Code Studio.

- Each draft section is intended as a discussion piece. The first point of discussion occurs at the Zoning Advisory Panel (ZAP) meeting.
- Following the ZAP meeting, the draft is posted on our website, where a comment board has been designed to promote public input.
- In addition to ZAP, Code Studio and planning staff meet with council staff, county agency representatives, and other stakeholders to elicit discussion and comments on each draft.

Drafts:

The first discussion draft, presented in October 2010 addresses *Zoning District Regulations* for the Agricultural and Residential Zones and includes building typologies, building types allowed by zone, residential infill compatibility rules, dimensional standards for each zone, codifying elements such as height, setbacks, and lot coverage, and a series of new building-type ideas called “development patterns”.

- In the first draft, Code Studio challenged our zoning advisory panel to think about where development patterns – such as “cottage court” and “garden court,” proposed to raise the level of design and bring enhanced public benefits along with a slight increase in density in some areas – could be located.
- MNCPPC advocated a more conservative approach, limiting these development types to lots abutting large arterial roads with frequent transit service. The discussions at ZAP ranged from outright opposition to encouragement of the development patterns.
- The discussion also pointed out that closer analysis of which arterials would be appropriate for development patterns would probably take longer than our timeframe for the zoning rewrite project and continued discussion could distract the public from broader goals of the rewrite. As a result, the development patterns should be the topic of a future long-term study.

The second discussion draft, *Uses and Use Standards* for the Agricultural and Residential Zones, was released in December. A new feature presented in this draft is defining uses as permitted, limited or conditional.

- Conditional uses are equivalent to special exceptions.
- Limited uses are a new category whereby a use is permitted, but must follow specific standards. Many of the current footnotes related to agricultural and residential uses have been retained under the limited use category, but in a format that is easier to use than footnotes.
- In addition to the new limited use category, the draft contains only one use table, rather than a separate use table for each zoning category.

Tools:

Staff has produced several documents to aid in the analysis and tracking of elements from the current to proposed code.

- One document is a spreadsheet that lists each of the current uses in the agricultural and residential zones (and whether it is a permitted use or special exception) and where it appears in the proposed code and how it is permitted – by-right, under limited standards, or conditioned upon approval of the Board or Appeals or Hearing Examiner.
- Staff has also created a spreadsheet to compare all dimensional standards for each zone to the proposed new zone. This is particularly valuable in assessing the compatibility of multiple zones being consolidated into one new zone.
- Starting with the residential zones, staff has begun preparing a fact sheet for every current zone. Each fact sheet contains a map of the county showing the amount of land under the current zone, an aerial view of a typical block under the zone, a rendering of a house under the current and proposed dimensional standards, and a chart that compares current and proposed dimensional standards.

Schedule:

The Zoning Ordinance Rewrite drafts will undergo multiple reviews and revisions. Below is a draft schedule for the project:

- 10/10 Zoning District Regulations Agricultural and Residential Zones
- 12/10 Uses and Uses Standards Agricultural and Residential Zones
- 02/11 Consolidate Drafts 1 and 2 into Module 1
- 03/11 Zoning District Regulations and Uses for All Other Zones – Module 2
- 05/11 Administration and Procedures – Module 3
- 07/11 General Development Standards – Module 4
- 09/11 Consolidate Draft of all Modules
- 10/11 Introduce Public Review Draft 1
- TBD Present Public Review Draft for Comment
- TBD Site Plan Submittals & Master Plan Testing
- TBD Collect and Review Public Comments
- TBD Present Public Review Draft 2
- TBD Worksessions and Public Hearings before the Planning Board and County Council
- TBD Final Zoning Code

Outreach:

The Zoning Rewrite team has made public outreach and input a priority since the beginning of the project.

- At the outset of the project, the team held listening sessions with stakeholder groups at four locations around the county.
- In 2009, planners held a listening session to introduce the consultants and hear ideas.
- In 2010, the team hosted public open houses populated with informative displays that drew 100 people.

- Staff developed a listserv to which the team regularly sends email blasts about meetings and project milestones. That list now numbers 370 recipients.
- Monthly ZAP meetings are publicized in the weekly e-newsletter infoShare. Nineteen ZAP meetings have been held to date.
- Our website posts each draft following the ZAP meeting and discussion. Video recordings of the ZAP meetings are also posted online.
- In addition, a comment board on our webpage encourages readers to participate in the discussion.
- The Rewrite team will be launching a charrette initiative around the county to invite residents to participate in an interactive process to help present ideas and encourage input.

As interest grew in late fall, the team began publicizing the opportunity for residents to request small group meetings or presentations to community and interest groups. At the request of interested groups and stakeholders, the project team, Planning Board Chair and Planning Director have participated in more than twelve meetings since September. Three presentations are currently scheduled for February. Additionally, more formal opportunities for public comment will take place when the Planning Board considers the final draft, and of course when the County Council considers the draft recommended by the Planning Board.

We look forward to discussing this with you on January 18th.