

**COMPREHENSIVE ZONING ORDINANCE
REWRITE PROJECT
PHASE II**

Commercial, Industrial, and Mixed-Use Zones



**MCPB Agenda Item #1
February 20, 2003**



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

February 14, 2003

MEMORANDUM

To: Montgomery County Planning Board

VIA: Charles R. Loehr, Director
Department of Park and Planning

FROM: Joseph R. Davis, Chief *JRD*
Development Review Division

SUBJECT: Presentation of Consultant's Reports Concerning Phase 2 of the
Comprehensive Zoning Ordinance Rewrite Project and Discussion of
Concepts and Recommended Priorities for Zoning Ordinance and Other
Procedural Changes

In the summer of 2001, the Commission engaged the services of Clarion Associates, a nationally recognized planning consultant firm based in Denver Colorado, to help us evaluate current ordinances and regulations applicable to commercial, industrial and mixed-use zones in Montgomery County. In addition, we requested Clarion to analyze key development issues and trends affecting the 21st Century workplace and to advise us concerning the application of Maryland "smart growth" principles to new commercial, industrial and mixed-use development. The consultant prepared two reports to address key issues and trends in these areas.

Clarion also conducted case studies of two jurisdictions that have recently enacted new mixed-use business district ordinances utilizing smart growth principles. These studies provide useful insights into how planning issues similar to our own have been addressed by others. Planning Department staff initiated a study of mixed-use zones in Arlington, Virginia that guide new development at their transit stations. Staff has not completed that study, at this time. The final piece of work performed by Clarion involved conducting a diagnosis of our current development regulations applicable to commercial, industrial and mixed-use development in the County and preparing a final report which includes a summary of overall findings from their work and recommendations for key revisions to our ordinances.

The Clarion studies are attached to this report, for the Board's information, and key findings and recommendations will be presented to the Board at the February 20th meeting. Mr. Christopher Duerksen, the Managing Director of Clarion Associates, will

attend the meeting to present his findings and recommendations, and answer questions that the Board members may have about his reports. Staff has reviewed the studies prepared by Clarion and conclude that they contain valuable insights and have helped us to identify key issues that should be addressed in order to improve our ordinances and development process to help us achieve our master plan goals and objectives for transit serviceable, multi-use centers that will provide for a variety of community needs. Based on staff's review of the many factors affecting the development of such centers and discussions with our consultants, we are prepared to identify several key areas where changes in current processes and procedures could facilitate better implementation of our planning objectives. Discussion of staff recommendations and priorities for achieving desired improvements will be the focus of the second hour of our meeting with the Board.

Staff believes that it is important to recognize that we are not able to conduct a comprehensive redo of our commercial, industrial and mixed-use zones, as originally anticipated as part of the FY 03 Budget. The length of time to complete Phase 1 of the project; staff vacancies in Development Review during the year that reached a level of 25 percent during the fall; the high number of text amendments processed through the summer and fall; and the large application caseload have affected our ability to devote adequate staff resources to this project. This has been previously reported to the Board and to the County Council as part of the Department's last Biannual Report and as part of the FY 04 Budget preparation. We believe, however, that it remains an important public objective to improve our ordinances and procedures to maintain growth in the county's employment base, to enhance shopping opportunities and to provide for a variety of housing opportunities in close proximity to transit, employment, shopping and other community activities. Staff therefore recommends that a series of individual text amendments be pursued so that the most critical issues affecting our business and mixed-use zones can be addressed in a timely fashion.

Staff has identified the following major topics as being important for further work that would result in legislation to be enacted by the County Council. As part of the discussion with the Board, we will recommend which topics have the highest priority and should be addressed first. Please remember that this is a starting point for this effort and much work will have to be done to properly scope out and address each issue. We will need to advise the County Council of the priorities, as determined by the Planning Board, and seek input from the development community, other agencies and the general public on possible changes in ordinances, regulations and procedures.

The topics are identified as follows:

- 1) Make significant changes to the mixed-use CBD and RMX zones to facilitate better implementation of master or sector plan recommendations. Strong consideration should be given to deleting the project plan requirements of Division 59-D-2 of the Zoning Ordinance to help streamline the development approval process in our most important business district zones. There should be only one method of development in the CBD and RMX zones and the development standards should be closely aligned with the current optional

method of development. Residential development should be required in all CBD and RMX zoned projects, unless the Planning Board finds at subdivision/site plan approval that a fee-in-lieu of housing would be more appropriate and not conflict with a master/sector plan recommendation. Identify specific incentives to facilitate mixed-use development. Modify the non-conforming structure provisions of the CBD zones to allow renovations to older pre-CBD zone buildings provided that sector plan streetscape improvements are provided.

- 2) Require site plan review in all industrial, commercial and mixed-use zones to provide a level playing field for all projects and to encourage more compatible development.
- 3) Require a housing component in all commercially zoned projects that exceed 50,000 square feet of commercial development or if recommended on a master plan. Require a housing component in larger scale industrial and employment developments or as recommended in a master/sector plan. Identify specific incentives to facilitate mixed-use.
- 4) Allow “big box” retail only at planned regional centers when planned as part of an overall mixed-use development project.
- 5) Delete the TSM and TSR floating zones and rezone current sites to appropriate CBD and RMX zones. This will provide for a more streamlined development approval process for these important transit station areas.
- 6) Amend the MXPZ Zone to delete the requirement for a Division 59-D-1 development plan and replace with an overall concept plan as currently specified for large-scale, multi-phased projects.
- 7) Require residential component as part of the first phase of any CBD, RMX and MXPZ zoned projects.
- 8) Modify the current I-1, I-3, I-4, O-M, C-P and RMX zones to more fully accommodate biotechnology and bio-related uses.
- 9) Modify the Parking provisions contained in the Zoning Ordinance to more accurately reflect the parking requirements for technology related industrial uses and to codify the 1996 interim parking requirements, if appropriate.
- 10) Provide for TDR receiving areas as part of future commercial, employment and mixed-use developments.
- 11) Consider codifying current environmental guidelines; establish minimum landscaping and lighting regulations/guidelines; establish streetscape regulations/guidelines for specific types of streets; establish guidelines for

amenities in order to help reduce the items subject to continuous negotiation project to project.

Initiating work on the above list would represent an ambitious undertaking by staff, the Planning Board and the County Council. A schedule and work program will have to be developed to help guide the effort. Staff will initiate the work program upon Planning Board approval of priorities. Some of the Housing recommendations identified in our topic list will be discussed as part of the workforce housing assessment that will be presented to the Planning Board on March 6th.

Staff looks forward to meeting with the Planning Board to present our consultants reports and findings and to discuss the legislative agenda identified in this memorandum.

CRL:JRD

Attachments