



**Zoning Ordinance and Subdivision Regulations Rewrite
Combined Focus Group meeting with Clarion Associates
September 14, 2016**

The purpose of this discussion was to present Clarion Associates' recommendations contained in Module 3 for process and administration, and to discuss the concerns and questions of the group. Public questions and comments are identified by **bold text**. Clarion Associate's responses to questions and additional presenter comments are identified by normal text.

Module 3 is the most important part of the code. More time should have been given for its review. More time will be needed before November 1.

The November 1 deadline is for "best consideration" and is the deadline to ensure that the comments are included before the Comprehensive Review Draft is prepared by Clarion Associates. Comments can still be submitted and will be accepted after November 1.

Will municipalities be given notice prior to application submittal?

Few changes have been made regarding municipal notice. They will be given notice of new applications that are within or within one mile of the municipal border.

Text amendments are too easily passed. How can the public be made more aware of text amendments?

Module 3 recommends that text amendments be reviewed and commented upon by the Planning Director, reviewed by the Planning Board during a public meeting, followed by a formal recommendation of the Board, and then another public meeting with the District Council.

Can proposed text amendments be put online for public review?

That is a good idea.

Would the District Council still have the ability to elect to review a case ("call-up")?

Under Clarion's proposal, no. The proposed code recommends that the District Council only review a case if an aggrieved party or the applicant appeals the Planning Board decision.

Does the code impact the "standing" legislation (State of Maryland clarification of who has standing to appeal a development application)? Removing call-up may be a problem, because state law limits who can appeal and who is an aggrieved party.

This code does not impact standing. That is state law. Higher development standards and earlier notification should help to reduce the need for the public to lean on the Council through "call-up."



Can notifications be expanded?

That is a reasonable recommendation.

What about variances?

State law states that variances require proof of “hardship.” Departures are the current process for the Planning Board to approve a development that requests modifications from the standards. The proposed code recommends using “adjustments,” which are similar to the departures. However, the amount a development can differ from the standards is limited in Clarion’s proposal, unlike today where the Board can approve a departure of 100 percent from the standard. This helps ensure more certainty of the outcome.

The minor site plan threshold for a commercial development is set at 100,000 square feet. This seems too high to not have a public hearing.

We have heard this concern and will be looking at the thresholds in more detail prior to the Comprehensive Review Draft. It should be noted that the current code typically does not require site plan review regardless of the size of a commercial development if it is in the C-S-C Zone, as one example of how the County currently treats by-right development.

Municipalities will still have authority to review variances, correct?

Yes. The proposed code does not change municipal authority.

The proposed code recommends removing nonconforming certification?

Yes.

Nonconforming use certification is useful for property owners in the event of a casualty loss. The certification can be shown to the bank.

If a written notice is needed, the Planning Department can provide a property owner confirmation that the building is nonconforming.

Is there designated language that should be used for the pre-application meetings and notices?

The proposed code lists out what information needs to be provided in general terms. Additional detail may be part of the procedures manual that will be produced following the approval of the new Zoning Ordinance and Subdivision Regulations.

Are Health Impact Assessments included in the proposed ordinance?

No. The proposed code includes better walking and bicycling infrastructure requirements. The Health Impact Assessments often introduce issues that cannot be addressed by zoning.



Health Impact Assessments also look at air quality, run-off, etc. King County in Washington has a good example of how health can be improved through the development process.

We will review the King County example.

One observation is that laundromats can go anywhere. How can we limit the smells and air quality near laundromats?

We will take this into account.

If the APF (Adequate Public Facility) is considered at the time of subdivision, design aspects will be unknown.

We do not expect applicants to have complete and detailed plans at the time of subdivision. However, it is expected that roads, sidewalks, and other connections will be proposed at that time. These connections need to be considered for phased and unphased developments.

Won't this mean that there will be more comments from the Urban Design section at the time of subdivision review?

Yes, there will likely be more design comments during subdivision.

Do the subdivision regulations conform to state law?

We believe they do, yes.

Who will choose the test projects?

Staff will choose the projects, but are also requesting recommendations from the public. If you have any sites you would want us to look at, please let us know.

Is the proposed 50-trip threshold that determines minor subdivisions for both residential and non-residential?

Yes. 50 trips is the threshold at which the Planning Department requires a traffic study.

50 tips is about 30-35 houses. This seems like a lot.

The threshold limit can be changed.

Removing "call-up" is more of a due-process issue if people do not have the recourse to appeal because of limited standing.

Removing "call-up" can be useful because often the "opposition" to a project is from a vocal opposition group instead of neighborhood opinion.

Does the proposed code retain the time limits for development review?

The 70-day timeframe for subdivision is retained. Time limits that are mandated by the state are retained



What is the plan to update the zoning code once a new code is adopted?

It is recommended that the Council adopt an annual or bi-annual schedule to update the code.

Our Zoning Ordinance is use-oriented. What happens if a use is not included?

The proposed ordinance uses broad categories so that most uses are included. In the event a use cannot be included, there is an interpretation process for the Planning Director to classify a use.