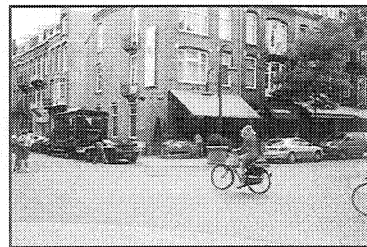
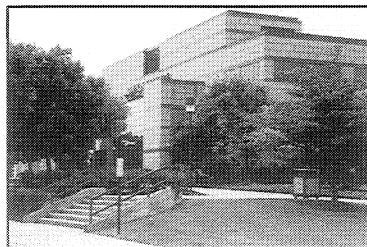
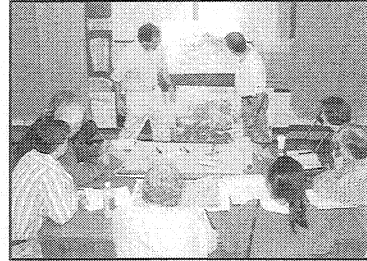
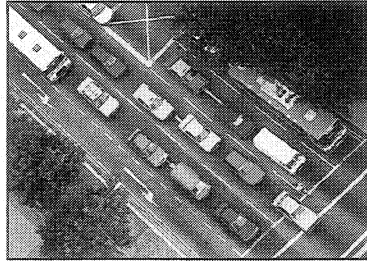


**RECOMMENDATIONS FOR REVISIONS TO
COMMERCIAL, INDUSTRIAL, AND
MIXED-USE ZONING CODE PROVISIONS
FOR MONTGOMERY COUNTY,
MARYLAND**



**PREPARED FOR:
THE MARYLAND-NATIONAL CAPITAL PARK AND
PLANNING COMMISSION**

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**RECOMMENDATIONS FOR REVISIONS TO COMMERCIAL, INDUSTRIAL, AND
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MONTGOMERY COUNTY, MARYLAND

February 2003

Clarion Associates

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INTRODUCTION/BACKGROUND

In late 2001, the Maryland-National Capital Park and Planning Commission (M-NCPPC) undertook a project to revise the commercial, industrial, and mixed-use zone district (CIMU) regulations of the Montgomery County Zoning Ordinance. The purpose of this project was several-fold:

- Ensure that the zoning ordinance supports the type of development patterns most desired by the county, specifically mixed-use and transit-oriented development. The county is facing increasing congestion on its highways and streets, attributable in part to land development patterns that encourage use of the automobile. Additionally, the county faces a very competitive environment in retaining existing businesses and attracting new firms and investment. Modern, progressive land development standards and procedures can help address these challenges.
- Promote coordination with the State of Maryland's adopted Smart Growth policies. The State of Maryland has adopted ambitious Smart Growth legislation that aims to direct state resources in such a way as to promote revitalization of older developed areas, discourage sprawl, and enhance preservation of open space. Zoning code provisions can help ensure consistency with these policies.



An article in the Washington Business Journal (April 17, 2000) captured some of the building frustration with current development patterns in the county and the workings of the zoning ordinance that create hurdles to mixed-use projects. The article focused on how existing county zoning regulations make it difficult to create lively, mixed-use business parks that offer a range of services to employees like restaurants or dry cleaners. Lack of such services leads to more auto trips as workers are forced to drive for lunch or to run errands during the day and after work. It also pointed out problems regarding parking requirements that were not tailored to modern biotech business uses, forcing them to provide parking spaces for employees that do not exist—resulting in more pavement, less open space, and more spread-out development patterns.

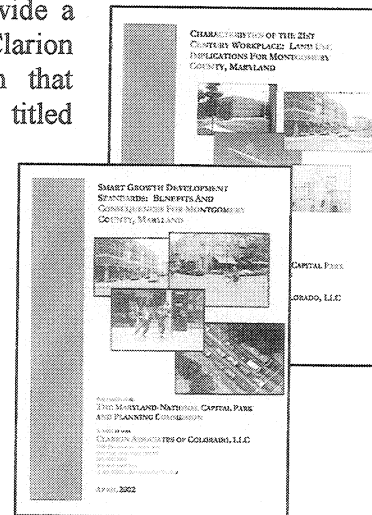
Recognizing these and other shortcomings with existing CIMU zone district regulations and procedures, the M-NCPPC retained Clarion Associates, a zoning and growth-management consulting firm with offices in Denver, Chicago, Cincinnati, and Raleigh, to make recommendations for revisions. The project consisted of four tasks:

1. Ordinance Review. Task 1 focused on understanding the current CIMU district regulations and how they are working in practice. Clarion conducted a series of roundtable discussions and interviews with members of the development community and county staff who use the regulations on a frequent basis. Additionally, Clarion conducted an independent review of applicable district regulations and procedures based on its experience drafting development codes across the United States, including for fast-growing urban counties like Montgomery County.

2. Analysis of Key Issues and Current Trends. To provide a context for any proposed revisions to the zoning code, Clarion prepared two reports at the M-NCPPC's direction that focused on key issues and current trends. The first, titled "Smart Growth Development Standards: Benefits and Consequences for Montgomery County, Maryland," summarized the principles behind "smart growth" and surveyed existing studies regarding the potential costs and benefits. The second focused on the changing characteristics of the 21st Century workplace and business locational decision criteria. It discussed the land use implications for the county of trends in these areas.

3. Best Practices Survey. Clarion and M-NCPPC staff conducted case studies of three jurisdictions comparable to Montgomery County (San Diego, California; Fort Collins, Colorado; and Arlington, Virginia) that have recently adopted new business district regulations and smart growth policies. These case studies provided valuable insights that can smooth any implementation steps the county takes.

4. Code Diagnosis/Recommendations: This code diagnosis represents the final step in the process. It includes a summary of findings from the first three tasks and makes specific recommendations for revisions to CIMU districts and the overall zoning ordinance.



The recommendations that follow build on the solid foundation established by the M-NCPPC through a series of prior efforts including a business site inventory, design charettes for transit stops, a best practices survey relating to transit-oriented development, area plans, and several economic development studies.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

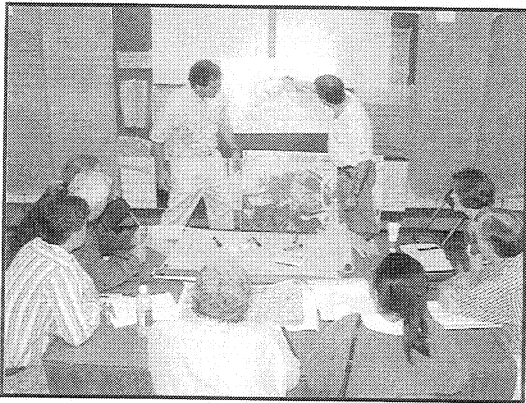
This section provides a brief overview of findings and recommendations that are discussed in greater detail in the body of this report. Based on the interviews, code review, and background reports, we identified three broad categories of problems and issues that need to be addressed in revising the CIMU districts of the zoning ordinance:

1. **Need for more specific standards and processes in the zoning ordinance to make development review more efficient and predictable.**
2. **Lack of a hierarchy of Euclidean mixed-use zone districts available and tailored to encourage mixed-use development with a major non-residential component.**
3. **Uneven development quality and a playing field that is tilted towards standard single-use development versus mixed use.**

While this project was conceived to produce recommendations for targeted revisions to existing CIMU district regulations and procedures, it quickly became clear to the consulting team that the current problems with those districts and development reviews of commercial and industrial projects are more systemic. They will require a broader response. In fact, additional, extensive piecemeal amendments to the zoning ordinance on top of many made in past years may be counterproductive.

Short-Term Improvements


Nevertheless, we believe that there are some amendments and changes that can be made immediately that will help patch things up in the CIMU districts for the short-term while the county considers more comprehensive revisions to the zoning ordinance. Keyed to the three main issues highlighted above, these potential solutions are summarized below:



1. **Need for specific standards and processes in the zoning ordinance to reduce uncertainty.**

- To create more certainty in the review process and reduce negotiated development, fold

existing substantive guidelines and regulations relating to environmental and resource protection into the zoning ordinance. Finish draft landscaping and lighting guidelines and apply over a 1-2 year test period.

- Create flow charts to summarize decision-making processes and include time “targets” for decision-making at each step. More clarity is needed as to the steps in development review process and role of groups such as the Development Review Committee (which is only referred to in the subdivision ordinance as the “subdivision review committee”). While mandatory limits on decision-making time frames have not worked well in other jurisdictions, non-binding time targets can inject needed discipline into the process so that development reviews take place in a timely fashion.
 - Enact an administrative modification provision that allows staff or the Planning Board to approve minor modifications to development standards or site plans in specific instances without a public hearing.
- 2. Lack of a hierarchy of Euclidean mixed-use zone districts that is tailored to encourage mixed-use development with a substantial non-residential component.**
- Create a hierarchy of by-right mixed-use zone districts with a substantial non-residential component and begin mapping by the county of preferred mixed-use development locations (e.g., the I-270 Corridor). The new districts should provide greater incentives for mixed-use development with a significant non-residential element (e.g., a wider range of permitted uses) while ensuring that a minimum mix of uses and minimum densities are achieved in designated locations.
 - Eliminate obsolete CIMU districts that are not used, do not implement the Master Plan, or are inappropriate for modern development. (However, maintain obsolete district classification only for already developed properties to avoid creating non-conforming uses.) Consider combining other districts that have only minor differences in terms of uses or standards (such as the I-3 and I-4 zone districts). Update district use lists to include modern uses and eliminate outdated, undesirable uses.
- 
- 3. Uneven development quality and uneven playing field for mixed-use developments.**
- Implement site planning requirements for ALL commercial and industrial projects to create a process by which substantive development standards can be applied, a practice that is routine in most other jurisdictions comparable to Montgomery County. Currently projects in some districts (e.g., C-1 and CBD) are not subject to site planning requirements, and as a result development quality has, in staff’s opinion, suffered in some instances.

- Codify development guidelines (e.g., environmental) as noted above. Apply to all developments, not just mixed-use projects, to level the playing field and remove incentives to build standard single-use projects. Remove procedural disincentives for mixed-use projects such as requirement for a rezoning versus by-right Euclidean mixed-use zones.
- Consider eliminating standard method of development that allows developments to proceed without site plan and subdivision plan review in some instances, a situation that can undermine achieving Master Plan objectives. This is particularly important in the CBD districts where careful site plan and design review is critical to ensure high development quality and compatibility.
- Evaluate the need for the time-consuming project plan process in light of strengthened subdivision process and detailed site plan review procedure.

Longer-Term Revisions

While these changes will be an important first step, as noted above, our reconnaissance and discussions with staff and development community representatives reveal more serious, deeply rooted problems that need to be addressed more thoroughly and methodically in the long term. Potential long-term solutions, geared to the three main issues, include:

1. Need for specific standards and guidelines.

- Comprehensively reorganize and reformat the zoning ordinance. Overall, the zoning ordinance is one of the most difficult to use and understand that the consultants have reviewed. Apparently, as is the case in many jurisdictions, the ordinance has been updated and revised piecemeal over time. New provisions have been added to address new problems or opportunities. The result is a document that is poorly organized and hard to navigate. Related provisions are scattered throughout the code and there are conflicts in substantive provisions and definitions and contradictory procedures.
- Codify unwritten procedures and review processes that are routinely employed by staff that are not reflected in the ordinance. For example, the Development Review Committee, which plays a critical role in the review process, is not recognized in the zoning ordinance (it is mentioned only in the Subdivision Ordinance as the “subdivision review committee”).

2. Lack of a hierarchy of Euclidean mixed-use zone districts available and tailored to encourage mixed-use development with a major non-residential component.

- Continue identifying and mapping preferred locations for mixed-use developments throughout the county (e.g., I-270 Corridor).
- Scrutinize existing home occupation regulations to remove unnecessary impediments to live-work arrangements, especially in new mixed-use developments. (According to staff, a text amendment is under consideration regarding live-work arrangements.)

3. Uneven development quality and uneven playing field for mixed-use developments.

- Enact generally applicable, modern development standards in areas that are currently not addressed in the zoning ordinance such as wildlife habitat protection, pedestrian connectivity, location and configuration of open space, landscaping, streetscaping, and lighting.
- Codify substantive guidelines and standards from Master Plans if they are to be used in the regulatory/development review process.
- Explore design standards for transitional areas around new mixed-use developments to ensure compatibility with existing conventional neighborhoods.



These fundamental problems suggest strongly that the zoning ordinance is in need of a comprehensive revision that goes beyond the CIMU district regulations and procedures.

CODE REVIEW FINDINGS

This section of the diagnosis provides greater detail regarding the main findings of the project based on the interviews and the consultant's independent code analysis. Additionally, the findings and recommendations of the Task 2 Smart Growth and 21st Century Workplace reports are summarized, as well as those of the three major case studies.

Interviews

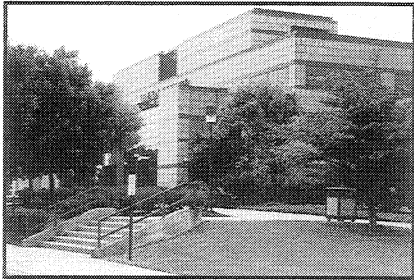
The Clarion team conducted a series of roundtable discussions with staff and representatives of the development community who are frequent code users. Additionally, Clarion circulated a survey to county staff involved in the development review process that solicited their views on the strengths and weaknesses of the existing code. The major observations from these groups are distilled below, broken into substantive and procedural comments. (Detailed interview summaries were submitted to the county.) Interestingly, there was a fair degree of consensus between the staff and those from the private sector regarding key problems with the existing code.

Staff – Substantive Issues

- Development standards in key areas (landscaping, lighting, streetscaping, and parking) are either not codified, out-of-date, or do not exist. This leads to significant uncertainty in the development review process and sometimes lengthy negotiation, especially if the site planning process is applicable, or to a less desirable quality of development if the project is exempt from site planning approval.
- The staff has little flexibility to modify or adjust development standards (e.g., setbacks, buffer requirements) where there is a conflict between standards. This can lead to delays in processing and actually lower development quality.
- Zoning regulations are not always in accord with Master Plans. The Planning Board can disapprove development in some instances (e.g., in the MXPB zone district) if inconsistent with a Master Plan even if development complies with the code. This creates some fundamental conflicts between the two documents and leads to uncertainty in the development review process according to developers.
- There are too many zone districts, which makes the code difficult to administer. Some are obsolete while others overlap and are candidates for consolidation. Some districts such as the C-1 allow almost anything with few conditions or quality standards.

- Zone districts sometimes work at cross-purposes with and do not implement the Master Plan. Sectional Map Amendments and overlay districts can be used to address this issue. Mixed-use developments with residential, for example, are very difficult to do in industrial districts. Transit-oriented districts fail to provide sufficient incentives for or require higher density residential development.
- The RMX (Residential Mixed-Use) Districts are reportedly working well and may serve as a model for a mixed-use zone district that allows a wider range of non-residential uses such as offices and light industrial. Historically, the CBD zone districts have worked well to encourage new development, but as these areas have matured, there is a need for revisions to encourage use of the optional method to ensure consistent development quality.
- Many contemporary uses (e.g., biotechnology uses with modern parking requirements) are not included in the use charts. Other allowed uses are outdated or incompatible with newer, desired uses.

Staff – Procedural Issues

- The code on the web is searchable, but there are no links to definitions, key words, or other documents. Additionally, according to staff the on-line version contains errors. The paper version of the zoning code is very difficult to use.
- 
- Development standards and definitions are either scattered throughout the code, in other documents/ordinances, or nonexistent for important topics. They need to be consolidated.
 - Due in part to a lack of key substantive standards (e.g., landscaping, lighting), there is too much negotiated development with little guidance. This can be very time-consuming for staff as well as applicants. Additionally, too much detail is required for development proposals too early in the process because of community pressure. While early issue identification is critical, fixing details very early in the process makes it difficult to respond flexibly and creatively to issues later in the process.

Developers

- Developers and their professional representatives (lawyers, planners, engineers, etc.) voiced many of the same concerns as the staff, especially focusing on the lack of standards in the ordinance and development review procedures that do not follow what is written in the code.

- Many of the commentators from the development community felt that the zoning ordinance lacks responsiveness to market realities. They cited as an example the requirement for ground floor retail and structured parking in some zone districts. This has, in their opinion, resulted in vacant first floor storefronts that are expensive to carry financially and have a deadening influence on street activity. They suggest use of incentives (such as density bonuses, exclusion of ground-floor retail from FAR calculations, quicker processing) to achieve these types of goals, not just regulations.
- Important terms such as “public use” and “public amenities” that are used by staff in the review process (Optional Development Method) to impose development requirements need to be defined in greater detail.
- Master Plan guidelines are not consistently followed so applicants do not know when to rely on them. Some Sector Plans are too detailed and require amendment to conform to proposed development plans.
- Developers are given only 10 minutes to make presentations to the Planning Commission at public hearings while opponents have unlimited time. They must rely on staff to flesh out details, but staff comments are not part of the record on appeal. Developers uniformly felt that more time was needed to make their case and contrasted their experience in other nearby jurisdictions.

Consultant Code Review

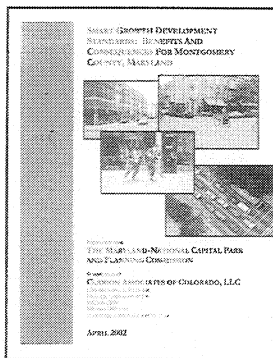
- The development review process as it is practiced is not reflected in the zoning ordinance; bodies such as the Development Review Committee (DRC) that play a major role are not mentioned in the zoning code (a “subdivision review committee” is noted in the subdivision ordinance). There are no flow charts to illustrate the process graphically.
- The code is very difficult to use, even for seasoned veterans. Basic features to make it more user-friendly—subject headers/footers on each page, a comprehensive table of contents, and illustrations/ graphics are either absent or limited at best.
- Major substantive land use regulations are scattered in many sections of the county code (e.g., historic preservation, tree conservation, subdivision) or in guidelines (e.g., environmental/ natural resource).
- A substantial number of modern development standard issues are not addressed in the code (e.g., landscaping, lighting, streetscaping) or are outdated (parking requirements).

SUMMARY OF 21ST CENTURY WORKPLACE AND SMART GROWTH REPORTS

As noted above, the consultants prepared two major background reports at the county's direction to provide a context for any proposed revisions to the zoning code. The first, titled "Smart Growth Development Standards: Benefits and Consequences for Montgomery County, Maryland," summarized the principles behind "smart growth" and surveyed existing studies regarding the potential costs and benefits of smart growth policies and regulations. The second focused on the changing characteristics of the 21st Century workplace and business locational decision criteria. It discussed the land use implications for the county of trends in these areas. This section provides a brief overview of these two reports; full text versions are available from the county.

Smart Growth Development Standards: Benefits and Consequences for Montgomery County

"Smart Growth" has become the rallying cry nationally for many communities and state governments as an approach to managing growth in a thoughtful and methodical fashion. The State of Maryland has been a leader in this area, having adopted ambitious Smart



Growth legislation in 1992 and 1997. Collectively, these initiatives aim to direct state resources to revitalize older developed areas, preserve some of Maryland's valuable resources and open space lands, and to discourage the continuation of sprawling development into rural areas. Smart Growth has become the new paradigm for land development and growth management in Maryland, and the principles of Smart Growth have been embraced by a diverse number of organizations, citizen groups, and communities interested in finding innovative solutions to the unintended consequences of growth.

But exactly what does Smart Growth mean at the local level? What are some of the key principles behind Smart Growth? How can Smart Growth be implemented at the local level? What are the benefits and potential consequences of applying Smart Growth – based standards in the development review process? Will the market accept Smart Growth regulations?

This report first presents an overview of the guiding principles of Smart Growth, drawn from a variety of sources including the state's Smart Growth legislation and programs. Next it examines the potential benefits of adopting Smart Growth programs at the local level, such as reducing traffic, providing housing choices, and preserving open space. We also looked at potential consequences—for example, rising land costs and regulatory gridlock. In other words, what are the potential strengths and weaknesses of local Smart Growth programs? Finally, the report examines the issues of political and market acceptance of Smart Growth, forces that need to be understood in revising zoning regulations to reflect Smart Growth goals.

Smart Growth has come to mean many things to different people. To take Smart Growth goals into account in revising Montgomery County's development codes, it is important to understand the key principles behind the concept. We have distilled the following Smart Growth principles from a variety of sources including the Maryland Department of Planning and the American Planning Association. They begin to provide a roadmap to the changes that will be needed in the county's zoning code to achieve the objectives of Smart Growth.

Compact Growth

Concentrate growth in and adjacent to existing developed areas. Avoid leapfrog development into rural areas.

Mix of Uses

Encourage developments with a mix of residential, commercial, institutional and other uses that increase choices for people in living, working, and playing. Avoid large islands of single-use development in business parks and residential subdivisions.

Cost Efficient Use of Public Services and Infrastructure

Smart growth means favoring developments in neighborhoods and areas where people and businesses will use existing services/facilities like schools, water and sewer lines, emergency services, and roads. Avoid costly extension of services to greenfield sites.

Quality Design and Community Character

Build new developments to fit people, not just the automobile. Create lively, interesting living and work environments. Avoid cookie-cutter developments with features that cater to the auto rather than people.

Transportation Options

To reduce over-dependence on the auto, take steps to encourage alternative forms of transportation and land uses that support bicycling, walking, and mass transit. Implement policies to make drivers pay the full cost of using automobiles. Avoid developments that are heavily auto-dependent.

Housing Choices

Encourage developments and land use patterns that offer a variety of housing choices to an increasingly diverse population. Avoid islands of residential developments with few housing types (e.g., only single-family detached).

An Efficient, Predictable Development Process

Because Smart Growth involves a greater level of involvement in the development process than unfettered growth, particular attention must be

paid to ensuring that development review processes are efficient and predictable, but at the same time flexible to address specific site issues. Avoid vague development standards and lengthy, highly negotiated review processes.

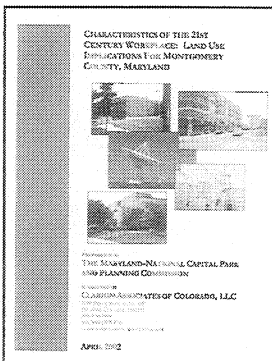
Benefits and Consequences of Smart Growth

There continues to be considerable debate over the benefits and consequences of Smart Growth development. Proponents argue forcefully that the total economic, social, and environmental benefits of Smart Growth are real and substantial. They cite studies showing increased transit use, protected natural resources, and consumer preferences for coordinated planning and smart growth amenities such as public spaces, walkable neighborhoods and improved access to transit.

Critics are quick to proffer evidence that Smart Growth has not lived up to the “hype” of decreasing congestion or improving air quality. They maintain that in some cases it has actually increased traffic congestion, raised housing and land costs, and created unmarketable housing products and commercial spaces.

Based on a detailed review of existing studies and our experience with developments around the United States, we conclude there is an increasing body of evidence and studies that demonstrate some of the clear benefits of Smart Growth. The evidence is particularly strong and convincing in the areas of reducing public infrastructure costs and preservation of open space. Studies also show it can have an important role in reducing traffic congestion. However, those benefits are still being debated in the development community and have not been translated into strong developer acceptance at this point.

Fortunately, there are increasing indications that housing consumers, particularly baby boomers, are coming to appreciate the benefits and convenience of living in Smart Growth developments. There is also substantial, project-by-project evidence from across the United States, particularly in urban and suburban jurisdictions, that mixed-use developments can succeed in the market. Perhaps of even more importance, is the evidence that developers and financial institutions are learning the ropes of mixed-use projects and other key elements of Smart Growth development patterns – and that Smart Growth can be a good investment for smart money.



Characteristics of the 21st Century Workplace: Land Use Implications for Montgomery County

Over the past 20 years, a “New Economy” has emerged, representing an historic shift from manufacturing-based to knowledge-based firms. The New Economy is technology driven and global. It has already begun to restructure metropolitan and urban economies. The firms driving the New Economy have markedly different locational preferences from those that ran the economy two decades ago. The workplace of the 21st Century

that is emerging from this shift promises to be markedly different as well. These forces will have a dramatic impact on land use and development preferences and trends throughout the country.

This report focuses on the land use implications of the 21st Century workplace for Montgomery County. First, it presents an overview of some of the characteristics of the New Economy such as global commerce, flexible employment systems, and volatile markets. A grasp of these characteristics helps to understand the forces at play that affect development at the local level.

Next, the report discusses the regional locational preferences of growth firms in the technology sector—biotechnology enterprises, software/internet development firms, and high-technology manufacturers. In the past, factors such as cost of labor, tax rates, and similar forces were prime considerations for businesses considering expansion or relocation. Today, issues such as quality of life, availability of technology infrastructure, and expeditious permit reviews are far more important to firms in growth sectors. Local governments must be aware of and respond to these new preferences if they are to be competitive.

Third, the report looks at what these firms and their employees are demanding in terms of site development and workplace configuration. The isolated suburban office park featuring headquarter buildings in a sprawling campus setting – typical of the 1960s and 1970s – is giving way to a different sort of business park and work environment in the 21st Century that reflects the needs of the New Economy. Firms and their workers are demanding new amenities, a variety of housing choices, and better transportation access. Again, the land use implications for local governments promise to be significant and suggest some important changes that must be made in local land use and zoning regulations and processes.

The report concludes with a list of potential responses Montgomery County should consider in revamping its land development codes that will help it to better address the changing locational and workplace preferences of firms in the technology sector. In doing so, the report draws on experience in other comparable metropolitan areas such as Seattle, Portland, San Diego, Fort Collins, Colorado, and Cary, North Carolina (Research Triangle area).

Conclusions and Recommendations

The locational and site preferences of high-tech companies discussed in the report suggest a number of steps that local governments can take to improve their attractiveness to these firms. This section presents some recommendations for an overarching strategy with respect to revamping and refining development review processes and regulations as well as some specific development code changes that should be considered.

There are several important context points that should be kept in mind while considering code revisions. First, local governments simply are not in a position to influence or respond to some important business locational preferences. For example, one of the

dominant factors for all firms continues to be where the CEO wants to live. That variable is hard to regulate or address. Availability of venture capital is another criterion that is difficult for local governments to control.

Second, high-tech firms vary dramatically in terms of needs, products, employees, and many other factors. Even within one sector, such as biotechnology, locational and siting issues will differ depending on the function of the company, for example, research vs. production. This variety makes it challenging to develop a strategy that will be effective for a wide range of firms.

Finally, while a number of steps to improve land use review procedures and standards are presented in this report, Montgomery County and the Washington, D.C., region are obviously doing something right in terms of attracting and retaining high-tech companies. A recent report for the R.K. Mellon Foundation found that the Washington, D.C., area scored very highly in terms of overall amenities and environmental quality, both factors that tend to correlate with high-technology development. The region already has one of the highest concentrations of high-tech firms in the nation.

Specific Land Use Policies

Based on the locational and site preferences of high tech companies identified in this report, Montgomery County should address the following issues in revamping its development codes and processes:

Encourage or require mixed-use developments. Some of the county's zone districts (e.g., commercial and industrial) do not allow or severely inhibit the type of lively mixed-use developments favored by many high-tech workers and firms. Many communities such as Austin, Fort Collins, Colorado, and Cary, North Carolina, are not only encouraging but requiring new developments to contain a mix of housing, hotels, educational, and commercial uses. Others provide incentives in the form of density bonuses or "free" residential density on a site in addition to any permitted commercial uses. The county's new RMX (Residential Mixed-Use) districts are reportedly working well to encourage mixed-use developments with a residential emphasis. They can serve as a template for a more non-residentially oriented mixed-use district that encourages office, light industrial, and institutional uses as well as a variety of residential developments.

Another aspect of successful mixed-use developments is typically higher density/intensity than conventional projects. An increasing number of communities are requiring minimum densities and a variety of uses at selected locations such as future transit stops. These requirements help to ensure that new developments support mass transit and provide the critical mass for a lively mixed-use development. In contrast, while Montgomery County has been taking steps to encourage residential development around transit stops, there has been little or no high-density residential development at most such sites.

Encourage or require more amenities in high-tech developments and business parks. Many high-tech firms and workers are making clear that they prefer to work in

developments that include or have easy access to vital centers with lively amenities and opportunities for interaction. They also value access to open space and recreational opportunities near the work place. Everything from sidewalks and trails to playing fields are assets.

Promote environmental protection and conservation of natural areas. High-tech employees value the natural environment both at work and at play. They often oppose sprawl and developments that gobble up open space. Currently, while the county has some regulations on the books to address natural resource protection, including stream buffer and forest conservation standards, it lacks provisions adopted by many other jurisdictions to protect sensitive natural features on a site or open space such as landscaping provisions and wildlife habitat protection standards. Moreover, many developments are not subject to site plan review, which means staff has no authority to review important elements such as connectivity between parcels or landscaping. While staff often attempts to negotiate to accomplish these goals, objective standards would ensure they are achieved while providing more certainty to the development community. The staff is currently working on landscaping provisions, an important initiative that should be completed.

Focus on specific uses, not buildings. In regulating development, most jurisdictions focus on the size of a building in regulating items such as parking. There is little flexibility to respond to uses that may have large space needs but relatively few employees (e.g., biotech labs). High-tech firms in the county have complained that they are sometimes required to build expensive parking that never gets used. The county needs to tailor parking and other standards more to specific uses, and then allow flexibility to meet future needs (e.g., set aside land for parking, but don't require paving at the outset).

Scrutinize home occupation regulations. Because an increasing number of New Economy workers will telecommute or start-up new businesses at home, the county should carefully examine its home occupation regulations (that are stringent compared to most other jurisdictions) to ensure they do not unnecessarily stifle this important trend. Of course, surrounding residences need to be protected from potential adverse side effects. Additionally, the county should consider creating flexibility for live-work spaces in commercial and other non-residential districts.

Improve the development review process. One of the most important needs of high-tech firms is the ability to respond quickly to new market opportunities and demands. This means that local governments that can provide efficient and responsive development review and construction inspection processes will have a leg up.

Currently, both staff and developers in Montgomery County agree that there is much room for improvement. For example, while the county has a specifically designed zoning district for development around transit stations, it is little used because it is cumbersome and time-consuming. According to developers, there is little resemblance between the review process in practice and what is set forth in the zoning ordinance. They also point

out that because the ordinance has so few standards, there is a great deal of uncertainty in the process over what staff will require—it may vary from case-to-case.

In making changes to development review procedures, the county should not overlook the importance of construction and building code review processes. It will do little good to make the development review process more efficient and predictable, only to have it followed by a slow and tedious process of getting a building built or expanded space built out. Some jurisdictions such as Boulder County, Colorado, are allowing for self-inspection by companies to speed this end of the development process.

By making these substantive and procedural changes in its development codes and processes, Montgomery County can help ensure it will be a desirable community and attractive location for high-tech firms and their workers.

SUMMARY OF MIXED-USE DEVELOPMENT REGULATION CASE STUDIES

Task 3 of the project scope called for the consultants to conduct a best practices survey of similarly situated jurisdictions that have recently enacted new approaches to regulating commercial, industrial, and mixed-use developments within the context of smart growth policies and transit-oriented development.

There is currently a good deal of interest and activity in the area of mixed-use development regulations at the local government level across the United States. However, much of this activity is in the conceptual stage or involves only recently enacted standards and regulations with little actual experience with development of mixed-use projects. For this reason, among others, the staff and consulting team winnowed down a preliminary list of about a dozen communities and selected Fort Collins, Colorado, San Diego, California, and Arlington, Virginia, for scrutiny. Clarion Associates prepared case studies of Fort Collins and San Diego. Fort Collins enacted its mixed-use zoning districts and regulations 5 years ago and now has reviewed a number of projects under them. Several have been constructed. Similarly, in San Diego the city has been encouraging mixed-use development for the past decade and has a project track record also. Arlington County, Virginia, has almost 10 years of experience with transit-related development around its Metro stations. The M-NCPPC staff prepared the Arlington case study.

A key lesson that can be distilled from experience in these cities, as well as others that have been promoting mixed-use developments (such as Portland, Oregon, and Colorado Springs, Colorado), is that a kid-glove approach that relies primarily on incentives and encouragement only will not likely produce the desired results. Because mixed-use developments are a relatively new "animal" in the development community, and because they typically involve extensive negotiations, public hearings, or additional design requirements not applicable to run-of-the mill commercial or residential projects, most developers take the path of lesser resistance. They propose typical single-use developments that avoid these potentially time-consuming complications.

In response, more and more communities are taking an increasingly activist, directed course of action. Some, like Fort Collins and San Diego, are ambitiously planning and mapping areas for mixed-use developments and then requiring new projects in those areas to adhere to standards designed to produce lively, mixed-use projects. The need to deal with traffic congestion is often a driving force to this activist approach. Others, like Colorado Springs, are considering requiring new commercial projects involving discretionary approvals (such as a rezoning) to achieve a mandatory mix of use and meet other standards (e.g., connectivity, community amenities). Colorado Springs is also attempting to "level the playing field" by increasing design requirements for all commercial projects, not just mixed-use developments.

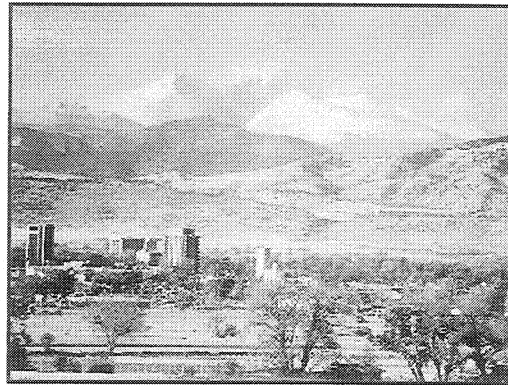
The good news is that more and more mixed-use projects are coming on line in these jurisdictions and elsewhere, and they are establishing a successful track record that promises to breed additional mixed-use projects. Their experience provides some very

useful guidance to Montgomery County in revamping its business district zoning provisions.

This section of the summary presents a brief overview of the two case studies of Fort Collins and San Diego prepared by Clarion Associates. Full versions of the case studies are available from the M-NCPPC staff as well as the Arlington County, Virginia, case study that was prepared by staff.

Fort Collins, Colorado

Fort Collins is a rapidly growing university community about 75 miles north of Denver nestled against the foothills of the Rocky Mountains and alongside the banks of the Cache La Poudre River. The city encompasses 47 square miles and has a population of 118,600 residents, with an annual growth rate of 2.9 percent for the past decade. It is a regional market center for northern Colorado and southern Wyoming.



□ The previous land use code in Fort Collins (known as the Land Development Guidance System – LDGS) had few objective standards and no mixed-use provisions. Basically, any use could be developed anywhere if performance standards were met. Although some developers favored the flexibility of this previous system, neighborhoods did not like its unpredictability. The quality and substance of each project could vary widely, depending on negotiations with city staff.

In response to this flexible, but unpredictable development system (and also due to rapid development and traffic congestion), Fort Collins started drafting a new code in 1995 and pulled in New Urbanism, Smart Growth, and sustainability ideas. The new plan and code address issues such as compact development form, alternative transportation modes, increased density, neighborhood preservation, affordable housing, wildlife protection, and creating human-scale development. The intent, specifically regarding mixed-use, was to create more cohesive, defined neighborhoods in which many of the residents' needs could be met, such as employment, retail options, schools, and parks.

The new code was adopted in 1997. The primary differences compared to the previous regulations are as follows:

- Zone districts were created and mapped. New mixed-use zoning districts were created to permit a mix of uses, allowing stores and workplaces to be within walking distance of residences. These mixed-use districts were mapped in strategic locations and are mandatory. Office uses are permitted, but are not the focal point of these districts. In addition, several objective

standards were adopted specifically for the mixed-use districts, such as connectivity and block size (e.g., a maximum of 7-10 acres in the Neighborhood Commercial Center District). Importantly, the mixed-use districts have minimum residential densities required to support transit options and promote compact development.

- Flexible performance standards were replaced by more specific, clear development standards. New standards were added to address wildlife habitat protection, pedestrian and auto connectivity, and landscaping. Minimum parking requirements were eliminated for non-residential uses; only maximum limits on parking were imposed.
- Density bonuses were enacted to promote affordable housing in the mixed-use districts. These developments were also exempted from review fees and receive priority processing.
- New administrative modification provisions were added to allow staff to make minor adjustments in development standards to facilitate better design (for example, up to 25% in setback requirements) without having to hold a public hearing.

In general, because the code revisions are relatively new, there has been more use of the new districts on paper than on the ground. While there were only a few projects in the building phase at the time of this report, many more projects are in the approval phase. Two neighborhood centers in Low Density MU Neighborhood Districts have been approved and applications have been filed to approve four Neighborhood Commercial Centers in the past two months, which signals significant interest in building these grocery/retail neighborhood centers. In addition, building permit numbers in general have been rising rapidly in the city.

Primarily, housing developments have been approved thus far under the new code. Projects have met the code's minimum design requirements, and while most observers agree the overall quality of the development has improved, results have been mixed according to staff. Some projects have gone beyond than the minimum requirements of the code in terms of quality and site design, and are considered attractive. Regardless of the quality, it is clear that Fort Collins is getting infill and redevelopment that is different than what the city has seen before in terms of higher density and better overall design. What is not clear is how to guarantee quality development every time, even though the new code has contributed to this goal.

There is general agreement among city staff that the connectivity portion of the new standards is working well, and the standard requiring proximity to neighborhood centers/parks has been easy to enforce. However, there is not as much agreement about other portions of the code. For example, some staff members feel that there should be more flexibility to go below the minimum density requirements in the mixed-use districts, although only one developer has requested a lower density. Moreover, despite a

requirement that each development have a variety of housing types, there is still significant segregation of those housing types (e.g., single family pods separate from multi-family units), which was not the city's intent. However, the staff is not sure if this can be remedied through more regulation, or if the staff should continue to rely on persuading developers to physically mix housing types within a project.

Another concern, as mentioned above, is that the quality of development has varied even when minimum standards have been met. There have been wide ranges, even in the same development, in site, architectural, and landscape design. For example, in one location, standards requiring discrete placement of garages were met, yet the resulting streetscapes were very unattractive. Staff members expressed regrets that several standards that existed in the initial draft of the new code were left out of the final version. One of these required a mix of block types (e.g., a mix of commercial, residential, and institutional uses within a specific district or development). No substantive revisions to the code have formally been proposed yet.

Most developers appreciate the clear standards in the new code. When project details are reviewed, either their project meets the requirements or it does not – there is less negotiation. Developers who were accustomed to the former, more flexible system are still reluctantly adapting to the new system, but other developers new to the area or those who are used to similar regulations in other jurisdictions, appreciate the new code. Relating the new code to good design is a challenge according to a developer of a project that met the minimum standards but had obvious problems with design.

The staff and developers in Fort Collins had some useful insights for other jurisdictions incorporating mixed-use provisions into their own codes:

- Develop a strong policy basis for mixed-use through a comprehensive plan.
- Base the location of activity centers and supporting neighborhoods on optimizing transportation system investment.
- Learn from others' mistakes--many jurisdictions have enacted mixed-use zoning districts; get their advice!
- Uses in the right place are half the battle; the other half is tending to the details of design, access, etc.
- Use sound urban design principles to transition mixed-use neighborhoods and adjacent "conventional" neighborhoods.
- Resolve potential conflicts with other local government departments/agencies over issues such as street cross-section, storm drainage, utility placement, and fire protection requirements that can thwart mixed-use, compact development.

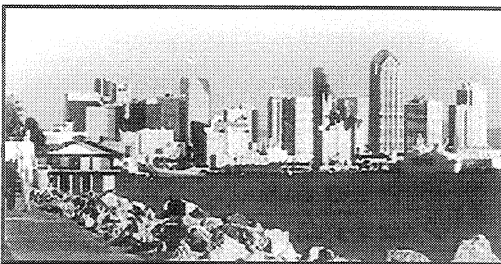
San Diego, California

San Diego has a significant planning and implementation effort underway to promote mixed-use, transit-oriented development in conjunction with the efforts of the area transit agency. The primary elements of this effort are (1) the "City of Villages" strategic element of the city's General Plan and (2) the "Transit First" strategy of the transit agency serving the San Diego area.

San Diego is a city of 1.25 million people encompassing 330 square miles and diverse neighborhoods. The oldest town in California, it was founded in 1850, and its first comprehensive plan was laid out in 1926, with a zoning ordinance approved in 1931. The city's landscape setting is unique, having been built in and around a large canyon system. In the 1950s, the formerly isolated mesa tops around the canyon began to be filled with tract homes, factories, and highways. Downtown continued to be developed with civic amenities such as a bayfront park, stadiums, a Sea World aquarium, and theater; however, the sensitive growth issues were on the city's perimeter, where large numbers of single-family homes and strip malls were being built.

Due to the city's location bordering desert, hills, and the Pacific Ocean, it is dotted with numerous sensitive ecosystems. By the 1970s, citizens of San Diego, perceiving the value of the open space remaining in and around the city, passed bond issues for acquisition; they also began to insist that planning occur to ensure that public services and infrastructure would keep pace with growth. As a result, the city adopted a growth management plan to synchronize services and infrastructure provision with the timing and location of development.

Planning in the city is similar to that in Montgomery County. It is based on a general plan that sets out the goals, objectives, and policies of the city as a whole. Within this overarching framework, over 40 sub-areas have individual community plans. These community plans together constitute the Land Use Element of the General Plan, and each must be consistent with the other community plans and with all parts of the General Plan.



Transit in the metropolitan San Diego area is planned, constructed, and administered by the Metropolitan Transit Development Board (MTDB). Its board of directors is appointed by the local government agencies in the service area. It is not an agency of the city government of San Diego or the other area local governments; however, to coordinate its

goals with the actions of the local governments it provides input on the impact of local government land use decisions on transit service.

Efforts to promote mixed-use development have been under way in San Diego since at least the 1970s, including a transit-oriented design (TOD) guidelines adopted in 1992. However, these initiatives were mostly voluntary in nature, and the results on the ground

were disappointing. Moreover, as street and highway congestion worsened, it became increasingly apparent that it would be financially impossible for the city to build its way out of vehicular congestion. Additionally, there were increasing concerns about public health, including air quality and the effect of auto dependency on obesity and physical fitness. In response to these issues, the city undertook a major change in direction in 1998 to reshape development patterns and promote mixed-use development.

Designed to be a long-term strategy for accommodating predicted growth and development, the new element is built around a "City of Villages" theme. It calls for development to occur in the form of "villages" characterized by high-quality infill and compact new development. Each village is intended to be a pedestrian-friendly "community-oriented center where commercial, employment, and civic/educational uses are integrated with a variety of housing types and densities" along with significant, meaningful public spaces. It will link closely with the Metropolitan Transit Development Board efforts for expansion of transit service as a means of improving quality of life.

While implementation is still a work in progress, the City of San Diego has taken a number of concrete steps to make the new plan a reality, including:

- Mapping village centers and creating master plans for three village centers. The city has also amended community plans to designate village center sites.
- Revising street standards to be more pedestrian-friendly and to accommodate mixed-use development.
- Drafting two overlay zones for implementation of mixed-use and transit-oriented development. The Urban Village Overlay will allow a greater intensity and variety of uses in a compact pattern. The Transit Overlay will implement revised transit-oriented development standards that will be more mandatory instead of guidelines.
- Revisions to existing commercial base zone districts to allow and promote mixed-use development and infill. They include pedestrian connectivity requirements and parking reductions. The base zone districts are subject only to administrative review.

While the San Diego mixed-use and transit-oriented development initiatives are still works in progress, the city's experience offers some practical tips that should be useful in Montgomery County's efforts:

Eliminate procedural barriers to mixed-use development.

The procedures that developers must undergo to achieve mixed-use development should, at a minimum, take no more time and effort than those that may be used for less desirable development; all the better if a fast-tracking option exists.

Address developers' concerns about risk and financing issues.

Partnerships with and education of the development financing community can address financing problems that may exist for innovative development types, including mixed-use projects. Public-private partnerships show that the local government is serious about supporting mixed-use development and helping it succeed.

Limit the amount of competing development that can be built in a conventional pattern.

The experience with the transit-oriented design guidelines cautions that innovative, mixed-use and transit-oriented projects are unlikely to succeed if nearby single-use, auto-dependent developments are in competition to attract tenants and customers. Higher ranges of density and intensity, as well as bonuses, should be reserved for the most desirable development types.

Improve expectations with superlative demonstration projects.

Existing, poorly designed multi-family development may have left citizens with a bad impression of higher housing densities. Likewise, experience with aging suburban strip commercial zones can lead to resistance to commercial infill. One well-designed project can serve as a "shining example" that leaders and residents can point to as a model for further development.

Work to eliminate interdepartmental conflicts.

Traffic engineering principles that favor movement of cars still tend to conflict with the new planning principles of the City of Villages vision. Differences between departments should be addressed and resolved; otherwise they can lead to processing delays and conflicting directives to applicants.

Arlington County, Virginia

The Arlington County, Virginia, case study is available from the M-NCPPC staff.

CONCLUSIONS AND RECOMMENDATIONS

Based on the interviews, code review, and background reports, we identified three broad categories of problems and issues that need to be addressed in revising the CIMU district-related provisions of the zoning ordinance:

1. **Need for more specific standards and processes in the zoning ordinance to make development review more efficient and predictable.**
2. **Lack of a hierarchy of Euclidean mixed-use zone districts available and tailored to encourage mixed-use development with a major non-residential component. .**
3. **Uneven development quality and a playing field that is tilted towards standard single-use development versus mixed use.**



While this project was conceived to produce recommendations for targeted revisions to existing CIMU district regulations and procedures, it quickly became clear to the consulting team that the current problems with those districts and development reviews of commercial and industrial projects are more systemic. They will require a broader response. In fact, more piecemeal amendments to the zoning ordinance on top of many made in past years may be counterproductive.

Short-Term Improvements

Nevertheless, we believe that there are some amendments and changes that can be made immediately that will help patch things up in the CIMU districts for the short-term while the county considers more comprehensive revisions to the zoning ordinance. Keyed to the three main issues highlighted above, these potential solutions include:

Problem: Need for more specific standards and processes in the zoning ordinance to make development review more efficient and predictable.

Solutions:

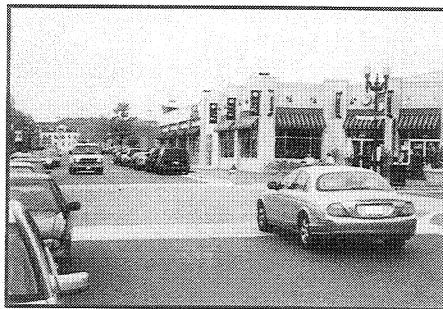
- **Finish proposed landscaping and lighting guidelines.** Revise and codify after 1-2 year testing period. Fold in existing regulations and guidelines relating to environmental and resource protection into the zoning ordinance. This will help create more certainty in the development review process and reduce the need for time-consuming negotiations on a project-by-project basis.

- **Create flow charts** to summarize decision-making processes and include time “targets” for decision-making at each step. More clarity is needed as to the steps in development process and role of groups like the Development Review Committee (which is only referenced as the “subdivision review committee” in the Subdivision Ordinance).
- **Processing Time Targets.** While mandatory limits on decision-making time frames have not worked well in other jurisdictions, general, non-binding targets can instill more discipline in the process so that development reviews take place in a timely fashion. Current Development Review Committee hearing date targets are a starting point for this effort.
- **Enact an administrative modification provision** that allows staff (or the Planning Board) to approve minor modifications (e.g., up to 10%) of standards and site plans. This will be helpful, for example, where there is a conflict between standards and the modification will result in better-designed project with fewer impacts (e.g., forest conservation vs. zoning code open space requirements; setback regulations). No public hearings are required to grant such modifications. Such provisions have been used very successfully in communities like Fort Collins, Colorado.

Problem: Lack of a hierarchy of Euclidean mixed-use zone districts available and tailored to encourage mixed-use development with a major non-residential component..

Solutions:

- Create a hierarchy of by-right mixed-use zone districts with a substantial non-residential component that are mapped by the county in preferred mixed-use development locations (e.g., the I-270 Corridor). The new district should provide greater incentives for mixed-use development with a significant non-residential element (e.g., a wider range of permitted uses) while ensuring that a minimum mix of uses and minimum densities are achieved in designated locations.
- **Eliminate obsolete CIMU districts** that are not used, do not implement the Master Plan, or are inappropriate for modern development. (However, maintain obsolete district classification only for already developed properties to avoid creating non-conforming uses.) Consider combining other districts that have only minor differences in terms of uses or standards. For example, there is very little difference between the I-3 and I-4 zone districts—they should be combined. New purpose statements are needed in all districts to



help guide staff and applicants in development reviews (especially those that currently have none at all such as the RMX zones). The old PD Zone is a good model in this regard according to staff.

- **Revamp and shrink use lists** in all districts by categorizing uses by major types (e.g., retail) instead of including long lists of specific uses within those types (hardware stores, appliance stores, wearing apparel stores, gift shops, etc. which are all retail uses and are not subject currently to special conditions). Also, update and modernize use lists. Eliminate obsolete uses and include modern uses (such as biotechnology firms with appropriate parking requirements).

Problem: Uneven development quality and uneven playing field for mixed-use developments.

Solutions:

- **Implement site planning requirements** for ALL major commercial and industrial projects to create a process by which substantive development standards can be applied. Currently projects in some districts (e.g., C-1; CBD standard method) are not subject to site planning requirements, and as a result development quality has suffered in some instances according to staff. Additionally, by not requiring site plans in these areas, developers are encouraged to avoid mixed-use and transit districts that have such requirements. Leveling the playing field is important. Most jurisdictions comparable to Montgomery County with site planning requirements apply them across-the-board to all significant commercial developments.
- **Codify development guidelines (e.g., environmental) as noted above.** Apply to all developments, not just mixed-use and transit-oriented projects, to level the playing field and remove incentives to build standard single-use projects. Remove procedural disincentives for mixed-use projects such as requirement for a rezoning versus by-right Euclidean mixed-use zones that are mapped by county.
- **Consider eliminating standard method of development** that allows developments to proceed without site plan and subdivision plan review in some instances, a situation that can undermine achieving Master Plan objectives. This is particularly important in the CBD districts where careful site plan and design review is critical to ensure high development quality and compatibility.
- **Evaluate the need for the time-consuming project plan process** in light of strengthened subdivision process and detailed site plan review procedure.

Longer-Term Revisions

However, as noted above, our reconnaissance and discussions with staff and development community representatives reveal more serious, deeply rooted problems that need to be addressed more thoroughly and methodically in the long term:

Problem: **Need for specific guidelines and standards.**

Solutions:

- **Comprehensively reformat and reorganize the zoning ordinance:** Overall, the code is one of the most difficult to use and understand that the consultants have reviewed. Apparently, as is the case in many jurisdictions, the code has been updated and revised piecemeal over time. New provisions have been added to address new problems or opportunities. The result is a document that is poorly organized and hard to navigate. Related provisions are scattered throughout the code and there are conflicts in substantive provisions and definitions and contradictory procedures. In sum, the code is in serious need of a comprehensive reformatting and reorganization. (An example of a modern code page format with illustrations and flow charts is set forth in Appendix A.) Once the code is reformatted, the county should consider a more modernized computerized format (such as the Visually Interactive Code used in Henderson, Nevada, which can be viewed at www.vicgroup.com) that is fully searchable and includes dynamic illustrations of key concepts and standards.
- **Codify unwritten procedures/processes.** Procedures and review processes that are routinely employed by staff are not reflected in the ordinance. For example, the Development Review Committee, which plays an important role in the review process, is not mentioned in the zoning ordinance (the only reference is to a “subdivision review committee” in the subdivision ordinance). These procedures should be codified and followed or eliminated. Moreover, the county should consider adopting a limited number of standard review processes that are set forth in a single section of the zoning ordinance, rather than the multiplicity of processes (e.g., site plans, project plans, standard method, optional method) now scattered throughout the code.
- **Reduce the amount of process required in the Transit Districts,** which reportedly scares off prospective developers. According to staff, the CBD zones work much better, in part because they do not require a rezoning as do the Transit Districts. Transit Districts should be adopted as by-right Euclidean zones and mapped by the M-NCPPC with specific development standards to implement county planning policies.

Problem: Lack of a hierarchy of Euclidean mixed-use zone districts available and tailored to encourage mixed-use development with a major non-residential component.

Solutions:

- **Identify and map preferred mixed-use development locations.** The experience in both Fort Collins and San Diego teaches that a purely voluntary regime of mixed-use districts will unlikely to produce significant results very quickly. The county should create new Euclidean mixed-use zone districts, identify those locations at which more intensive mixed-use developments are essential or highly desirable (e.g., transit stops, I-270 corridor, freeway interchanges, major business parks), and then consider mapping them.
- **Scrutinize existing home occupation regulations to remove unnecessary impediments to live-work arrangements.** The county currently has stringent home occupation regulations relative to those in other jurisdictions (e.g., owner must maintain a log of all visits, no non-resident employees, etc.). These regulations should be examined carefully and modified to accommodate home occupation uses, particularly in the context of new mixed-use developments that feature live-work space. (According to staff, a text amendment is under consideration regarding live-work arrangements.)

Problem: Uneven development quality and uneven playing field for mixed-use developments

Solutions:

- **Enact modern development standards and apply uniformly.** The code contains few modern development review standards relating to issues like landscaping and lighting that help ensure quality development. Some of these exist outside the code (e.g., forest conservation). As a result, most of these issues are negotiated through the site planning process which can be very time-consuming--or developments slide through without having to address these issues adequately. The county needs to take a hard look at standards and guidelines in a variety of areas such as wildlife habitat protection, pedestrian connectivity, streetscaping, and lighting. Some of this work is reportedly already underway with respect to lighting and landscaping. Such standards and guidelines should then generally apply to all development, not just discretionary approvals. Once guidelines are adequately tested for a year or two (e.g., landscaping and lighting) they should be fine-tuned and codified.

Additionally, while the current zoning ordinance devotes some 40+ pages to off-street parking standards, less than a page is devoted to defining and explaining critical issues such as “public facilities and amenities” and “public use space,” which are very important aspects of many developments. These

terms, among others, should be defined in quantitative terms where possible and provisions included that address location, design, relationship to other amenities/open space, etc. Illustrations should be included of preferred facilities and open space design.

- **Codify substantive guidelines and standards from master plans.** Many substantive development standards and guidelines are contained in master plans but are not reflected in the zoning ordinance. However, these standards and guidelines become regulatory in nature in some instances because the Planning Commission has the discretion to turn down applications that are not in accord with the relevant plan in several zone districts (e.g., MXPD) and in the subdivision ordinance. This causes a good deal of uncertainty for developers and makes it difficult for staff to administer the process. The county should make a concerted effort to incorporate standards and guidelines that are contained in the plans as regulations in the zoning ordinance. To the extent such standards and guidelines remain in the plans or are contained in future plans, they should be drafted in as specific, quantifiable terms as possible, not vague hortatory language (e.g., if new development is to be “compatible” with existing neighborhoods, the plans should define what is meant by compatibility in that specific context.)
- **Explore design standards for transitional areas around new mixed-use developments** to ensure compatibility with existing conventional neighborhoods. Experience in San Diego and other communities that have promoted mixed-use developments make clear that design standards that address height, bulk, setbacks, architectural features, and similar considerations can be very helpful in winning acceptance of large mixed-use projects by neighboring existing residential areas.

The challenges that the county staff, developers, and citizens-at-large face in using the zoning ordinance are substantial. The solutions recommended here are ambitious and will take a significant commitment in terms of time and resources. In making any such changes, the fact needs to be kept in mind that the county has done many things right in reviewing and encouraging new development. The county has many exemplary developments, and its quality of life is viewed with envy and admiration by local officials from other jurisdictions in the region and nationally. With that in mind, any changes and revisions should be sure to maintain the strengths of the existing development review system.

APPENDIX

Page formatting example
Examples of illustrations and graphics
Examples of flow charts
Summary use table example

Page Formatting

Note especially the header that shows the chapter and section information, and the use of font styles to make transitions between topics stand out.

9. Off-Street Parking Area Screening

Off-street parking areas shall be screened in accordance with the standards of Sec. 19.9.2.

O. Loading Area Design

Required off-street loading spaces (See Sec. 19.9.1-B and 19.9.1-D) shall not be located within a building, but shall be on the site of the use served or on an adjoining site. On a site adjoining an alley, a required loading space shall be accessible from the alley unless alternative access is approved by the Traffic Engineer. A required loading space shall be accessible without backing a truck across a street property line unless the Traffic Engineer determines that provision of turn-around space is infeasible and approves alternative access. An occupied loading space shall not prevent access to a required off-street parking space. A loading area shall not be located in a required setback. In addition, street side loading docks shall be set back at least 70 feet from the street property line or 110 feet from the street center line, whichever is greater. No loading bay may intrude into any portion of a required aisle or access dimension. Loading areas visible from a street shall be screened on 3 sides by a solid, decorative fence, wall, or hedge at least 6 feet in height.

Sec. 19.9.2/ Landscaping and Screening

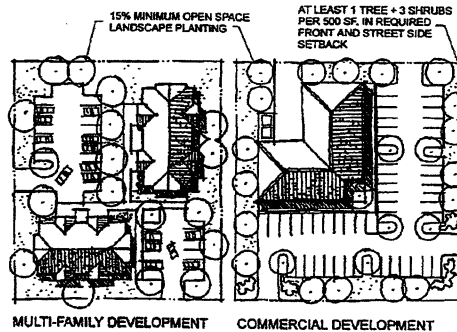
This section sets out the minimum landscaping, buffering and screening requirements for development within the City of Henderson.

A. Open Space Landscaping

1. Landscape Planting Area

Open Space Landscape planting area shall be provided in accordance with the following schedule of requirements:

Minimum Open Space Landscaping Requirement by Zoning District (Percent of Lot)										
CN	CO	CC	CH	CT	CA	IL	IG	IP	SP	Multi-Family and Nonresidential Uses in R Districts
15	15	15	15	20	15	15	15	15	15	15



Open Space Landscaping Requirements

Illustrations and graphics

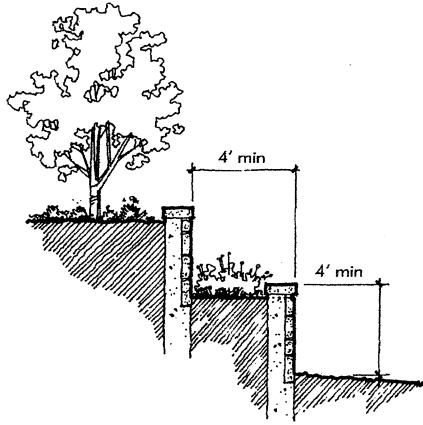


Figure 2— The width of the terrace between any two 5-foot retaining walls shall be a minimum of 4 feet and maximum slope of 3:1.

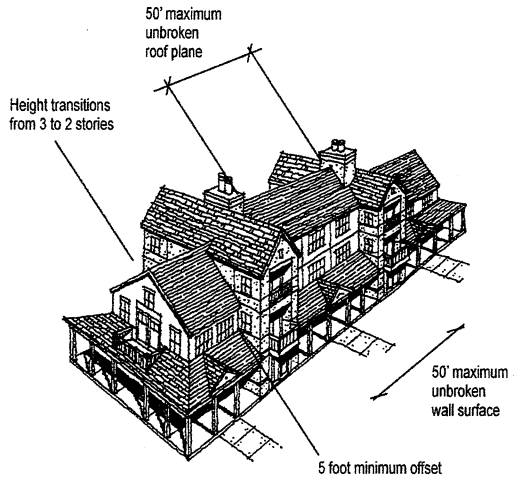
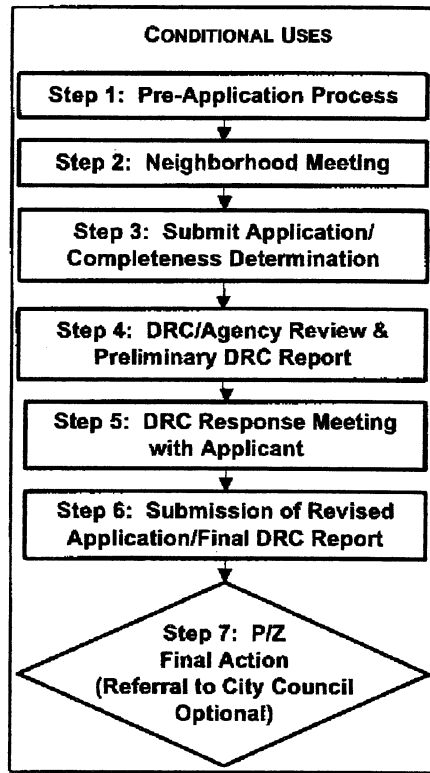


Figure 18—All buildings shall be designed to provide complex massing configurations with a variety of different

Flow Charts



Development Code Text Amendments



Summary Use Table

J. Table 15.04-A: Table of Permitted Principal Uses by Zoning District

TABLE 15.04-A: TABLE OF PERMITTED PRINCIPAL USES																
P = Permitted By-Right C = Conditional Use L = Limited Review Blank Cell = Prohibited																
USE CLASSIFICATION & SPECIFIC PRINCIPAL USES	ZONING DISTRICT															Additional Regulations (Apply in All Districts Unless Otherwise Stated)
	ET	EI	ET	R2	R3	MI	RLE	RMD	MD-D	D	CF	CBD	BLI	M	G	
A. Residences & Other Living Accommodations <i>Includes places where people live—what people would identify as their place of residence. Does not include commercial, transient types of living accommodation such as hotels or motels.</i>																
Affordable housing	P	P	P	P	P	P	P	P	P	L		P	L			3; C & BLI: 2, 29
Boarding, rooming houses				L	P				L	P		P				
Family-care homes	P	P	P	P	P	P	P	P	P			P				13
Group-care homes	C	C	C	P	P		C	C	P	P		P				13; RLE & RMD: 28
Group-care institutions				L	P				L	P		P				13
Halfway houses										C		C				13, 24
Mobile home parks						P										19
Mobile home subdivisions						P										19
Multifamily dwellings (5 or more dwelling units)				P	P		C		C		P					RLE: 28; C: 2; 29
One-family dwelling	P	P	P	L	L		P	P				L				19; R2, R3, CBD: 2, 29
Residential rehabilitation facility									C	C		C				13, 24
Townhome dwelling				P	P		C	C				P				RLE & RMD: 28
Two-, three- and four-family dwellings				P	P		C	C				P				RLE & RMD: 28
Urban dwelling units:																
1. 25 du/acre or less										L		P	L	L		29, 31
2. More than 25/du acre									C		C	C	C			29, 31
B. Consumer Goods and Services <i>Businesses that offer items for sale to the general public or services to the general consumer. These are the retail and service outlets used by residents to keep their households operating. *Operation of all principal uses shall be conducted primarily inside an enclosed structure unless otherwise specified in this Use Table 15.04-A**</i>																
Automobile service station										L	L	C	C	L	L	16, 24; BLI: 2; 30; §15.05.080.N
Bed and breakfast establishments				C	L		C	C	P		P					4; R2 & R3: 2
Car wash									L		C		L	P		16, 24, 30; §15.05.080.N
Commercial Shopping Center										C						7, 8, 24