



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

MCPB
Item #18

MEMORANDUM

DATE: September 3, 2004
TO: Montgomery County Planning Board
VIA: Carlton Gilbert, Zoning Supervisor *CG*
Development Review Division

FROM: Greg Russ, Planner-Coordinator *GR*
Development Review Division
Frederick Vernon Boyd, Community Planner *FVB*
Georgia Avenue Planning Team

PURPOSE: Amending the Zoning Ordinance to clarify the intent and purpose of the Rural Neighborhood Cluster Zone, including its rural open space requirements

TEXT AMENDMENT: No. 04-17
REVIEW BASIS: Advisory to the County Council sitting as the District Council, Chapter 59, the Zoning Ordinance
INTRODUCED BY: District Council at the request of the Planning Board
INTRODUCED DATE: July 27, 2004

PLANNING BOARD REVIEW: September 9, 2004
PUBLIC HEARING: September 14, 2004; 7:30 p.m.

STAFF RECOMMENDATION Approval with modifications

PURPOSE OF THE TEXT AMENDMENT

To amend the Zoning Ordinance language to make various modifications to the Rural Neighborhood Cluster Zone.

BACKGROUND

On July 15 and July 22, the Planning Board extensively discussed a zoning text amendment for the Rural Neighborhood Cluster (RNC) Zone. On July 15, the

Planning Board heard testimony from interested residents of the Olney and Upper Rock Creek areas. On July 22, the Planning Board approved the transmittal to the District Council of a Zoning Text Amendment making modifications to the RNC Zone. The proposed amendments address open space preservation and the issue of lot size diversity.

The Planning Board discussion and the public testimony centered on two issues: the ability of the Rural Neighborhood Cluster Zone to maintain rural character in the areas in which it has been established; and the use, configuration and management of rural open space. This proposed zoning text amendment:

- Revises the “intent” language for the zone to include preservation of environmentally sensitive natural resources and maintenance of environmental quality as key components of the RNC Zone;
- Provides a clear definition of rural open space that focuses on the uses to which the open space will be put, requires rural open space to be contiguous, clearly requires its permanent preservation as parkland, limits the types of stormwater management facilities allowed, eliminates equestrian facilities in the rural open space and allows rural open space to be calculated on the net tract area in certain circumstances;
- Requires diversity of lot sizes in all RNC developments; and
- Requires the Planning Board to evaluate the range of lot sizes provided in a proposed Rural Neighborhood Cluster community as part of the development approval process.

ANALYSIS

Because community concerns about lot and house sizes in recently-developed Sandy Spring RNC communities were a significant component of District Council discussions during review of the Upper Rock Creek Area Master Plan, the staff looked particularly at those issues in devising these text amendments. For three Rural Neighborhood Cluster developments wholly or partially completed after approval of the Sandy Spring Master Plan—Dellabrooke, Bancroft and Ashton Preserve—the staff compiled from state tax assessment records data on the size of each house lot and the gross floor area of the resulting house. These data were analyzed to see how ranges of lot sizes were distributed across the communities and to evaluate average house sizes.

Lot size

The staff is preparing a presentation on this analysis for the Planning Board’s discussion that will include charts, photographs and other data. For this staff report, one example may provide an idea of how the analysis was done. There

are 42 house lots on the Bancroft property that are clustered under the RNC optional method; the smallest is 11,119 square feet, the largest is 28,588 square feet and the average lot is 19,806 square feet. One way to evaluate the distribution of lot sizes is to divide the range provided on the Bancroft property into segments, then calculate the percentage of lots in each segment. The Bancroft lots can be divided into seven segments of equal size. As Attachment 1 shows, lots on the Bancroft property are distributed reasonably evenly around the line depicting equal distribution. No segment contains more than 18 percent of all the lots.

Dellabrooke and Ashton Preserve do not approach the relatively equal distribution of Bancroft, but it does not necessarily follow that they have “failed” a test of lot size distribution and diversity that the Bancroft property has “passed.” While Bancroft may have a more uniform distribution of lot sizes than the others, all three offer lots in a range of sizes. For comparison, at Sheffield, an RE-1 cluster development of 152 lots in Upper Rock Creek, 58 percent of the lots are in a single segment, more than twice as many as in the next largest segment.

The range of lot sizes in a new community helps determine if that community is compatible with existing neighborhoods in an area, but it is, at best, a subjective measurement. Nor is it easy to discern differences in lot sizes “on the ground” in a given neighborhood; the difference between a 25,000 square foot lot, a 40,000 square foot lot and a 65,000 square foot lot may not be readily apparent. The difficulty in “seeing” specific sizes suggests that attempting to quantify lot size distribution may not be wholly effective as a means of considering compatibility issues.

House size

The staff evaluated house sizes in the same three RNC communities in Sandy Spring, and looked as well at other communities there and in Upper Rock Creek. At Bancroft, whose second phase is not yet complete, the smallest house has a gross floor area of 4,132 square feet; the largest has a gross floor area of 7,193 square feet. The average house measures 5,310 square feet. The average house on the average lot would have a floor area ratio of 0.27. Sheffield’s smallest house totals 2,752 square feet and its largest totals 5,584 square feet. Its average house measures 3,767 square feet. The average house on the average lot would have a floor area ratio of 0.20.

Average house sizes and floor area ratios at Ashton Preserve are similar to those at Bancroft. The average house size at Dellabrooke is somewhat smaller, and its average floor area ratio is less than that of the other two neighborhoods. Reducing the average floor area ratio at Bancroft to 0.20 would mean that a house on the average lot would total 3,961 square feet. An individual’s ability to discern the difference between a 5,310 square-foot house and a 3,961 square-foot house is uncertain, and, in any case, the impact on overall compatibility of

such a reduction may not be significant. In addition, house sizes reflect market forces, and have changed over time. Determining the house size desires of homeowners in varying locations over an extended period of time, or attempting to control average or maximum floor areas in the same circumstances, would be an extremely complex and controversial undertaking.

The subjective nature of judgments on lot diversity and house size as well as the evolution of homebuyers' desires and requirements, the staff believes, reduces the effectiveness as regulatory tools of controls on these development components. In addition, as noted in the staff report for the Planning Board's original July 15 discussion, the idea of specifying ranges of allowable lot sizes was put forth in the rural neighborhood overlay zone proposed for Sandy Spring in 1998 and dropped by the County Council in favor of a Euclidean approach. While controls on lot distribution and house size would result in smaller homes on smaller lots, it would be contrary to the prevailing lot pattern in Upper Rock Creek and contrary to the master plan's goal of preserving low-density residential character. Such controls would also be contrary to the overall objective of relying on the master plan to put forth design guidelines that are appropriate for a given property's physical characteristics or the stated objectives of the master plan in a specific issue area, such as preservation of natural resources. Section 50-35(l) of the Montgomery County Code, which requires the Planning Board to consider master plans in determining the acceptability of preliminary plans of subdivision and also requires preliminary plans to "substantially conform" to the relevant master plan, enables the Planning Board to tie the recommendations and guidelines set out for an RNC development by a master plan to its approval of a subsequent subdivision plan.

Revised language in Section 59-C-9.573(b) requires all developments using the optional method to provide diversity of lot sizes; the zone had previously required developments larger than 70 acres to provide diversity and encouraged diversity of lot sizes in developments smaller than 70 acres. This section also requires the Planning Board to evaluate the lot sizes provided in a proposed development and to insure that the proposed development is compatible with existing adjacent development. These revisions strengthen the ability to create rural neighborhoods with varying types and sizes of lots and provide the Planning Board with a review mechanism to insure both diversity of lot sizes and overall compatibility with existing development.

Intent

The proposed text amendments add new language in Section 59-C-9.23.1 that strengthens the idea that protecting sensitive resources and maintaining environmental quality are important elements of the zone. Additional language in the same section emphasizes the need for new development to be compatible with existing communities.

Open Space

New language in Section 59-C-9.571 defines unmanaged land and establishes a clear meaning for contiguous rural open space. This section also states that contiguous open space is a requirement of standard and optional method development. Other new language in this section indicates that rural open space may be used for limited and passive recreation, such as hiking and biking trails. Language outlining uses not allowed in the public open space remains unchanged.

Staff also proposes revised language in Sections 59-C-9.572 and 59-C-9.573 eliminating the phrase “public use” and replacing it with the word “parkland.” This revision explicitly limits to parkland the type of public use appropriate for rural open space. Satisfactory long-term protection of rural open space dedicated as parkland occurs through its designation as Conservation-Oriented Parkland, which is managed to provide stewardship of sensitive areas. New language discussed above emphasizing passive recreation also will help keep rural open space in low-intensity recreational uses.

New language is proposed for Section 59-C-9.573(g)(3), which lists techniques that may be used to manage or maintain rural open space. The proposed revision limits stormwater management facilities to those that do not require man-made or hard surface structures and use best management practices as defined by the Maryland Stormwater Design Manual.

Finally, new language is proposed for Section 59-C-9.3 that eliminates equestrian facilities as a special exception use on land designated as rural open space. The intent section of the RNC Zone stresses preservation of open land, sensitive areas and rural community character. While light agricultural activities are allowed in the rural open space, larger-scale agricultural operations are explicitly excluded. Commercial horse shows seem more in keeping with the commercial agriculture excluded from the zone and inconsistent with light agricultural activities. Equestrian facilities may be permitted by special exception on land in the zone that is not classified as rural open space.

RECOMMENDATION

The staff recommends that Zoning Text Amendment 04-17 be approved as modified, and included as Attachment 3.

Attachments:

1. Table: Lot Distribution in Sandy Spring
2. Table: Lot Diversity at Sheffield
3. Zoning Text Amendment 04-17 (as modified by staff)