

Land Development Regulations Assessment

Comments from:

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Preface

As a 27-year county resident and landscape architect, I bring a comprehensive viewpoint regarding the current land development regulations. I also bring over 30 years of experience as a practicing land development consultant and as a public sector planner in Montgomery County.

Specific Comments on the Zoning Ordinance

- In general there are too many zoning districts.
- Need understandable definitions of terms (plain English) and consistent use of those terms. This will make interpretation clearer.
- Issues with the R-APT zone:
 - 25 units to the acres is not “higher density” housing.
 - The parking requirements for multi-family housing should be based on bedroom count rather than dwelling units. The 2.5 parking spaces per unit requirement is too high by today’s standards.
 - This zone is best suited for surfaced-parked, 3-4 story, 36-48’ tall, garden style apartments.
- Need a zone to address other residential building types. For example:
 - Wrapped Garage Type: 50-60 du/ac, 4 stories, parked in structure at 1.5spaces/ac.
 - Podium Type: 60-70 du/ac, 4-6 stories, parked in structure at 1.5spaces/ac.
- Need a zone with more for higher density townhomes. R-SA-8 at 8 du/net acre yields a low density, suburban form. For example, more urban building types yield:
 - 20 ft. Wide Rear-loaded Garage Type: 15 du/ac with minimal alley apron
 - 18 ft. Wide Rear-loaded Garage Type: 16-18 du/ac with minimal alley apron
- Require MIHUs in every residential zone including NT zones. There may be a case for not providing MIHU if it can be proven that market-rate affordable is in proximity to a proposed development. Paying fee-in-lieu never results in the same number of units than if they are built directly by the developer.
- Provide density incentives in exchange for added amenities (public, private and semi-private).
- Issues with the TOD zone:
 - The term “developable acreage” is undefined. The term is directly tied to the residential density calculation.
 - The term/phrase “net acre of residential development “ is challenging to interpret.
- The 2.3 parking spaces per unit for apartments is too high. Most apartments are overparked.

Specific Comments on the Route 1 Manual

- The Manual is outdated and no longer relevant. The Manual needs to be revised or discarded.
- Outside of providing property owners with new uses (via zoning), there was little incentive for the predominantly industrial and commercial uses to redevelop.
- The Manual does not adequately address TOD. It was clear that the TOD components were not the focus since most of the TOD zoned land is not along Route 1.
- The land use recommendations in the Manual envisioned a pedestrian friendly Route 1. Route 1 has very few if any opportunities to make it pedestrian friendly.
- Too much emphasis on vertically mixed-use development. The corridor is already overly saturated with commercial retail uses. A better goal would be to concentrate retail in designated centers rather than dispersing them into a relentless array of strip centers that eventually compete against each other.
- Remove the required commercial space in the CAC zone. The code should not dictate since retail is a market-driven use.
- Consider an urban renewal approach to address the blight and unmotivated property owners.
- The strategy for Route 1 did not take into account the additional school capacity generated by the addition of medium density residential.
- The strategy for Route 1 did not take into account the traffic generated by the addition of the redevelopment areas. The Route 1 and MD 175 intersection is too dangerous for pedestrians or bicycles to cross in addition to reaching a near failing LOS.
- The corridor has significant grade changes making street-facing development impractical. Sight distance is an issue at the Bluestream development.
- The design and posted speeds make for an uncomfortable pedestrian environment. SHA will never decrease capacity along Route 1. Traffic calming only occurs in a few spots (briefly at Main Street Laurel, at the University of Maryland, at the Hyattsville Arts District). Need centers like these in targeted key spots along the corridor with lots of traffic signals and enhanced methods to reduce vehicular speeds (speed cameras, narrow the road section, etc.).
- Provide density incentives for adding enhanced streetscape and undergrounding of utilities. In the Montgomery County CBDs, this is the norm and the cost of developing in the CBDs.

Specific Comments on the Green Neighborhoods Ordinance

- Sustainability begins with land use. The focus for the Green Neighborhoods program should be on infill rather than greenfield development.
- If the goal is environmental protection, then there are other ordinances (SWM and Forest Conservation) that achieve this goal.
- Since the provisions are codified, making minor changes requires a legislative action.
- Change the ordinance to give general provisions and reference a revised new manual for the specific provisions. Suggest creating a guideline manual that can be revised requiring Planning Board review and approval. Many issues could have been corrected if the provisions were not codified.

- Make it extremely difficult to apply to sites without significant natural environmental features to comply. Need to have additional credits for urbanized areas or redeveloped areas without a floodplain or large areas of forest to protect.
- The credits are skewed too heavily on protection of natural areas (greenfields) and may have the unintended consequence of promoting sprawl.
- The reuse of recycled materials for use in building infrastructure often conflicts with the County Road Manual. This makes the recycled materials credit difficult to achieve. There may be more conflicts with other codes (i.e. SWM, DOT Design Manuals).
- Large multi-phased projects are burdened with excessive process and paperwork. It should be easier for these projects to be sustainable since they have the potential of being very sustainable.

Specific Comments on the Landscape Manual

- The Manual is outdated and no longer relevant. The Manual needs to be revised or discarded.
- The Manual is too formulaic and promotes conventional suburban development (separation of uses through planted buffers).
- The standards are challenging to apply in a high density, compact, urbane development. This usually requires waivers or alternative compliance.

Miscellaneous

- The street design standards need to be modified.
- The provision of ESDs within the ROW needs to be addressed.
- County streets are generally too wide and designed to allow (legal or not) for greater speeds. The only advantage to an excessively wide street is that it can be modified to permit on-street parking and/or a bike lane.