

Town of Chevy Chase
Land Use Committee
Report to the Town Council
July 1, 2014

During Fall 2013-Spring 2014, the Land Use Committee (LUC) worked closely with the Long-Range Planning (LRP) Committee on two projects, the Montgomery County Zoning Rewrite and District Map Amendment and the Bethesda Sector Plan Review. The LUC brings a different perspective to these two projects because of its knowledge of the Town's building code and the Town's powers to regulate land use.

Montgomery County Zoning Rewrite and District Map Amendment

The LUC collaborated with LRP to:

- Review the Montgomery County Zoning Rewrite so as to identify elements that might negatively impact the Town,
- Prepare testimony for the Town to present at County meetings,
- Prepare informational materials for Town residents
- Organize the October 26, 2013 community meeting about the Zoning Rewrite,

The LUC systematically reviewed the Uses and Use Standards (Article 59-3) of the Zoning Rewrite to identify uses that are allowed in R-60 zones (the Town is zoned R-60) and may adversely affect the Town. The committee did not identify any uses that appear particularly detrimental and likely. A spreadsheet listing the more probable uses and potential negative consequences of those uses is in Appendix A. Some allowed uses, such as surface parking lots, could be detrimental, but seem unlikely at this point; if it should become necessary, the Town could exercise control over via Town regulations.

The LUC also reviewed current and proposed zoning (including FAR and height limits) for all properties between the Town and Wisconsin Ave. and between the Town and Montgomery Ave. A group of LUC and LRP committee members met with Montgomery County Planning Staff to have questions about the proposed zoning of some properties answered. The application of the new zones to the properties surrounding the Town appears to have been done in accordance with the new county zoning regulations and the current Bethesda Master Plan. The review of the current and proposed zoning identified several issues that the Town should watch as the Bethesda Master Plan revision goes forward.

Bethesda Sector Plan

Members of the LUC have attended various meetings regarding the Bethesda Sector Plan update. The LUC will continue to collaborate with LRP to monitor and participate in the Sector Plan process. The LUC is reviewing the county zoning code to identify provisions that apply to master-planned properties and could impact the properties bordering the Town.

Front yard hedges

The LUC voted unanimously to ask the Town Council to modify the ordinance introduced at the November 2013 Town Council meeting that would allow front yard hedges of unlimited height. In a document presented to the Council, the LUC advised that removing the current three foot height limit would result in serious safety problems, negatively impact public rights-of-way, and be more difficult to enforce than current regulations. The LUC also provided the Council with a series of recommendations to clarify and improve the existing regulations and enforcement thereof.

Land Use Handbook

The LUC coordinated with the Town Staff to ensure that revisions to the Land Use Handbook were posted to the Town website.

APPENDIX A

Assessment of allowed uses in Zone R-60 under the new County zoning

The County Zoning ordinance allows various activities in the R-60 residential zone. There are six use categories: Agricultural, Residential, Civic and Institutional, Commercial, Industrial, and Miscellaneous. The Uses within each of these six categories are further grouped into three categories:

- 1) Permitted - allowed by right, no notification of neighbors or hearing required;
- 2) Limited - allowed by right, but certain restrictions apply, no notification of neighbors or hearing required;
- 3) Conditional - allowed if approval is obtained from a Hearing examiner, notification of neighbors is required.

More than one use may occur on a property.

The Land Use Committee (LUC) has reviewed all Uses allowed in the R-60 zone to determine which uses could be problematic for Town residents. The LUC identified only a few that might be problematic. Most allowed uses were either benign or seemed unlikely to occur in the Town for logistic or economic reasons (e.g., some require a large tract of land or large setbacks, which would necessitate combining multiple lots). Impacts of most uses involved parking, noise, and increased amounts of trash.

	Use	Description		Concerns
	Agricultural			
L	Community garden (3.2.3)	Limits on size of an accessory building and on equipment that can be used.	Somewhat likely	Benign
L	Farm market onsite (3.2.11.B)	Limited to selling produce, eggs, firewood produced on site. Stand must be 25 ft. from front and side lot lines.	Unlikely, most people do not grow enough in their garden to sell.	Parking. Traffic. Recycling and trash removal.

	Residential Uses			
C	Independent living facility for seniors or persons with disabilities (3.3.2.C)	Building contains dwelling units and related services, including meal preparation, day care, personal care, nursing, and therapy	Somewhat unlikely	Parking. Traffic. Recycling and trash removal..
P	Residential care facility for up to 8 persons (3.3.2.E)	Residence for up to 8 persons. Staff may be allowed to live there also. Possible and upscale, independent and limited care facility.	Somewhat unlikely.	Parking, Trash.
L/C	Attached accessory apartment (3.3.3.B)	Second dwelling unit as part of a detached house building.	Very likely.	Parking. Traffic. Recycling and trash removal.
L	Home health practitioner (low impact) (3.3.3.G)	Limited to 2 resident health practitioners and one non-resident support person.	Likely	Parking. Traffic. Recycling and trash removal.
C	Home health practitioner (major impact) (3.3.3.G)	Limited to 2 resident health practitioners and 2 or more non-residential support persons.	Somewhat unlikely	Parking. Traffic. Recycling and trash removal.

L	Home occupation (no impact) (3.3.3.H)	Occupation by a resident. Non-residential employees are prohibited.	Likely.	Benign
L	Home occupation (low impact) (3.3.3.H)	Limited to one non-resident employee. Limited sale of goods. Maximum of 2 vehicles visiting the home may be parked on the lot at the same time.	Likely	Benign, possible parking
C	Home occupation (major impact) (3.3.3.H)	Limited to 2 non-resident employees.	Unlikely	Parking. Traffic. Recycling and trash removal.
	Civic/Institutional uses			
P [L?]	Cultural institution [museum, gallery, library] (Sec. 3.4.3)		Unlikely	Disruption of neighborhood character. Parking. Traffic.
P	Playground, outdoor area, private (3.4.7)			Increased noise
P	Family day care up; to 8 persons (3.4.4C)			Noise, Parking. Traffic. Recycling and trash removal.
P	Playground, outdoor facility, private (3.4.7) [how does this differ from "outdoor area" above?]			

L,C	Group day care 9-12 persons. (3.4.4D)	Limited use if provider lives in house Conditional use if provider does not live in house. Up to 3 employees allowed.	Somewhat likely	Generally benign, Parking. Traffic s Recycling and trash removal.
C	Charitable and philanthropic institution (3.4.2)	Conditions on lot width, FAR, coverage	Unlikely as it would require 2 adjacent lots and be limited in size	Disruptive of neighborhood character. Parking. Likelihood of surface parking lot being installed.
	Commercial			
L	Surface parking for uses allowed in the zone. (3.5.9.C)		Somewhat Likely	Disruptive of neighborhood character.
L	Transitory use (3.5.15.C)	Example: Food Trucks	Somewhat Likely	Parking Recycling & Trash removal Noise
C	Bed and Breakfast (3.5.6.B)		Somewhat Likely	Parking Recycling & Trash removal
C	Office (3.5.8.B)		Somewhat Likely	Parking Recycling & Trash removal

Note: P=permitted use; L=limited use; C=conditional use.

The numbers in parentheses in the "Use" column refers to the section of the zoning code where the use is described.