

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



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Office of the Director

SUPPLEMENTAL REPORT

DATE: July 27, 2005
TO: District of Columbia Zoning Commission
FROM: *JSB*
Ellen McCarthy, Interim Director OP
SUBJECT: Supplemental Report for Zoning Commission Case No. 05-02
Residential Recreation Space Text Amendment

~~ZONING COMMISSION~~
District of Columbia

I. APPLICATION-IN-BRIEF

Applicant: District of Columbia Office of Planning
Location: All properties within the District zoned SP, C or CR.
Proposal: A text amendment to the Zoning Regulations to

CASE NO. 05-02
EXHIBIT NO. 22

- (a) Establish a special exception review process for the provision of relief to residential recreation space requirements in the SP, C and CR zone districts; and
- (b) Amend existing residential recreation space requirements to provide additional clarity and consistency

II. BACKGROUND

At its March 14, 2005 public meeting, the Zoning Commission voted to set down for consideration a proposal to amend the zoning regulations pertaining to the provision of recreation space for residential developments within the commercial (C and CR) and special purpose (SP) districts (there is no equivalent requirement in the residential zones). In keeping with ongoing efforts to update and clarify Zoning Regulations, the DC Office of Planning recommended that the Zoning Commission adopt a series of generally minor changes, in advance of a more complete review of recreation space needs and provision in the District, currently underway

A public hearing on this case was held June 27, 2005, at which the Commission requested additional information regarding similar requirements of other jurisdictions. This report is intended to provide this information. The Office of Planning completed a cursory analysis of regulations for the following local jurisdictions. Baltimore Co, Howard Co, and Montgomery Co, Maryland and Alexandria, Arlington, Fairfax Co, Loudon Co., and Montgomery Co Virginia. The analysis was not a comprehensive review of all regulations and requirements, but was intended to ascertain whether adjacent jurisdictions had requirements similar to those of DC within their zoning regulations.

III. RECREATION SPACE REQUIREMENTS

In general, OP cursory research indicates that other jurisdictions have few residential recreation space requirements, and those that exist are only somewhat similar to those existing in the District. The District residential recreation space requirements are intended to address "quality of life" issues and recreation needs for infill (re)development in existing dense, mixed use areas. Most surrounding

communities have not had similar land use patterns until relatively recently, so most of their regulations appear to relate more to the provision of open space needs in new, developing communities and new multi-building residential or mixed use subdivisions. Most or all of this open space is not required to be dedicated to recreation purposes, but is instead intended to provide for building separation, to limit the amount of a tract occupied by buildings, or to serve environmental purposes. As such, these regulations are more similar to lot occupancy or setback requirements contained in the DC zoning regulations.

The jurisdictions with requirements that most closely resemble the DC residential recreation space requirements include.

Baltimore Co , MD – In a section titled “Recreation Space”, land in major new subdivisions is required to be set aside for active (recreational as opposed to environmental) open space accessible to all residents, in the amount of 1,000 sq ft per dwelling unit. Of this, the first 650 square feet must be provided in 20,000 sq ft min parcels. Payment of a fee to the local open space revenue account can be permitted in some cases.

Fairfax Co, VA - In the Planned Mixed Use zones, the provision of recreation facilities, based on an amount of \$955 per unit, is required. This space may be rooftop.

Loudon Co, VA – In certain zones, active recreation space accessible to all residents is required for new multifamily subdivisions, in the amount of 5,000 sq ft for the first 10 units plus 200 sq.ft for each multifamily unit over 10. Loudon also lists park and recreation facilities as possible “amenities” for large-scale projects.

Montgomery Co, VA - In its PUD-RES Planned Unit Development-Residential District, 20 % of the gross area of a new subdivision is required to be set aside as open space, of which 30% must be active recreation space for which the developer is required to expend at least \$200 per dwelling unit. However, in this zone, minimum lot size is 50 acres, and maximum density appears to be 4 units per acre.

Finally, some adjacent jurisdictions such as Howard County, MD require the provision of community center space for new age-restricted developments.

EM/jl

ATTACHMENTS:

I. Regulations of other local jurisdictions

Note: this table is not a complete or comprehensive list of open space or recreation requirements of jurisdictions proximate to the District of Columbia, but provides examples of requirements.

Section	Subsection	Provision
Baltimore Co. MD		
Title 6 – Adequate Public Facilities		
§ 32-6-108. Recreational Space	(b) (1) Scope	• Applies to residential development only • Does not apply to renovation or reuse in certain historic districts or to minor subdivisions
	(c) Minimum requirement	• 1,000 sq.ft. of suitable open space per dwelling unit, min , with first 650 square feet dedicated for active open space in 20,000 sq ft min parcels on the site • remaining 350 sq ft may be dedicated for active open space, passive open space, or both. The DPR may allow an applicant to pay a fee to the local open space revenue account instead of dedicating the remaining 350 square feet
	(g) Maintenance of dedicated open space	• To be maintained by applicant or applicant's successors until accepted by the County, which may require continued maintenance after acceptance of the park space
Howard Co. MD		
117 4 CCT - Community Center Transition	E 4 5	Requirements for age restricted development include • Provide one community building or indoor center, 20 sq ft / d u less than 100 units and 10 sq ft / d u above 99 units • Open Space – 25% or total gross acreage min., including at least pathways and seating
125 – NT - New Town	A. 8	An unincorporated city, town or village that is designated and planned as an economically and culturally self-sufficient community with a population of at least 20,000 inhabitants • Open space – 36% total development area min., including most forms of undeveloped or open space recreation lands
127 – MXD – Mixed Use	C 3	Large parcels subdivisions requiring a planned network of open space - environmental areas, recreation areas, and public plazas. • Open space – 35% gross area, 10% for active recreation
127.1 – PSC Planned Senior Community District	B 5 8.	For age restricted housing • Open space - 35% min of the gross acreage • At least one on-site community building or interior community space that contains at least. - a 20 square feet of floor area per dwelling unit for developments of less than 100 dwelling units, and - b 10 square feet of floor area per dwelling unit above 99.
Montgomery Co. MD		
Chapter 59 - Zoning		
Division 59-C-7, Planned Unit Development Zones		
P-D zone-Planned development zone	59-C-7 1	• Green space at a rate of 30 – 50% of gross area
Town Center Zone	59-C-7.2	• 10% min. open space

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Section	Subsection	Provision
Planned Neighborhood Zone	Sec. 59-C-7.3	Playgrounds and parks – subject to review and recommendation of the Planning Board
Mixed-use neighborhood	59-C-7 76 Green area and public use space requirements	- Fifty (50) percent of the total tract area - residential area - a public park or common open space suitable for active or passive recreation within a reasonable walking distance of residential development - integration of active and passive spaces - comparable amenities or facilities for public use and enjoyment may be provided instead of green area with approval of Planning Board
Alexandria VA		
3-900 High Density Apartment	3-906 (B)	Ground level open space - greater of 320 sq ft / unit or 40% of total lot area for multi-family dwellings - rooftops and decks encouraged – up to 10% of the open space required for each unit 800 sq ft per unit for all other residential uses,
5-200 CRMU-M Commercial / Residential mixed use medium density	5-207	40% of the area of the lot, but a portion can be met by comparable amenities and/or facilities at the determination of the director
5-300 CRMU-M Commercial / Residential mixed use high density	5-307	40% of the area of the lot, but a portion can be met by comparable amenities and/or facilities at the determination of the director.
5-500 W-1 Waterfront mixed use	5-508	300 sq ft open and usable space / d u , subject to the director's determination re functionality for residents and visitors May be rooftop - If adjacent to the Potomac River, must also provide open space walk and bikeway adjacent to high water mark of the river
Fairfax Co. VA		
Planned Unit Development Districts:		
6-100 Planned Development Housing District	6-109	Board may increase density by up to 5% for provision of amenities, open space and/or recreation facilities
	6-110	20 – 45% open space required, depending on sub-district 18 – 40% open space required, depending on sub-district for affordable housing units - including provision of recreation facilities, based on \$955 / unit, either on site or off-site with Board approval Does not apply to affordable housing units

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Section	Subsection	Provision
6-200 Planned Development Commercial District	6-209	15% open space required - if there is a residential component, provision of recreation facilities, based on \$955 / unit, either on site, or off-site with Board approval Does not apply to affordable housing units
6-400 Planned Residential Mixed Use	6-409	20% open space required - if there is a residential component, provision of recreation facilities (may be roof-top), based on \$955 / unit, either on site or off-site with Board approval. Does not apply to affordable housing units
Loudon Co. VA		
Article 3 3-700 R-24 - Multifamily Residential	3-708 (A)	- Active Recreation Space - 5,000 sq ft min for each development of 10 units, plus 200 sq ft. min for each multi-family unit greater than 10 units - All such active recreation space shall be accessible to all residents by means of internal pedestrian walkways.
Article 4 4-1100 - Transit Related Center	4-1109 4-1111	- Requires 20% park, open space, plaza as part of mix of uses - Indoor recreation facilities to be located within mixed use buildings > 3 stories; no more than 10,000 sq.ft.
	4-1115	All buildings >50,000 sq.ft. must provide at least 2 of 8 amenities 1 Patio or plaza of 10' wide and 300 sq ft min 2 Landscaped mini-park, square, or rooftop of 30' deep and 300 sq ft min 3 Transportation amenity 4. Protected walkways, arcades 5 Water feature 6 Street level washroom 7 Swimming pool 8 Athletic facility
Montgomery Co, VA		
10-35 PUD-RES (residential)	(7) (d)	Residential Open space criteria 20% of gross area to be reserved as common open space or recreation area; 20,000 sq ft. min contiguous active recreation space, 30% of common open space / recreation area as active recreation use such as playground, ball field, paths trails Min of \$200 / dwelling unit to be expended on active recreation facilities, not including site preparation

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Regulation	Current #	Change						
(f) <u>Constraints associated with the building or site that limit the ability to provide residential recreation space within the building or on the site, including ADA or building code restrictions, the conversion of an existing building from another use, and historic structure or small or irregular lot constraints.</u>	New	<i>Allows BZA to consider special site or building constraints</i>						
<u>773.13 Prior to taking final action on an application, the Board shall refer the application to the Office of Planning and the D.C. Department of Parks and Recreation for assessment of the impact of the proposal on park and recreation facilities within a half-mile radius of the project site.</u>	New	<i>Required DPR review and assessment to assess potential impact and proposed mitigation</i>						
CHAPTER 31 – BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE								
3104 SPECIAL EXCEPTIONS								
3104 1 The Board is authorized under § 8 of the Zoning Act, D C Code, 2001 Ed. § 6-641.07(g)(2) (formerly codified at D C Code § 5-424(g)(2) (1994 Repl)), to grant special exceptions, as provided in this title, where, in the judgment of the Board, the special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Map subject in each case to the special conditions specified in this title, as follows:	3104 1	<i>Unchanged</i>						
<table border="1"> <tr> <th data-bbox="139 1068 386 1178">TYPE OF SPECIAL EXCEPTION</th><th data-bbox="386 1068 597 1178">ZONE DISTRICT</th><th data-bbox="597 1068 930 1178">SECTIONS IN WHICH THE CONDITIONS ARE SPECIFIED</th></tr> <tr> <td data-bbox="139 1178 386 1306"><u>Residential Recreation Space</u></td><td data-bbox="386 1178 597 1306"><u>CR and any SP or C District</u></td><td data-bbox="597 1178 930 1306"><u>§§ 533.11, 635.9, 773.11</u></td></tr> </table>	TYPE OF SPECIAL EXCEPTION	ZONE DISTRICT	SECTIONS IN WHICH THE CONDITIONS ARE SPECIFIED	<u>Residential Recreation Space</u>	<u>CR and any SP or C District</u>	<u>§§ 533.11, 635.9, 773.11</u>	New	<i>Addition of “residential recreation space” special exception review in appropriate alphabetical location</i>
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