



Committee: PHP
Committee Review: At a future date
Staff: Livhu Ndou, Legislative Attorney
Purpose: To receive testimony – no vote expected
Keywords: #CommercialVehicle #ParkingDesignStandards
#ResidentialParking

AGENDA ITEM #5
July 25, 2023
Public Hearing

SUBJECT

Zoning Text Amendment (ZTA) 23-05, Vehicle Parking Design Standards – Commercial Vehicle Parking for Properties with a Residential Use

Lead Sponsor: Councilmember Albornoz
Co-Sponsors: Councilmembers Balcombe and Katz

EXPECTED ATTENDEES

Members of the public

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

To receive testimony – no vote expected

DESCRIPTION/ISSUE

ZTA 23-05, Vehicle Parking Design Standards – Commercial Vehicle Parking for Properties with a Residential Use, will expand the options for parking certain vehicles in the R-200, R-90, R-60, and R-40 zones.

SUMMARY OF KEY DISCUSSION POINTS

- The Zoning Ordinance currently allows only 1 light commercial vehicle and 1 recreational vehicle to be parked on any lot or parcel in the R-200, R-90, R-60, or R-40 zones.
- ZTA 23-05 will expand these options to allow, alternatively, 2 light commercial vehicles to be parked on any lot or parcel in the R-200, R-90, R-60, or R-40 zones.
- A light commercial vehicle is a motor vehicle or trailer used for carrying freight or merchandise, or used in the promotion of any commercial enterprise, that is less than 10,000 pounds gross vehicle weight, less than 21 feet long, and less than 8 feet high.
- A Planning, Housing & Parks Committee worksession will be scheduled at a later date.

This report contains:

ZTA 23-05	© 1
Planning Board Recommendation	© 4
Planning Staff Report	© 6
Climate Assessment	© 12

Alternative format requests for people with disabilities. If you need assistance accessing this report you may [submit alternative format requests](#) to the ADA Compliance Manager. The ADA Compliance Manager can also be reached at 240-777-6197 (TTY 240-777-6196) or at adacompliance@montgomerycountymd.gov

Ordinance No.: _____
Zoning Text Amendment No.: 23-05
Concerning: Vehicle Parking Design
Standards – Commercial
Vehicle Parking for
Properties with a
Residential Use
Revised: 5/31/2023 Draft No.: 1
Introduced: June 20, 2023
Public Hearing: July 25, 2023
Adopted: _____
Effective: _____

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember Alborno
Co-Sponsors: Councilmembers Balcombe and Katz

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- (1) amend the type and number of commercial vehicles that can be parked in certain residential zones; and
- (2) generally amend the requirements for commercial vehicle parking for properties with a residential use.

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

Division 6.2.	“Parking, Queuing, and Loading”
Section 6.2.5.	“Vehicle Parking Design Standards”

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*
Underlining indicates text that is added to existing law by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

1 **Sec. 1. DIVISION 59-6.2 is amended as follows:**

2 **Division 6.2. Parking, Queuing, and Loading**

3 * * *

4 **Section 6.2.5. Vehicle Parking Design Standards**

5 * * *

6 **L. Commercial Vehicle Parking for Properties with a Residential Use**

7 * * *

8 **4. R-200, R-90, R-60, and R-40 Zones**

9 One light commercial vehicle and one recreational vehicle, or two light
10 commercial vehicles, may be parked on any lot or parcel in the R-200, R-90,
11 R-60, or R-40 zone; however, the recreational vehicle may only be used for
12 dwelling purposes for up to 3 days in any month.

13 * * *

14 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the
15 date of District Council adoption.



July 18, 2023

To: The Honorable Evan Glass
President, Montgomery County Council
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 501
Rockville, Maryland 20850

From: Montgomery County Planning Board

Subject: Zoning Text Amendment 23-05, Vehicle Parking Design Standards – Commercial Vehicle Parking for Properties with a Residential Use

BOARD RECOMMENDATION

The Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission met on July 13, 2023 and by a vote of 5:0 recommended support for Zoning Text Amendment (ZTA) 23-05 as introduced. This ZTA would amend the commercial vehicle parking standards for the R-200, R-90, R-60 and R-40 zones to provide flexibility in the number of light commercial vehicles that are allowed to be parked on any given residential lot or parcel.

Under current zoning, lots or parcels in the R-200, R-90, R-60 and R-40 zones are permitted to off-street park up to one Light commercial Vehicle and one Recreational Vehicle. This ZTA creates a second option, also allowing two Light Commercial Vehicles but no Recreational Vehicle. This change provides added flexibility to households that may have more than one resident employed in the service or construction industry to safely park a take-home vehicle. This could help move some of these vehicles that are currently parked on the street onto the lots, freeing up space for other households' personal vehicles, and making it easier for emergency vehicles to navigate. The Planning Board also finds this change is an advancement in equity in the county since these service and construction jobs are disproportionately held by residents of color.

The Planning Board identifies in its Climate Assessment that the impacts from ZTA 23-05 are unpredictable and likely minor to insignificant in scope. There may be minor negative impacts to imperviousness levels and associated impacts to water quality if the ZTA encourages homeowners to expand driveways to accommodate additional vehicles. There also may be a minor negative impact on air quality and greenhouse gas emissions if the additional Light Commercial Vehicle parking encourages take-home vehicles that were currently not being taken home. There may be slight positive impacts to adaptive capacity because this ZTA may improve the availability and distribution of economic resources to families with take-home Light Commercial Vehicles.

The Honorable Evan Glass
July 18, 2023
Page Two

The Planning Board appreciates the opportunity to review ZTA 23-05 and recommends the District Council adopt the zoning changes. If the Council has any questions Planning staff is available to assist.

CERTIFICATION

This is to certify that the attached report is a true and correct copy of the technical staff report and the foregoing is the recommendation adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission, at its regular meeting held in Wheaton, Maryland, on Thursday, July 13, 2023.



Artie L. Harris
Chair

Attachments: A - Planning Board Staff Packet

ALH:BB:aj

VEHICLE PARKING DESIGN STANDARDS – COMMERCIAL
VEHICLE PARKING FOR PROPERTIES WITH A RESIDENTIAL USE
ZTA 23-05



Description

This ZTA modifies the use standards for Commercial Vehicle Parking for Properties with a Residential Use in the R-200, R-90, R-60 and R-40 zones to allow for up to two light commercial vehicles to be parked on any lot or parcel.

ZTA 23-03
Completed: 7-06-2023

MCPB
Item No. 14
7-13-2023

Montgomery County
Planning Board
2425 Reedie Drive, Floor 14
Wheaton, MD 20902

Planning Staff



Benjamin Berbert, Planner III, Countywide Planning and Policy
Benjamin.Berbert@montgomeryplanning.org, 301-495-4644



Jason Sartori, Chief, Countywide Planning and Policy
Jason.Sartori@montgomeryplanning.org, 301-495-2172

ZTA SPONSORS

Lead Sponsor: Councilmember Alborno

INTRODUCTION DATE

June 20, 2023

REVIEW BASIS

Chapter 59

Summary:

- Currently, zoning only allows one light commercial vehicle and one recreational vehicle to be parked on any lot or parcel in the R-200, R-90, R-60 or R-40 zone.
- The ZTA would modify the requirements to allow for either one light commercial vehicle and one recreational vehicle, or two light commercial vehicles.
- A District Council public hearing is tentatively scheduled for July 25, 2023.
- Planning staff recommends the Board support ZTA 23-05.

TABLE OF CONTENTS

SECTION 1: BACKGROUND	3
RATIONALE FOR INTRODUCTION	3
SECTION 2: ZTA 23-03 AS INTRODUCED	3
ZTA NO. 23-02 AS INTRODUCED.....	3
SECTION 3: ZTA & SRA ANALYSIS AND RECOMMENDATIONS	3
ZTA 23-03 ANALYSIS AND RECOMMENDATIONS	4
SECTION 4: LEGISLATED ANALYSIS.....	4
CLIMATE ASSESSMENT.....	4
RACIAL EQUITY AND SOCIAL JUSTICE (RESJ).....	4
SECTION 5: CONCLUSION	4
ATTACHMENTS	5

SECTION 1: BACKGROUND

RATIONALE FOR INTRODUCTION

Zoning Text Amendment (ZTA) 23-05, Vehicle Parking Design Standards – Commercial Vehicle Parking for Properties with a Residential Use, was introduced by Councilmember Alborno on June 20, 2023 (Attachment A). The ZTA is scheduled for a District Council Public Hearing on July 25, 2023. The ZTA would modify the standards for parking light commercial vehicles on certain residential properties. Currently, in the R-200, R-90, R-60 and R-40 zones, there may be one Light Commercial Vehicle and one recreational vehicle per lot or parcel. The ZTA would modify the requirements to allow up to two light commercial vehicles, or one Light Commercial Vehicle and one recreational vehicle.

A Light Commercial Vehicle is defined in the Zoning Code as *Any motor vehicle or trailer used for carrying freight or merchandise, or used in the promotion of any commercial enterprise that is not a heavy commercial vehicle and not used as an office or containing an entry for transactions. A light commercial vehicle is not a recreational vehicle, a motor vehicle owned or operated by the County or other government agency, or a machine or vehicle for agricultural use.* For reference, a Heavy Commercial Vehicle is a tandem axle or semi-trailer vehicle that carries freight and is greater than 10,000 pounds in weight, rated for a load capacity of one ton or more, is 21 feet in length and more than eight feet high. Most light commercial vehicles take the form of a panel van or a large pick-up truck that is often branded with a company name and is used for carrying tools and equipment between work sites.

SECTION 2: ZTA 23-05 AS INTRODUCED

ZTA NO. 23-05 AS INTRODUCED

ZTA 23-05 only modifies one section of code, under Division 6.2. Parking, Queuing, and Loading, Section 6.2.5 Vehicle Parking Design Standards, Subsection L. Commercial Vehicle Parking for Properties with a Residential Use, Subsection 4. R-200, R-90, R-60, and R-40 Zones. The modification can be found in lines 9 and 10 of the ZTA in attachment A and reads as follows:

4. R-200, R-90, R-60, and R-40 Zones

One light commercial vehicle and one recreational vehicle, or two light commercial vehicles, may be parked on any lot or parcel in the R-200, R-90, R-60, and R-40 zone; however, the recreational vehicle may only be used for dwelling purposes for up to 3 days in any month.

SECTION 3: ZTA ANALYSIS AND RECOMMENDATIONS

ZTA 23-05 ANALYSIS AND RECOMMENDATIONS

Planning staff recommends the Planning Board support ZTA 23-05 as introduced because this change would have no meaningful impact on planning and would help households with multiple workers in the construction or service industry. The ZTA does not allow an additional number of non-personal motor vehicles, rather it modifies the code allowing a second Light Commercial Vehicle rather than a recreational vehicle. Light Commercial Vehicles are likely already being taken home but are being parked on the street. Moving these vehicles to on-lot driveways may free up street resources and make it easier for residences to find street parking and for emergency vehicles to pass.

SECTION 4: LEGISLATED ANALYSIS

CLIMATE ASSESSMENT

Bill 3-22, passed by the County Council on July 12, 2022, requires the Planning Board to prepare a climate assessment for each zoning text amendment, master plan, and master plan amendment, effective March 1, 2023. Each climate assessment must include the potential positive or negative effects a ZTA may have on climate change (including greenhouse gas emissions) and upon community resilience and adaptive capacity. The climate impact assessment for ZTA 23-05 is attached in Attachment B.

The ZTA is anticipated to have an unpredictable and insignificant negative impact on green cover and to impervious surfaces if the more flexible provisions lead residents to expand on-lot driveways to accommodate the additional Light Commercial Vehicle. The ZTA conversely would have a small positive impact to adaptive capacity because it may improve the availability and distribution of economic and financial resources if it is easier for employees to safely park take-home work vehicles.

RACIAL EQUITY AND SOCIAL JUSTICE (RESJ)

As of the posting of this staff report, the Office of Legislative Oversight has not completed a Racial Equity and Social Justice analysis for ZTA 23-05.

SECTION 5: CONCLUSION

Planning staff recommends the Planning Board support ZTA 23-05 as introduced. This ZTA modifies the Light Commercial Vehicle Parking limitations in certain detached residential zones to allow up to two Light Commercial Vehicles to be parked on any lot or parcel instead of one Light Commercial Vehicle and one Recreational Vehicle. This small change is a reasonable accommodation to households with multiple members working in the service or construction industry with take-home vehicles.

ATTACHMENTS

Attachment A: Zoning Text Amendment 23-05 Intro Packet

Attachment B: Climate Assessment

Montgomery Planning

CLIMATE ASSESSMENT FOR ZTA 23-05, VEHICLE PARKING DESIGN STANDARDS – COMMERCIAL VEHICLE PARKING FOR PROPERTIES WITH A RESIDENTIAL USE

PURPOSE OF CLIMATE ASSESSMENTS

The purpose of the climate assessments is to evaluate the anticipated impact of master plans and zoning text amendments (ZTAs) on the County’s contribution to addressing climate change. These assessments will provide the County Council with a better understanding of the potential climate impacts and implications of proposed master plans and ZTAs at the County level. The scope of the climate assessments is limited to the County’s contribution to addressing climate change, specifically upon the County’s contribution to greenhouse gas (GHG) emissions, and how actions proposed by master plans and ZTAs could improve the County’s adaptive capacity to climate change and increase community resilience.

While co-benefits such as health and cost savings may be discussed, the focus is on how proposed master plans and ZTAs may impact GHG emissions and community resilience.

SUMMARY

The Zoning Ordinance currently allows only one Light Commercial Vehicle and one Recreational Vehicle to be parked on any lot or parcel in the R-200, R-90, R-60, or R-20 zones. ZTA 23-05 will expand these options to allow, alternatively, two Light Commercial Vehicles to be parked on any lot or parcel in the R-200, R-90, R-60, or R-40 zones. A Light Commercial Vehicle is a motor vehicle or trailer used for carrying freight or merchandise, or used in the promotion of any commercial enterprise, that is less than 10,000 pounds gross vehicle weight, less than 21 feet long, and less than 8 feet high.

BACKGROUND AND PURPOSE OF ZTA 23-05

ZTA 23-05 was introduced on June 20, 2023 and is scheduled for a Public Hearing on July 25, 2023. The purpose of ZTA 23-05 is to provide the flexibility for property owners in the impacted residential zones to park a second Light Commercial Vehicle on their lot or parcel. Many workers in the construction and service industries have take-home vehicles that meet the definition of a Light Commercial Vehicle, and it’s not uncommon for multiple residents of a household to have such jobs.

The current code allows up to two non-personal motor vehicles to be parked on a lot or parcel, but stipulates that only one can be a Light Commercial Vehicle and the other can be a Recreational Vehicle. The ZTA still caps the total non-personal motor vehicles at two, but allows both to be Light Commercial Vehicles.

VARIABLES THAT COULD AFFECT THE ASSESSMENT

CLIMATE-RELATED VARIABLES

Greenhouse Gas-related Variables:

Transportation: Vehicle miles traveled; Number of trips

Land Cover Change and Management-related: Area of green cover

Community Resilience and Adaptive Capacity-Related Variables:

Sensitivity-Related Factors: Change in perviousness; Change to water quality or quantity

Adaptive Capacity Factors: Change in availability or distribution of economic and financial resources

OTHER VARIABLES

Other variables include if and where additional impervious cover is created to accommodate two Light Commercial Vehicles on lots or parcels that could previously accommodate only one Light Commercial Vehicle or one Recreational Vehicle.

ANTICIPATED IMPACTS

GREENHOUSE GAS EMISSIONS, CARBON SEQUESTRATION, AND DRAWDOWN

Montgomery Planning anticipates that ZTA 23-05 will likely have an unpredictable, minor to insignificant, negative impact on green cover that may be converted to impervious cover to accommodate two Light Commercial Vehicles on lots or parcels that could previously accommodate only one Light Commercial Vehicle or one Recreational Vehicle. In such cases it is anticipated that ZTA 23-05 will also have an unpredictable, minor to insignificant, negative impact on greenhouse gas emissions due to potential increased vehicle miles traveled and number of trips associated with an additional light commercial vehicle.

COMMUNITY RESILIENCE AND ADAPTIVE CAPACITY

Montgomery Planning anticipates that ZTA 23-05 will likely have an unpredictable, minor to insignificant, negative impact in cases where pervious cover is converted to impervious cover to accommodate two Light Commercial Vehicles on lots or parcels that could previously accommodate only one Light Commercial Vehicle, or one Recreational Vehicle. In such cases the ZTA is also anticipated to have an unpredictable minor to insignificant negative water quality and quantity impact associated with any increases in impervious area.

The ZTA is anticipated to have a small positive adaptive capacity-related impact on the availability or distribution of economic and financial resources that could result from providing the opportunity to increase from one to two the number of Light Commercial Vehicles that can be parked on lots or parcels with a residential use.

RELATIONSHIP TO GHG REDUCTION AND SEQUESTRATION ACTIONS CONTAINED IN THE MONTGOMERY COUNTY CLIMATE ACTION PLAN (CAP)

ZTA 23-05 does not involve any GHG or sequestration activities that relate to the GHG reduction and sequestration actions from the County's Climate Action Plan.

RECOMMENDED AMENDMENTS

Planning staff does not have any recommended climate-related amendments to ZTA 23-05 because it will likely result in unpredictable minor to insignificant impacts on the County's goals regarding greenhouse gas emissions and sequestration. Moreover, the ZTA does not offer obvious additional opportunities for decreasing any potential negative climate change-related impacts nor to significantly enhance positive climate change-related impacts beyond the potential benefits associated with the proposed use as discussed in this assessment.

SOURCES OF INFORMATION, ASSUMPTIONS, AND METHODOLOGIES USED

The climate assessment for ZTA 23-05 was prepared using the methodology (tables 1, 2, and 8, in particular) for ZTAs contained within the [*Climate Assessment Recommendations for Master Plans and Zoning Text Amendments in Montgomery County, December 1, 2022*](#).