

MONTGOMERY COUNTY'S NEW ZONING CODE

5 Changes You Should Know

IT'S TIME TO WEIGH IN!

Montgomery County will soon finalize a complete zoning overhaul. This proposed Zoning Rewrite consists of two parts: -the new zoning regulations (ZTA 13-104) and a map that converts all properties in the County to new zones (District Map Amendment G-956). Public hearings on the proposed Zoning Rewrite will be held on November 12 and 14. The emphasis of the Zoning Rewrite is to “urbanize” the County by fostering mixed uses across zones and greater density throughout the County.

Here are some key changes that will affect you:

- 1. A new building type—nonresidential building—**will be allowed **by right** in residential neighborhoods. This means it can be built without your input. A nonresidential building does not have to look like a house. It may look like an office building. And it may have a surface parking lot.
- 2. Many “permitted” and “limited” nonresidential activities will be allowed in residential neighborhoods. These activities will be allowed “by right,”** meaning neighbors would not have to be notified about the activity. Among these uses:
 - Farming
 - Animal husbandry—including keeping miniature goats, hens, ducks, and rabbits
 - Farm market—selling farm produce in your front yard that you have grown on your property
 - Cultural institutions (e.g. museums, libraries)
 - Residential care (up to 8 persons)
 - Family day care (up to 8 persons)
 - Commercial kitchen, as accessory to religious assembly or a public use
 - Construction administration or sales office as a temporary use.
- 3. All property owners can more easily rezone their property.** Under the proposed “floating zone” process, individual property owners in all zones (including residential zones like ours) may request their property be rezoned to any other floating zone type. So, lots in the Town could be rezoned to high density residential (duplexes, townhouses), commercial, industrial, or employment zones. For duplexes and townhouses there are no prerequisites, as long as there are no commercial uses in the project and no increase in density. Once converted to one of these floating zones, very large buildings could be constructed and many nonresidential uses allowed. While floating zones are not new, they have not been used much in the past. The Zoning Rewrite relaxes many of the standards and weakens compatibility requirements, making it much easier to rezone individual lots under the floating zone process.
- 4. Less open space and fewer public amenities.** Most commercial properties are developed under what is called the “optional method,” which allows more height and/or density if certain criteria are met. The new zoning code lowers the bar for public amenities under the optional method. A County study reported that current developers at White Flint are choosing optional amenities they would have included anyway.

- 5. The proposed Zoning Rewrite turns the relationship between master plans and zoning upside-down.** Traditionally a Master Plan creates a comprehensive view of land-use trends and future development in an area, and zoning decisions are made in the context of existing housing, infrastructure needs (such as transportation, libraries, fire stations, parks), and environmental issues. Under the current Master Plan process zoning decisions for properties in an area are based on each area's unique needs and are carefully considered by the neighborhoods and businesses most familiar with the community. Under the proposed Zoning Rewrite, new zones will be assigned outside the master plan process via the District Map Amendment. For example, almost every commercial property in Bethesda will be rezoned to the new mixed-use commercial and residential CR zones with a range of densities and heights. While the County claims that it will retain the height and densities recommended in the master plan, the massive rezoning will not retain other master plan guidance, and the process will take place without the opportunity for a hearing.

**The County Council is moving rapidly to pass the new code.
Council members need to hear from you.**

1. Take a look at the new zoning code and the interactive map of the new zones: <http://www.montgomeryplanning.org/development/zoning/> On the interactive map <http://www.mcatlas.org/zc/> you can type in your address and see zoning changes in the areas immediately adjoining your neighborhood.
2. Keep up with the latest developments on the Zoning Rewrite. Check posts on Neighborhood Montgomery: <https://groups.google.com/forum/#!forum/neighborhood-montgomery>
Follow the WeAreMoCo network website: wearemoco.org
3. **Most important: Email the County Council.** Nancy Navarro is the current Council president. Send her an email her, and she will distribute it to all Council members: Councilmember.navarro@montgomerycountymd.gov
The email should be brief, in your own words, and polite. Tell the Council where you live—they need to know that you are a resident of Montgomery County and in which district you live. **Send separate emails to Councilmembers who represent our community.** All are up for election in November 2014 and want to hear your views. Let them know where you live.
Our Councilmember: Roger Berliner, District 1
Councilmember.Berliner@montgomerycountymd.gov
Four At-Large Councilmembers represent the entire County. Three serve on the Planning, Housing, Economic and Planning (PHED) Committee, which reviews zoning legislation before it is sent to the entire Council.
Nancy Floreen, PHED Committee chair
Councilmember.floreen@montgomerycountymd.gov
Marc Elrich, PHED Committee member
Councilmember.elrich@montgomerycountymd.gov
George Leventhal, PHED Committee member
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Hans Riemer is not on the PHED Committee
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