



**Zoning Ordinance and Subdivision Regulations Rewrite  
Indian Head Highway Action Coalition  
April 5, 2016**

The purpose of this discussion was to present Clarion Associates' recommendations for the zoning ordinance and subdivision regulations; and to discuss the concerns and questions of the organization. Public questions and comments are identified by **bold text**. Responses to questions and additional presenter comments are identified by normal text.

**Can you explain what is meant by making the County more competitive?**

Several jurisdictions within the region have recently undergone their own Zoning Ordinance updates. If we are able to successfully complete this ordinance, then we will be on par with, if not exceed, our neighbors.

**Does the consolidation of zones reduce the amount of land that is covered in the zones or is it just the category?**

This is just a reduction in the number of zones, not in the land size of zones.

**The C-R-C (Commercial Regional Center) Zone is deleted, does the proposed zoning have flexibility if indoor shopping becomes fashionable again?**

Yes; one of the purposes of the Zoning Ordinance Rewrite is to create zones that are more flexible to both current and future development trends.

**Small-scale neighborhood retail, in this neighborhood, ends up being a strip mall, which isn't conducive to the community. There is not a desire for strip shopping centers. How can we get rid of new strip malls in the County?**

The traditional shopping center is often a reflection of the market support and desires. One way to help ensure better development is to participate in the rewrite and help create and implement standards that will result in higher quality development.

**What is the concept for how long the Zoning Ordinance is in effect before it is updated? Will it be updated every 50 years?**

Updating a Zoning Ordinance in a comprehensive manner is very difficult; this is why it has taken more than 50 years. Once we are successful with this update, staff will work with the County Council to provide opportunities for evaluation and updating that will attempt to strike a balance between having to amend the code every week and not being able to amend it for many years.

Initially, we have committed to periodic updates following the approval of the new code to ensure it does what it is intended to do. These updates may occur every six months for two or more years.



**How do you go about evaluating if the new Zoning Ordinance is successful? What is the timeline for that?**

One of the goals of the rewrite is to improve community input upfront and to reduce the time it takes to develop in the County. Today it takes 3-7 years for a development to be completed. It is difficult to provide a specific timeframe for evaluation of success, but it is probably at least 7-10 years until we are able to determine how successful the new code will be. That being said, it would be difficult to be less successful, with a less-effective Zoning Ordinance than what we have today, and we firmly believe any new codes will be better than what we have today.

**How does changing leadership (a new County Council and County Executive in 2018 was mentioned) impact the Zoning Ordinance and Zoning Rewrite?**

The target date for approval of the new Zoning Ordinance and Subdivision Regulations is March 2017, to take effect six months later.

**Since the target date for the approval of the new ordinance will not be until 2017, what happens to the developers that go in now and want to build something?**

Developers will still be able to go through the review process as currently established until the day the new Zoning Ordinance takes effect. If a developer is in the system on that day, they will be allowed to continue under the prior rules. New development proposals will be subject to the new regulations. Module 3, expected this summer, will contain grandfathering provisions that provide more detail on this approach, which is common to all jurisdictions that update their codes.

**Concern was expressed with what happens to the deteriorating conditions of County infrastructure (roads, schools, etc.).**

**Will this new Zoning Ordinance make the County better or worse?**

Better or worse is a subjective call, but staff believe it can only make the County better.

**Residents of South County would like to see someone advocate for improved transportation including Metro.**

**Will there be anything in the new Zoning Ordinance that guarantees that the new ordinance will be applied consistently in the County?**

This is one of the concerns with the current ordinance. There are multiple sector plans with associated regulatory laws (overlay zones) that are currently in effect throughout the County. Each has different uses and varying development standards that make guaranteeing consistent development difficult, if not impossible. With the rewrite, the goal is to improve the baseline standard for development throughout the County, and apply those standards consistently across the County.

**How can we expedite the development process so that we can get growth in the County?**



**The southern part of the County is often neglected. There are no “Imagination Parks” in the southern part of the County. Are there any planned Downtowns (General Plan 2035 terminology for priority development locations) for the southern part of the County?**

Branch Avenue and Suitland have been designated as future Downtowns by Plan 2035, and are two of the eight Regional Transit Districts identified by the General Plan. Another is National Harbor.

**Why is New Carrollton a downtown area? There is nothing around there except for office buildings.**

New Carrollton has great potential and is the only transit facility in the region that combines Metro, MARC, AMTRAK, and soon, the Purple Line light rail.

**Are there limitations or standards associated with Accessory Dwelling Units if you live in a residential community?**

Yes. For example, Clarion Associates recommends that Accessory Dwelling Units must have one off-street parking space, separate from that of the associated primary home. There are other proposed regulations for Accessory Dwelling Units under what is referred to as “use-specific standards” in Module 1 of the proposed new Zoning Ordinance.

**There have been problems with local rezoning where the community was unaware about the application until the signs were posted. At that point it seems that the deal is done. In the redoing of the Zoning Ordinance, will the community be involved prior to sign postings?**

For many types of applications, such as site plans, yes. Clarion has proposed a pre-application neighborhood meeting for anything that goes to a hearing prior to the applicant submitting materials to the Planning Department.

**Within a mile of Fort Foote Recreation Center, there are two landfills/dumpsites. How will the Zoning Ordinance Rewrite impact them?**

Since these are existing legal sites, they will be grandfathered in under the new ordinance and allowed to remain in operation.

**Since the proposed Zoning Ordinance will recommend where the landfills or Class-3 fill sites are located, what will happen if they are up for renewal?**

**Regarding the MIOZMA (Military Installation Overlay Zoning Map Amendment) what is tonight’s hearing for the proposed amendment?**

Tonight’s public hearing is the Joint Hearing for the Military Installation Overlay Zoning Map Amendment, to take public testimony on the proposed rezonings.

**A possible way to measure the success of the Zoning Ordinance is to see if the commercial tax base begins to increase.**



**Concern with liquor stores. Our problems are with trash, property standards, and keeping the property at a standard such that people want to live in the neighborhood.**

Liquor stores are a legally permissible use. Many concerns with liquor stores stem from code enforcement issues, not zoning issues.

**A possible way to reduce loitering issues at liquor stores would be to allow grocery stores to sell beer and wine and allow the State to operate sales of hard liquor.**

This is an issue that the State decides, and is outside of zoning and subdivision.

**Boyd Farm Solar Project in Croom – can you tell me about that?**

This is a proposed solar farm project that would provide the Montgomery County Public School System with renewable energy. Staff is unaware of additional detail regarding this specific application but can refer you to the staff reviewer if desired.

**I have a problem with the County Council reviewing a plan, and with “Council courtesy.” Are you still going to have a Board of Appeals? They will approve every ordinance (application?) that comes down the line.**

Yes, there will still be a Board of Zoning Appeals in the proposed Zoning Ordinance.

**Periodic corrections of the Zoning Ordinance should ensure that there are not backdoors for text amendments by the County Council.**

**The danger with mother-in-law apartments is converting them into a rental later. Would the zoning supersede the HOA (Homeowners Association) rules? Is there something that can allow mother-in-law suites but prohibit them from being rented out?**

We are working closely with the lawyer from the County’s Office of Law in charge of code enforcement to address these and similar enforcement questions.

**Will the new Zoning Ordinance address expirations on site plans that do not get built within a certain timeframe?**

Under today’s regulations, a Detailed Site Plan expires automatically in 3 or 6 years (depending on its location) if development does not proceed. A Conceptual Site Plan is valid in perpetuity. Clarion Associates proposes to consolidate these site plans, and there will likely be a similar expiration timeframe. Clarion is also exploring expirations for subdivision approvals and adequacy of public facility determinations for projects that do not proceed.

**Previous updates have failed, what is the reality of this proposal passing?**

Other attempts to rewrite the Zoning Ordinance have lost momentum; this is perhaps the biggest reason why they have fallen by the wayside. This effort has had a lot of momentum, and we are currently further along than other attempts. The general consensus is that the current process is not working, and that we need something new. But if this is something you would like to see, you need to be involved and express



your support and your concerns along the way.

**How seriously are comments being in taking in account?**

We take all input on this and our other projects very seriously. Comments are consolidated and packaged with staff feedback to the project consultants. Additionally, staff will post public comments and the responses to those comments on the project's website once they are complete.