



Countywide Listening Session – South County (Harmony Hall)
Zoning Ordinance and Subdivision Regulations Rewrite: Comprehensive Review Draft
Tuesday, October 24, 2017
7:00–9:00 p.m.

The purpose of this discussion was to present Clarion Associates' revised recommendations contained in the Comprehensive Review Draft of the Zoning Ordinance and Subdivision Regulations, and to discuss the concerns and questions of the group. Public questions and comments are identified by **bold** text. Clarion Associate's responses to questions and additional presenter comments are identified by normal text.

Will the new zones for the R-55 (Medium Density Residential) and Rural Residential zones allow AirBnB and Hotel uses?

There is no current regulation or proposed regulation for AirBnB and similar uses, but, generally speaking, both the new RR (Residential, Rural) and RSF-65 (Residential, Single-Family – 65) Zones, which would replace the R-R and R-55, respectively, would have the same uses as today. Hotels would not be permitted.

Council District 9 is the last bastion for undeveloped land. Will there be any expansion or limitations of uses for the O-S (Open Space) Zone? Can chickens be allowed? Why not address the chicken issue now?

The OS Zone will transition into the AG (Agriculture and Preservation) Zone. It will gain additional agriculture focused uses. Backyard chickens are not included in the Zoning Ordinance at this point. This is a policy decision of the County Council. It will be revisited after the Zoning Ordinance is approved.

Backyard chickens, among a few other issues, are hot-button issues that can derail the entire zoning rewrite process. The [County] Council has chosen to address chickens after the ordinance is completed, so that it does not become a referendum on chickens.

There is a fifth natural gas pipeline recommended for construction through our community. Is there any health impact assessment of how it will impact the community? Why not? Also, in



Accokeek, there is a pre-approved subdivision for 800 units of 55+ age-restricted housing. Now it has been revised to 300 units of regular housing. The developer says they can use the same transportation study. If you have a substantial change like this, will a new transportation study be required?

Yes. A change in the use would require an additional certificate of adequacy in the proposed ordinance. In today's code, a new study is not required if the change in use does not impact the trip cap assigned in the initial approval.

There are businesses in this area trying to develop that are concerning to the residents. The DC zoning map is very clear regarding what can and cannot be built. The County's zoning map is very confusing.

PGAtlas training can be arranged for community groups. All the development layers, including the zones, are provided on PGAtlas.

Rezoning for more density and removing trees is a very important issue to the community. We do not feel that anyone asks for our input. Talk to the community, we are sitting in traffic every day and we are upset about it. Why not rebuild the existing strip malls, why not build at the Metro? You don't do anything with roads and schools, just more development and traffic.

The Planning Department does not do any of the building, but only reviews projects for compliance with the ordinance. The proposed ordinance will help address your concerns. It prioritizes development at transit centers and incentivizes re-use of existing development. It simultaneously makes it more difficult to build in the rural areas of the County.

The Adequate Public Facilities policy is designed to help make sure roads and schools are up to snuff for new development.

The beekeeping regulations will ruin the County's beekeepers. Nuisance animal laws already exist. Yellow jackets are problematic. There are already adequate regulations at the state level. We do not need the additional regulations. If bees swarm, it is a healthy, natural process. Bees are not going to sting you. There is too much fear about bees and the legislation here is fear-based. New regulations state that beekeeping must be done on 15,000 square foot lots, but smaller lots are fine for beekeeping. They can be 1,500 square foot lots. The regulations don't make sense. Re-queening is for Africanized bees only. Montgomery County has no county-level regulations for beekeeping.

We missed the mark on beekeeping regulations and will amend them.



I run an Urban Agriculture operation in the agriculture reserve area in Brandywine, I'm a veteran and run a nonprofit that provides food for veterans in the area. The laws are tough for beekeeping. The urban agriculture regulations also need to be rethought, because the laws are not applicable. I would be happy to offer some insight regarding urban ag [sic] regulations. We welcome your comments and expertise.

Thank you for holding these listening sessions. As a National Harbor resident, I am in a unique position. There is much certainty for the business and development community, but it is very difficult for residents to know what is going on. Will this code create similar areas like National Harbor, where it is a free-for-all for business and development?

No. The intent is to remove all current design overlay zones in favor of detailed standards. The streamlining is for both residents and developers. It creates an equal playing field where everyone knows that is expected regarding the design of buildings and the allowed uses. The planned development zones could create neighborhoods similar to National Harbor, but residents would be more aware of what is happening before it happens.

I worry about surety for me and my neighbors. I live here by choice. I want to live in a rural area. I want the code to protect us. When there are public hearings, they cannot be postponed, it is costly and difficult for residents to attend planning meetings during the day. We don't want Wal-Marts and 7-11s built in our communities. We can travel to those places. We need equity involved.

This draft attempts to strengthen the rural protections, to keep those areas rural in character. Agriculture compatibility standards are added and fewer uses are allowed. It is not a perfect code, and can be improved, so please give us suggestions.

I would like to eliminate text amendments. The council can do minor amendments (CR-62-2017) to add mixed-use transportation zones in rural areas. This is not a minor amendment. The minor amendments should be outlawed.

We cannot remove text amendments, because it is necessary to amend the code over time. M-NCPPC attorneys have determined that minor amendments cannot be used for rezoning; this can only be done by comprehensive rezoning or parcel-specific rezoning. The original draft of the code recommended using a different text amendment process, but the [County] Council has requested to retain the current text amendment process.



Does the change/mistake rule still apply? Will mistakes be fixed in the new Zoning Ordinance?

The “change/mistake” rule means that a parcel-specific rezoning to a base or Euclidean zone may not be approved unless a finding is made that there was a mistake in the initial zoning or a change has occurred within the community. Change/mistake is state law and would still apply. However, the countywide zoning process will not be “fixing” zones. There is no up- or down-zoning to any property in this process. The goal is simply to change the current zone to the closest/most applicable new zone. Any other changes or “fixes” need to result from future comprehensive planning and rezoning efforts.

A lot of residents are against new development, but I believe that it is good to have new businesses in the area. It does not need to be a Wal-Mart, but I would like the opportunity to spend money in our community. We should be open to new business. I would love a whole foods or organic market. I am not opposed to new development.

The exemptions and permissions for National Harbor are illegal. The [County] Council is too friendly to developers. We should not allow the [County] Council to switch from the County Council to the District Council and back. National Harbor can play music loud. It gets a permit to break the rules. The noise ordinance is for new development? It should be for a 50-foot limit. The proposed ordinance would be for all new development. It is proactive. Noise limitations are difficult to measure, but they currently use a decibel measurement, not a distance.

What is the deal with taxation? National Harbor is a weird place. Commercial structures are allowed over the water, because of the Ferris wheel. But that may mean that any commercial development could be built over the water.

If you're building around Metro stations and strip malls, why rezone the R-A (Residential Agriculture) Zone at all? We are opposed to tearing down trees and adding density.

The current ordinance does not encourage building at Metro [stations] or reusing strip malls. The proposed ordinance will make it more difficult to build in rural areas and will make it easier to build in urban areas. The R-A Zone is proposed to change to the AR (Agricultural-Residential) Zone with an increased emphasis on the agricultural component. There are few other changes anticipated to this zone.