

MONTGOMERY COUNTY ZONING CODE REWRITE

GENERAL PUBLIC LISTENING SESSION: NOTES FROM GROUP DIALOGUE

SEPTEMBER 29, 2009



On September 29, 2009 the Montgomery County Department of Planning held a Listening Session on the Zoning Code Rewrite. The purpose of this session, which was open to the general public, was to introduce the community to Code Studio, the consultants on the Rewrite, as well as give the consultants a chance to hear the community's concerns and comments regarding zoning in Montgomery County. To facilitate the conversation, participants were divided into three groups and asked to address five specific questions. The questions, along with responses, are noted below.

1. Are there any major issues or concerns about current zoning in the County that were not raised in the presentation but that the team needs to know about?

- Need commitment/"ok" to redevelop community areas before have all the details of the development. How much detail is really necessary? (too much detail required now)
- Zoning Text Amendments (ZTA's) are too prevalent
- Unclear wording leads to ambiguity. ZTA's often help. If start over, do we lose that security?
- Lack of trust between community and planning department; not following master plans, etc.
- Faux urban centers are dropped into urban areas (i.e. Studio Plaza) – no integration, character for edge areas (Fenton Village) – replicating Bethesda everywhere
- Problem: Not preserving character with urban infill - Anytown, USA
- Treatment of hotels in CBDs & TOD areas should be considered more residential than commercial
- More environmentally-sensitive design vs. urban development; code should think about sustainability and how to implement
- Parking minimums are too high
- Simplicity does not equal clarity. Successful communities are diverse/complex; don't overdo simplicity
- Too many zones, especially in commercial areas; don't need a new zone for every new idea

- Minimum lot size requirements make development difficult; many buyers economically excluded from certain areas because of minimum lot sizes
- Public utility easement provision
- Preserve older, smaller buildings, yet increase density
- Properties are designed independently without thought to circulation
- Master plans and zoning shouldn't be independent from transportation planning; there's a disconnect between transit and land use planning; alternative transportation needed; transit issues must be incorporated into the code – build transit incentives into the code. Upper County needs alternatives to driving
- Make special exceptions easier, less lengthy (ex. Veterinary hospital took 6 years to get SE)
- Process takes a long time and includes much expense; community objection – even by only a few – adds delay and cost to project
- Create attractive, pedestrian friendly communities
- Montgomery County's excessive restrictions make developments like Kentlands impossible
- Emphasis on use/uniformity has to change; link design to zoning code
- "Elderly" and "disabled" are not the same – planning should acknowledge this. Interests and needs not the same in these two groups; respect aging in place phenomenon
- We pay too little attention to accessible housing
- Mixed/diverse communities are beneficial ; mixed use is good – scale is the problem; structure code so mixed use results
- Kentlands is a good model but can be improved. Should have greater diversity of density
- CR is currently too unpredictable. What will the masses look like?
- Code or design guidelines must result in predictability
- Council doesn't understand the importance of HOA's; all associations to be managed better; Council should understand burden placed on associations
- Moderately Priced Dwelling Units(MPDU's) unaffordable once condo and HOA fees are paid; MPDUs have double fees because they are necessarily designed as condos
- Lack of affordable housing results in excessive commutes; we don't match housing with jobs
- We need greater diversity in affordability of housing but new (recent) zones don't address that
- Implement ranges of affordability – allotments for each income level
- Plan areas as communities. Design areas as communities. Like Montgomery Village
- Many neighbors are terrified by thought of mixed use and TOD
- How do we turn surface parking lots into increased density?
- Live-work-play ends when you lose your job
- Make it desirable to live where we want people to live



- Link to things we want: Physical accessibility/walkability; Transit; Work; Entertainment; Layers of income levels (unlike Bethesda); Entire village in same place
- Zone to ensure there are small square footage homes and not only big ones
- Mandate minimal housing in each zone
- Incentivize the building of true communities not just subdivisions of like properties
- Streets are part of community
- Accept fact that County is becoming urban – we want employees to be able to live where work
- Must zoning apply to the entire County in the same way? Look at whole instead of pieces – don't fragment the County
- Now it is too subjective; implementation should be objective
- Predictable pre-application process – visible clock
- Delays run up the cost of housing
- Mixed feelings about cottage housing and accessory apartments as by-right
- Agree that there should not be a whole-sale change, just using better tools
- Think more about rural code
- Agriculture Reserve Footnote #48 is over-reaching; has a negative impact on religious institutions, etc. Problem with TDRs.
- Master Plans & Zoning relationship: Master plans need to plan more for non-profit/institutional uses. Where do they fit into Master plans? Expansion needs; Consider added value to community re: uses (i.e., nonprofits)
- Churches/institutions should be more proactively planned; Churches shouldn't be a "step-child" in every zone
- Provide for ability of churches, etc. to hold community activities and services

2. Did you see anything in tonight's presentation that you did not agree with?

- Predictability can go too far = automatic development
- Problem: All discretion lies with developer and Planning Board
- Problem: Needs more diversity in amenities/development more variety
- Problem: Preservation of Edge communities
- Problem: CR zone is too far-reaching and ambiguous
- Height/density is not the enemy; tall buildings are okay next to 3-story ones
- Good design is not linked intrinsically to height; But, buildings should have varied rooflines
- Policies for parking are dysfunctional, unclear, non-standard
- Montgomery must deal with all of the County, not just the part transitioning from "suburban to urban"



- Public participation is not a “necessary evil”
- Churches need parking; don’t punish with over-parking regulations
- Allow shared parking

3. There may be a need to refocus the County’s zoning emphasis from “suburban” to “urban” in certain growth areas. What does this mean to you in terms of the factors that might need to be considered?

- Focus on public use space as applied to each project – fee-in-lieu
- More work on transition areas (suburban-urban) streets, sidewalks, etc., – parks?
- Minimum lot size limits conversion from 1-unit house to townhouse
- Residential streets should be smaller, calmer
- How to handle transition areas between suburban and urban areas?
- How should the code handle “phasing” of urbanization over time?
- Address “McMansions”
- Careful when “collapsing” residential zones to protect existing neighborhoods
- Subdivision (or combination in urbanizing areas) is too difficult

4. When people say that they would like the zoning code to be more “user friendly”, what do you think they mean?

- Fewer zones
- Requirements are scattered throughout
- Footnotes
- Too much text; too dense; plain English, fewer words
- Simplified, easier to navigate code is needed
- Use Sketches/pictures (not photos); clarity in the code can come from illustrations
- Should be user friendly, efficient
- Better index; cross referencing
- Organized, outline; outline you can follow from point to point
- Organization is good
- Should be usable from home
- Zoning discovery is not user friendly – you can’t view/print it at home
- Need user friendly editing process and good placement
- Insert amendments into living document – integrate it seamlessly

5. What is the appropriate role of public participation in the planning and zoning decision-making process?

- Need public participation because there are too many options in code that may be too arbitrary/don’t demand variety/diversity
- Process leads more toward conflict than consensus

- Need chances to testify before Council and Planning Board
- “Don’t take away any of our opportunities”
- “If something is within the rules, it shouldn’t need a hearing”
- Too many decisions left until the last minute, like height bonus and parking requirements
- Participation needed for cases where Planning Board must interpret
- This meeting is not representative of Montgomery. How do people absent tonight get their say?
How can we foster public participation?
- Need stakeholders to sit down together in zoning cases
- Public participation is important
- Rockville has public input before it enters formal process
- Montgomery County gets input too late and doesn’t acknowledge how input is integrated
- Must be clearer about when public input is received

