



MID-COUNTY CITIZENS ADVISORY BOARD

Isiah Leggett  
*County Executive*

Ana L. van Balen  
*Director*

December 19, 2013

Council President Craig Rice  
100 Maryland Avenue  
Rockville, MD

Dear Council President Rice:

The proposed revision of the County's zoning code, culminating many years of thought and discussion, appears to be nearing completion. All have welcomed consolidation and simplification of a code too complex and extensive for anyone to understand fully. For the most part the revisions seem to properly reflect expectations of what the County should look like in the future.

We welcome the Council's decision to postpone implementation of the new ordinance, once passed, until September, at which time a more complete and better understood zoning map will be approved. The current map contains too many indications of properties the status of which is yet to be determined. Consequently, affected citizens do not feel comfortable with it.

Despite assiduous efforts to explain and justify the provisions of the proposed new code, certain aspects of it continue to make many well-informed citizens uneasy. These provisions may well turn out not to be problematic, but we note the following concerns:

1. We do not believe that anyone should be able to augment or create a new use for a property in a residential neighborhood "by right" and without notification of residents of neighboring properties. Such uses, even if minimally disruptive in and of themselves, may well affect property values. And some apparently permitted uses do change the character of a neighborhood.
2. Allowing non-residential, "office-like," buildings immediately adjacent to residential areas appears to be a significant change from the current code. Supporters of this provision claim that requirements for parking, set-back and landscaping provide adequate safeguards for the adjacent residential properties. We are not convinced. As one of the public hearing testifiers put it, we currently have non-residential uses in houses; we will now have non-residential uses in non-residences next to residential housing. Initial enforcement of the safeguards may be effective, but the several experiences that testifiers cited suggest that ongoing monitoring will be ineffective. We

appreciate the PHED Committee's recommendation to eliminate this idea from the new code and hope that the full Council will concur with the committee's thinking.

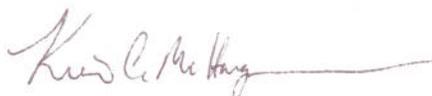
3. Designation of properties for mixed use, both commercial and residential, is a useful aspect of the zoning code. However, there is no indication of what the balance should be between commercial and residential in C/R zones. The code should designate a minimum percentage of net square feet to be allocated to commercial uses in C/R zones.
4. The revised ordinance does not protect affordable housing. We recognize that new residential development will bring an increase in moderately-priced dwelling units (MPDU). However, MPDUs sometimes are no longer affordable for the people who are displaced by the new developments. For example, the proposed Glenmont MetroCentre may have exactly this effect on the residents of what is now called Privacy World.

In general, the proposed revision encourages a narrower focus on specific properties at the expense of "big picture perspectives." Uses for particular properties may be reasonable in and of themselves, but may have a harmful effect on their surroundings. The code's provisions appear to many, including MCCAB, to move farther from the larger intentions of area master plans to the more restricted focus of zoning regulations.

Many of these concerns might be allayed were the Council to make clear what its intentions are regarding what various provisions of the code are expected to mean in practice. Otherwise, future hearing boards and examiners and land use attorneys will be free to parse the regulations without consideration of what actually was meant by those who created the code. Therefore, we recommend that the code contain "purpose clauses" that describe the basic public policy rationale for each type of zoning category and other major topics addressed in the code.

After all the time and effort that have been expended on a generally useful revision of the zoning ordinance, it would be a shame to approve a document that has aroused the level of concern that the current document has occasioned. We hope you will make an effort to address the concerns raised in this letter.

Sincerely,



Kieran McHargue  
MCCAB Chair