

# DON'T ZONE OUT

## CHANGES IN REGULATIONS ARE COMING

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Many jurisdictions around the region are finding that archaic zoning regulations are standing in the way of the mixed-use, sustainable, infill redevelopments and revitalization efforts desired by planners, politicians, citizens and the development community. Montgomery County is one of the local jurisdictions that recently completed the herculean task of a comprehensive rewrite of its zoning regulations to better serve its redevelopment goals and master plan visions. Montgomery adopted its new Zoning Ordinance on March 4, 2014, and it became effective on October 30, 2014 (although keep the old Zoning Ordinance handy since some grandfathering provisions extend to 2039).

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Prior to its Rewrite, Montgomery's Zoning Ordinance had not been comprehensively rewritten since 1977, and had grown to more than 1,100 pages with over 120 zones and 400 antiquated uses (think of a blacksmith or eleemosynary use) or unnecessarily specific uses (such as the delineation of 15 different types of “manufacturing” uses, more than eight different types of “office” uses and over 12 separate categories for “retail” uses). Further, Montgomery's Rewrite provided an opportunity to convert older commercial and Cen-

tral Business District zones to the new Commercial-Residential (CR) zone that provides use and design flexibility as well as incentives to support transit-oriented development goals and match different community needs.

Both Baltimore City and Prince George's County are among the group of other jurisdictions that are similarly grappling with codes that are antiquated, voluminous and at times inconsistent with the current planning concepts of mixed-use, sustainability and revitalization.

Baltimore City has introduced its “Transform Baltimore” legislation to update its 1971 Zoning Code. The City's Department of Planning has forwarded a new draft Code that is currently before the City Council's Land Use Committee, with no target date for completion. The Department of Planning's stated goal for the Transform Baltimore legislation is to address the current economic realities and design goals that are in conflict with the auto-oriented development, separation of uses and heavy manufacturing focus of the past.

Prince George's County is just starting its “Creating a 21<sup>st</sup> Century Zoning Ordinance” initiative at the Planning Commission Staff level. Similar to Montgomery and Baltimore City, Prince George's goal is to address an older, overly complex and sometimes conflicting Zoning Ordinance that is not responsive to the County's vision for quality growth and economic development. The Prince George's effort is to create user-friendly and updated development regulations that will promote its economic development goals and improve residential quality of life in its early stages, with the next two years anticipated to include the bulk of rewriting, refining and stakeholder

meetings, with the new regulations anticipated to then head to its Planning Board and Council.

For those engaged in these or other jurisdictions undergoing a comprehensive revision to zoning regulations, the different stages of the process provide different opportunities for engagement to play a role in the new regulations. In the early drafting stages of a rewrite such as in Prince George's, the working groups and stakeholder meetings—including those with MBIA committees—provide an opportunity to give feedback on issues with the current regulations and to help craft the new provisions to address the shared vision for improved and vibrant communities.

In the later stages of a rewrite effort, reviewing the draft legislation, assessing for impacts on specific properties, monitoring the discussion and changes, and participating in the process as necessary to provide examples of unintended consequences should help refine the provisions. Regardless of the stage of the rewrite process, it is important to continually assess how existing developments, uses and approvals would be protected (e.g., the grandfathering provisions) and review how future development would be impacted and potentially improved.

Lastly, remember that most of these comprehensive zoning code revisions have to consolidate (or eliminate after careful consideration) numerous ad hoc amendments that were necessary over the past few decades, and thus the process can take years to complete. Patience and endurance will be needed to get through the process, but the long lasting efforts are critical to the community at-large as well as the building industry. ■

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