

News

Montgomery County's Zoning Rewrite/Rezoning Update

November 19, 2013

The Montgomery County Council began the process of rewriting its Zoning Ordinance in May 2013 when the County Council introduced a Zoning Text Amendment ("ZTA") and a District Map Amendment ("DMA") (collectively, the "Zoning Rewrite"). Since that time, we have worked closely with many of our clients to understand and protect their rights under the Zoning Rewrite. The Zoning Rewrite completely restructures the existing Zoning Ordinance by:

- replacing many of the existing zones with new zones and applying these zones to many properties;
- providing new development standards and use standards for all of the new proposed zones;
- establishing new terms and definitions and changing and/or updating existing ones;
- creating new development approval procedures and due process requirements; and,
- providing for the transition from the current Zoning Ordinance and zones to the new Zoning Rewrite, including how existing improvements and entitlements will be "grandfathered."

The DMA proposes comprehensive rezoning of many areas of the County with the creation and assignment of the new zones established with the ZTA. For some properties, the Zoning Rewrite may have a positive impact or no effect at all, whereas for others, it may result in reduced development densities, lost grandfathering protections and increased development restrictions. Each property should be reviewed independently to assess the impacts of the Zoning Rewrite, and it still remains difficult to predict how all of the Zoning Rewrite will ultimately be implemented and applied.

The next significant date in the process is **Monday, November 25, 2013 at 5:00 p.m.**, which is the date by which the County Council has requested comments be submitted for consideration. The PHED Committee of the County Council is scheduled to consider any comments it receives at two worksessions currently scheduled for December 2 and 9, 2013. Thereafter, the full County Council is anticipated to consider and take action on the Zoning Rewrite. The most recent draft of the Zoning Rewrite/ Revised Preliminary PHED Committee Draft: Chapter 59 is available [Here](#).

Please contact one of our land use attorneys listed below if you have concerns about how the Zoning Rewrite may affect your properties or if you otherwise need any assistance.

Bethesda Attorneys

Todd D. Brown at 301-961-5218 or tbrown@linowes-law.com

Yum Yu Cheng at 301-961-5219 or ycheng@linowes-law.com

Continued

C. Robert Dalrymple at 301-961-5208 or bdalrymple@linowes-law.com

Stephen P. Elmendorf at 301-961-5110 or selmendorf@linowes-law.com

Erin E. Girard at 301-961-5153 or egirard@linowes-law.com

Nathan J. Greenbaum at 301-961-5196 or ngreenbaum@linowes-law.com

Stephen Z. Kaufman at 301-961-5156 or skaufman@linowes-law.com

Anne M. Mead at 301-961-5127 or amead@linowes-law.com

Barbara A. Sears at 301-961-5157 or bsears@linowes-law.com

Emily J. Vaias at 301-961-5174 or evaias@linowes-law.com

Scott C. Wallace at 301-961-5124 or swallace@linowes-law.com

Linowes and Blocher LLP has prepared this e-blast for general information purposes only, and the information contained in it does not constitute legal advice. This e-blast is not an offer to represent you and does not create an attorney-client relationship with Linowes and Blocher LLP or any of the firm's lawyers. You should not act, or refrain from acting, in a manner that changes your legal position based upon any information contained in this e-blast without first consulting with an attorney.