



September 30, 2011

To: Montgomery County Councilmembers

From: Montgomery County Civic Federation  
via MCCF Planning and Land Use Committee Chair,  
Jim Humphrey (theelms518@earthlink.net)

Subject: Applicability of CR Zones (Sec.59-C-15.13)--for ZTA 11-01 worksession on 10/4

As noted by Council Legislative Attorney Jeff Zyontz (footnote 11 at bottom of page 13, staff memo dated 9/23/11), "The Council's previous decisions in the White Flint Sector Plan applied CR zones abutting one-family zoned property. If the Council decides to restrict the application of the zone, it should do so from the day that the CRN and CRT zones are established."

We are aware that CR zoning was applied to properties in the White Flint Sector Plan area that abut single-family residential zoned property. At the time, there was no other CR zone available for transitioning from an area of greater mixed use density to nearby single-family residential areas. Since the Council is now creating a mixed-use transition zone in the form of the CR Neighborhood zone, the Civic Federation strongly urges that CRN be the only member of the CR family of zones allowed adjacent or confronting one-family zoned property.

The Federation does not intend that those White Flint properties be rendered illegal or nonconforming as a result of the Council's current action on ZTA 11-01. We therefore suggest the Applicability section of the ZTA be amended as follows (numbering the existing provision as #1, and adding new language as #2):

**Sec.59-C-15.13. Applicability**

1. The CRN, CRT, and CR zones can only be applied when specifically recommended by an approved and adopted master or sector plan and only by [the] sectional map amendment [process].
2. After (insert date that approved ZTA 11-01 becomes effective), the CR and CRT zones must not be applied to a property that is adjacent to a property in a single-family residential zone, or one separated from such a property only by a right-of-way of a primary, secondary or tertiary residential street.

We would appreciate the Council giving serious consideration to our suggestion. Thank you.