

"Federation Corner" column  
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### **September shaping up to be busy month**

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Although the County Council and the Planning Board are on vacation this month, they left behind plenty of work and a reading list that should keep residents busy during the break.

First, on the evening of their first session upon return on September 11, the County Council will hold a hearing on a piece of legislation that proposes changing the standards by which accessory apartments are allowed in the county. The Zoning Text Amendment (ZTA 12-11) would establish some general standards for any new accessory apartment (aa): the maximum size of such a unit is reduced from current 2500 to 1250 square feet; square footage of an aa must be no greater than 50% of the principal dwelling unit; occupancy is limited to maximum of three persons; and number of required off-street parking spaces would be reduced from two to one.

All accessory apartments in the county currently require Special Exception approval by the Board of Appeals, regardless of the residential zone category of the lot on which they are requested. This process allows neighbors and nearby residents an opportunity to weigh in on possible negative impacts of a proposed accessory apartment on the neighborhood in which it would be located.

ZTA 12-11 would permit by right an attached aa up to 800 square feet in size in the small lot residential zones--the R-60 and R-90 zones, owner would only have to register the unit with the Department of Housing and Community Affairs (DHCA), and the side lot lines for property on which the aa is located must not be within 300 feet of the nearest lot with an aa on the same side of the street or abutting a lot with an aa along the rear lot line. The ZTA would allow an aa up to 1200 square feet in size in the small lot zones by Special Exception approval from the Board of Appeals. Detached accessory apartments would not be allowed in the small lot zones.

ZTA 12-11 would permit by right an attached aa up to 800 or 1200 square feet in the R150 and R200 zones (15,000 and 20,000 square foot lots, respectively), as well as in the one acre and two acre lot residential zones (RE1, RE2, and RE2C). And it would permit by right a detached aa up to 800 or 1200 square feet in the one acre and two acre lot zones. Here again, the owner would only have to register the unit with the DHCA, and the side lot lines for property on which the aa is located must not be within 500 feet of the nearest lot with an aa on the same side of the street or abutting a lot with an aa along the rear lot line.

The ZTA would permit by right an attached aa up to 800 or 1200 square feet in the Rural, Rural Cluster and Rural Density Transfer zones, but detached accessory apartments in these zones would still require Special Exception approval from the Board of Appeals.

Second, before the Planning Board left for August break they approved their recommended 2012 Subdivision Staging Policy, formerly known as the Growth Policy, and sent it to the Council for consideration. The Council will hold its public hearing on the proposed 2012 SSP on the evening of September 18. This SSP is an important one since it is the first to be approved since the Council changed the policy from a two-year approval cycle. Now the former Growth Policy will be approved only once every four years, in the second year of each County Council term. And this year the SSP includes a new set of transportation tests for road adequacy and transit adequacy, establishing the levels for fees to

be paid by development projects that are approved in areas where transportation inadequacy exists in order to fund needed improvements.

Third, in July the Planning Department staff, consultants and the Zoning Advisory Panel (a group of volunteer residents, developers, and planners) compiled their draft rewrite of the entire county zoning ordinance and released it to the public. The draft will be tackled in four separate parts, with the Board holding a public hearing on each part. The first hearing will take place September 20, with other hearings on October 4, November 1 and November 15. So, if you haven't yet purchased a cheesy paperback book to read on your vacation, you can log on to the Planning Department website and read the draft of the new county zoning ordinance and start writing your comments to deliver to the Board this fall.

Finally, the Maryland Public Service Commission has decided to hold a public hearing on Monday, September 24 at 1 p.m. in Baltimore on the "Bill Stabilization Adjustment" (BSA). The BSA allows electricity companies like PEPCO to charge customers for revenue losses resulting from service interruption in the first 24 hours following a Major Outage Event, such as the "derecho" thunderstorm that struck the region on June 29. In lieu of presenting testimony in person, citizens can submit written comments electronically to the Commission by Wednesday, September 19. Details on this e-Filing system for public comments, and additional information on the hearing, are available on the Public Service Commission website at [www.psc.state.md.us](http://www.psc.state.md.us)

There are just some of the important local and state government events coming up in September. So enjoy the rest of your summer vacation, and use the time to catch up on your reading by perusing sizzling titles like "The Accessory Apartment Amendments", "The Draft 2012 Subdivision Staging Policy", and the "Draft Revision of the Montgomery County Zoning Ordinance." Details and links to the aforementioned documents can be found on the Civic Federation website, at [www.montgomerycivic.org](http://www.montgomerycivic.org)

*The views expressed in this column do not necessarily reflect formal positions adopted by the Federation. To submit an 800-1000 word column for consideration, send as an email attachment to [theelms518@earthlink.net](mailto:theelms518@earthlink.net)*