

"Federation Corner" column
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Zoning changes could cause overcrowding in public schools

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This column is a follow-up to last week's in which we noted that on June 11 the County Council was set to hold its sole public hearing on a rewrite of Montgomery's zoning code and an accompanying proposal to apply the new zoning to properties throughout the county.

Members of the Council heard from forty some witnesses who presented oral testimony at the hearing and from many more who submitted their written comments to the lawmakers. Two themes emerged, both voiced by multiple witnesses during the hearing on Tuesday. One was a plea for the Council not to rush the process. The other was the strong suggestion that the two legislative actions--revision of the zoning code and application of the new zones--should be separated. Only after the revised code is finally approved should the Council consider which of the new zones is most appropriate to apply to each individual property throughout the county, a process referred to as a District Map Amendment (DMA).

Because the new zoning code and companion DMA would change permitted uses or increase allowed density (the number of housing units or the amount of retail or office space) on numerous properties, they are the equivalent of a master plan revision for every community in the county. However, these legislative proposals did not receive the same community focused process that usually accompanies a master plan rewrite.

The normal process for revising a community master plan takes about two years, with a series of local meetings between planners and area residents taking place throughout the first year. This is a traditional and useful part of a master plan rewrite, during which residents participate in discussions about the amount of additional infrastructure--schools, roads and transit capacity, parks or other recreational amenities, and public safety and health services--which will be needed to accommodate the level of development being proposed for the area.

Under this current proposal, the conversion of existing commercially zoned properties (C-1, C-2 and C-4 zoned properties) to mixed use zones provides an example of how the new zoning code and DMA could alter uses and increase the amount of development allowed for nearly all retail shopping areas in the county without community discussion concerning infrastructure.

The existing standards for the majority of existing C-2 Zone properties in the county allow 1.5 FAR of retail or office use in a 43 foot high building. It gets a little technical here, reader, so stick with me. The acronym FAR is one we all need to familiarize ourselves with--it stands for Floor Area Ratio, which is a multiple of the square footage of the lot size that defines how big a building on that lot can be. For example, a 10,000 square foot property for which the zoning permits 1.5 FAR could be developed with a building containing one-and-one-half times the square footage of the lot (i.e.; 15,000 square feet of usable space).

The proposed District Map Amendment would assign existing C-2 properties into one of four new zones, with the choice dictated by specifics of the location of the property:

- 1.5 FAR of "General Retail" but at a 65 foot building height;
- 1.5 FAR at a 45 foot building height but allowing up to 1.0 FAR of residential use;
- 2.0 FAR and 45 foot building height but allowing up to 1.5 FAR of residential use.; or,
- 2.5 FAR with up to 1.5 FAR of residential use but with a 75 foot building height.

Each of these new zoning alternatives either changes the use by permitting housing units to be built where presently only retail stores or office space is allowed or permits bigger buildings to be constructed (additional FAR), or both. This will result in either more jobs being created in the added retail and office space, which will create greater need for road and transit capacity to accommodate workers commuting to these jobs, or more housing units being built in the area than currently anticipated, which will create need for classroom capacity to accommodate public school students living in the newly allowed housing. And the same problem exists with the intended conversion of current C-1 and C-4 zoned properties, which would allow addition of housing or increased building size, or both.

This proposed process will distort master plans that currently contain commercially zoned properties, impacting every county community. Imagine a small shopping center near you containing a pizza shop, dry cleaner, card shop, and branch bank. Now picture that same shopping strip with two floors of residential apartments above the stores. The master plan and public school system have not anticipated the classroom space needed to accommodate students from the added dwelling units. So the county will play catch-up to enlarge overcrowded schools, with little county or state money to fund the construction.

This problem could be exacerbated because the new mixed use zoning demands that developers provide "public benefits" to secure approval to build the maximum size structure allowed on the lot, one of which is providing more affordable dwelling units than normally required. As a result, an unknown amount of unanticipated additional housing could be built in practically every area of the county.

A more appropriate process would be one that matches new zones to existing standards as closely as possible. If current zoning allows 1.5 FAR of retail or office space in a 43 foot tall building, then the appropriate new zone would be one permitting the same use in a building of the same mass and height. The Planning Board and Council can seek to apply any new uses or standards they desire, or consider reflective of "smart growth", as part of future area master plan revisions with the usual and expected process of community input.

The views expressed in this column do not necessarily reflect formal positions adopted by the Federation. To submit an 800 to 1000 word column for consideration, send as an email attachment to montgomerycivic@yahoo.com