

"Federation Corner" column
The Montgomery Sentinel - December 5, 2013

Council responds to concerns voiced at zoning hearing

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During a meeting of the County Council's Planning, Housing and Economic Development (PHED) Committee on December 2, members responded positively to the requests of multiple speakers at the mid-November zoning code hearing, and agreed to slow down the process and act on the code rewrite first before considering the application of new zone labels to properties countywide.

On the face of it, this sounds like the appropriate action of a legislative body in a representative democracy. But you will have to pardon my surprise, as the occurrence of elected officials listening to the voice of the people does not happen all that often of late, either on a national, state or local level.

Of course, the three PHED Committee members' decision to split apart the vote on the revised zoning code from the accompanying rezoning of properties, known officially as the District Map Amendment (DMA), has not been agreed to by the other six members of Council. But in all likelihood the other six will agree with the committee position.

And, of course, the people...the electorate, if you will...will never know whether or not it was their concerns that were being heard, since the same requests to separate the two legislative actions was voiced by many with a vested special interest, in this case land use attorneys representing their property owning or development industry clients. Still, a win is a win.

Perhaps this was a case of the Council responding to the potential outcome, should they have proceeded with the DMA in what seemed like hurried fashion. As I wrote in this column two weeks ago, "this is not the time for Council members to make a mad dash for the finish line so that they can finally be done with this long, laborious project. Instead, this is the time for them to slow down their efforts and meticulously insure that the myriad of little problems are addressed and resolved satisfactorily. Otherwise a myriad of other larger problems, such as court challenges to the new zoning labels applied to multiple properties across the county, could plague the county government and Council for years to come." Still, a win is a win.

If the process laid out by the PHED Committee members is agreed to by their colleagues, then the Council will act on the zoning code rewrite by the end of this coming January. Then, after the budget cycle ends in May, the Council will take up the District Map Amendment rezoning of properties. In the meantime, the staff of the Planning Department has been tasked with looking into all claims of incorrect zoning, many of which were heard during the November Council hearing, and resend an amended DMA to the Council by late spring. The Council will probably schedule yet another public hearing in June of this year, to consider any proposed amendments to the DMA.

The PHED Committee also delivered other wins to the people at their December 2 work session. They agreed to delete "non-residential buildings" as an allowed use in the residential, single-family detached home zones. Former Planning Commissioners Meredith Wellington and Pat Baptiste, and the group Neighborhood Montgomery, mounted a substantial effort to effect this change, and they must be thanked and congratulated for achieving the desired outcome. That said, non-residential buildings, such as churches, private schools and foreign embassies, will still be allowed in residential neighborhoods, just as they are under the current zoning code.

Members of the PHED also responded to testimony heard at the November zoning code hearing on the issue of whether or not to change for standards for allowing "animal husbandry" in the residential zones. In the end, they agreed to leave current law in place.

In defense of the PHED decision to leave existing animal husbandry standards in place, the Chair of the committee, Council member Nancy Floreen, stated that the current legislative exercise was about reorganizing and streamlining the current zoning code, not about making alterations to it. I am not sure how she reconciles that statement with the fact that she wholeheartedly supports eliminating all of the currently existing commercial zones from the proposed code revision. That seems to me to be a fairly substantial alteration.

The act of having elected government officials listen to, and respond positively to, the voice of the people should not be such a surprising occurrence in our representative democracy. The fact is that it took two rounds of County Council hearings and nearly six months of communications, in the form of letters, calls and emails, for county residents to impress upon Council the sincerity and significance of the opinions they held.

Perhaps the members of Council, in responding to the time pressure and enormity of the challenge to conduct the running of the county in concert with the Executive branch, naturally gravitate to a process of making decisions for the people, in a rather brusque parental, "we know what's best for you" fashion, rather than devoting the time required to carefully listen to what the people of the county are saying they want and need.

True citizen inclusion in the decision making processes of government requires that officials forego the easier method of asserting an already held opinion, and devote their time and attention to learning from and educating citizens, to discussing issues in open forum formats not yet considered, and to carefully listening to the needs and the will of the people.

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 the montgomerycivic@yahoo.com