

# Renewing Established Neighborhoods

*A guide to successful practices and community involvement  
relating to home construction and remodeling in  
established Montgomery County, Maryland, neighborhoods*





## **Mission Statement**

*Renewing Montgomery* is a communications initiative started by a group of independent neighborhood builders in Montgomery County, Maryland, to improve the dialogue among homeowners, neighbors, and homebuilders on issues relating to home construction and remodeling in established neighborhoods.

**The goals of *Renewing Montgomery* are:**

- To identify reasonable solutions to challenges associated with neighborhood building
- To encourage considerate and responsible neighborhood renewal
- To communicate the impact current and proposed regulations may have on property owners and neighborhoods

*Renewing Montgomery* values the opinions and perspectives of homeowners, neighbors, homebuilders, and other interested County residents, and invites all to participate in the dialogue on neighborhood renewal.

For more information, or to offer an opinion or comment, please visit  
[www.renewingmontgomery.com](http://www.renewingmontgomery.com)

## **About This Guide**

Across the United States, people are dealing with issues pertaining to new home construction and remodeling of homes in established neighborhoods. This guide has been created by *Renewing Montgomery* to facilitate a dialogue on ways to ensure neighborhood building in Montgomery County is a positive process for homeowners, neighbors, homebuilders, and others.

## **How to Use This Guide**

As shown in the Table of Contents below, this guide is organized into sections, each dealing with an aspect of neighborhood building. To use this guide, please refer to a specific section for pertinent information and relevant references on a particular subject.

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*\* Renewing Montgomery cannot guarantee that following the recommended successful practices in this guide will not result in additional costs or problems. Successful practices are recommended by Renewing Montgomery based on experience and input from owners, neighbors, and homebuilders. We believe that utilizing these practices can help address issues before they become problems.*

For additional information, or to ask a question or offer a comment,  
please visit  
[www.renewingmontgomery.com](http://www.renewingmontgomery.com)

## **A Fair Environment for Neighborhood Building**

Neighborhood building, or “infill” building, has been a part of neighborhood renewal since people first began building homes in close proximity to one another. Over time, a neighborhood’s homes are inevitably updated or replaced to meet the changing needs of residents, and new homes are built on open lots.

In Montgomery County, owners today are for the most part able to improve or sell their home or lot as they choose in accordance with County regulations. Some feel owners’ rights should be restricted by regulations that limit or eliminate change in neighborhoods. Others want to ensure owners’ existing property rights and freedom of choice will not be restricted or taken away.

There is no way to guarantee a new or remodeled home will please everyone in a neighborhood, or meet everyone’s idea of design excellence. *Renewing Montgomery* believes everyone shares an interest in neighborhood building that reflects housing trends and market values.

A fair environment for neighborhood building means:

1. Providing information to residents so they can stay informed about what is involved in home improvements and construction.
2. Encouraging considerate and successful construction practices for homeowners and homebuilders.
3. Identifying issues so any enacted legislation will incorporate consistent review practices by all applicable agencies and avoid unintended consequences.
4. Considering the impact of future legislation on all County residents so legislation will be practical and reasonable.
5. Making information easily accessible to property owners so that they understand key issues if and when they decide to improve, re-build, or sell their property.
6. Keeping owners and citizens associations aware of pending legislation that may impact property rights and property values.

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# **Successful Practices for Neighbors**

Neighbors have a right and a responsibility to participate in the renewal of their neighborhood. Recommended successful practices for neighbors relative to neighborhood building are provided below.

1. Communicate directly with the owner or builder as soon as possible if you have a concern or question regarding specific construction or remodeling
2. Know building codes, regulations, and neighborhood covenants that apply to new construction and remodeling in your neighborhood
3. Communicate to the builder any concerns regarding work in progress
4. Cooperate with the builder to speed up completion of work
5. Respect your neighbor's right to improve their property in accordance with their family's needs and preferences
6. Understand that some trees may have to be removed when a home is built or remodeled, and encourage builders to plant new trees
7. Work sites can have visible and unseen dangers; never enter a work site without the express permission of the builder or owner, and make sure children understand they should never enter a work site
8. Contact the builder immediately in the event of noise violations, excessive trash, fire, vandalism, wind damage, etc.
9. Wait until construction is completed and landscaping is completed before passing judgment on a home and how it fits with others in the neighborhood
10. Be patient. Construction can be disruptive, but realize that your home and every other home in the neighborhood were under construction at one time.
11. Remember that when construction is completed, it will provide a home for your new neighbors and their family; your relationship with your new neighbors begins during construction
12. Communicate any specific concern or question regarding new construction or remodeling in your neighborhood to your neighborhood association

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## **Quick Facts**

Information below is taken from the Montgomery County Office of Legislative Oversight Report Number 2007-4 “Residential Infill Construction: A Review of County Laws, Regulations, and Practices” dated February 13, 2007. For a complete copy of OLO-Report 2007-4, go to [www.montgomerycountymd.gov/olo](http://www.montgomerycountymd.gov/olo).

1. The County Code regulates residential infill construction primarily through the Building Code and the Zoning Ordinance (ZO).
2. Building permits are issued through the Department of Permitting Services (DPS).
3. The R-60 (minimum lot size 6,000 sq. ft.) and R-90 (minimum lot size 9,000 sq. ft.) residential zones were established by the ZO in 1954.
4. The ZO includes specific development standards in the R-60 and R-90 zones, including standards for:
  - minimum net lot area
  - minimum lot width
  - minimum setbacks from lot lines
  - maximum building height
  - maximum lot coverage
5. The ZO allows single family residential construction on lots recorded before 1958 to use the zoning standards in effect when the lot was recorded instead of the current zoning standards (§59-B-5) except that:
  - Lots recorded before Mar. 16, 1926 must meet the standards in the 1928 ZO
  - The maximum building height and maximum building coverage must comply with the standards of the lot’s underlying zone at the time of construction: and
  - An established building line setback must conform to the standards for determining the established building line at the time of construction.Other restrictions and standards apply to lots recorded before 1958.
6. Building permits issued by DPS for infill construction projects in the 11 zip code areas of the County where the R-60 and R-90 zones exist for the 63.5 months between July 2001 and November 15, 2006, were:
  - 10,271 (100%) permits issued
    - 8,991 (88%) addition/renovation
    - 1,181 (11%) demolition-rebuild
    - 99 (1%) new construction on undeveloped lot

7. **Addition/Renovation:** permits in R-60 and R-90 zones between July 2001 and November 15, 2006, totaled 8,991. DPS actions related to these permits included:
  - 43,307 routine building inspections
  - 438 verified construction-related (setbacks, development standards-residential, zoning enforcement, lot coverage) zoning complaint inspections, resulting in 95 stop work orders
  - 699 verified construction complaint inspections for no building permit, resulting in 288 stop work orders
  - 717 verified construction complaint inspections for issues other than no building permit, resulting in 97 stop work orders
  
8. **Demolition-Rebuild/New Construction:** permits in R-60 and R-90 zones between July 2001 and November 15, 2006, totaled 1,280. DPS actions related to these permits included:
  - 8,735 routine building inspections
  - 185 verified construction-related (setbacks, building height, zoning enforcement, development standards-residential, lot coverage) zoning complaint inspections, resulting in 13 stop work orders
  - 53 verified construction complaint inspections for no building permit, resulting in 8 stop work orders
  - 387 verified construction complaint inspections for issues other than no building permit, resulting in 18 stop work orders
  
9. Administrative appeals to the Board of Appeals (BOA) to contest DPS' action on building permits between July 2001 and November 15, 2006 resulted in the following actions for these appeals:
  - 40 (100%) filed
    - 21 (52.5%) dismissed by BOA or withdrawn by applicant
    - 8 (20%) upheld DPS' permit decision
    - 4 (10%) granted and DPS permit decision overturned
    - 3 (7.5%) partially granted
    - 2 (5%) continued/yet to be decided
    - 2 (5%) status unknown

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## **Frequently Asked Questions (FAQs)**

Frequently Asked Questions (FAQs) relating to neighborhood building in Montgomery County, and *Renewing Montgomery* responses to those questions are listed below.

### Communications

**Q1:** Who should participate in the discussion of neighborhood renewal?

**R:** Residents, property owners, real estate agents, builders, elected officials, regulatory agencies, businesses, and other interested parties.

**Q2:** I am not currently planning to sell or remodel my home/lot; should I get involved in the neighborhood renewal dialogue now?

**R:** Yes. Current and future regulations could have a substantial impact on what you can and cannot do with your property in the future.

**Q3:** How can I communicate my opinions?

**R:** Contact your neighbors, neighborhood association and elected officials. We also invite you to visit [www.renewingmontgomery.com](http://www.renewingmontgomery.com) and offer your comments.

**Q4:** Where can I obtain contact information for elected officials?

**R:** Refer to the Resources section at the end of this guide, visit [www.montgomerycountymd.gov](http://www.montgomerycountymd.gov) or visit [www.renewingmontgomery.com](http://www.renewingmontgomery.com)

### Design and Construction Issues

**Q5:** Who determines the design of new and remodeled homes?

**R:** Homes are usually designed by property owners working with architects. The owners create the living space and amenities families need and want.

**Q6:** Why are new homes usually larger than existing homes?

**R:** Today's homes often feature larger kitchens, multiple bathrooms, higher ceilings, laundry rooms, home offices, media rooms, owner's suites, etc., as well as more bedrooms than older homes.

**Q7:** Are new homes more energy efficient?

**R:** Yes. New construction techniques and materials make more efficient use of energy and renewable resources and are more environmentally friendly. Older homes often have inadequate insulation, inferior air filtration and heating systems, and high energy use appliances.

**Q8:** Are new homes safer than older homes?

**R:** Yes. All new homes have advanced fire sprinkler systems, and most feature advanced lighting and various safety features. Older homes often contain asbestos and lead-based paint.

## Economic Impact

**Q9: What is the economic impact of neighborhood building?**

**R: New residents bring new spending to area merchants. Younger families help schools and places of worship thrive. Construction trades employ thousands of County residents, from laborers, carpenters, plumbers and electricians to cabinetmakers, builders and architects that pay taxes and are active participants in the County economy. Construction taxes and fees contribute to County revenues which fund services for residents.**

## Property Values

**Q10: What impact does neighborhood building have on property values?**

**R: Values in neighborhood where homes are being built or remodeled typically increase faster than in neighborhoods where no neighborhood building is taking place.**

**Q11: How can regulations affect the value of my property?**

**R: The value of your property can be adversely affected by regulations that restrict the size of any home built or remodeled on the property. Properties accommodating larger homes are typically worth more than properties restricted to smaller homes, and restrictive regulations may make your property worth less if you decide to sell it, even though for years you may have paid taxes based on the average value of lots in your neighborhood .**

## Regulations and Their Impact

**Q12: What are zoning classifications?**

**R: Zoning classifications are established by the County to regulate the types of structures permitted in a particular area. Most established neighborhoods are zoned R-60 (residential, one-family, detached, minimum lot size 6,000 sq. ft.) or R-90 (residential, one-family, detached, minimum lot size 9,000 sq. ft.). For a full description of zoning classifications and their parameters, visit [dps@montgomerycountymd.gov](mailto:dps@montgomerycountymd.gov).**

**Q13: Do regulations apply to individual neighborhoods?**

**R: Regulations apply to the entire County. It is important to understand the impact of proposed regulations on different areas of the County, as what may be appropriate for one area may not be appropriate for others.**

**Q14: What regulations affect my property rights?**

**R: Home improvement is a property right. Regulations now in place limit the size of some home improvements, and new regulations have the potential to further restrict your right to improve your property as you see fit.**

**Q15: Do regulations affect the appearance of new and remodeled homes?**

**R: Regulations regarding building height, setbacks, and lot coverage affect design; however, most down-County areas do not require architectural approval for new homes or improvements.**

**Q16: Do new regulations add to construction costs?**

**R: New regulations directly increase design, construction, and permitting fees, and indirectly increase overall costs by adding delays to the construction schedule.**

### **Trees & Landscaping**

**Q17: Why do so many new homes have driveways?**

**R: Current County regulations require off-street parking be provided for all new home construction.**

**Q18: Why does it take so long to have patches in the street repaired in front of new and remodeled homes?**

**R: Most work done in streets is the responsibility of the County or utility companies, and is beyond the control of the builder or homeowner.**

**Q19: How can I protect and promote trees in my neighborhood?**

**R: Make sure trees on your property are healthy and receiving proper care. Work together with new owners, homebuilders, and elected officials to express your interest in saving existing trees and planting new trees. Encourage your neighborhood association to promote the planting of new trees throughout the neighborhood. Most established neighborhoods were at one time open farmland, and existing trees are the product of continual planting of trees by homeowners and homebuilders over time.**

**Q20: Are there currently restrictions on removing or trimming trees?**

**R: Tree removal and maintenance has historically been a property right. Since Colonial times, owners have removed and maintained trees on their property as they have seen fit. Proposed regulations would eliminate or severely restrict owner rights regarding trees.**

**Q21: What kinds of trees can be planted?**

**R: There are no County regulations that restrict the kinds of trees that can be planted. Check with your civic association to see if local regulations apply in your neighborhood.**

**Q22: Are there fewer trees in neighborhoods today?**

**R: The number and size of trees is greater today than ever.**

**Q23: Why does the site excavation exceed the building setbacks?**

**R: To install the foundation, the ground is typically excavated 5 feet beyond the proposed structure, and this "over-dig area" is filled in when the foundation is completed.**

**Q24: Who is responsible for regulating the trees in the right of way?**

**R: The right of way is typically the area between the curb and the sidewalk. Trees in the right of way are regulated by the State and require a State permit for removal. All other work within the right of way, such as driveways and sidewalks, requires a permit from the County.**

## **Ways to Communicate Opinions, Comments, and Questions**

*Renewing Montgomery* values the opinions and perspectives of responsible individuals, and encourages homeowners, neighbors, homebuilders, and other interested County residents to participate in the dialogue on neighborhood renewal.

For more information, to offer an opinion or comment, or ask a question regarding neighborhood building, contact:

### **Renewing Montgomery**

*Renewing Montgomery*  
4302 East West Highway  
Bethesda, Maryland 20814  
visit [www.renewingmontgomery.com](http://www.renewingmontgomery.com)

### **Montgomery County Officials**

Montgomery County Council  
Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
240-777-7900  
TTY 240-777-7914  
FAX 240-777-7989  
email [county.council@montgomerycountymd.gov](mailto:county.council@montgomerycountymd.gov)  
visit [www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)

Ike Leggett, Montgomery County Executive  
Executive Office Building  
101 Monroe Street, 2<sup>nd</sup> Floor  
Rockville, Maryland 20850  
240-777-2500  
TTY 240-777-2544  
FAX 240-777-7989  
email [ocemail@montgomerycountymd.gov](mailto:ocemail@montgomerycountymd.gov)  
visit [www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)

Department of Permitting Services  
255 Rockville Pike 2<sup>nd</sup> Floor  
Rockville, Maryland 20850  
240-777-6300  
visit [dps@montgomerycountymd.gov](mailto:dps@montgomerycountymd.gov)

## **Newspapers**

*The Washington Post* (letters to the Editor)

Letters to the Editor

1150 15<sup>th</sup> St., NW

Washington, DC 20071

email [letters@washpost.com](mailto:letters@washpost.com)

*The Washington Post* (Op-Ed submissions)

Editorial Page Editor

1150 15<sup>th</sup> St., NW

Washington, DC 20071

Fax: 202-334-5269

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*The Washington Post Montgomery Extra*

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