

Worksession

Agenda Item #	3
Meeting Date	February 4, 2008
Prepared By	Iлона Blanchard Senior Planner
Approved By	Barbara B. Matthews City Manager

Discussion Item	Discussion of Proposed Montgomery County Zoning Text Amendment 08-01, Revising Definition of "Green Area"
Background	<p>The Montgomery County Council, sitting as the District Council for the Maryland-Washington Regional District, has the authority to revise the Zoning Ordinance, Chapter 59 of the Montgomery County Code, which controls development activity within Takoma Park.</p> <p>Zoning Text Amendment No: 08-01 was recently proposed to amend the definition of "green area." This text amendment is attached. Among many small changes designed to make the definition more precise, it also redefines "green area" to exclude the footprint of a building. The intent of the amendment is to create more ground level open space in Montgomery County and to prevent the Planning Board from including green roofs, rooftop gardens, interior courtyards, and other areas in a building's footprint in the calculation of "green area." Properties zoned for retail uses in Takoma Park are required to have a 10% "green area." All properties zoned for office are required to provide 15% "green area."</p> <p>Under both the current and the proposed zoning text, the definition of "green area" includes concrete sidewalks on the property, swimming pools, playgrounds, paved plazas, fountains, and watercourses. Parking lots (including permeable surface) and green islands and walkways within parking lots are excluded.</p> <p>Redeveloping underutilized and car-oriented properties with greener and more pedestrian-oriented buildings with a consistent street wall in Takoma Park is an important step to creating more environmentally sound and sustainable residential and shopping choices for City residents. Unfortunately, the proposed text change inhibits opportunities to redevelop the small commercial sites typical of Takoma Park.</p> <p>In Takoma Park, offering the flexibility to developers to use green roofs, build public areas over underground parking, or other creative means, will better enable property owners and developers to redevelop in a manner that meets Master Plan goals.</p> <p>Background:</p> <p>The City currently has a commercial revitalization overlay zone (the CROZ) that requires "Site Plan Review" and thus would be subject to the Green Area requirement. The CROZ both requires a site plan for redevelopments greater than 1,000 square feet and encourages more uses on each property. All sites are also</p>

	<p>subject to natural resource forest stand delineation, stormwater management, tree protection ordinance, steep slopes, stream buffers, master plan right-of-way dedication, and parking landscape requirements.</p> <p>There are many small and medium sized commercial sites that have the potential for redevelopment. All potential development sites in Takoma Park are zoned for mixed uses. The CROZ encourages buildings that create pedestrian-friendly places by developing a several story building that frames a street, includes ample public sidewalks, and places residential or office uses over street front retail.</p> <p>Most sites with a potential for redevelopment have already been paved over, have buildings that do not serve a mix of uses, and are designed to serve customers arriving in cars and not by foot. Redevelopment will improve both the environment and public space by requiring improved stormwater management through quality and quantity improvements, and improvements to the public pedestrian realm - the sidewalk and tree box area.</p> <p>Parking and buildings with green roofs often would meet City revitalization and stormwater management goals more efficiently and attractively then dedicating the 10-15% to another site feature.</p>
Policy	<p>Foster economic vitality and attractive community character in the commercial areas in the City of Takoma Park that need revitalization. Provide for flexibility of development standards that may allow for more commercial development and better design than would otherwise be achieved.</p> <p>– <i>Takoma Park Master Plan December 2000</i></p>
Fiscal Impact	None
Attachments	<ul style="list-style-type: none"> • Zoning Text Amendment 08-01, Green Area Definition January 11, 2008 Memo
Recommendation	<p>Recommend changes to the text amendment so that line 25 reads as “(2) building footprint except in the Commercial Revitalization Overlay Zone, where the footprint may be included; or”</p>
Special Consideration	<p>The public hearing on ZTA 08-01 is scheduled for February 26, 2008 at 1:30.</p>

AGENDA ITEM #4
January 15, 2008

Introduction

MEMORANDUM

January 11, 2008

TO: County Council

FROM: Jeffrey L. Zyontz, Legislative Attorney

SUBJECT: Introduction – Zoning Text Amendment 08-01,
Green Area - Definition

Zoning Text Amendment (ZTA) 08-01 is sponsored by Councilmember Elrich. This ZTA would exclude the footprint area of any building from the calculation of green area and would generally amend the definition of green area. The Planning Board is interpreting the current green area definition in a manner that allows the inclusion of rooftops and other areas in a building's footprint. ZTA 08-01 would not allow that interpretation. All other changes proposed in the ZTA are intended to make the definition precise, concise, and decisive but are not intended to make any substantive change.

Councilmember Elrich believes that ZTA 08-01 would redefine green area to conform to a common understanding of the phrase; most people associate green area with ground level open space, not rooftops. The current definition of "green area" starts with the phrase "an area of land". A building's roof is not an area of land. In the sponsor's opinion, ZTA 08-01 would appropriately change the Planning Board's interpretation and would assure more ground level open space.

The public hearing on ZTA 08-01 is scheduled for February 26, 2008 at 1:30 pm.

Ordinance No:
Zoning Text Amendment No: 08-01
Concerning: Green Area - Definition
Draft No. & Date: 2 - 1/9/08
Introduced: 1/15/08
Public Hearing: 2/26/08
Adopted:
Effective:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Elrich

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- exclude any building roof area from the definition of green area; and
- generally amend the definition of green area.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-A-2 "DEFINITIONS AND INTERPRETATIONS"
Section 59-A-2.1 "Definitions"

EXPLANATION: ***Boldface** indicates a heading or a defined term.*
Underlining indicates text that is added to existing laws by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
**** indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

1 **Sec. 1. Division 59-A-2 is amended as follows:**

2 **Division 59-A-2. DEFINITIONS AND INTERPRETATIONS.**

3 **Sec. 59-A-2.1. Definitions.**

4 In this Chapter, the following words and phrases have the meanings indicated:

5 * * *

6 **Green area:** An area of land [associated with and located on the same tract of land
7 as a major building or group of buildings, or a prescribed portion of the land area]
8 that provides light and air, or scenic, recreational, or similar amenity [encompassed
9 by a development plan, diagrammatic plan, or site plan, to which it provides light
10 and air, or scenic, recreational or similar amenities]. This [space] area must
11 generally be available for entry and use by the occupants of the site [building or
12 area involved], but may include a limited [proportion of space so located and
13 treated as to enhance the amenity of the development by providing] area that
14 provides [landscaping features or for] landscape screening [for the benefit of the
15 occupants or those in neighboring areas, or] a general appearance of openness or a
16 scenic, recreational, or similar amenity for the visual benefit of anyone using a
17 neighboring tract of land. Green area may include [but is not limited to] a feature
18 such as a [lawns] lawn, decorative [plantings] planting, [sidewalks] sidewalk, [and
19 walkways] walkway, active and passive recreational [areas] area including a
20 children's [playgrounds] playground, public [plazas] plaza, [fountains] fountain,
21 swimming [pools] pool, wooded [areas] area, and [watercourses] watercourse.

22 Green area [does] must not include the area of any:

23 (1) [parking lots or vehicular surfaces] surface used by any motor vehicle ,

24 including any parking lot;

25 (2) building footprint; or

26 (3) [accessory buildings other than any swimming pools; or

27 areas of open space so located,] small open space[, or] circumscribed by

28 buildings, parking, or drainage areas [as to] that [have] has no substantial
29 value for the purposes stated in this [paragraph] definition.

30 * * *

31 **Sec. 3. Effective date.** This ordinance takes effect 20 days after the date of
32 Council adoption.

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34 This is a correct copy of Council action.

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37 _____
Linda M. Lauer, Clerk of the Council

Resolution No:
Introduced: January 15, 2008
Adopted:

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND

By: District Council

Subject: Notice of Public Hearing on Zoning Text Amendment 08-01

Background

1. Section 59-H-9.3 of the Montgomery County Ordinance requires that, within thirty days of introduction of any text amendment, the Council act by resolution to set a date and time for public hearing on the proposed amendment.
2. Zoning Text Amendment No. 08-01, which would amend the Zoning Ordinance to exclude the footprint area of any building from the calculation of green area and generally amend the definition of green area, was introduced on January 15, 2008.

Action

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland approves the following resolution:

Legal notice will be given of the public hearing to be held on February 26, 2008 at 1:30 p.m., in the Council Hearing Room, Stella Werner Council Office Building, Rockville, Maryland, for the purpose of giving the public an opportunity to comment on the proposed amendment.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council