

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**

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By: Councilmember Elrich

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**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:*

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

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

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

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

\* \* \*

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

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

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

(2) building footprint; or

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

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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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

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By: District Council

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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.

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Linda M. Lauer, Clerk of the Council