

Introduction

MEMORANDUM

July 24, 2009

TO: County Council

FROM: Jeffrey L. Zyontz,  Legislative Attorney

SUBJECT: Introduction – Zoning Text Amendment 09-06,
Town Sector (TS) Zone – Minimum Area

Zoning Text Amendment (ZTA) 09-06, sponsored by Councilmembers Knapp, Elrich, and Floreen, would help implement the Germantown Sector Plan. The ZTA would amend the Town Sector (TS) Zone to allow a TS zoned area to be reduced below 1,500 acres. Such a reduction would only be allowed by the Council's approval of a sectional map amendment. Under §59-H-2.6, a sectional map amendment may only be filed by the District Council to implement the zoning recommendations of a master plan or to correct inaccurate depictions of zoning boundaries. There are 2 areas in the County zoned TS: 1) Churchill, and 2) Montgomery Village.

A public hearing will be held on September 15, 2009 at 1:30 p.m. if the Council approves the attached resolution.

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ZTA 09-06
Resolution

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Zoning Text Amendment No: 09-06
Concerning: Town Sector Zone -
Minimum Size
Draft No. & Date: 1 - 7/21/09
Introduced: July 28, 2009
Public Hearing:
Adopted:
Effective:
Ordinance No:

**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: Councilmembers Knapp, Elrich, and Floreen

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- Allow, under certain circumstances, a reduction in the land area required for land currently zoned TS; and
- Amend the development standards for the land remaining in the TS zone in an area if the total amount of TS zoning was reduced.

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

DIVISION 59-C-7. "PLANNED UNIT DEVELOPMENT ZONES"
Section 59-C-7.2 "Town sector zone"

*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-C-7 is amended as follows:**

2 **Division 59-C-7. Planned Unit Development Zones.**

3 * * *

4 **Sec. 59-C-7.2 Town sector zone.**

5 * * *

6 **59-C-7.24. Area requirements.**

7 59-C-7.241. Minimum area of tract. Each application for the town sector
8 zone shall be for a tract of land which has an area of 1,500 acres or more; except[,
9 that];

10 a) an application for a tract of any size adjoining a tract in the town sector zone
11 may be filed by the original applicant or a successor in title [.] or

12 b) a sectional map amendment may reduce the area zoned TS to less than 1,500
13 acres.

14 * * *

15 **Sec. 2. Effective date.** This ordinance takes effect immediately after the
16 date of Council adoption.

17

18 This is a correct copy of Council action.

19

20 _____

21 Linda M. Lauer, Clerk of the Council

Resolution No.: _____
Introduced: July 28, 2009
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: Councilmembers Knapp, Elrich, and Floreen

Subject: Notice of Public Hearing on Zoning Text Amendment 09-06

Background

1. Section 59-H-9.3 of the Montgomery County Ordinance requires that, within 30 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. 09-06, introduced on July 28, 2009 would amend provisions concerning the minimum land area of the Town Sector (TS) Zone.
3. Councilmember Knapp requested the consideration of the Zoning Text Amendment.

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 September 15, 2009 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