

MEETING OF THE LAND USE COMMITTEE 1-28-2021

The meeting was called for 7 pm on Zoom. Members present were Lees Hartman, Chair; Tom Collins, Kathy Flaxman (7:10), Sybil Freedman (left 8:10), Rod Henderer, Dedun Ingram, Eric Murtagh, Sarah Runge, David Valenstein, and Irene Lane, Council Liaison.

Chair Lees Hartman called the meeting to order at 7:05 pm.

ZTA 20-07: Council liaison Irene Lane updated the committee on the status of the proposed County Zoning Text Amendment 20-07 which would allow the construction by right of certain types of multi-family housing in R-60 neighborhoods within one mile of a Metro station. This is part of the County's attempt to increase the supply of "missing middle housing." Currently the Town's ability to regulate certain aspects of housing is defined in terms of single-family housing.

Canopy Tree Working Group: Sarah Runge reported that the group started with a fact-finding exercise: Are more trees coming down than in the past? They then moved on to a broader discussion. The working group is currently looking at expanding the list of protected canopy trees. The group is in the process of finalizing recommendations and suggestions. They would like to have a work session with the Town Council. The working group would use the session to brief the Council on their recommendations.

Town Regulatory Authority: Montgomery County municipalities have the authority to regulate building height, bulk, mass, lot coverage per State Land Use Section 20-509. This is the legal underpinning of parts of our building ordinances. As written, we may regulate buildings and associated items (fences, parking, lot coverage) on land zoned for single-family residential use. Our State delegation has asked why municipalities need regulations different from those of the County. The Land Use Committee has been asked to provide a memo discussing the reasons behind the types of regulations the Town has adopted. Lees reported that he has created a draft memo. He will send it to the Committee for review and feedback.

Applicability of County ordinances within the Town: With respect to County laws (with exceptions like health, zoning) the Town is free to adopt or not chapters of the County code. Lees has informed us previously that there are many portions of the County code that have been enacted over the years without the Town's considering them for possible adoption. Lees proposed creating a template for reviewing chapters of the County code. Chapters will be assigned to Committee members. LUC members will review chapters with an eye to the possible ramifications of adopting or not adopting. The LUC will form suggestions, and after discussion send recommendations to the Town Attorney. Ultimately a work session with the Council will be scheduled to discuss and decide which chapters (or sections of chapters) to adopt. Lees will assign each member a chapter. This is a long-term project which we don't expect to complete this year. The Long Range Planning Committee will also be reviewing chapters.

Zimmerman Park: Irene reported that the landscape architect has prepared a new set of concept drawings and submitted them for review. At a recent work session, the costs of various amenities and improvements were broken down. At future meetings, the LUC will be reviewing the drawings. Town has received a grant from the Maryland Department of Natural Resources' Program Open Space initiative. The cost of the redevelopment of the park will, in part be paid for with the grant money.

Next meetings will be February 25 and March 25. Lees will send out action item material.

The meeting adjourned at 9:00 pm.