



Town of Garrett Park
PO Box 84
4600 Waverly Avenue
Garrett Park, MD
20896

Scheduled Meeting of Task
Force
Garrett Park Town Hall
10814 Kenilworth Avenue
Garrett Park MD 20896

Draft MINUTES

Meeting Call to Order: Convener Gene Brantly called the meeting to order at 8:15 PM. Present were Task Force members Lizzie Gliddon-Boyle, Kay Hager, Todd Harris (8:54 PM), Ken Ingham, Barbara Jackson, Pat Keating, John King, Cindy Kratz, Peter Kratz, Pam Morgan (8:35 PM), Kevin Pope, Bob Reinhardt, Nancy Schwartz, Natalie Shelton; Members *Ex Officio* Beth Irons, Chris Keller; and Town Administrator Ted Pratt.

Approval of Agenda: Gene Brantly presented the agenda:

- Presentation on GP Ordinances (prepared by Harry Gordon) - Bob Reinhardt
- Approval of Minutes : Meeting of 04/16.
- Plan for Remaining Meetings
- Reports from Subcommittees

Gene asked if there were other items that should be added to the proposed agenda, and after a brief discussion it was approved without objection.

Approval of Minutes:

Minutes of the Initial Meeting of 03/15/2009:

Gene Brantly **MOVED**

That the minutes of the Initial Meeting of the Land Use Task Force held on April 16th be approved as distributed. Ken Ingham seconded the motion. After discussion the motion to approve the minutes of the meeting of April 16th with corrections was **PASSED** without objection.

Presentations:

GP Ordinances Overview (Prepared by Harry Gordon): At 8:25 PM Gene Brantly asked Bob Reinhardt to give the presentation of the Garrett Park Code of Ordinances prepared by Harry Gordon, who was out of the country on a business trip. The presentation is attached to these minutes and lasted until 9:15 PM.

Discussion/Action:

- Gene Brantly asked Pam Morgan to review her comments on terminology. Pam Morgan discussed her email of 21 May (attached to these minutes).
- Gene Brantly asked for suggestions regarding getting Task Force access to legal opinion, noting that the Mayor and Council were prepared to support this effort. Gene also requested that Task force members be prepared to submit questions in writing.

Subcommittee Reports:

- Technical Standards Committee: There was discussion concerning the format of the comparison of various municipal codes and what elements of these code were considered most significant: impervious surface regulation, trees on private property, building height measurement and control, green design, etc. Pam Morgan volunteered to develop a matrix for the subcommittee to review.
- Research Subcommittee: Natalie Shelton reported that the subcommittee had met three times and begun the process of gathering data. Natalie noted that the subcommittee would like greater specificity from the Task Force and/or the Technical Standards Subcommittee as to the most important elements of land use regulation to be considered to better guide research. Bob Reinhardt stated that he would develop an analysis of the various definitions used in county and municipal codes. Natalie reported that Lizzie Gliddon-Boyle had gone to Park and Planning's office in Silver Spring and obtained a printed copy of a county map of Garrett Park that consisted of an aerial photograph of the Town with lot lines overlaid. While not completely accurate, these lines did define the lots well enough for research purposes. Natalie further reported that the subcommittee was categorizing lots using a number of parameters and was working with the Town Office to get data entered into some form of database where it could be analyzed.

Future Meetings

Gene Brantly passed out a proposal on topics for future meetings (attached to these minutes [**NOTE:** I need a copy of this]). There was discussion regarding future meetings.

Adjournment: The meeting adjourned at 10:30 PM

Respectfully Submitted,

[TOWN SEAL]

Edwin Pratt, Jr., Clerk-

Treasurer

ATTACHMENT

An Overview of Garrett Park Building Regulations

Harry Gordon, FAIA
Chairman
GP Setback Advisory Committee
May 2009



The Committee (SAC) makes an objective assessment of each building permit application and advises the Town regarding the conformance with the GP ordinances.

In addition, the SAC frequently does an informal review of proposed designs before a permit application is received.

The Town and County Regulations are Designed to be Complementary

- Garrett Park Ordinances, Chapter 4, *Building, Housing and Business Regulations*
- Montgomery County Code, Zoning Ordinance, Sec. 59-C-18.111, *Residential and Open Space Preservation Overlay Zone for the Town of Garrett Park*

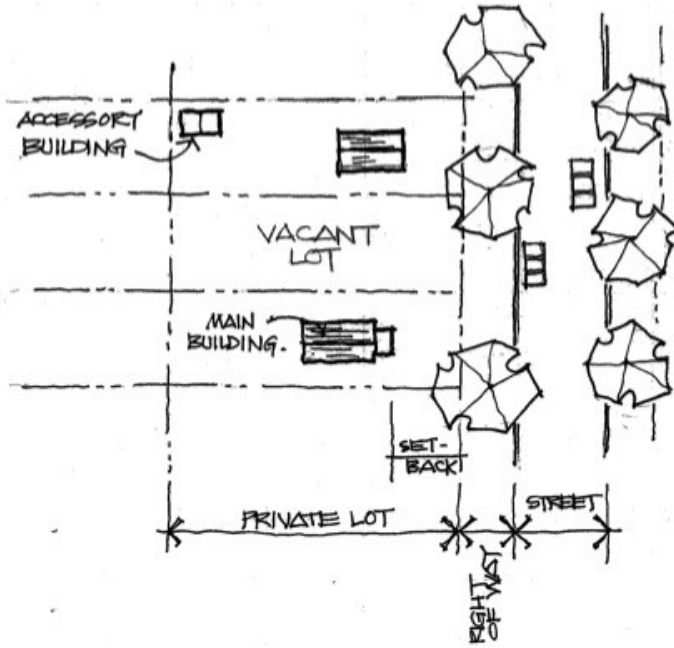
Purposes of Garrett Park Regulations – Section 402(a)

1. To....preserve and protect the lands and improvements within the Town by ensuring that all proposed new construction and alterations to buildings in the Town be compatible with the Town's existing scale, natural topography, vegetation, trees, physical setting, and density of development.

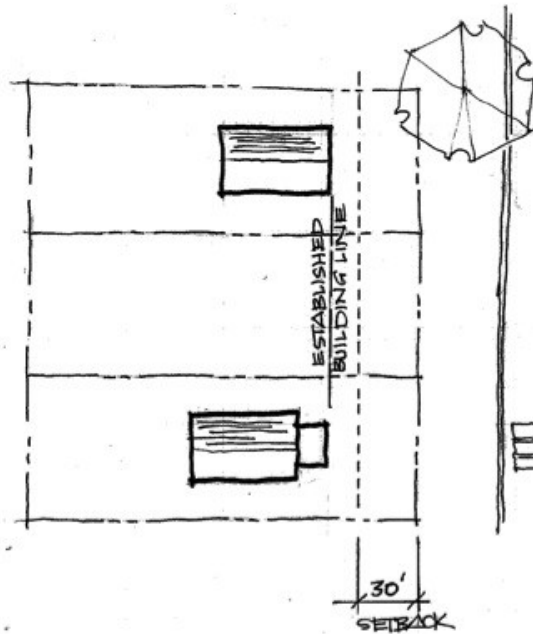
Purposes of Garrett Park Regulations – Section 402(a)

2. To establish stricter or additional building location or setback requirements than those of the current Montgomery County Zoning Ordinance for the construction, repair, erection, or remodeling of houses, buildings, or other structures.....

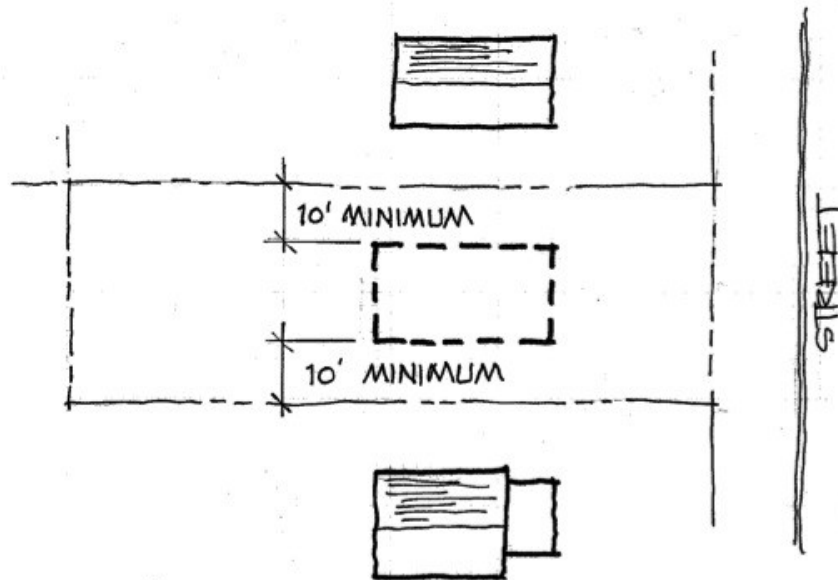
Overview and Terminology



Front setback is the greater of 30 feet or the established building line



Each side setback must be 10 feet minimum, and total must be at least 40% of lot width



The rear setback requirement is determined based on the depth of the lot.

- 40-foot rear setback for a lot of 100 feet in depth.
- Increased for lots of greater depth (or decreased for lots of smaller depth) by 70% of the difference between the average depth of the lot and 100 feet.
- Example: 200-foot lot depth:
 $40 \text{ ft} + 0.70(200 \text{ ft} - 100 \text{ ft}) = 110 \text{ ft}$

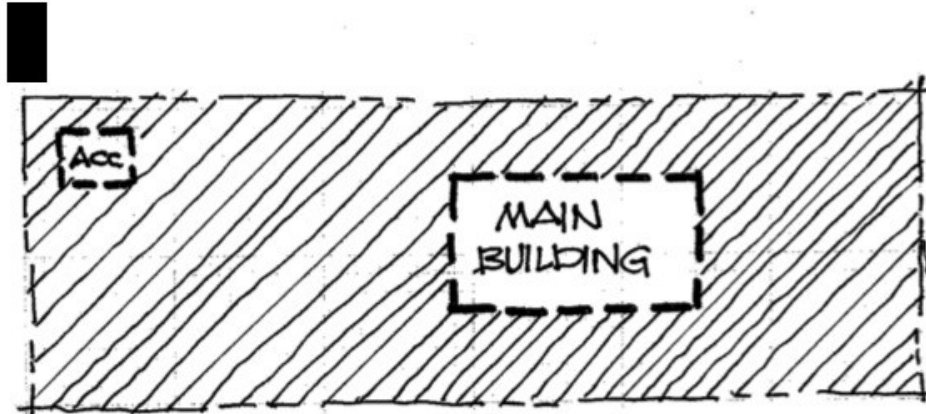
Adjustments to Setbacks

- Either the rear or side setbacks may be adjusted provided that the resulting reduction in rear or side setback is offset by an equivalent increase in the square footage of the other yard areas. (402(b)(4)).
- This provides flexibility in placement of the main building while maintaining the building (lot) coverage limit.

The Setback Advisory Committee advises the Town Council on the interpretation of the GP ordinances for individual building permit applications.

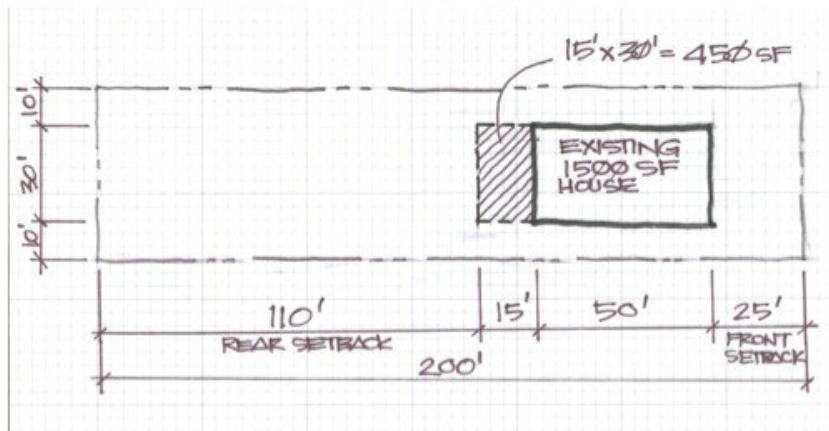
- Council Member – Beth Irons
- Committee Members:
 - Harry Gordon
 - Ed Shawaker
 - Pat Keating

The main building cannot exceed 18% of lot area.



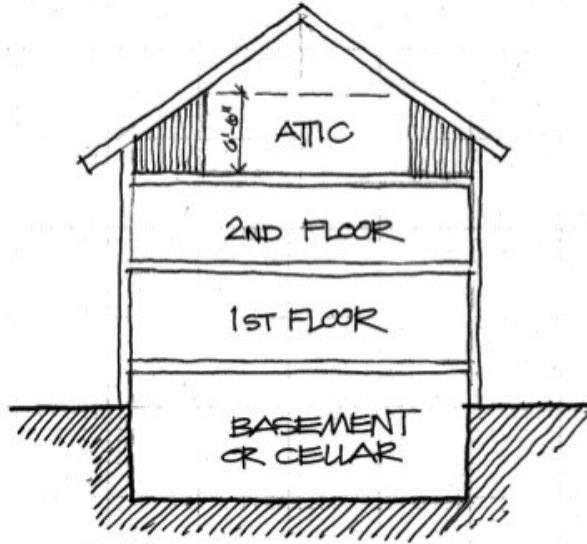
In addition, the Montgomery County Garrett Park Overlay Zone limits the building (lot) coverage of the main and any accessory building(s) to 20% of lot area.

Example of Common GP Existing Building with 25-foot Front Setback

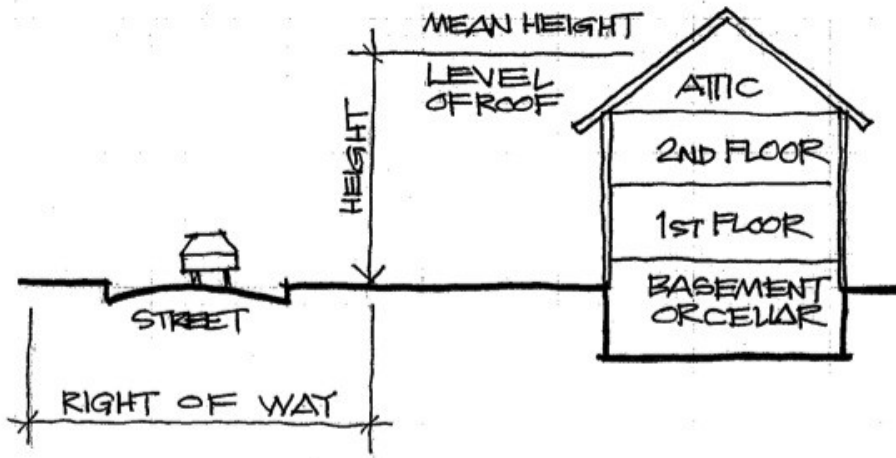


Without the 18% lot coverage provision, an addition of 450 SF could be added to the existing 1,500 SF house, which would result in 1,950 SF for the main building, equaling a lot coverage of 19.5%. Both setbacks and lot coverage are needed.

Maximum floor area ratio for main and accessory buildings = 0.375



Under Montgomery County Zoning Regulations the main building height may not exceed 35 feet



Garrett Park does not currently regulate building height.

Basis for Variance

-where unusual dimensions, shape, topography, or other exceptional characteristics of a particular lot are such that the strict and literal enforcement... would result in unusual practical difficulties, or exceptional or undue hardship on, the owner...

Other Provisions

- Front porches may extend 8 feet into setback for buildings existing before 1999
- Lots less than 8,600 square feet may seek a variance permitting greater lot coverage
- Corner lots – both street frontages are treated as front setbacks

ATTACHMENT

From: Pam Morgan

Date: May 21, 2009 10:08:40 AM EDT

Subject: Re: April Meeting Draft Minutes

Ted and Gene --

Ted thanks for the minutes. I will later send my proposed changes, inserted into the text.

The minutes have prompted me to put forward a request to Gene Brantly that has been forming since our first meeting:

Gene, could we please set aside time at the next meeting on Thursday May 28 to review some basic principles of land use? We need to reach a common understanding of definitions of land use terminology, as well as understand which governmental entity has which responsibility in a typical land use scenario.

I am prompted to make this request by reference in the minutes to "Garrett Park zoning", "zoning regulations", "the Town's zoning ordinance", "Garrett Park Zoning Ordinance", and "current zoning code".

Garrett Park has no zoning authority, by Maryland law. Garrett Park has no zoning ordinance, no zoning regulations, no zoning code.

Five meetings into this process is not too soon to establish a fundamental knowledge of the basics.

The People's Counsel for Montgomery County, Martin Klauber, may be a good legal counsel to talk to the LUTF about the respective roles, particularly the scope of Montgomery County. On his website he says, "The People's Counsel would like to address your organization. Please call the number below to arrange a meeting. If you have any questions or need assistance, please call us at 240-777-9700."

I've copied two definitions from the Montgomery County Zoning Ordinance. Zoning for Garrett Park is an authority exclusive to Montgomery County, not Garrett Park. The Montgomery County Zoning Ordinance (Chapter 59) restricts the "elements" listed in their zoning definition. Garrett Park has ONLY the legal right to further restrict any element as established by the Montgomery County Zoning Ordinance, which Garrett Park does in its building ordinances.

Zone: An area within which certain uses of land and buildings are permitted and certain others are prohibited; yards and other open spaces are required; lot areas, building height limits and other requirements are established; and all of the foregoing are identical for the zone in which they apply.

Zoning map: The zoning map of the Maryland-Washington Regional District in the county, dated May 31, 1958, together with all amendments thereto subsequently adopted.

The minutes also make these references: " Harry Gordon noted that many municipalities include a tree ordinance within their over-all zoning code." and "[The Research] Subcommittee will need input from Technical Standards Subcommittee regarding methodology for contrasting and comparing different municipal zoning ordinances."

The LUTF needs to be aware that not all of the 19 municipalities in Montgomery County are governed by the same Maryland law.

Under Maryland law (Article 66B) seven municipalities in Montgomery County have self-governance: they have their own zoning map, define their own zones, and establish their own building restrictions applicable to each zone. The seven municipalities are Brookeville, Poolesville, Laytonsville, Rockville, Barnesville, Gaithersburg, and Washington Grove. They are not governed by the "Regional District Act" in MD Law Article 28 8-115.1, which places Garrett Park under MNCPPC and

Montgomery County, subject to MNCPPC's zoning map and MC ordinances. As we all know, the MC ordinance was modified at Garrett Park's request in 1992 to create a special "overlay" zone that applied unique restrictions to Garrett Park.

Gene, as part of the review of fundamentals at the next meeting, please let's review this Maryland law, the Regional District Act, that was distributed at the first LUTF meeting. The subcommittees would benefit from understanding the allowable scope for the LUTF under Maryland law.

Thanks -- Pam