

Zoning Text Amendment No.: 21-11
Concerning: Sandy Spring/Ashton
Rural Village Overlay
Zone - Amendments
Draft No. & Date: 1 – 12/7/2021
Introduced: December 14, 2021
Public Hearing:
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**

Lead Sponsor: Council President at the request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- amend the language of the Sandy Spring/Ashton Rural Village Overlay Zone as recommended by the Ashton Rural Village Sector Plan

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

Division 4.9. “Overlay Zones”
Section 4.9.16. “Sandy Spring/Ashton Rural Village (SSA) Overlay Zone”

EXPLANATION: *Boldface* indicates a Heading or a defined term.

Underlining indicates text that is added to existing law by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by 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. ARTICLE 59-4 is amended as follows:**

2 **DIVISION 4.9 OVERLAY ZONES**

3 **Section 4.9.16 Sandy Spring/Ashton Rural Village (SSA) Overlay Zone**

4 **A. Purpose**

5 The purpose of the SSA Overlay Zone is to[:]

6 [1.] [P]reserve and enhance the rural village character of the Sandy
7 Spring and Ashton village centers [by ensuring an attractive and
8 traditional pattern of houses, commercial establishments, open spaces
9 and their relationship to roadways.] using detailed site review and the
10 continuation of community serving businesses within the village
11 centers.

12 [2. Encourage a compatible relationship between new or expanded houses
13 or businesses and traditional neighboring structures that reflects the
14 best of local village character, particularly in terms of scale, siting,
15 design features, and orientation on the site.]

16 **[B. Sewer**

17 Lots developed under the SSA Overlay zone must be connected to a
18 community water and sewerage system, unless it can be demonstrated at the
19 time of subdivision that limited number of lots on a private well and septic
20 facility within the development will provide a more beneficial subdivision
21 design because of environmental or compatibility reasons.]

22 **[C]B. Land Uses**

23 [Where a lot is either partially or totally in a Commercial/Residential or
24 Employment zone:

25 1. Multi-Unit Living, as allowed in the underlying zone, must be in a
26 multi use building type.] If the underlying zone on the property is
27 CRN, the following uses may be continued, renovated, repaired, or

reconstructed on the same site or a contiguous property if they legally existed on {insert effective date}, with the following Standards:

1. A Drive-Thru not associated with a restaurant under the limited use standards in Section 3.5.14.E.2.a.
2. A Filling Station under the conditional use standards in Section 3.5.13.C.2 and the procedures of a conditional use under Section 7.3.1.
- [2. The following uses are prohibited:
 - a. Adult Entertainment;
 - b. Animal Research Facility;
 - c. Car Wash;
 - d. Combination Retail;
 - e. Drive-Thru in connection with a Restaurant;
 - f. Dry Cleaning Facility (Up to 3,000 SF);
 - g. Filling Station, except that any lawful Filling Station use in existence as of the date of application of the Overlay zone is a conforming use, and may be altered, repaired, or replaced under the provisions of the zone in effect at the time the use was established;
 - h. Helipad, Heliport;
 - i. Helistop;
 - j. The following Light Manufacturing and Production use: newspaper, printing, and publishing;
 - k. Media Broadcast Tower;
 - l. Medical/Dental Laboratory;
 - m. Pipelines (Above Ground);
 - n. Recreation and Entertainment Facility;

- 55 o. Repair (Major);
- 56 p. Repair (Minor);
- 57 q. Research and Development;
- 58 r. Retail/Service Establishment (50,000 SF and Over);
- 59 s. The following Retail/Service Establishments: building materials
60 and supplies; furniture store, carpet, or related furnishing sales
61 or service; and pawnshop;
- 62 t. Self-Storage;
- 63 u. Shooting Range (Indoor);
- 64 v. Storage Facility;
- 65 w. Structured Parking;
- 66 x. Surface Parking for Use Allowed in the Zone;
- 67 y. Surface Parking for Commercial Uses in an Historic District;
68 and
- 69 z. Vehicle/Equipment Sales and Rental, except any automobile
70 rental business in existence on October 13, 1998 may continue
71 as a conforming use, and may be altered, repaired, or replaced
72 under the provisions of the zone in effect at the time the use
73 was established.]

74 **[D]C. Development Standards**

- 75 1. Where a lot is in a Commercial/Residential or Employment zone:
 - 76 a. The maximum height for all buildings is 24 feet, except that the
77 Planning Board may allow additional height up to 30 feet in the
78 site plan approval process, if the Planning Board finds that the
79 additional height is compatible with the abutting uses and
80 substantially conforms with the intent of the master plan.

- b. The maximum density for commercial uses is 0.75 FAR, and is computed only on the area of the underlying Commercial/Residential or Employment zoned portion of the site.
- c. Where a minimum area is required for a conditional use, the minimum area may be waived where recommended as appropriate in the master plan.
- d. In areas recommended in the master plan for mixed use development, development must substantially conform with the recommendations of the master plan. In the residential portions of the mixed-use areas, offstreet parking for commercial uses is allowed without a requirement for approval of a conditional use.

Where a lot is in a Residential zone:

- a. The density of development must not exceed the standards for the underlying zone under optional method Cluster Development.
- b. The Planning Board may approve lot sizes as small as 900 square feet for a townhouse, 2,000 square feet for a duplex, and 3,000 square feet for any other building type, including a minimum of zero feet for side setbacks on one side, upon a showing that the resulting development will substantially conform with the recommendations of the master plan.
- c.] The maximum height for all buildings is 35 feet; however, if in the site plan approval process the Planning Board finds that additional building height is compatible with the abutting uses and the building height substantially conforms to the intent of the master plan, the maximum building height is 40 feet.

108 **[E]D. Site Plan**

109 1. Site plan approval under Section 7.3.4 is required for:

110 a. construction of a new building;

111 b. any addition or other exterior improvement to an existing

112 building that increases the amount of gross floor area on a site;

113 or

114 c. if required under Section 7.3.4.A.8.

115 2. Site plan approval is not required for development of dwelling units in

116 a residential zone [a detached house] that proceeds under standard

117 method development.

118 3. In addition to the site plan findings under Section 7.3.4.E, the

119 Planning Board must find that all retail uses proposed in new or

120 renovated buildings are directly accessible from a sidewalk, plaza, or

121 other public space.]

122 **[F. Parking**

123 1. The Planning Board may allow some on-street parking to fulfill the

124 requirement for off-street parking to enhance compatibility, provide

125 additional open space and reduce impervious coverage.

126 2. Properties in a Residential zone that are designated in the master plan

127 as suitable for mixed use or nonresidential use may be used for off-

128 street parking in connection with commercial uses.

129 3. The SSA Overlay zone encourages the parking of vehicles behind the

130 front building line. In addition, to reduce access points and thereby

131 enhance safety, abutting parking facilities may be required to provide

132 internal connections. In exceptional circumstances, limited parking

133 may be allowed between the front lot line and the front building line.]

134 * * *

135 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the
136 date of Council adoption.

137

138 This is a correct copy of Council action.

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141 Selena Mendy Singleton, Esq.
142 Clerk of the Council