

Clerk's Note: Removed "O-" from the Ordinance No. Replaced "Zoning Text Amendment No.: 21-11" with "Ordinance No.: 19-30" in the header of pages 3-9.

Ordinance No.: 19-30
Zoning Text Amendment No.: 21-11
Concerning: Sandy Spring/Ashton
Rural Village Overlay
Zone - Amendments
Draft No. & Date: 4 – 3/1/2022
Introduced: December 14, 2021
Public Hearing: January 18, 2022
Adopted: March 8, 2022
Effective: March 28, 2022

**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 Alborno 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.

OPINION

Zoning Text Amendment (ZTA) 21-11, Sandy Spring/Ashton Rural Village Overlay Zone – Amendments, was introduced on December 14, 2021 by lead sponsor Council President Alborno at the request of the Planning Board. ZTA 21-11 amends the existing Sandy Spring Ashton Rural Village Overlay Zone (SSARVO) to make it consistent with the recommendations from the Ashton Village Center Sector Plan.

The Office of Legislative Oversight (OLO) submitted a Racial Equity and Social Justice (RESJ) impact statement on December 23, 2021. OLO found that ZTA 21-11 would have little to no impact on racial equity and social justice in the County because it codifies regulations already adopted by the District Council in the Ashton Village Center Sector Plan.

The Montgomery County Planning Board reviewed ZTA 21-11 on November 4, 2021 and January 13, 2022. The Planning Board unanimously (4-0) recommended approval of ZTA 21-11 with a minor formatting amendment.

A public hearing was held on January 18, 2022. One speaker testified in support of development in the area but expressed concern with water runoff caused by construction.

The PHED Committee held a worksession on February 7, 2022. The PHED Committee unanimously recommended approval of ZTA 21-11 as amended.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 21-11 will be approved as amended.

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. ARTICLE 59-4 is amended as follows:

DIVISION 4.9 OVERLAY ZONES

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

A. Purpose

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

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

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

[B. Sewer

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

[C]B. Land Uses

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

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

reconstructed on the same site or a contiguous property if they legally existed on July 17, 2021, 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;

- o. Repair (Major);
- p. Repair (Minor);
- q. Research and Development;
- r. Retail/Service Establishment (50,000 SF and Over);
- s. The following Retail/Service Establishments: building materials and supplies; furniture store, carpet, or related furnishing sales or service; and pawnshop;
- t. Self-Storage;
- u. Shooting Range (Indoor);
- v. Storage Facility;
- w. Structured Parking;
- x. Surface Parking for Use Allowed in the Zone;
- y. Surface Parking for Commercial Uses in an Historic District; and
- z. Vehicle/Equipment Sales and Rental, except any automobile rental business in existence on October 13, 1998 may continue as 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.]

[D]C. Development Standards

- [1. Where a lot is in a Commercial/Residential or Employment zone:
 - a. The maximum height for all buildings is 24 feet, except that the Planning Board may allow additional height up to 30 feet in the site plan approval process, if the Planning Board finds that the additional height is compatible with the abutting uses and 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.

2. 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.] Where a lot is in a Residential zone, [[The]]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.

[E]D. Site Plan

1. Site plan approval under Section 7.3.4 is required for:
 - a. construction of a new building;
 - b. any addition or other exterior improvement to an existing building that increases the amount of gross floor area on a site; or
 - c. if required under Section 7.3.4.A.8.
2. Site plan approval is not required for development of dwelling units in a residential zone[a detached house] that proceeds under standard method development.
- [3. In addition to the site plan findings under Section 7.3.4.E, the Planning Board must find that all retail uses proposed in new or renovated buildings are directly accessible from a sidewalk, plaza, or other public space.]

[F. Parking

1. The Planning Board may allow some on-street parking to fulfill the requirement for off-street parking to enhance compatibility, provide additional open space and reduce impervious coverage.
2. Properties in a Residential zone that are designated in the master plan as suitable for mixed use or nonresidential use may be used for off-street parking in connection with commercial uses.
3. The SSA Overlay zone encourages the parking of vehicles behind the front building line. In addition, to reduce access points and thereby enhance safety, abutting parking facilities may be required to provide

133 internal connections. In exceptional circumstances, limited parking
134 may be allowed between the front lot line and the front building line.]

135 * * *

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

This is a correct copy of Council action.

A handwritten signature in black ink, appearing to read "Sm Singleton", written over a horizontal line.

Selena Mendy Singleton, Esq.
Clerk of the Council