

Request to Introduce a Zoning Text Amendment, Amendments – Sandy Spring/Ashton Rural Village Overlay Zone

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Staff Recommendation

Approval to submit a request to have the District Council introduce a zoning text amendment (ZTA) to modify the Sandy Spring/Ashton Rural Village Overlay Zone (SSARVO) Section 4.9.15 to match the recommendations set forth in the recently adopted Ashton Village Center Sector Plan.

Summary

Staff recommends approval to transmit the proposed ZTA to the Montgomery County District Council requesting introduction. The proposed ZTA would amend the language of the SSARVO consistent with the recommendations set forth by the Ashton Village Center Sector Plan, including streamlining the provisions that are redundant with the CRN zoning recommended for much of the plan area. This ZTA is being taken in conjunction with Sectional Map Amendment (SMA) H-144, which recommends the new zoning for Ashton.

Background

The SSARVO was established as a result of the 1998 Sandy Spring-Ashton Master Plan, to provide greater protections for height, density, land uses and building form than the C-1 and C-2 zoning existing at that time could not offer. In 2015, the Sandy Spring Rural Village Plan recommended removal of the SSARVO from properties within the boundary of that plan because it found the new family of CR zones and included design guidelines could provide adequate protection of the rural character of the village. Ultimately Resolution 18-193 for SMA H-108 was adopted on June 23, 2015 removing Sandy Spring from the overlay zone. During development of the 2021 Ashton Village Center Sector Plan, staff concluded that while the CR zones provided a lot of protection, they were not perfect, and recommended the SSARVO be instead amended but retained for Ashton. The primary objectives the Ashton Plan seeks from the overlay zone is to allow two existing land uses (a fueling station and two drive-thrus) that are not associated with a restaurant, to remain, and to require a site plan review for all projects except for single family detached houses.

Analysis

In the following sections, staff will walk through the existing sections of the SSARVO, discussing what changes are recommended through the proposed ZTA (Attachment A)

A. Purpose

The purpose section of the overlay zone is shortened to only read:

The purpose of the SSA Overlay Zone is to preserve and enhance the rural village character of the Sandy Spring and Ashton village centers using detailed site review and the continuation of community serving businesses within the village centers.

The intent of the streamlined purpose statement is to better reflect what the overlay zone actually does, once the remaining sections are also edited or removed, including substantially paring down the sections on land uses and standards.

B. Sewer

The section on sewer is recommended for deletion. The properties within the SSARVO have access to sewer and will be required to utilize sewer upon redevelopment.

C. Land Uses

The land use section is greatly reduced in scope. The CRN zone has a very similar list of allowed and not allowed uses as the old overlay text which was analyzed and discussed during the development of the Ashton Plan. Therefore, the long list of prohibited uses is being removed. There are two existing uses which are not normally allowed in the CRN Zone which the overlay does wish to allow to remain, be renovated, repaired or reconstructed on the same or a contiguous property that were legally existing at the time the Ashton Plan was adopted following the required standards: Drive-Thru not associated with a restaurant and Filling Station.

D. Development Standards

Most of the development standards section of the SSARVO is also being removed as it pertained to commercial or mixed use developments that are now covered by the standards of the CRN zone. The last section about residential building heights is remaining, primarily because there are portions of the overlay zone outside the boundary of the Ashton Plan on residentially zoned land which may still benefit from the height limit provisions.

E. Site Plan

The section requiring site plan review remains as it is a central recommendation of the Ashton Plan that all development, except for residential dwellings in a residential zone built as a standard method project, go through a site plan review.

F. Parking

The section on parking is removed because similar protections are offered through the CRN Zone and through the parking standards in Division 6.2 of the current Zoning Code.

Recommendation

Staff is recommending the changes to the SSARVO as discussed in this report and requests the Planning Board transmit the draft ZTA that is attached to the County Council.

ZTA Process

This proposed ZTA has not been introduced yet by the District Council and instead staff is recommending the Board request introduction of the attached ZTA. Once introduced, a change in the text of the zoning ordinance undergoes a review process that culminates in the County Council (sitting

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as the District Council) approving a ZTA. Section 59.7.2.4 (Zoning Text Amendment) of the Montgomery County Zoning Ordinance enables the Planning Board to request the District Council or an individual District Council member to sponsor a zoning text amendment. After introduction of the ZTA, the District Council then transmits the official ZTA to the Planning Director with notification of the District Council's public hearing date. The Planning Director must publish a report and recommendation at least seven days before the Planning Board officially reviews the introduced ZTA in a public meeting. The District Council must hold a public hearing within 60 days after introduction of the ZTA, unless extended. Upon approval, a ZTA takes effect 20 days after adoption, unless a different date is specified.

Conclusion

Staff recommends the Planning Board transmit for introduction the proposed ZTA to the District Council, amending the SSARVO as recommended in the 2021 Ashton Village Center Sector Plan.

Attachment:

A – Proposed ZTA – Sandy Spring/Ashton Rural Village Overlay Zone amendments.

Attachment A

Zoning Text Amendment No.: 21-##
Concerning: Sandy Spring/Ashton
Rural Village Overlay
Zone - Amendments
Draft No. & Date: 10/##/2021
Introduced:
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.*

OPINION

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]preserve 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
23 **[C.]B. Land Uses**

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

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

28 may be continued, renovated, repaired, or reconstructed on the same site or a
29 contiguous property if they legally existed on ##/##/####, with the following
30 Standards:

- 31 1. A Drive-Thru not associated with a restaurant under the limited use
32 standards in Section 3.5.14.E.2.a.
- 33 2. A Filling Station under the conditional use standards in Section 3.5.13.C.2
34 and the procedures of a conditional use under Section 7.3.1.

35 [2. The following uses are prohibited:

- 36 a. Adult Entertainment;
- 37 b. Animal Research Facility;
- 38 c. Car Wash;
- 39 d. Combination Retail;
- 40 e. Drive-Thru in connection with a Restaurant;
- 41 f. Dry Cleaning Facility (Up to 3,000 SF);
- 42 g. Filling Station, except that any lawful Filling Station use in
43 existence as of the date of application of the Overlay zone is a
44 conforming use, and may be altered, repaired, or replaced under
45 the provisions of the zone in effect at the time the use was
46 established;
- 47 h. Helipad, Heliport;
- 48 i. Helistop;
- 49 j. The following Light Manufacturing and Production use:
50 newspaper, printing, and publishing;
- 51 k. Media Broadcast Tower;
- 52 l. Medical/Dental Laboratory;
- 53 m. Pipelines (Above Ground);
- 54 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 or
- 61 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; and
- 68 z. Vehicle/Equipment Sales and Rental, except any automobile rental
- 69 business in existence on October 13, 1998 may continue as a
- 70 conforming use, and may be altered, repaired, or replaced under
- 71 the provisions of the zone in effect at the time the use was
- 72 established.]

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

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

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

91 [2.] 1. Where a lot is in a Residential zone:

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

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

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

119 **[F. Parking**

- 120 1. The Planning Board may allow some on-street parking to fulfill the
- 121 requirement for off-street parking to enhance compatibility, provide
- 122 additional open space and reduce impervious coverage.
- 123 2. Properties in a Residential zone that are designated in the master plan as
- 124 suitable for mixed use or nonresidential use may be used for off-street parking
- 125 in connection with commercial uses.
- 126 3. The SSA Overlay zone encourages the parking of vehicles behind the front
- 127 building line. In addition, to reduce access points and thereby enhance safety,
- 128 abutting parking facilities may be required to provide internal connections. In
- 129 exceptional circumstances, limited parking may be allowed between the front
- 130 lot line and the front building line.]

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

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135 This is a correct copy of Council action.

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138 Selena Mendy Singleton, Esq.

139 Clerk of the Council