



**Committee:** PHED  
**Committee Review:** Completed  
**Staff:** Livhu Ndou, Legislative Attorney  
Pamela Dunn, Senior Legislative Analyst  
**Purpose:** Final action – vote expected  
**Keywords:** #SandySpring #AshtonRuralVillage  
#OverlayZone #SSARVO#AshtonVillageCenter

AGENDA ITEM 10 B & C  
March 8, 2022  
**Action**

## SUBJECT

- Zoning Text Amendment (ZTA) 21-11, Sandy Spring/Ashton Rural Village Overlay Zone – Amendments
- Sectional Map Amendment (SMA) H-144, Ashton Village Center Sector Plan

Lead Sponsors: Council President Alborno at the request of the Planning Board

## EXPECTED ATTENDEES

- Casey Anderson, Chair, Montgomery County Planning Board
- Jason Sartori, Chief, Countywide Planning and Policy, Planning Department
- Benjamin Berbert, Planner Coordinator, Countywide Planning and Policy, Planning Department
- Donnell Zeigler, Supervisor, Upcounty Planning, Planning Department
- Jamey Pratt, Senior Planner, Upcounty Planning, Planning Department
- Roberto Duke, Planner Coordinator, Upcounty Planning, Planning Department
- Patrick Butler, Division Chief, Upcounty Planning, Planning Department

## COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

Action needed: two roll call votes.

- PHED Committee unanimously (3-0) recommends approval of ZTA 21-11 as amended.
- PHED Committee unanimously (3-0) recommends approval of SMA H-144 without amendment.

## DESCRIPTION/ISSUE

The Ashton Village Center Sector Plan was approved on June 15, 2021. The Sector Plan sets forth the specific land use and zoning recommendations for the Ashton Village Center Plan area. 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. SMA H-144 is a comprehensive rezoning application to implement the zoning recommendations contained in the Approved and Adopted Ashton Village Center Sector Plan.

## SUMMARY OF KEY DISCUSSION POINTS

*ZTA 21-11*

- The SSARVO was established in 1998. Since then, the Zoning Ordinance was updated in 2014, the Sandy Spring Rural Village Plan was updated in 2015, and the Ashton Rural Village Sector Plan in 2021.
- The new Zoning Ordinance and the updated Master Plans rezoned the C zones to the CRN and CRT Zones, which offered many of the land use controls the overlay zone provided. The proposed amendments to the SSARVO would reduce those redundancies.
- The amended overlay zone will retain site plan requirements for all non-residential developments and allow certain existing non-conforming commercial uses to remain.

#### *SMA H-144*

- SMA H-144 covers a Plan area of approximately 127 acres in the eastern part of the county at the intersection of state routes MD 108 and MD 650 (New Hampshire Avenue). It is about eight miles east of the county seat in Rockville and two miles west of the boundary with Howard County at the Patuxent River.
- Approximately 27.6 acres of underlying zoning are proposed for a change in zoning classification. The remaining acres are to be reconfirmed in the existing zoning classifications.
- The SMA also includes revisions to the boundary of the Sandy Spring/Ashton Rural Village Overlay Zone. The revised overlay zone will cover approximately 21.2 acres of properties and will be removed from approximately 47.4 acres of properties.

#### **This report contains:**

Staff Report	Pages 1-4
ZTA 21-11	© 1
Planning Board recommendation, 11/8/2021	© 9
Planning Staff memorandum, 11/4/2021	© 10
Planning Board recommendation, 1/14/2022	© 21
Planning Staff memorandum, 1/6/2022	© 22
RESJ impact statement	© 26
Ashton Village Center Sector Plan SMA H-144 Opinion	© 28
Planning Board transmittal of SMA H-144	© 36

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**Worksession/Action**

**M E M O R A N D U M**

March 3, 2022

TO: County Council

FROM: Livhu Ndou, Legislative Attorney  
Pamela Dunn, Senior Legislative Analyst

SUBJECT: Zoning Text Amendment (ZTA) 21-11, Sandy Spring/Ashton Rural Village  
Overlay Zone – Amendments  
Sectional Map Amendment (SMA) H-144

<b>Committee recommendation (3-0):</b> approval of the ZTA as amended; approval of the SMA without amendment
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**Expected Participants**

- Casey Anderson, Chair, Montgomery County Planning Board
- Jason Sartori, Chief, Countywide Planning and Policy, Planning Department
- Benjamin Berbert, Planner Coordinator, Countywide Planning and Policy, Planning Department
- Donnell Zeigler, Supervisor, Upcounty Planning, Planning Department
- Jamey Pratt, Senior Planner, Upcounty Planning, Planning Department
- Roberto Duke, Planner Coordinator, Upcounty Planning, Planning Department

**Zoning Text Amendment 21-11, Sandy Spring/Ashton Rural Village Overlay Zone**

**Summary**

Zoning Text Amendment (ZTA) 21-11, Sandy Spring/Ashton Rural Village Overlay Zone – Amendments, lead sponsor Council President Alborno at the request of the Planning Board, was introduced on December 14, 2021. 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.

**Public Hearing**

A public hearing was held on January 18, 2022. One speaker testified at the public hearing, who lives adjacent to development in the Ashton Rural Village and is in support of development in the area. She testified to issues with water runoff caused by nearby construction.<sup>1</sup>

## **Planning Board Recommendation**

The Planning Board transmitted ZTA 21-11 on November 8, 2021. The Board reviewed it again after introduction and recommended a minor correction to the ZTA as introduced. In formatting the ZTA for introduction, one line indicating that a specific section of the code applied only to residentially zoned land was removed. The proposed amendment is to re-insert that line.

- 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.

[Line 103]

## **Discussion**

### *Background*

The Sandy Spring Ashton Rural Village Overlay Zone (SSARVO) was originally established in the 1998 Sandy Spring-Ashton Master Plan. In 2015, the Sandy Spring Rural Village Plan recommended removal of the SSARVO since the new CR zones included design guidelines that protected the rural character of the area. But in 2021, during development of the Ashton Village Center Sector Plan, Planning Staff recommended the SSARVO be amended rather than removed. The Ashton Village Center Sector Plan was approved by the District Council on June 15, 2021 and was adopted by The Maryland-National Capital Park and Planning Commission (M-NCPPC) on July 17, 2021.<sup>2</sup>

### *Language of ZTA*

The majority of the ZTA removes and streamlines provisions.

- The purpose of the overlay zone is shortened to read: “The purpose of the SSA Overlay Zone is to preserve and enhance the rural village character of the Sandy Spring and Ashton

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<sup>1</sup> Council Staff has reached out to the Department of Permitting Services (DPS) about this complaint. DPS requested the contractor expedite the re-grading of the area and coordinate with the Stormwater Management Sediment Control inspector to make sure the issue is addressed in an acceptable fashion.

<sup>2</sup> The Council’s resolution can be found here:

[https://apps.montgomerycountymd.gov/ccllims/DownloadFilePage?FileName=10116\\_1\\_15510\\_Resolution\\_19-904\\_Adopted\\_20210615.pdf](https://apps.montgomerycountymd.gov/ccllims/DownloadFilePage?FileName=10116_1_15510_Resolution_19-904_Adopted_20210615.pdf).

The plan can be reviewed here: <https://montgomeryplanning.org/wp-content/uploads/2021/12/Ashton-Village-Center-Sector-Plan-Approved-and-Adopted-Final-Reduced-Size.pdf>

village centers using detailed site review and the continuation of community serving businesses within the village centers.”

- The sewer section is removed since properties in the SSARVO will have access to sewer and be required to utilize it upon redevelopment.
- Since the CRN zone has a similar list of allowed and not allowed uses as the previous overlay text, the list of prohibited uses has been removed. Two uses not allowed in the CRN zone—Drive-Thru not associated with a Restaurant, and Filling Station—may be continued, renovated, repaired, or reconstructed on the same site or a contiguous property if they legally existed at the time the Ashton Plan was adopted.
- Many of the development standards that pertain to commercial or mixed-use developments are removed since they are covered by the standards of the CRN zone. However, the section about residential building heights remains because portions of the overlay zone are outside of the Ashton Plan on residentially zoned land, so may benefit from height limits.
- Most of the site plan review provisions remain. A provision requiring the Planning Board to find that all retail uses are directly accessible from a sidewalk, plaza, or other public space has been removed because the CRN zone requires site plans and already has provisions about street activation and door access.
- The parking section is removed because most of those protections are covered by the CRN zone and other parking standards in the zoning ordinance.

### *RESJ Impact Statement*

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.

## **Sectional Map Amendment (SMA) H-144**

### **Summary**

Sectional Map Amendment (SMA) H-144 is a comprehensive rezoning application to implement the zoning recommendations contained in the Approved and Adopted Ashton Village Center Sector Plan. The SMA covers an area of approximately 127 acres in the eastern part of the county at the intersection of state routes MD 108 and MD 650 (New Hampshire Avenue). It is about eight miles east of the county seat in Rockville and two miles west of the boundary with Howard County at the Patuxent River. The District Council approved the Ashton Village Center Sector Plan on June 15, 2021. The Sector Plan sets forth the specific land use and zoning recommendations for the Ashton Village Center Plan area and was subject to extensive and detailed review by the District Council.

### **Public Hearing**

The SMA was filed on November 10, 2021, by the Montgomery County Planning Board to implement the specific zoning recommendations of the Ashton Village Center Sector Plan. The Council held a public hearing on Sectional Map Amendment H-144 on January 18, 2022. There

were no speakers who testified at this public hearing. The record remained open until close of business on January 21, 2022.

## **Discussion**

During the review of the zoning changes, Montgomery Planning staff discovered that one zoning boundary was incorrectly displayed in the maps included in the Sector Plan. With respect to a boundary line between the TF-10 zone and current CRT zone on the east side of Porter Road, the Plan shows the boundary slanting down to the right, whereas the approved zoning boundary from Local Map Amendment (LMA) H-119 (implementing the TF-10 zone) goes up to the right from Porter Road. This results in a number of split-zoned properties.

The intent of the Sector Plan was to rezone all of the properties in the Village Core neighborhood to CRN and to retain the TF-10 zone in the Residential Edge neighborhood. While it would appear preferable to apply the SMA zoning based on the property lines per illustrations in the Sector Plan this would require a zoning change that can only be applied through the Local Map Amendment process. The solution in the attached SMA is to follow the approved zoning line from LMA H-119 on Parcel F and Lot 1 (retaining the TF-10 zone for all properties south of this line) and to change the CRT-zoned properties to CRN north of this line, as the Plan recommends for all CTR properties. This will result in at most two split-zoned properties, one of which is an open space parcel and the other a few square feet of a townhouse lot.

## **PHED Committee**

The PHED Committee held a worksession on ZTA 21-11 and on SMA H-144 on February 7, 2022. The PHED Committee unanimously (3-0) recommended approval of ZTA 21-11 with the amendment proposed by Council Staff and the Planning Board. The PHED Committee also unanimously (3-0) recommended approval of SMA H-144 without amendment.

### **This packet contains:**

	<b><u>Pages</u></b>
ZTA 21-11	© 1
Planning Board recommendation, 11/8/2021	© 9
Planning Staff memorandum, 11/4/2021	© 10
Planning Board recommendation, 1/14/2022	© 21
Planning Staff memorandum, 1/6/2022	© 22
RESJ impact statement	© 26
Ashton Village Center Sector Plan SMA H-144 Opinion	© 28
Planning Board transmittal of SMA H-144	© 36

Ordinance No.:  
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:  
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**

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

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**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.



**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

November 8, 2021

TO: The Honorable Tom Hacker, President  
Montgomery County Council  
Stella B. Werner Council Office Building  
100 Maryland Avenue, Room 501  
Rockville, Maryland 20850

FROM: Montgomery County Planning Board

SUBJECT: Planning Board Recommendation to District Council for introduction of a Zoning Text Amendment to amend the existing Sandy Spring Ashton Rural Village Overlay Zone in the Zoning Ordinance (Chapter 59)

Dear Mr. Hacker:

The Montgomery County Planning Board of The Maryland–National Capital Park and Planning Commission met on November 4, 2021 and by a vote of 4:0 (Commissioner Rubin abstaining) requested the District Council introduce the attached draft Zoning Text Amendment (ZTA) to amend the existing Sandy Spring Ashton Rural Village Overlay Zone (SSARVO) consistent with the recommendations from the Ashton Village Center Sector Plan. This draft ZTA is being transmitted along with proposed Sectional Map Amendment H-144 which would implement the zoning recommendations of the Sector Plan.

The recommended ZTA would update and streamline the provisions of the SSARVO following the adoption of the Ashton Village Center Sector Plan. The overlay zone was first established following the 1998 Sandy Spring-Ashton Master Plan in 1998 and provided additional land use and urban design protections to the villages of Sandy Spring and Ashton, which were predominantly in the C-1 and C-2 zones.

Since 1998, the Zoning Ordinance was updated in 2014, and both villages have had Master Plan updates, with the Sandy Spring Rural Village Plan in 2015 and now the Ashton Rural Village Sector Plan in 2021. The new Zoning Ordinance and the updated Master Plans have rezoned the old C zones to the CRN and CRT Zones which offers many of the land use controls the overlay zone provided. The proposed amendments to the SSARVO would reduce those redundancies. The primary purpose of the amended overlay zone would be to retain site plan requirements for all non-residential developments, and to allow certain existing non-conforming commercial uses to remain.

The Board appreciates the Council's consideration of the attached draft ZTA to modify the Sandy Spring Ashton Rural Village Overlay Zone, and Planning Staff is able and willing to assist the Council as needed in the review of the proposed revisions.

Sincerely,


Casey Anderson  
Chair

CA:BB:aj

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

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 Benjamin Berbert, Planner Coordinator, CP&P, [Benjamin.Berbert@montgomeryplanning.org](mailto:Benjamin.Berbert@montgomeryplanning.org), 301.495.4644

 Jamey Pratt, Senior Planner, Upcounty Planning, [Jamey.Pratt@montgomeryplanning.org](mailto:Jamey.Pratt@montgomeryplanning.org) 301.495.4588

 Jason Sartori, Chief, CP&P, [Jason.Sartori@montgomeryplanning.org](mailto:Jason.Sartori@montgomeryplanning.org), 301.495.2172

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**Completed: 10/21/2021**

### 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

#### Staff Report

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

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**

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

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**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:*

**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]reserve 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 ##/##/####, 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.] 1. 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.]a. 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 internal connections. In exceptional circumstances, limited parking may be allowed between the front lot line and the front building line.]

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

This is a correct copy of Council action.

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Selena Mendy Singleton, Esq.  
Clerk of the Council



**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**OFFICE OF THE CHAIR**

January 14, 2022

**TO:** The County Council for Montgomery County, Maryland, sitting as the District Council for the Maryland-Washington Regional District in Montgomery County, Maryland

**FROM:** Montgomery County Planning Board

**SUBJECT:** Zoning Text Amendment No. 21-11

Dear Mr. Albornoz:

The Montgomery County Planning Board of The Maryland–National Capital Park and Planning Commission met on January 13, 2022 and by a vote of 4:0 (Commissioner Patterson absent) supported Zoning Text Amendment (ZTA) 21-11 with the following comments. ZTA 21-11 would amend the existing Sandy Spring/Ashton Rural Village Overlay Zone (SSARVO) consistent with the recommendations from the Ashton Village Center Sector Plan. This ZTA should be reviewed with the associated Sectional Map Amendment H-144, which implements the zoning recommendations of the Sector Plan.

The ZTA would update and streamline the provisions of the SSARVO following the adoption of the Ashton Village Center Sector Plan. The overlay zone was first established following the 1998 Sandy Spring-Ashton Master Plan in 1998 and provided additional land use and urban design protections to the villages of Sandy Spring and Ashton, which were predominantly in the old C-1 and C-2 zones.

The Planning Board does offer a minor correction to the ZTA as introduced. The ZTA removes a substantial section of code, from lines 74 through 102. In doing this, an important line (line 94) indicating that the subsequent section of code only applied to residentially zoned land was inadvertently removed. The retained text starting on line 103 is specific to residential zoned property, therefore the Board recommends adding “Where a lot is in a Residential zone” to the beginning of line 103 to maintain that clear intent. The Board’s recommended modified ZTA is included with this transmittal.

The Board appreciates the Council’s introduction of ZTA-11 to modify the Sandy Spring/Ashton Rural Village Overlay Zone and hopes the Council will consider the one recommended modification. Planning staff is able to assist the Council as needed in the review of the proposed revision to the ZTA.

**CERTIFICATION**

This is to certify that the attached report is a true and correct copy of the technical staff report and the foregoing is the recommendation adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, at its regular meeting held in Wheaton, Maryland, on Thursday, January 13, 2022.

Casey Anderson  
Chair

## ZTA 21-11 SANDY SPRING/ASHTON RURAL VILLAGE OVERLAY ZONE - AMENDMENTS

### Description

ZTA 21-11 would modify the text of the existing Sandy Spring/Ashton Rural Village Overlay Zone to be consistent with the recommendations made in the 2021 Ashton Rural Village Center Sector Plan.

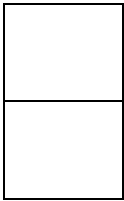
ZTA 21-11

COMPLETED: 01-06-2022

MCPB

Item No. 4  
1-13-2022

2425 Reedie Drive  
Floor 14  
Wheaton, MD 20902



Benjamin Berbert, Planner Coordinator, CP&P, [Benjamin.Berbert@montgomeryplanning.org](mailto:Benjamin.Berbert@montgomeryplanning.org), 301-495-4644

Jason Sartori, Chief, CP&P, [Jason.Sartori@montgomeryplanning.org](mailto:Jason.Sartori@montgomeryplanning.org), 301-495-2172



## Summary

- In July 2021, the Ashton Rural Village Center (ARVC) Sector Plan was Adopted
- The ARVC plan recommended substantial changes to the Sandy Spring/Ashton Rural Village Overlay Zone (SSARVO)
- The Planning Board requested introduction of this ZTA in October 2021
- This ZTA is being reviewed concurrently with Sectional Map Amendment (SMA) H-144
- Staff recommends one minor adjustment to the introduced ZTA for clarity of allowed building heights

### LEAD SPONSORS

Council President Alborno at the request of the Planning Board

### INTRODUCTION DATE:

December 14, 2021

### REVIEW BASIS:

Chapter 59

## SECTION ONE

### BACKGROUND

#### **Rationale for Zoning Text Amendment 21-11**

Zoning Text Amendment (ZTA) 21-11 was introduced by Council President Alborno on December 14, 2021, at the request of the Planning Board. This ZTA would make amendments to the Sandy Spring/Ashton Rural Village Overlay Zone (SSARVO) that were recommended as part of the Ashton Rural Village Center Sector Plan. That plan identified a number of sections of the existing overlay that were redundant or otherwise not necessary with the CRN Zone. The amended overlay also adds a couple of land use exceptions that are unique to the Ashton community.

## SECTION TWO

### ANALYSIS

#### **ZTA 21-11 as introduced**

ZTA 21-11 as introduced is nearly identical to the ZTA as it was recommended by the Planning Board. The only difference is a formatting change that council staff made to Section 4.9.15.D.2. The Planning Board draft had maintained and reset the subsection numbering and lettering, specifically shown on line 94 (renumbering subsection 2 as 1) and lines 103–107 (resetting subsection c as a). For consistency, council introduced the ZTA with the goal of removing the subsection numbering and lettering since the resulting text is just one statement rather than a series of statements. However, in doing so, the introduced ZTA (Attachment A) inadvertently deleted all of line 94 from the code, including the text “where a lot is in a Residential Zone.” This deleted line is important to the intent of the remaining text in this section which only applies to residentially zoned land. Staff recommends a revision to the introduced ZTA which still meets the council’s intent of removing the section numbers and letters, but also keeps the text of line 94. Below is Planning staff’s proposed revisions to this portion of the ZTA.

#### **[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, [[T]]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.

The rest of the ZTA is the same as the ZTA the Planning Board recommended for introduction. The original staff report discussing the purpose and changes recommended with the ZTA can be found in Attachment B, and Planning Board transmittal to the council can be found in Attachment C respectively.

## Conclusion

Staff recommends adoption of ZTA 21-11 with the modifications identified above and recommends the Planning Board transmit comments as such to the District Council.

## Attachments

- A – ZTA introduction Packet for ZTA 21-11
- B – Staff Report dated October 21, 2021 – Requested introduction of a ZTA to amend the SSARVO
- C – Board memo to Council dated November 8, 2021

# Racial Equity and Social Justice (RESJ) Zoning Text Amendment Statement

Office of Legislative Oversight

## ZTA 21-11: SANDY SPRING/ASHTON RURAL VILLAGE OVERLAY ZONE— AMENDMENTS

### SUMMARY

The Office of Legislative Oversight anticipates that Zoning Text Amendment 21-11 will have little to no impact on racial equity and social justice (RESJ) in the County.

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### PURPOSE OF RESJ STATEMENTS

The purpose of RESJ impact statements for zoning text amendments (ZTAs) is to evaluate the anticipated impact of ZTAs on racial equity and social justice in the County. Racial equity and social justice refer to a **process** that focuses on centering the needs, power, and leadership of communities of color and low-income communities with a **goal** of eliminating racial and social inequities.<sup>1</sup> Achieving racial equity and social justice usually requires seeing, thinking, and working differently to address the racial and social harms that have caused racial and social inequities.<sup>2</sup>

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### PURPOSE OF ZTA 21-11

The primary purpose of Zoning Text Amendment 21-11 is to amend the language of the Sandy Spring Ashton Rural Village Overlay Zone<sup>3, 4</sup> to make it consistent with the Ashton Village Center Sector Plan.<sup>5</sup> The Council approved the Ashton Village Center Sector Plan on June 15, 2021. If enacted, ZTA 21-11 will ensure that two existing nonconforming land uses (a fueling station and two drive-thru facilities that are not associated with a restaurant) remain unaffected.<sup>6</sup> It will also require a site plan review for all projects except for single-family detached houses.

ZTA -21-11 was introduced on December 14, 2021.<sup>7</sup> This ZTA is scheduled for Council review and final action on January 18, 2022 in conjunction with the Sectional Map Amendment H-144 for the Ashton Village Center Plan.<sup>8</sup>

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### ANTICIPATED RESJ IMPACTS

OLO does not anticipate a racial equity and social justice impact for ZTA 21-11 because it codifies regulations already adopted by the Council in the Ashton Village Center Sector Plan. This ZTA offers technical corrections to make the Zoning Ordinance consistent with prior policies rather than establishes new policies or practices that may impact RESJ in the County. As such, OLO anticipates that ZTA 21-11 will have little to no impact on RESJ in the County.

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### CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of zoning text amendments on racial equity and social justice is a challenging, analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement on the proposed zoning text amendment is intended to inform the Council's decision-making process rather than determine it. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the ZTA under consideration.



# RESJ Impact Statement

## Zoning Text Amendment 21-11

### CONTRIBUTIONS

OLO staffer Elsabett Tesfaye, Performance Management and Data Analyst, drafted this racial equity and social justice impact statement.

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<sup>1</sup> Definition of racial equity and social justice adopted from “Applying a Racial Equity Lens into Federal Nutrition Programs” by Marlysa Gamblin, et.al. Bread for the World, and from Racial Equity Tools <https://www.racialequitytools.org/glossary>

<sup>2</sup> Ibid

<sup>3</sup> Zoning Text Amendment 21-11 amends Section 4.9.15 of the Zoning Ordinance Chapter 59 the Montgomery County Zoning Ordinance, 2014.

<sup>4</sup> The Sandy Spring Ashton Rural Village Overlay Area was established in 1998 as part of the Sandy Spring-Ashton Master Plan to provide “greater protections for height, density, land uses and building form” than the C-1 (Convenience Commercial) and C-2 (General Commercial) zones could not provide at the time. The Zoning Ordinance was updated in 2014 and C-1 and C-2 zones were replaced with CR (Commercial Residential) and CRT (Commercial Residential Town) zones. The new zones included design guidelines that could provide adequate protection of the rural character of the village. Consequently, the Sandy Spring Rural Village Plan was updated in 2015 removing Sandy Spring from the overlay zone. Source: *Staff Report, The Maryland National Park Planning: Zoning Text Amendment-Sandy Spring /Ashton Village Overlay Zone, November 4, 2021*

<sup>5</sup>“The Ashton Village Center Sector Plan is a small part of the greater Sandy Spring-Ashton community. The plan mainly focuses on the properties on the four corners of the intersection of MD 650 (New Hampshire Ave) and MD 108 (Ashton Road/Olney Sandy Spring Road), as well as the properties just west of the intersection around Sherwood High School. The total plan area is approximately 126 acres and is a sub-set of the much larger 1998 Sandy Spring/Ashton Master Plan, which covered approximately 5,989 acres around the Sector Plan boundary. Source: *Staff Briefing and Preliminary Recommendations Ashton Village Center Sector Plan April 9, 2020*.

<sup>6</sup> Montgomery County Council, Zoning Text Amendment 21-11, Sandy Spring/Ashton Rural Village Overlap Zone – Amendments, Introduced on December 14, 2021

<sup>7</sup> Ibid

<sup>8</sup> Montgomery Planning, Maryland National-Capital Parking and Planning Commission, Sectional Map Amendment H-144 Ashton Village Center Sector Plan application to Montgomery County Council, December 14, 2021.

Resolution No.:	
Introduced:	<u>March 8, 2022</u>
Adopted:	<u>March 8, 2022</u>

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION  
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT  
WITHIN MONTGOMERY COUNTY, MARYLAND**

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By: District Council

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**SUBJECT:** Ashton Village Center Sector Plan Sectional Map Amendment (H-144)

**OPINION**

Sectional Map Amendment (SMA) H-144 was filed by the Maryland-National Capital Park and Planning Commission and is a comprehensive rezoning application to implement the zoning recommendations contained in the Approved and Adopted Ashton Village Center Sector Plan. The SMA application covers approximately 127 acres in the eastern part of the County. Approximately 27.6 acres of underlying zoning are proposed for a change in zoning classification. The remaining acres are to be reconfirmed in the existing zoning classifications. The SMA also includes revisions to the boundary of the Sandy Spring/Ashton Rural Village Overlay Zone. The revised overlay zone will cover approximately 21.2 acres of properties and will be removed from approximately 47.4 acres of properties.

The District Council approved the Ashton Village Center Sector Plan on June 15, 2021. The Sector Plan sets forth the specific land use and zoning objectives for the development of the Ashton Village Center Sector Plan area and was subject to extensive and detailed review by the District Council. The District Council held a virtual public hearing on the Draft Plan on March 2, 2021, wherein testimony was received from interested parties, and the Director of the Montgomery County Office of Management and Budget transmitted to the County Council the Executive's fiscal impact statement for the Sector Plan on March 26, 2021.

Sectional Map Amendment (SMA) H-144 was filed on November 10, 2021, by the Montgomery County Planning Board to implement the specific zoning recommendations of the Ashton Village Center Sector Plan.

The Council held a public hearing on the SMA for the Sector Plan on January 18, 2022. There were no speakers at the public hearing. The record remained open until close of business on January 21, 2022.

The Council considered the Sectional Map Amendment at a worksession held on March 8, 2022. The Council finds Sectional Map Amendment Application H-144 to be consistent with the Approved and Adopted Ashton Village Center Sector Plan and necessary to implement the land use and development policies expressed in the Plan.

The evidence of record for Sectional Map Amendment H-144 consists of all record materials compiled in connection with the County Council public hearing on the Planning Board Draft of the Ashton Village Center Sector Plan dated March 2, 2021, and all record materials compiled in connection with the public hearing held by the Council on January 18, 2022, on Sectional Map Amendment H-144.

For these reasons, and because to grant this application will aid in the accomplishment of a coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District, this application will be GRANTED.

### **Action**

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 resolution:

1. Application No. H-144, Maryland-National Capital Park and Planning Commission, Applicants for the Sectional Map Amendment (SMA) covering the area of the Ashton Village Center Sector Plan consisting of approximately 127 acres, more or less, within the Ashton Village Center Sector Plan area, is GRANTED. Approximately 27.6 acres of underlying zoning are proposed for change in zoning classification. The remaining acreage, approximately 100 acres, is to be reconfirmed in the existing underlying zoning classifications. The SMA also includes revisions to the boundary of the Sandy Spring/Ashton Rural Village Overlay Zone. The revised overlay zone will cover approximately 21.2 acres of properties and will be removed from approximately 47.4 acres of properties.
2. The following areas are reclassified as part of this action, consistent with the recommendations in the Ashton Village Center Sector Plan.

**Table 1: Parcels to be Rezoned<sup>1</sup>**

<b>Change #</b>	<b>Existing Zoning</b>	<b>Proposed Zoning</b>	<b>Acres Changed</b>
1	PD-5	TLD	9.45
2	R-200	TLD	0.61
3	PD-5	CRN-0.5 C-0.5 R-0.5 H-35	2.54
4	CRT-1.25 C-0.75 R-0.5 H-35	CRN-0.5 C-0.5 R-0.5 H-35	1.53
5	TF-10	CRN-0.5 C-0.5 R-0.5 H-35	0.01
6	CRT-0.75 C-0.75 R-0.25 H-35	CRN-0.5 C-0.5 R-0.5 H-35	1.92
7	R-90	CRN-0.5 C-0.5 R-0.5 H-35	1.62
8	CRT-0.75 C-0.75 R-0.25 H-35	CRN-0.5 C-0.5 R-0.5 H-35	1.19
9	CRT-0.75 C-0.75 R-0.25 H-35	CRN-0.5 C-0.5 R-0.5 H-45	4.43
10	R-60	CRN-0.5 C-0.5 R-0.5 H-45	3.12
11	RC	CRN-0.5 C-0.5 R-0.5 H-45	1.15
		<b>Total Changed Acres</b>	<b>27.57</b>
12	Sandy Spring/Ashton Rural Village Overlay	Removed	43.99
13	Sandy Spring/Ashton Rural Village Overlay	Removed	2.44
14	Sandy Spring/Ashton Rural Village Overlay	Removed	1.00
15	Sandy Spring/Ashton Rural Village Overlay	Added	2.54
16	Sandy Spring/Ashton Rural Village Overlay	Added	0.26
17	Sandy Spring/Ashton Rural Village Overlay	Added	1.17
18	Sandy Spring/Ashton Rural Village Overlay	Remaining	17.20
		<b>Total Changed Acres</b>	<b>51.40</b>

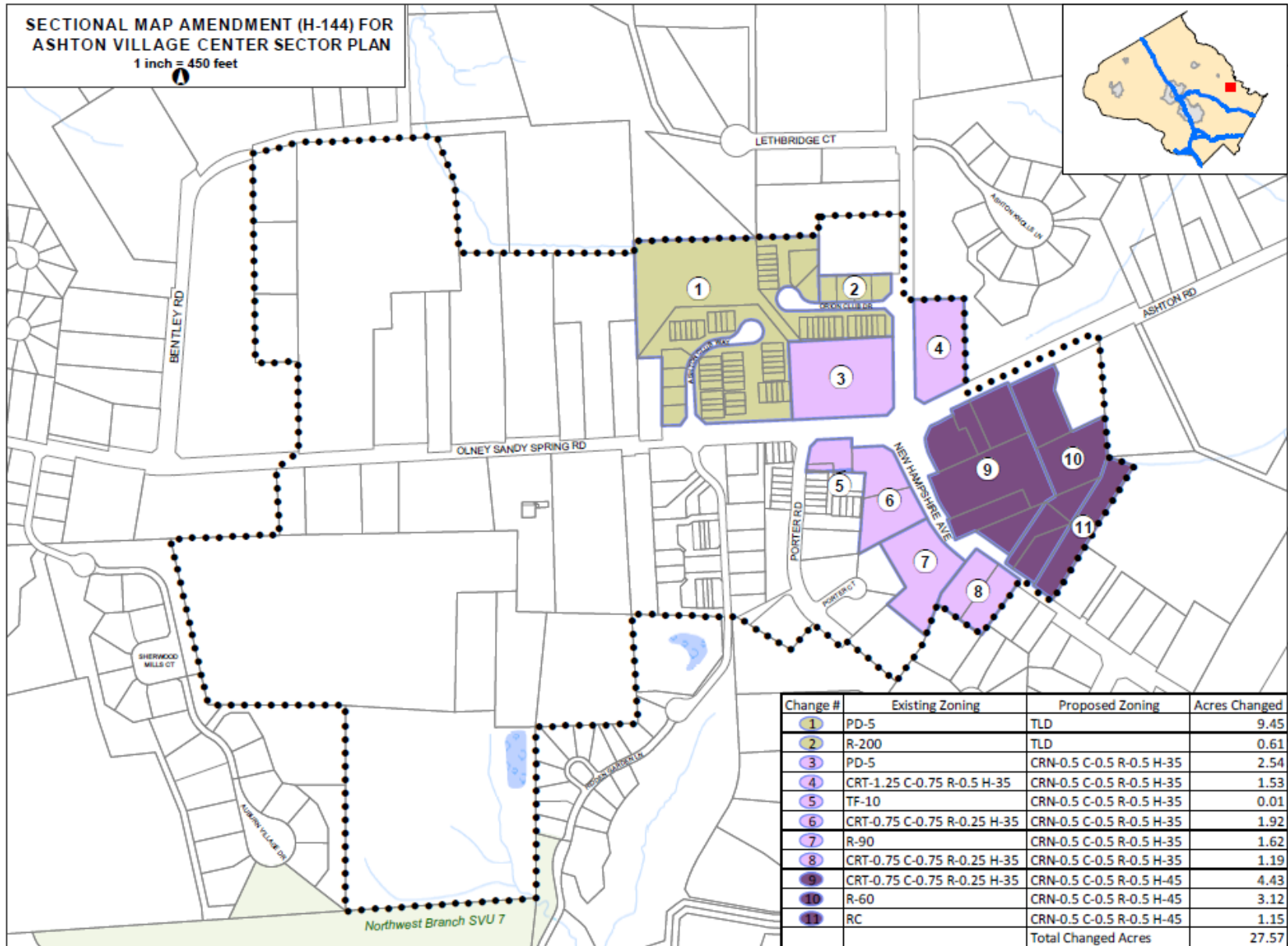
<sup>1</sup> The acreages shown in this table are estimates of acreage to be rezoned; actual acreage will depend on future engineering surveys. In approving the Zoning Maps, the District Council is approving the boundary lines, not a precise acreage amount.

This is a correct copy of Council action.

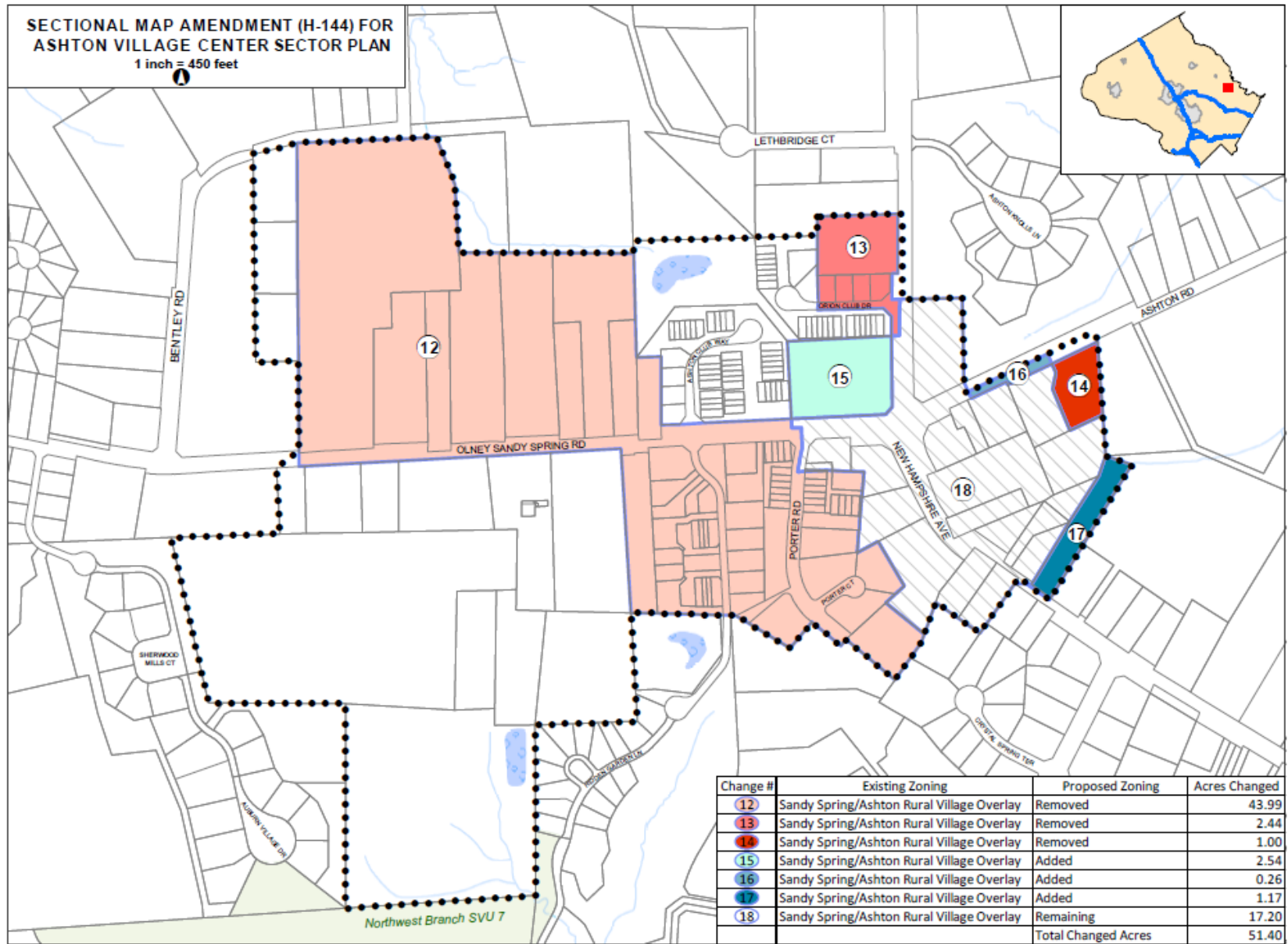
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Selena Mendy Singleton, Esq.  
Clerk of the Council

# Attachment 1 - Map 2 (Change Index 1 of 2)



## Attachment 1 - Map 3 (Change Index 2 of 2)



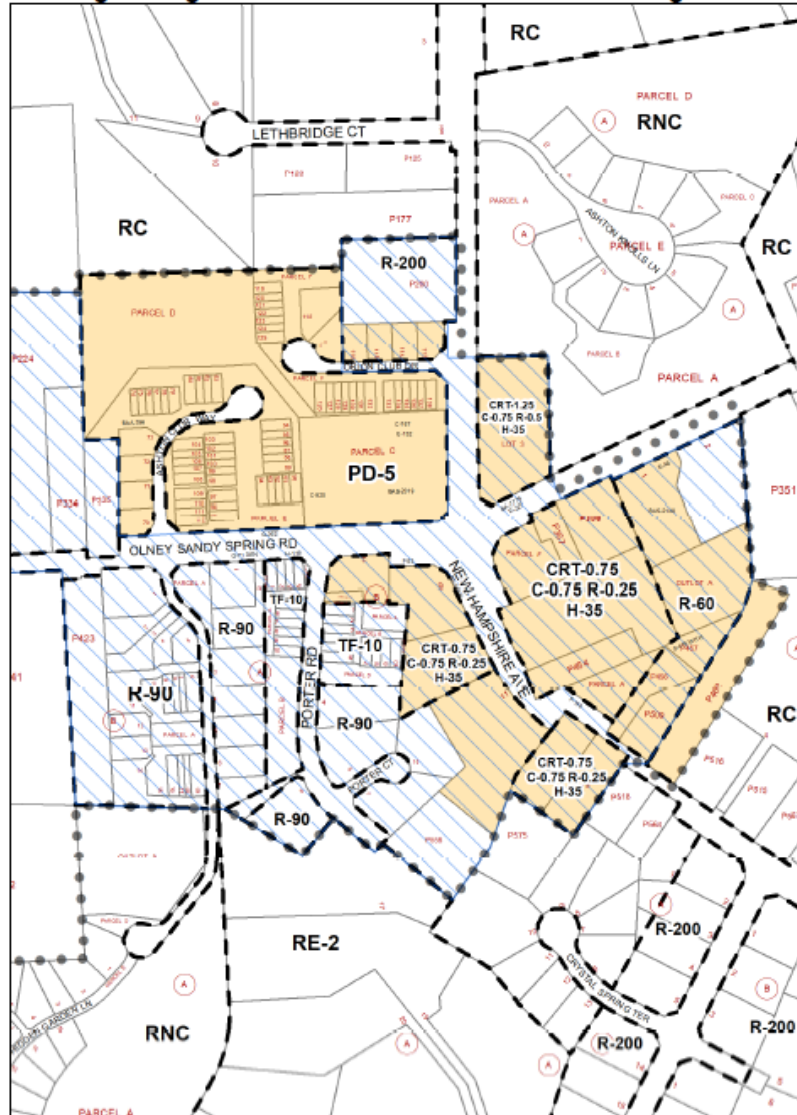


## Attachment 1 - Map 4

## Existing Zoning

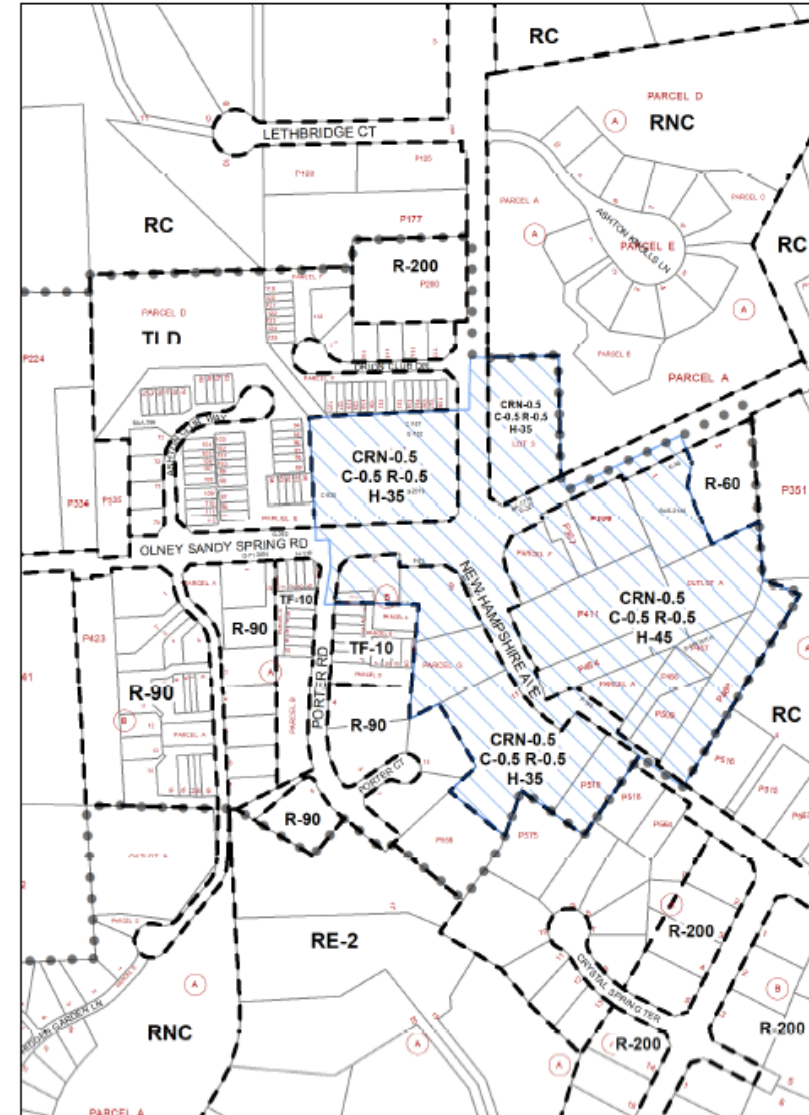
## Changes # 1 - 18

## Proposed Zoning



Map Grid: 224NW01

Master Plan Boundary

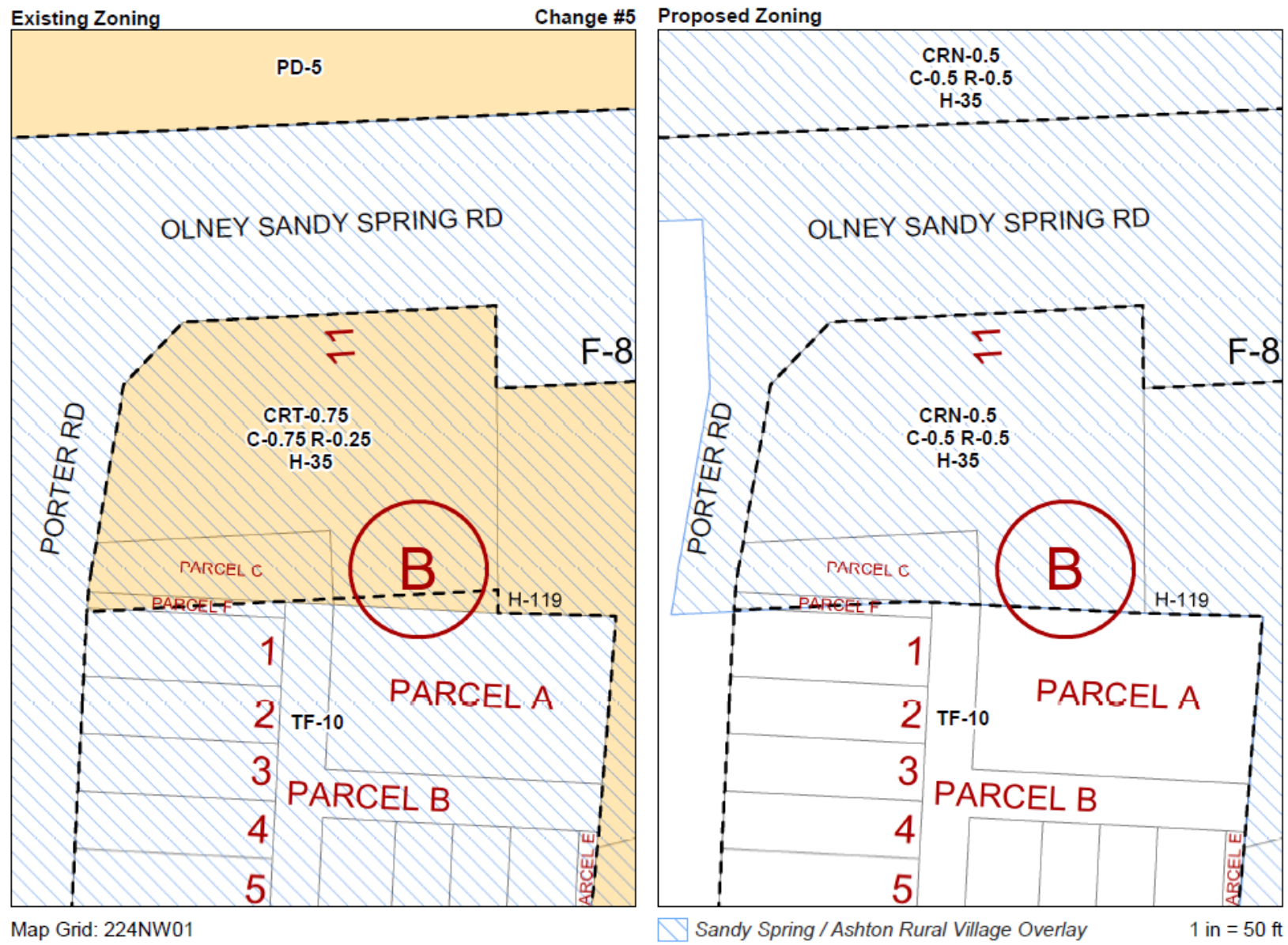


Sandy Spring / Ashton Rural Village Overlay

1 in = 400 ft



## Attachment 1 - Map 5 (LMA H-119 Floating Zone Boundary Detail)





**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

November 5, 2021

The Honorable Tom Hucker  
President, Montgomery County Council  
Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850

Dear Council President Hucker:

Enclosed please find materials for Sectional Map Amendment H-144 for the approved and adopted 2021 *Ashton Village Center Sector Plan*. The County Council approved the Sector Plan on June 15, 2021 via Resolution No. 19-904. On July 8, 2021, the Montgomery County Planning Board approved the Resolution of Adoption, Resolution No. 21-057, and transmitted it to the Full Commission of the Maryland-National Capital Park and Planning Commission (M-NCPPC). On July 21, 2021, the Maryland-National Capital Park and Planning Commission adopted the approved plan by Resolution Number 21-18.

At its regular meeting on November 4, 2021 the Montgomery County Planning Board approved filing the Sectional Map Amendment (SMA) and approved the content of the SMA, which will implement the zoning recommendations in the approved and adopted *Ashton Village Center Sector Plan*. Enclosed is the Application to File the SMA, the Certification, and maps that show the existing zoning and proposed zoning reclassifications, with parcel acreages. The SMA can also be viewed online at <https://mcatlas.org/sma/avcsp/>.

We look forward to working with the County Council to complete this project.

Sincerely,

Casey Anderson  
Chair




CA:jp

Enclosures

cc: Pam Dunn

MCPB  
Item No. 7  
Date: 11/4/2021

## **Request to File Sectional Map Amendment (SMA) H-144, Ashton Village Center Sector Plan**

-  Jamey Pratt, Senior Planner, Upcounty Planning, [jamey.pratt@montgomeryplanning.org](mailto:jamey.pratt@montgomeryplanning.org), 301-495-4588
-  Donnell Zeigler, Supervisor, Upcounty Planning, [donnell.zeigler@montgomeryplanning.org](mailto:donnell.zeigler@montgomeryplanning.org), 301-495-4511
-  Patrick Butler, Division Chief, Upcounty Planning, [patrick.butler@montgomeryplanning.org](mailto:patrick.butler@montgomeryplanning.org), 301-495-4661

**Completed: 10/22/2021**

### **Staff Recommendation**

Approval to submit Sectional Map Amendment (SMA) H-144 to amend the official Montgomery County Zoning Map to implement recommendations contained in the 2021 *Ashton Village Center Sector Plan*.

### **Summary**

Staff requests approval to file an SMA with the Montgomery County District Council to amend the official zoning map, as recommended in the approved and adopted 2020 *Ashton Village Center Sector Plan*.

### **Background**

The *Ashton Village Center Sector Plan* area encompasses approximately 127 acres in the eastern part of the county at the intersection of state routes MD 108 and MD 650 (New Hampshire Avenue). It is about eight miles east of the county seat in Rockville and two miles west of the boundary with Howard County at the Patuxent River.

The *Ashton Village Center Sector Plan*, which this SMA will implement, will amend the *General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District within Montgomery and Prince George's Counties*, as amended; the 1998 *Sandy Spring/Ashton Master Plan*, as amended; the *Master Plan of Highways and Transitways*, as amended; and the *Bicycle Master Plan*, as amended. Some important dates for the approval of the Plan are shown in the table below.

*Table 1. Important Dates for the Approval of the Ashton Village Center Sector Plan*

<b>Date</b>	<b>Action</b>
<b>September 17, 2020</b>	The Planning Board held a public hearing on the Public Hearing Draft.
<b>December 3, 2020</b>	The Planning Board approved the Planning Board Draft.
<b>March 2, 2021</b>	The County Council, sitting as the District Council, held a public hearing on the Planning Board Draft.
<b>June 15, 2021</b>	The District Council approved the Planning Board Draft subject to the modifications and revisions set forth in Resolution No. 19-904.
<b>July 8, 2021</b>	The Planning Board adopted the plan as amended by the District Council via Resolution No. 21-057.
<b>July 21, 2021</b>	The Maryland-National Capital Park and Planning Commission (M-NCPPC) adopted the plan by Resolution No. 21-18.

### **SMA Process**

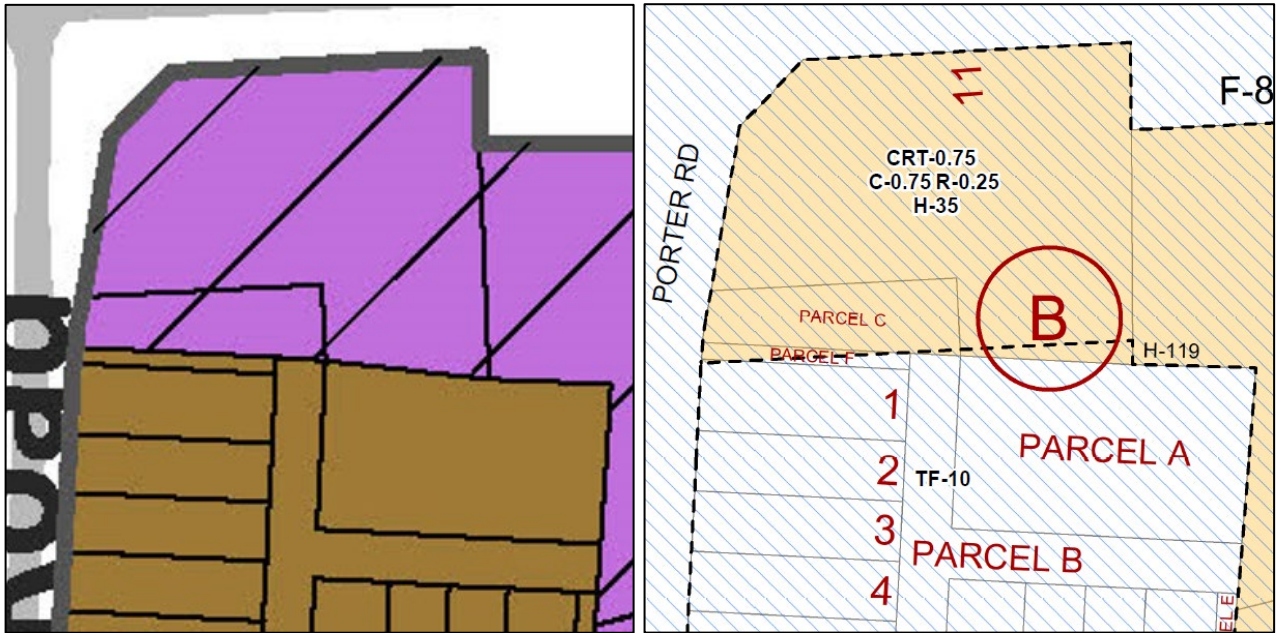
An SMA rezones or confirms the zoning of an area of the county as adopted and approved by a master plan. Section 59.7.2.3 (Sectional and District Map Amendment) of the Montgomery County Zoning Ordinance authorizes the Planning Board to apply for a sectional map amendment to the District Council. First, the planning director must publish a report and recommendation at least 10 days before a Planning Board public meeting on the rezoning application. Then, the Planning Board's recommendation on the application must be submitted to the District Council. After that, the District Council conducts a public hearing and may approve with or without modification, deny, or remand the application to the Planning Board for additional analysis. If approved, the District Council must issue a resolution and opinion reflecting its decision within 60 days after the close of record, unless the time is extended by the District Council. The decision of the District Council is final.

### **Recommended Sectional Map Amendment**

SMA H-144 will implement zoning recommendations contained in the 2021 *Ashton Village Center Sector Plan*. These recommendations aim to achieve the Plan's goals to foster a sense of community in Ashton by promoting a transition from a vehicle-centric commercial crossroads into a viable and vibrant rural village that protects and enhances the character of the greater Ashton community. The Plan provides zoning and design recommendations that are appropriate for allowing the density and uses expected for a rural village while ensuring that new development harmoniously blends in with the existing development.

The SMA proposes reclassification of approximately 27.6 acres of properties in the Ashton Village Center, while reconfirming the zoning on approximately 90 acres of properties in the Plan area. (The overall area covered by properties within the 127-acre Sector Plan boundary is about 117.6 acres; the remainder is dedicated right-of-way.) There are no pending local map amendment applications in the Plan area. The SMA also includes revisions to the boundary of the Sandy Spring/Ashton Rural Village Overlay Zone. The revised overlay zone will cover approximately 21.2 acres of properties and will be removed from approximately 47.4 acres of properties.

During the review of the zoning changes, Montgomery Planning staff discovered that one zoning boundary was incorrectly displayed in the maps included in the Sector Plan. The line between the TF-10 and current CRT zone on the east side of Porter Road was drawn incorrectly. See Figure 1 below.



*Figure 1. Detail from Map 8, Proposed Zoning from the Sector Plan (page 35), left, and the approved zoning boundary (black dashed line) from Local Map Amendment H-119 (Map 5 from the attached document), right*

In the figure above, the purple properties are in the Sector Plan's "Village Core" neighborhood, while the brown properties are in the "Residential Edge" neighborhood. As can be seen, the Sector Plan shows the boundary slanting down to the right, whereas the approved zoning boundary from Local Map Amendment (LMA) H-119 goes up to the right from Porter Road. This results in a number of split-zoned properties: Lot 11, Parcel C, Parcel F, and perhaps a corner of Lot 1.

The intent of the Sector Plan was to rezone all of the properties in the Village Core neighborhood to CRN (purple properties in Figure 1) and to retain the TF-10 zone in the Residential Edge neighborhood here (brown properties). While Planning staff would prefer to apply the zoning based on the property lines per the figures in the Sector Plan in order to prevent split-zoned properties, this would require changing part of Parcel F and perhaps a corner of Lot 1 from CRT to TF-10. But a floating zone such as TF-10 can only be applied via the Local Map Amendment (LMA) process and cannot be applied in a Sectional Map Amendment. An SMA can, however, apply a Euclidean zone such as the CRN zone. Therefore, this SMA follows the approved zoning line from LMA H-119 on Parcel F and Lot 1 by retaining the TF-10 zone for all properties south of this line and changes the CRT-zoned properties to CRN north of this line on these properties. The SMA will follow the plan neighborhood line from the Sector Plan to rezone all of Parcel C and Lot 11 to the CRN zone. This will result in at most two split-zoned properties, one of which is an open space parcel and the other a few square feet of a townhouse lot. Planning staff does not foresee this causing any problems.



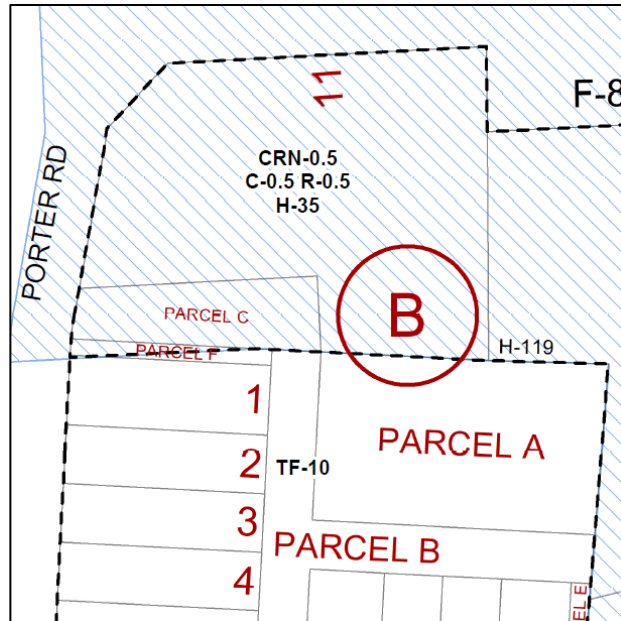


Figure 2. Proposed zoning detail (Map 5, right side, from attached document). The black dashed line shows the new zone boundary.

The proposed zoning reclassifications are shown on the attached maps. Under a separate application and action by the Planning Board, a zoning text amendment application will be made to revise the overlay zone. Revisions to the overlay zone include removing language that is no longer necessary due to the approved zoning changes and provisions of the Zoning Ordinance revised in 2014, modifying the requirement for site plan approval, and other minor changes designed to help preserve and enhance the rural village character of the Sandy Spring and Ashton village centers.

### Contents of the Sectional Map Amendment

The SMA application includes two map indices as well as 2 maps indicating the boundaries of the *Ashton Village Center Sector Plan* (see Attachment 1). The digital map is available at <https://mcatlas.org/sma/avcsp>.

### Conclusion

Staff recommends that the Planning Board approve the submittal of SMA H-144 to the District Council to implement the zoning recommendations contained in the 2021 *Ashton Village Center Sector Plan*.

### Attachment

1. Proposed zoning reclassification map



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## CERTIFICATION

This is to certify that the Sector Plan Map index displaying the changes involved in this application, and base maps as shown herein are certified copies of the digital zoning map on which existing and proposed zone boundaries are delineated by both line and text, are correct as shown; and by this certification, they are hereby part of the Maryland-National Capital Park and Planning Commission's Application as required by the Zoning Ordinance, for the Maryland-Washington Regional District in Montgomery County, Maryland.

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10/7/2021

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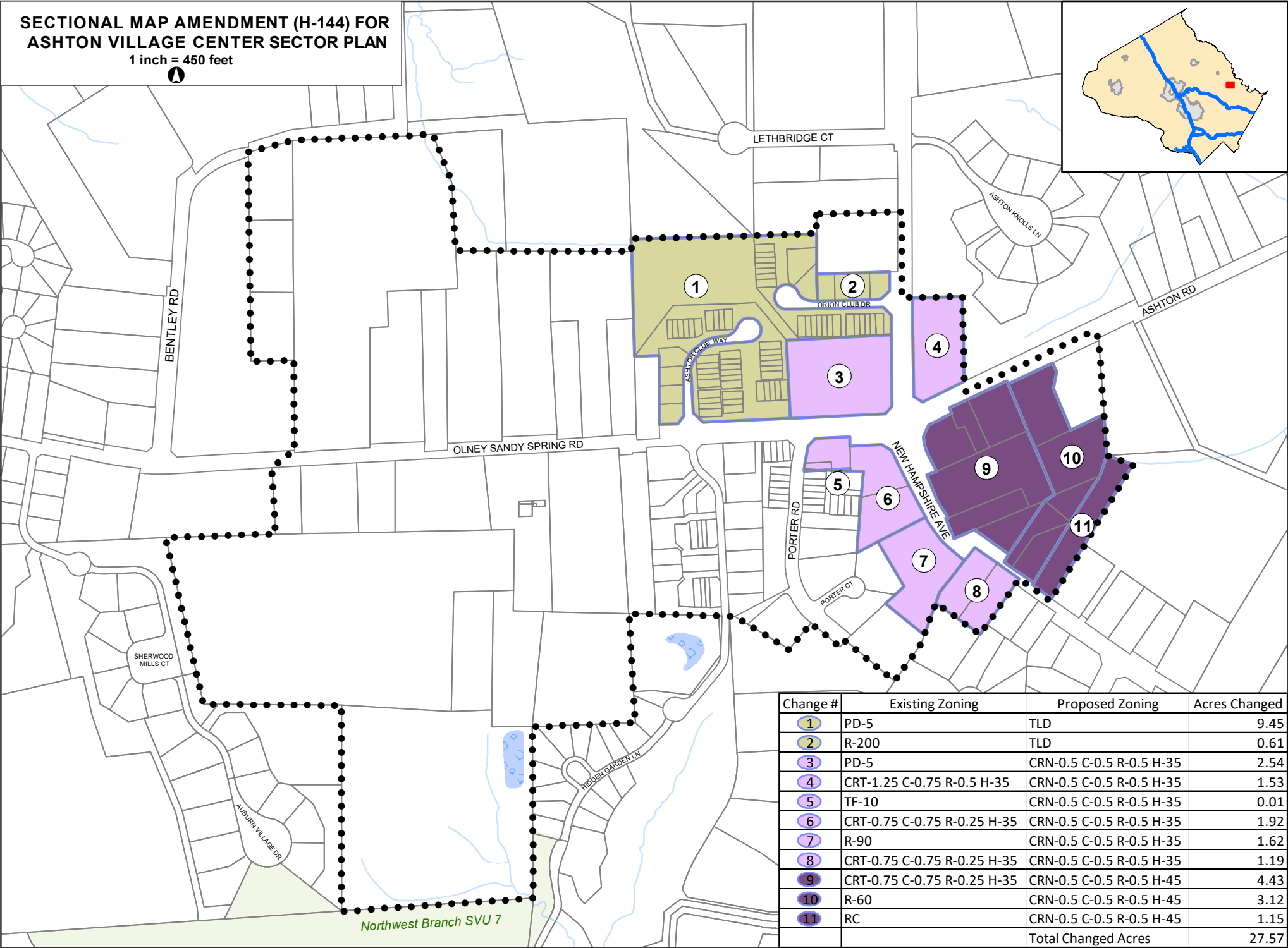
Date

*Patrick Butler*

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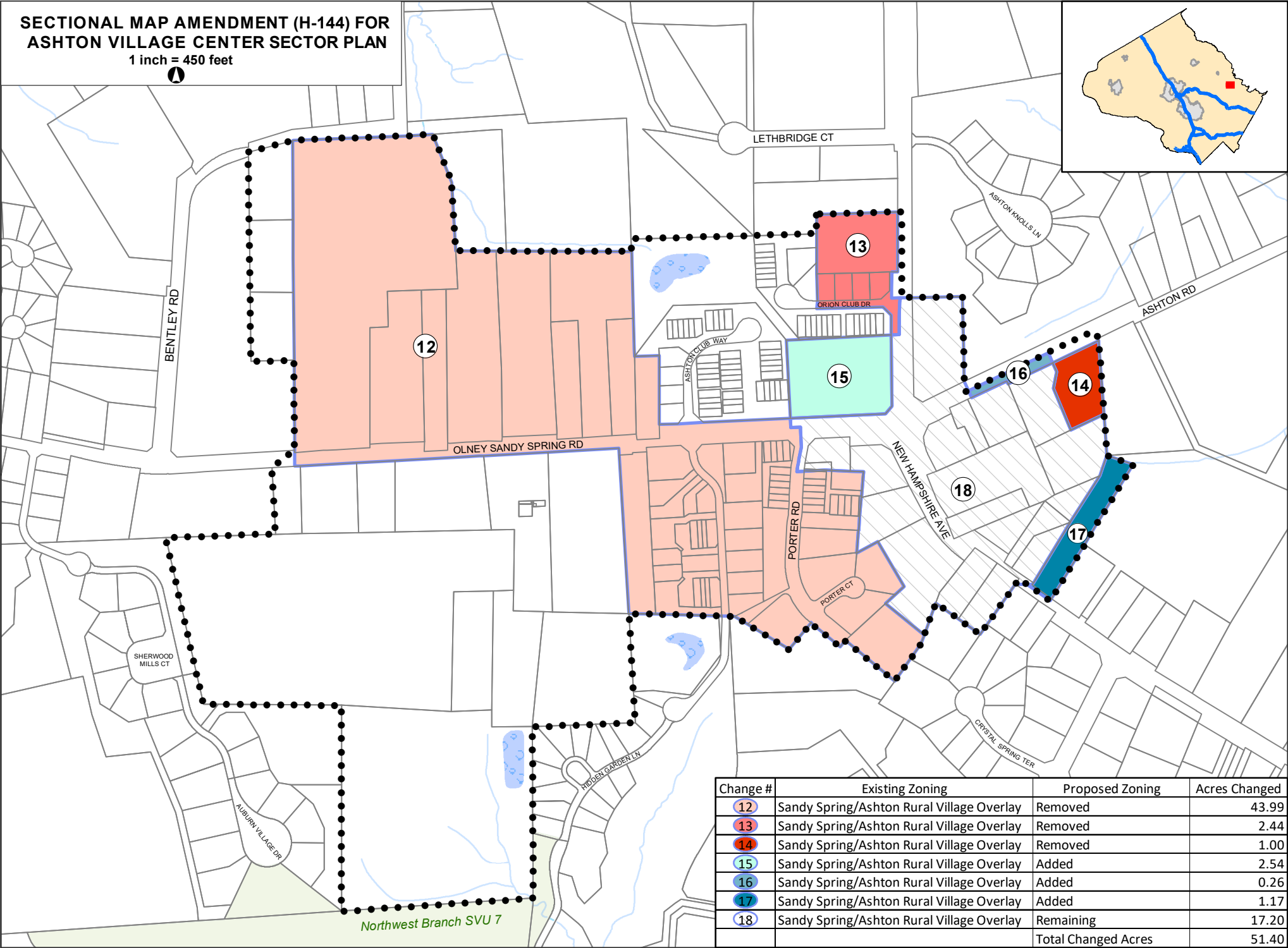
Patrick Butler  
Division Chief  
Upcounty Planning Division

Attachment 1 - Map 2 (Change Index 1 of 2)





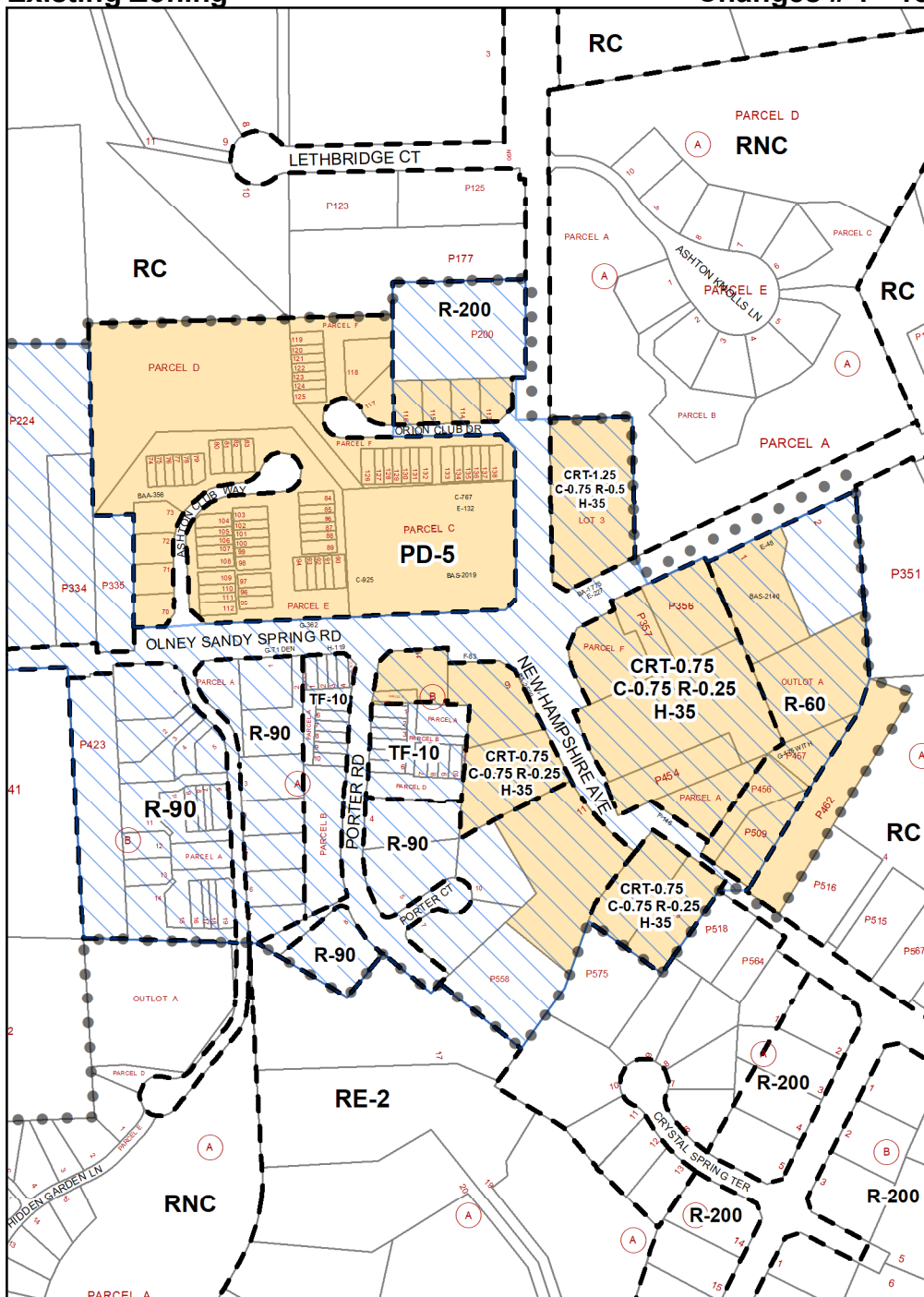
Attachment 1 - Map 3 (Change Index 2 of 2)



## Attachment 1 - Map 4

## Existing Zoning

## Changes # 1 - 18

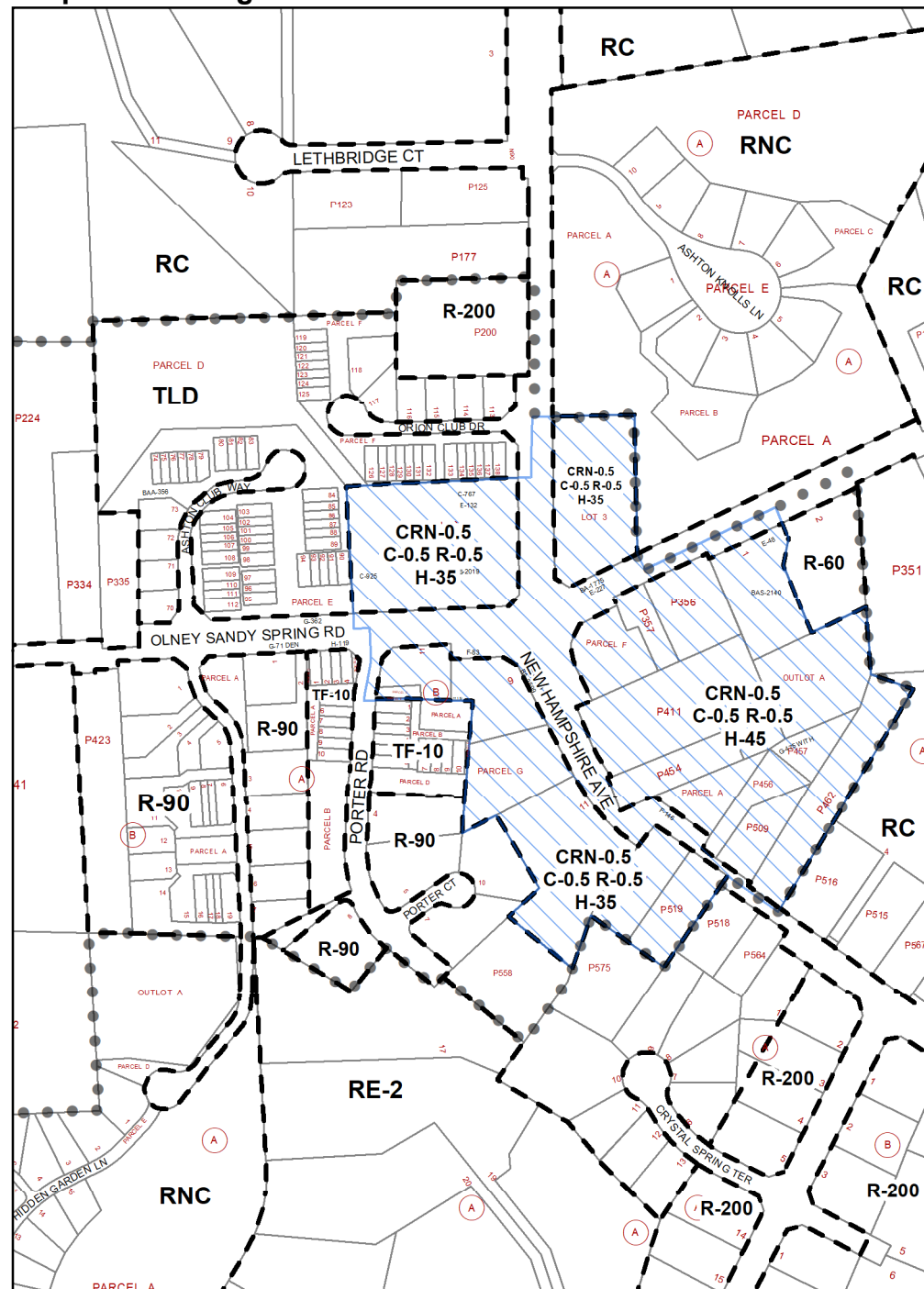


Map Grid: 224NW01



Master Plan Boundary

## Proposed Zoning

 Sandy Spring / Ashton Rural Village Overlay

(44) 1 in = 400 ft

Attachment 1 - Map 5 (LMA H-119 Floating Zone Boundary Detail)

Existing Zoning

Change #5

Proposed Zoning

