

January 14, 2010 before the Montgomery County Planning Board
Sandy Spring, Parcel B; Case # 120090230; Thomas Building
Testimony of Alan Wright

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My name is Alan Wright and I have lived at 17710 Meeting House Road in Sandy Spring since 1984. I am opposed to the preliminary plan of subdivision in this case for several reasons.

1. The building is too large. It is out of scale with the surrounding buildings – the single-family houses across the street, the town houses to the west and rear, and even the bank building on the east. The only buildings of comparable (but smaller) size in Sandy Spring are the other buildings on the proposed lot, and their impact is reduced by the fact that they are back from the road and by the generous spacing and landscaping around them.
2. The building and parking garage are too crowded on the site. It appears that the building and garage occupy more than 35% of the existing parcel, which is the maximum allowed for “buildings and accessory structures” in the C-T Zone.¹ The combination of parcels would allow the developer to count space on the other parcels toward his development, but it will not improve the overcrowding on this parcel. A resubdivision solely to combine parcels for the purpose of using their space should not be approved.
3. The building and parking garage are not compatible with the Sandy Spring/Ashton Master plan - for all the above reasons but especially because the proposed parking garage is not a feature that is consistent with a rural village. The rural village zone was developed specifically for the Sandy Spring/Ashton location. “Rural village” is not just a quaint descriptive phrase. The words were intended to have specific meaning.

¹ I have not been able to determine from the record the exact size of the existing parcel or the square foot coverage of the parking garage, which appear to occupy in excess of 35% of the existing site.

It is not “suburban” village, or “small town”, but “rural” and “village”. There are 231 references to “rural” in the Master Plan. Approval of a plan of subdivision requires a finding that “the proposed development substantially conforms to the design guidelines for new development contained in the approved and adopted Sandy Spring/Ashton Master Plan.”² A building of this size with a two-tier parking structure is not compatible with a rural village.

4. The building and garage are not compatible with the Sandy Spring Historic District, of which the proposed, resubdivided parcel would be a part. Even were it not a part of the Historic District, it would necessary to consider the impact of the development on the Historic District, which has not been done thus far. In the case of *Costan Washington, Inc. v. Maryland-National Capital Park and Planning Commission*, 87 Md. App. 602, 590 A.2d 1081 (1991), a developer argued that the Planning Board lacked the authority to consider the historic nature of the district adjacent to the proposed development. The Court disagreed, and not only affirmed the Board’s authority, but went on to state that common sense **requires** that such historic elements be taken into account.

CONCLUSION

Mr. Nichols has argued that it would be too expensive to make his project on a smaller scale. He says he needs the additional tenants to share the cost of the expensive parking garage. He has said it would be too expensive to build the parking garage completely under ground. As a developer he must be concerned about expense and about profit margins, but it should not be at the expense of the community. I ask that you reject this preliminary site plan.

² Montgomery County Zoning Ordinance, §59-C-18.184.

59-C-18.184. Site plan contents and exemptions.

(a) Section 59-D-3.22 and 59-D-3.23 do not apply in the Sandy Spring/Ashton Rural Village Overlay Zone.

(b) A site plan for development in the Sandy Spring/Ashton Rural Village Overlay Zone must include:

In the course of site plan approval, the Planning Board must make a finding as to whether or not the proposed development substantially conforms to the design guidelines for new development contained in the approved and adopted Sandy Spring/Ashton Master Plan.

Sec. 59-C-4.30. C-T zone-Purpose and development standards.

59-C-4.301. Purpose.

The purpose of the C-T zone is to provide sites for low-intensity commercial buildings which, singly or in groups, will provide an appropriate transition between one-family residential areas and high-intensity commercial development. The C-T zone is intended to constitute a margin of limited width at the border between a commercial area and a one-family residential area. For that reason, the C-T zone can only be applied:

(a) In areas designated for the C-T zone on adopted and approved master or sector plans; or

(b) On property so located that it is between and adjoining or separated only by a street, highway, or utility right-of-way from both of the following uses:

(1) Existing or proposed one-family residential uses; and

(2) Existing high-intensity commercial uses. As used herein, the term "high-intensity commercial use" refers to any commercial or central business district development with an existing height that is greater than 40 feet. The term "high-intensity commercial use" does not include development in the C-1 zone.

The fact that an application complies with all specific requirements and purposes set forth herein shall not be deemed to create a presumption that the application is, in fact,

compatible with surrounding land uses, and, in itself, shall not be sufficient to require the granting of an application.

59-C-4.302. New construction, re-use of existing building, remodeling, and reconstruction.

The following provisions apply:

(a) For new construction, a building permit can be issued only on a lot with a minimum front lot line of 100 feet on a public street. For this purpose, "new construction" does not include either remodeling an existing structure or reconstruction as the result of fire or other catastrophe, as regulated in paragraphs (c) and (d), below.

(b) For commercial re-use of a building existing at the time the C-T zone is granted, a use- and-occupancy permit can be issued only after site plan approval as set forth in division 59-D-3, whether or not there is remodeling of the structure or redesign of the lot.

(c) For remodeling of a building existing at the time the C-T zone is granted, the board may, at the time of site plan approval, approve an expansion of the gross floor area of the building, provided the increase:

- (1) Is compatible with neighboring residential and commercial uses; and
- (2) Does not exceed 40 percent.

(d) For reconstruction of a building damaged by fire or other catastrophe, the board may, at the time of site plan approval, approve an expansion not exceeding 10 percent of the gross floor area of the building as it existed prior to the damage, provided the increase:

- (1) Is compatible with neighboring residential and commercial uses;
- (2) Does not exceed a 40 percent increase in the gross floor area of the building, if any, as it existed at the time the C-T zone was granted; and
- (3) Is not subject to the special regulations of section 59-C-4.308 below.

59-C-4.303. Building coverage and building height.

The maximum percentage of coverage by buildings and accessory structures, and the maximum building height at any point, shall be as follows:

Coverage Height

- (a) On a lot with an area of less than 12,000 square feet. 30 percent 24 feet

- (b) On a lot with an area of 12,000 square feet or more. 35 percent 35 feet

59-C-4.304. Floor area.

The gross floor area of all buildings on a lot must not exceed FAR 0.5, except as provided in the special regulations of section 59-C-4.308.

59-C-4.305. Setbacks.

All buildings must be set back from lot lines at least as follows:

- (a) From any street right-of-way as shown on a master plan-10 feet.
- (b) From any other lot line:
 - (1) If the building has windows or apertures providing light, access, or ventilation to a space intended to be occupied for commercial or residential purposes that faces that lot line-15 feet, except as provided in subparagraph (3) below.
 - (2) If the adjoining lot is in a residential zone and is not recommended for commercial or industrial zoning on a master plan-15 feet, except as provided in subparagraph (3) below.
 - (3) For a building existing at the time the C-T zone is granted, the board may approve a setback of less than 15 feet, provided the smaller setback is not less than the setback existing at the time of rezoning.
 - (4) In all other cases, no building setback is required.

59-C-4.306. Green area.

Green area must constitute at least 10 percent of the area of the lot.

59-C-4.307. Parking.

- (a) All parking in accord with the requirements of article 59-E must be provided on site or on a nearby property in the C-T zone with one exception.
- (b) The exception is a property in a parking lot district, as defined in chapter 60 of this Code, that has been designated on an approved and adopted master or sector plan as one that may utilize public parking facilities to satisfy the requirements of article 59-E.

(c) All properties in a parking lot district that are not designated as prescribed in paragraph (b) above would be required to provide their parking on site and therefore may apply for an exemption to the parking district tax, pursuant to chapter 60.

59-C-4.308. Special regulations.

(a) Where an otherwise lawful structure or development exists or has received site plan approval in the C-T zone on April 1, 1986, this structure or development is not a nonconforming use and may be continued, if it remains an otherwise lawful use. If damaged, the structure may be rebuilt, repaired and/or reconstructed, subject to the following provisions:

(1) The maximum building coverage, building height, and gross floor area of the original building must not be increased; and

(2) The original number of on-site parking spaces must not be changed except as provided by article 59-E, title "Off-Street Parking and Loading."

(b) Development in accord with a schematic development plan and covenants recorded prior to April 1, 1986, pursuant to the provisions of section 59-H-2.5, title "Contents of Optional Method of Application-Local Map Amendments," is lawful, even though development in accord with that plan would not comply with the standards prescribed by sections 59-C-4.303, 59-C-4.304 and 59-C-4.307 above. Such development is not a nonconforming use and is subject to the provisions regarding an existing structure set forth in paragraph (a) above.

59-C-4.309. Development procedure.

(a) **Subdivision.** Subdivision or resubdivision of lots must be consistent with the recommendations of the relevant approved and adopted master or sector plan.

(b) **Site Plan.** The procedure for site plan approval is as set forth in division 59-D-3. Site plan approval is required for re-use of a building existing at the time the C-T zone is granted as well as for remodeling, rebuilding or new construction.

Sec. 59-C-18.18. Sandy Spring/Ashton Rural Village Overlay Zone.

59-C-18.181. Purpose.

It is the purpose of this overlay zone to:

(a) 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.

(b) 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.

59-C-18.182. Regulations.

Lots developed under this overlay zone must be connected to a community water and sewerage system, unless it can be demonstrated that 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.

(a) Development standards residential zones:

(1) Land uses. All uses as allowed in the underlying zone as set forth in Sec. 59-C-1.31.

(2) Development standards. The development standards are the same as those in the underlying zones, except as follows:

(A) Density of development: The density of development cannot exceed the standards for the underlying zone as set forth in the cluster provisions of Sec. 59-C-1.533.

(B) Minimum net lot area: If development proceeds under the standards of the zone as set forth in Sec. 59-C-1, the standards for the zone apply and site plan review will not be required.

Lot sizes down to 3,000 square feet may be approved by the Planning Board, including zero side yard setbacks on one side, upon a showing that the resulting development will be consistent with the guidelines of the master plan. Site plan review in accordance with the provisions of Sec. 59-C-18.174 is required.

(C) Building height: A main building must not exceed a height of 35 feet.

(b) Commercial development. Where a lot is zoned either partially or totally in a commercial zone the following regulations apply:

(1) Land uses. All permitted or special exception uses allowed in the underlying zones are allowed in the commercial portion of the overlay zone. The following uses are prohibited in the overlay zones:

(2) Development standards:

(A) Where the property is in a commercial zone, the setback and green area standards of the underlying zone are the same as set forth in Div. 59-C-4. Building height must not exceed 24 feet, except that at the time of site plan review the Planning Board may allow additional height up to 30 feet if the Board finds that the additional height is compatible with the adjoining uses and is consistent with the intent of the master plan.

(B) Floor area ratio. The floor area ratio for commercial uses is limited to FAR 0.75, [FAR .75 means gross floor area is .75 as large as the lot area] and is computed only on the area of the underlying commercial zoned portion of the site.

(C) In the case of special exceptions where a minimum area is otherwise required, the minimum area may be waived where recommended as appropriate in the master plan.

(D) In areas recommended in the Sandy Spring/Ashton Master Plan for mixed use development, development should consistent with the recommendations of the master plan. In the residential portions of the mixed-use areas, off-street parking for commercial uses is allowed without a requirement for approval of a special exception.

1 Any lawful use in existence as of the date of application of the overlay zone is a conforming use, and may be altered, repaired, or replaced in accordance with the provisions of the zone in effect at the time the use was established.

59-C-18.183. Procedure for application and approval.

A site plan for any development in the Sandy Spring/Ashton Rural Village Overlay Zone must be approved under the provisions of Section 59-C-18.174 except for a one-family detached residential house developed in accordance with the provisions of Division 59-C-1. Development includes the following:

- (a) Construction of a new building;
- (b) Additions and other exterior improvements to existing buildings that increase the amount of gross floor area on a site; and
- (c) Additions of off-street parking spaces or revisions to parking facilities that would otherwise require the approval of a new parking facilities plan under Section 59-E-4.1.

59-C-18.184. Site plan contents and exemptions.

(a) Section 59-D-3.22 and 59-D-3.23 do not apply in the Sandy Spring/Ashton Rural Village Overlay Zone.

(b) A site plan for development in the Sandy Spring/Ashton Rural Village Overlay Zone must include:

In the course of site plan approval, the Planning Board must make a finding as to whether or not the proposed development substantially conforms with the design guidelines for new development contained in the approved and adopted Sandy Spring/Ashton Master Plan.

59-C-18.185. Off-street parking and loading.

Parking must be provided in accordance with the provisions of Division 59-E with the following exceptions:

59-C-18.186. Planning Board approval.

The procedures for Planning Board approval under Section 59-D-3.4 are modified for this overlay zone to require the following additional findings:

(a) The site plan is consistent with the recommendations in the approved and adopted Sandy Spring/Ashton Master Plan;

(b) The site plan meets all of the requirements of this overlay zone as well as the applicable requirements of the underlying zone; and

(c) Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.

Montg Co Code

§59-A-2.1, Definitions

Automobile garage, group: An accessory building or portion of a main building designed, arranged or used for housing motor vehicles in connection with one or more multiple dwellings erected under one ownership. Such garage shall be for passenger vehicles only, including noncommercial buses used by occupants of such dwellings.

Automobile garage, private: An accessory building or portion of a main building designed, arranged or used for the housing of private motor vehicles, only one of which may be a commercial vehicle. Not more than 50 percent of the space in such a garage shall be used for housing vehicles other than those owned by occupants of the premises; except, that all of the space in a garage of one- or two-car capacity may be so rented. A private automobile garage having any part of a wall or roof in common with a dwelling shall be considered a part of the main building and not an accessory building.

Automobile garage, public: Any building or portion thereof, other than an automobile sales room, held out or used for the housing of 6 or more vehicles, where service or repair facilities, if any, are incidental to the principal use for storage. Such garage shall not be considered an accessory use; nor shall it be used for the storage of dismantled or wrecked motor vehicles, parts thereof or junk.

Automobile parking facility: Any lot or structure used for off-street parking of 6 or more motor vehicles, where service or repair facilities are not permitted. A parking facility must not be used for storage of dismantled or wrecked motor vehicles, parts thereof or junk. An automobile sales lot is not a parking facility for the purposes of this chapter. This definition includes 6 or more parking spaces serving a special exception use. (See section 59-E-2.92 for special requirements applying to a smaller parking area serving a special exception use in a one-family residential zone.)

Building, accessory: A building subordinate, and located on the same lot with, a main building, the use of which is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or common roof to the main building. In addition to any other meaning the word “subordinate” may have in this definition, on a lot where the main building is a one-family detached residential dwelling, except for an accessory agricultural building, subordinate means that the footprint of the accessory building is smaller than the footprint of the main building.

Floor area ratio: A figure which expresses the total gross floor area as a multiple of the gross tract area of the lot. This figure is determined by dividing the gross floor area of all buildings on a lot by the area of that lot

Overlay zone: A geographic area that constitutes a mapped district superimposed over the underlying base zone on the official zoning map. An overlay zone includes development regulations and standards that either add to or modify the requirements of the underlying zone.

Public facilities and amenities: Those facilities and amenities of a type and scale necessary to provide an appropriate environment or to satisfy public needs resulting from the development of a particular project. Facilities and amenities may include, but are not limited to:

- (a) green area or open space which exceeds the minimum required, with appropriate landscaping and pedestrian circulation;
- (b) streetscaping that includes elements such as plantings, special pavers, bus shelters, benches, and decorative lighting;
- (c) public space designed for performances, events, vending, or recreation;
- (d) new or improved pedestrian walkways, tunnels or bridges;
- (e) features that improve pedestrian access to transit stations;
- (f) dedicated spaces open to the public such as museums, art galleries, cultural arts centers, community rooms, recreation areas;
- (g) day care for children or senior adults and persons with disabilities; and
- (h) public art.

Public facilities and amenities may be recommended or identified in an approved and adopted master or sector plan. Public amenities do not include road improvements or other capital projects that are required to provide adequate facilities to serve the property.

Public use space: Space devoted to public enjoyment, such as, but not limited to, green areas, gardens, plazas, walks, pathways, promenades, arcades, urban parks, town squares, public plazas with elements such as water features, and passive and active recreational areas including outdoor recreation areas for a child day care facility. Public use space may also consist of space and/or amenities recommended by an approved urban renewal plan. Public use space must not include parking or maneuvering areas for vehicles. Except for an outdoor recreation area for a child day care facility, public use space must be easily and readily accessible to the public and be identified by a sign placed in public view. If public pedestrian walkways are recommended in an approved and adopted master plan or sector plan, it may be counted as public use space.

Structure: An assembly of materials forming a construction for occupancy or use including, among others, buildings, stadiums, gospel and circus tents, reviewing stands,

platforms, stagings, observation towers, radio and television broadcasting towers, telecommunications facilities, water tanks, trestles, piers, wharves, open sheds, coal bins, shelters, fences, walls, signs, power line towers, pipelines, railroad tracks and poles.

Use, accessory: A use which is (1) customarily incidental and subordinate to the principal use of a lot or the main building, and (2) located on the same lot as the principal use or building. A temporary structure or trailer used for construction administration or real estate sales in conjunction with and during the period of development, construction or sales within the same site or subdivision in which it is located is an accessory use.

Division 59-C-18. Overlay Zones.

Sec. 59-C-18.1. Purpose and general provisions.

Overlay Zones are created in areas of critical public interest. An overlay zone provides regulations and standards that are necessary to achieve the planning goals and objectives for development or redevelopment of an area. Overlay zones provide uniform comprehensive development regulations for an area.

(Legislative History: Ord. No. 11-75, § 2.)

Sec. 59-C-18.2. Where applicable.

Land must not be designated as an overlay zone unless the land is recommended for an overlay zone on a master or sector plan. The applicable master or sector plan must recommend boundaries of the overlay zone, and the goals and objectives for the development and use of land within the overlay zone.

(Legislative History: Ord. No. 11-75, § 2.)

Sec. 59-C-18.3. Designation of overlay zones on the zoning map.

In designating an overlay zone on the zoning map, the District Council must follow the applicable procedures of Article 59-H for processing and approving sectional and district map amendments.

(Legislative History: Ord. No. 11-75, § 2.)

Sec. 59-C-18.4. Development procedure.

Development in an overlay zone must conform with the standards and requirements of the underlying zone, except as specifically modified by the standards and regulations of the overlay zone. Where there is an ambiguity as to whether the regulations of the underlying zone or overlay zone apply, the regulations of the overlay zone apply. A site

plan must be submitted under Division 59-D-3 except where specifically exempted in the development standards of each overlay zone.

(Legislative History: Ord. No. 11-75, § 2; Ord. No. 12-33, § 1.)

Sec. 59-C-18.18. Sandy Spring/Ashton Rural Village Overlay Zone.

59-C-18.181. Purpose.

It is the purpose of this overlay zone to:

(a) 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.

(b) 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.

59-C-18.182. Regulations.

Lots developed under this overlay zone must be connected to a community water and sewerage system, unless it can be demonstrated that 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.

(a) Development standards residential zones:

(1) Land uses. All uses as allowed in the underlying zone as set forth in Sec. 59-C-1.31.

(2) Development standards. The development standards are the same as those in the underlying zones, except as follows:

(A) Density of development: The density of development cannot exceed the standards for the underlying zone as set forth in the cluster provisions of Sec. 59-C-1.533.

(B) Minimum net lot area: If development proceeds under the standards of the zone as set forth in Sec. 59-C-1, the standards for the zone apply and site plan review will not be required.

Lot sizes down to 3,000 square feet may be approved by the Planning Board, including zero side yard setbacks on one side, upon a showing that the resulting development will be consistent with the guidelines of the master plan. Site plan review in accordance with the provisions of Sec. 59-C-18.174 is required.

(C) Building height: A main building must not exceed a height of 35 feet.

(b) Commercial development. Where a lot is zoned either partially or totally in a commercial zone the following regulations apply:

(1) Land uses. All permitted or special exception uses allowed in the underlying zones are allowed in the commercial portion of the overlay zone. The following uses are prohibited in the overlay zones:

Automobile filling station¹

Automobile fluid maintenance station

Automobile, light truck and light trailer rentals, outdoor, except any automobile rental business, in existence on October 13, 1998 may continue as a conforming use, and may be altered, repaired, or replaced in accordance with provisions of the zone in effect at the time the use was established.

Automobile sales, indoor

Automobile sales, outdoor

Baseball driving range

Building materials and supplies

Department stores

Eating and drinking establishments, drive-in

Fairgrounds, circuses and amusement parks

Heliports

Helistops

Ice storage

Laboratories

Multi-family dwellings, except when included in a structure containing retail or commercial uses

Newspaper, printing and publishing shops

Rifle or pistol ranges, indoor

Roller and ice skating rinks

Stadiums or arenas

Swimming pools, commercial

(2) Development standards:

(A) Where the property is in a commercial zone, the setback and green area standards of the underlying zone are the same as set forth in Div. 59-C-4. Building height must not exceed 24 feet, except that at the time of site plan review the Planning Board may allow additional height up to 30 feet if the Board finds that the additional height is compatible with the adjoining uses and is consistent with the intent of the master plan.

(B) Floor area ratio. The floor area ratio for commercial uses is limited to FAR 0.75, and is computed only on the area of the underlying commercial zoned portion of the site.

(C) In the case of special exceptions where a minimum area is otherwise required, the minimum area may be waived where recommended as appropriate in the master plan.

(D) In areas recommended in the Sandy Spring/Ashton Master Plan for mixed use development, development should consistent with the recommendations of the master plan. In the residential portions of the mixed-use areas, off-street parking for commercial uses is allowed without a requirement for approval of a special exception.

1 Any lawful use in existence as of the date of application of the overlay zone is a conforming use, and may be altered, repaired, or replaced in accordance with the provisions of the zone in effect at the time the use was established.

59-C-18.183. Procedure for application and approval.

A site plan for any development in the Sandy Spring/Ashton Rural Village Overlay Zone must be approved under the provisions of Section 59-C-18.174 except for a one-family detached residential house developed in accordance with the provisions of Division 59-C-1. Development includes the following:

- (a) Construction of a new building;
- (b) Additions and other exterior improvements to existing buildings that increase the amount of gross floor area on a site; and
- (c) Additions of off-street parking spaces or revisions to parking facilities that would otherwise require the approval of a new parking facilities plan under Section 59-E-4.1.

59-C-18.184. Site plan contents and exemptions.

(a) Section 59-D-3.22 and 59-D-3.23 do not apply in the Sandy Spring/Ashton Rural Village Overlay Zone.

(b) A site plan for development in the Sandy Spring/Ashton Rural Village Overlay Zone must include:

(1) A drawing of the site and adjacent area that includes existing buildings and structures, uses, and zoning;

(2) The location, height, ground coverage, roof design, surface finish materials, and use of all structures on the site;

(3) For each mixed-use building, the number and type of dwelling units, classified by the number of bedrooms, and the total floor area, if any, to be used for commercial purposes;

(4) The floor areas of all nonresidential buildings and the proposed use of each;

(5) The location of recreational and green areas and other open spaces;

(6) Calculations of building coverage, density, green area, number of parking spaces and areas of land use;

(7) A grading plan;

(8) The location and dimensions of all roads, streets and driveways, parking facilities, loading areas, points of access to surrounding streets or properties and pedestrian walks;

(9) A landscaping plan (and final forest conservation plan, if required under Chapter 22A), showing all man-made features and the location, height or caliper, and species of all plant materials;

(10) An exterior lighting plan, including all parking areas, driveways and pedestrian ways, and the height, number, and type of fixtures with a diagram showing their light distribution characteristics; and

(11) A development program with the sequence in which all structures, open spaces, vehicular and pedestrian circulation systems, landscaping, and recreational facilities, are to be developed. The applicant must designate the point in the development program sequence when the applicant will ask the Planning Board to inspect for compliance with the approved site plan.

In the course of site plan approval, the Planning Board must make a finding as to whether or not the proposed development substantially conforms with the design guidelines for new development contained in the approved and adopted Sandy Spring/Ashton Master Plan.

59-C-18.185. Off-street parking and loading.

Parking must be provided in accordance with the provisions of Division 59-E with the following exceptions:

(a) In the course of site plan review, the Planning Board may allow some on-street parking to fulfill the requirement for off-street parking to enhance compatibility, provide additional green space and reduce impervious coverage.

(b) Properties in a residential zone that are designated in the Sandy Spring/Ashton Master Plan as suitable for mixed use or non-residential use may be utilized for off-street parking in connection with commercial uses without the necessity for approval of a special exception under Sec. 59-G-2.39.

The Sandy Spring/Ashton Rural Village Overlay Zone encourages the parking of vehicles in the side or rear yards. In addition, in order to reduce access points and thereby enhance safety, adjoining parking facilities may be required to provide internal connections. In exceptional circumstances, limited parking may be allowed in the front yard.

59-C-18.186. Planning Board approval.

The procedures for Planning Board approval under Section 59-D-3.4 are modified for this overlay zone to require the following additional findings:

(a) The site plan is consistent with the recommendations in the approved and adopted Sandy Spring/Ashton Master Plan;

(b) The site plan meets all of the requirements of this overlay zone as well as the applicable requirements of the underlying zone; and

(c) Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.

(Legislative History: Ord. No. 13-95, § 1; Ord. No. 14-23; § 1.)

Article 59-E. Off-Street Parking and Loading. [\[Note\]](#)

Division 59-E-1. Off-Street Parking and Loading. [\[Note\]](#)

Sec. 59-E-1.1. Required.

Off-street parking spaces with adequate provisions for ingress and egress by motor vehicles shall be provided, in accordance with the provisions of this article, for any main building or structure at the time of construction and when any main building or structure is enlarged or increased in capacity. All off-street parking facilities provided, whether required or in addition to minimum requirements, shall conform to all standards contained in this article.

(Legislative History: Ord. No. 10-32, § 8.)

Sec. 59-E-1.2. Structured parking.

All garage or other structured space allocated for the parking of vehicles in basements, on the roofs of buildings, or otherwise within buildings shall be considered part of the required off-street parking facilities. For all structured parking facilities, a parking facilities plan shall be submitted to either the director or the planning board, as specified in the parking facilities plan requirements contained in section 59-E-4.1, for approval of interior traffic circulation; the slope of ramps; locations of entrances and exits with respect to public roads; sight distances at all entrances, exits and corners of intersecting public roads; and the effective screening of the cars located in or on the parking structure from adjoining properties and from public roads.

(Legislative History: Ord. No. 10-32, § 8.)

Sec. 59-E-2.8. Parking facilities within or adjoining residential zone.

59-E-2.81. Setback.

(a) Where a parking facility is within a residential zone or adjoins land in a residential zone that is neither recommended for commercial or industrial use on an approved and adopted master or sector plan, nor used for public or private off-street parking, nor in a public right-of-way that is 120 feet or more in width, residential setbacks apply as follows: All parking surfaces, spaces and driveways must be set back a distance not less than the applicable front, rear or side yard setback required for the property in the residential zone that adjoins or confronts the applicable boundary of the parking facility. In addition, screening must be provided in accordance with the screening requirements of section 59-E-2.9.

(b) The residential setbacks required by paragraph (a) above are modified in the following situations:

(1) If a parking facility adjoins an existing or planned public right-of-way that is 120 feet or more in width, the provision for a landscaped strip, as stated in

section 59-E-2.71, applies to the property line abutting that right-of-way in lieu of the residential setback.

(2) If a parking facility adjoins land that is classified in a multifamily zone, only the minimum yard requirement of the multifamily residential zone applies. Any increased setback based on building height that may be specified in the multifamily zone is not applicable to the parking facility.

(3) If a parking facility is located on agriculturally or residentially-zoned land in a designated historic district in conjunction with a commercial use also located in the historic district, the applicable setbacks for parking surfaces, spaces and driveways may be waived by the Planning Board at the time of site plan review under Division 59-D-3 in accordance with the provisions of Sec. 59-A-6.22.