

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.)

Secs. 59-C-18.5-59-C-18.9. Reserved.

Editor's note-As promulgated by Ord. No. 11-75, div. 59-C-18 contained no §§ 59-C-18.5-59-C-18.9.

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.)