



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

OFFICE OF THE CHAIRMAN

MONTGOMERY COUNTY PLANNING BOARD

The Maryland-National Capital Park and Planning Commission

April 16, 2009

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. 09-01

BOARD RECOMMENDATION

The Montgomery County Planning Board of The Maryland–National Capital Park and Planning Commission reviewed Zoning Text Amendment No. 09-01 at its regular meeting on April 16, 2009. By a vote of 4:1, the Board recommends approval of the text amendment as modified by staff and included in the technical staff report.

The text amendment proposes to amend the list of prohibited land uses in the Sandy Spring/Ashton Rural Village Overlay Zone that can be located in the commercially designated areas of the overlay zone. Currently the overlay zone establishes certain development standards and prohibits certain uses from the commercially zoned areas to assist in maintaining and enhancing the rural, small scale character envisioned for the village centers. The subject text amendment recommends the prohibition of additional uses to further achieve the objectives of the overlay zone.

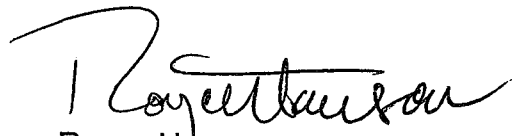
Overall, the proposed additional uses to be excluded from the overlay zone meet with the original spirit and intent of the rural village overlay recommendations of enhancing and maintaining the rural character of the villages by excluding new auto-oriented uses, storage/warehousing-type uses, and large scale retail, service or commercial recreation uses. The Board recommends that five of the proposed exclusions--cable communications systems, electrical power transmission and distribution lines, railroad tracks, roof top mounted antennas and related unmanned equipment buildings, equipment cabinets, or equipment rooms and telephone offices

and communication centers —be retained as permitted uses. The Board believes that the prohibition of cable communications systems, electrical power lines, railroad tracks or telephone offices and communication centers does little to negatively impact the intent of the overlay zone. In the case of roof top mounted antennas and related unmanned equipment buildings, the development standards governing the use (Section 59-A-6.14) minimize the impact of this use in the rural village overlay zone since the standards require that a building be at least 30 feet in height in any commercial zone in order to permit a roof top mounted antenna and related unmanned equipment building. The Sandy Spring/Ashton Rural Village Overlay Zone limits building height in underlying commercial zones to 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.

The Planning Board further recommends that a grandfather provision be included that allows those new prohibited uses if they have received a use and occupancy permit prior to the effective date of the legislation. This policy has typically been used for projects that have gone that far in the development process.

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 on a motion by Vice-Chairman Robinson, seconded by Commissioner Cryor, with Vice-Chairman Robinson, Commissioners Cryor and Presley and Chairman Hanson voting in favor of the motion, and with Commissioner Alfandre in opposition, at its regular meeting held in Silver Spring, Maryland, on Thursday, April 16, 2009.



Royce Hanson
Chairman

RH: GR