

IMPLEMENTATION

OVERVIEW

Implementation of this Plan's recommendations will involve a number of different public and private actions. This chapter sets forth the major public controls and programs necessary to realize the Plan's recommendations.

ZONING

Zoning is the primary tool by which the land use and design recommendations of this Plan will be implemented. The zoning plan shown in the fold-out map and in Figure 19 summarizes all the zoning recommendations. The zoning plan confirms most of the existing zoning in Sandy Spring/Ashton and shows zoning changes within the Rural Legacy area, areas designated for new rural neighborhoods, and the village centers.

The zoning recommended in this Plan will be implemented through Sectional Map Amendment (SMA) process. The two new zones recommended in this Plan will be implemented through the SMA. There is, however, one exception. This Plan recommends that a staged zoning should occur for three properties: the Batheja, Isaacson, and Eppard properties located within the Rural Village Overlay. The Rural Village Overlay will be placed on these properties through the SMA and the underlying existing residential and commercial zoning confirmed by the SMA. If the County purchases the existing commercial properties before the SMA, then the rezoning of the residential portions of these properties to commercial zoning can occur as part of the SMA. If this does not occur, then the County can initiate a second SMA to change the underlying zoning for these three properties when the existing commercial structures are purchased or torn down.

RECOMMENDATIONS:

This Plan recommends amending the Zoning Ordinance in the following ways:

Rural Neighborhood Cluster Zone

This new zone is needed to implement Plan recommendations for the Rural Legacy area and rural entry areas. The purpose of the Rural Neighborhood Cluster (RNC) Zone is to require clustering of development into neighborhoods and ensure preservation of large areas of rural open space. The areas of application are shown in Figure 19. The new zone has a standard method of development that allows 1 dwelling unit per 5 acres, with a requirement to provide at least 60% rural open space. The

optional method of development can allow densities of up to 1 dwelling per acre, with a consequent increase in the amount of open space. (The Master Plan may cap the density at a lower amount.) Reduced lot sizes allowed under the optional method allow for a more compact, efficient neighborhood and encourage preservation of additional open space.

As shown in Table 6, the RNC Zone allows an optional density of one dwelling unit per 1 acre but this Plan caps the density for properties recommended for the RNC Zone at 1 unit per 2.2 acres. The optional method provides: a density bonus for the preservation of additional open space that will remain rural and open in perpetuity, diversity of lot and house sizes, and responsiveness to the guidelines of the Plan, particularly those related to qualities of the rural neighborhood and its setting.

The RNC Zone requires preservation of 65-85 percent rural open space; however, the Plan recommends more limited ranges for specific properties. At the time of development, the Planning Board will have to determine the amount of open space within the specific range that achieves the Plan's objectives.

The standards that would still have to be met include:

- Views from the Rural Legacy Trail, rural entries or village edges are protected.
- Sensitive environmental features are protected and impact minimized.
- Rural setting for the residential neighborhood is maintained.

This Plan strongly recommends that the Zoning Ordinance be amended to include Rural Neighborhood Cluster Zone at the time of the comprehensive rezoning (the Sectional Map Amendment) of the Sandy Spring/Ashton Master Plan area would be applied.

Sandy Spring/Ashton Rural Village Overlay Zone

The purpose of the Rural Village Overlay Zone is to address issues related to enhancing rural village character and providing design flexibility. Rural Village Overlay Zone will help ensure the continuation of land uses and patterns that characterize rural settlements. A rural village zone to do this was recommended in the 1980 Plan but never developed. In part, this was because the rural village zone as it was envisioned at the time was to have County-wide implications and was to be formulated to meet the needs of many rural settlements. The proposed Overlay Zone has been tailored to the specific needs of Sandy Spring/Ashton without affecting all of the other rural villages of the County. Key features of the zone are described in Table 6.

For Residential Only

- Flexibility to reduce lot sizes with site plan review to create better design, with flexible setbacks and zero lot line configurations, but with no change in density.

For Commercial

- Flexibility to create better design with site plan review.
- Flexibility in siting to allow parking in conjunction with commercial uses to float between certain adjacent properties to the most desirable locations on the site if the master plan so recommends.
- Height limit consistent with the Sandy Spring Historic District and an appropriate FAR limit for the size and scale of the village centers.
- Exclusion of new auto-oriented or typically large-scale uses that are inconsistent with traditional rural development patterns with flexibility to ensure the continuation of existing uses through grandfathering.
- Flexibility for on-street parking to count toward meeting the parking requirement for new development if so determined by the Planning Board at the time of site plan review.
- Flexibility to allow a waiver of the minimum acreage requirement for special exception uses, such as a nursery in a residential zone.

TABLE 6

**SUMMARY OF KEY FEATURES OF RURAL
NEIGHBORHOOD CLUSTER ZONE**

	Standard Method (1 du per 5 acres)	Optional Method (1 du per 2.2 acres)
Mandatory Clustering with water and sewer service on properties 25 acres or more	YES	YES
Minimum Amount of Open Space	60%	75-85% with flexibility to provide 70% if Plan objectives can still be achieved (such as protecting views from the Rural Legacy Trail, maintaining the rural setting, and providing diversity of lot sizes)
Lot Size	minimum of 25,000 sf	No minimum lot size. Additional variety encouraged by allowing accessory units over garages as well as zero lot lines.
Preservation of Open Space	Requires preservation in perpetuity and ensures uses permitted within the rural open space are consistent with the intent of the master plan to preserve the rural character of the area.	

Once the zone is adopted, the specific properties where it will be applied will be determined via the Sectional Map Amendment using the following guidelines:

- Commercial properties and adjacent residential uses where design flexibility is recommended in the Plan.
- Residential properties to maintain residential height limits consistent with the neighborhood character.
- Residential properties where flexibility in lot sizes is desirable.

PRESERVING RURAL OPEN SPACE

The permanent retention of the rural open space created through the Rural Neighborhood Cluster Zone is important to the objectives of this Plan. To do this, techniques should be used that will preserve land designated as rural open space, maintain the aesthetic and environmental qualities of that open space over time, and limit uses to those that are acceptable in the rural open space area.

Zoning is the vehicle that allows clustering and open space to be set aside from development and preserved. Rural open space, once approved by the Planning Board, would be recorded as such in the land records of Montgomery County.

The Rural Neighborhood Cluster Zone identifies uses that are permitted by right or as special exceptions within the 65-85 percent rural open space.

This Plan describes two strategies that may serve to preserve the special character of the rural open space. The size of the rural open space area and the degree to which public access is encouraged are important considerations.

- **Public ownership** of the open space by a state or local government, such as the M-NCPPC, Department of Parks.
- **Private ownership** either by an individual or entity of the open space with an easement for public access.

During the course of this Plan, the community formed an organization, the *Greater Sandy Spring Green Space, Incorporated*. Such an organization could address the community concerns about the future of the open space and could provide for direct and on-going involvement of the community in preserving the rural open space.

This Plan, therefore, recommends that the most suitable strategy and appropriate mechanism available at the time of development under the Rural Neighborhood Cluster Zone be selected to protect the open space. This Plan also recommends that a report on the different means available to preserve open space, the advantages and disadvantages of each, and changes in policy or law necessary to ensure long-term preservation of open space be developed.

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN

The Montgomery County *Comprehensive Water Supply and Sewerage Systems Plan* (Water and Sewer Plan) governs the provision of water and sewer service throughout the County. The goal of the Plan is to assure that existing and future water supply and sewerage system needs of the County are satisfied in an orderly and cost-effective manner consistent with the County's land-use planning policies and other environmental and public health goals. The Plan designates one of six water and sewer staging categories for all properties in the County that are primarily based on master plan development staging strategies and/or capital program infrastructure staging. The authority to adopt and amend the Plan resides with the County Council, and the County Executive administers the Plan through the Department of Environmental Protection (MCDEP).

This Plan recommends comprehensive water and sewer service area map amendments for the Water and Sewer Plan which will place properties in the appropriate service area categories consistent with the policies of the Water and Sewer Plan and the recommendations of this Plan. MCDEP will prepare the amendments, in consultation with the M-NCPPC, for consideration by the County Council. This Plan recommends the following with regard to the provision of community water and sewer service:

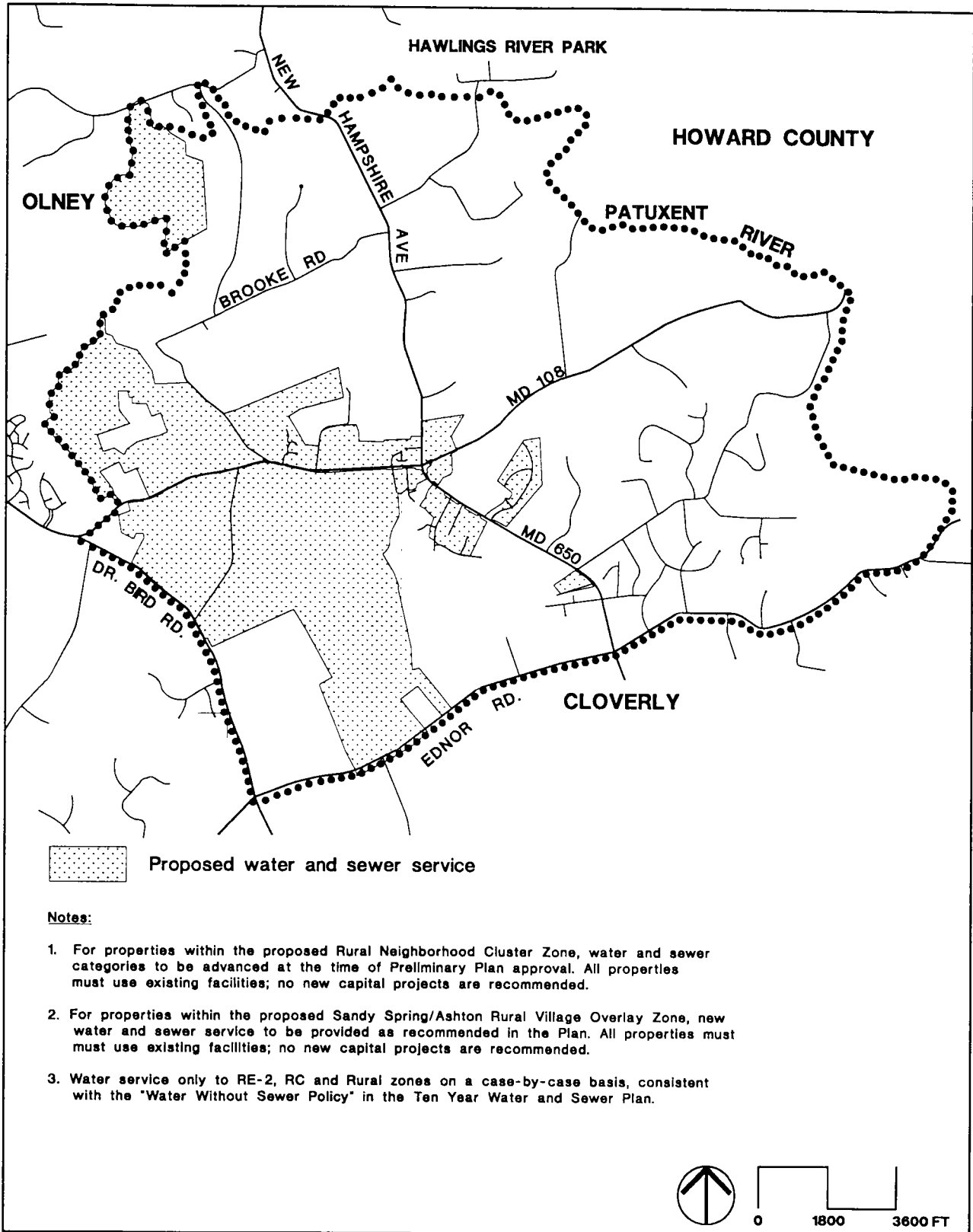
RECOMMENDATIONS:

- **Provide community service consistent with the general policies of the *Comprehensive Water Supply and Sewerage Systems Plan*.** Those policies do not generally provide for the provision of community sewer service at development densities of less than one dwelling unit per ½ acre unless otherwise recommended by an area master plan or sector plan.
- **Provide community water and sewer for the Rural Neighborhood Cluster (RNC) zone only for development utilizing the optional method and only to serve the portion of the site with the clustered development.** Provision of water and sewer for large lots (1 acre or more) developed under the optional method should be evaluated on a case-by-case basis (based upon proximity to cluster development). The provision of community water and sewer service will allow flexibility of design and preservation of large areas of rural open space that would not be possible if septic systems were required.

The flexibility of design will allow the placement of structures based on rural character principles and guidelines, rather than placement dependent on the suitability of soils to support septic systems. Community sewer service in the Sandy Spring/Ashton Master Plan area is not to be extended to development utilizing the standard method under the RNC zone. Development dependent on septic systems under the standard method, therefore, may not be able to use the 25,000 sq. ft. minimum lot size in conformance with the regulations included in *On-site Water systems and On-site Sewage Disposal Systems in Montgomery County* and the policies in the *Comprehensive Water and Sewerage Systems Plan*. Community water service for the RNC zone standard method should be evaluated on a case-by case-basis.

WATER AND SEWER SERVICE ENVELOPE

FIGURE 30



- **Community sewer and water in the Sandy Spring Ashton Master Plan area is not to be extended to development utilizing the standard method under the RNC zone.** Subdivision development under the standard method, therefore, may not be able to use the 25,000 SF minimum lot size on septic system in conformance with the *Comprehensive Water Supply and Sewerage Systems Plan*.
- **This Plan recommends community water and sewer service for properties within the Sandy Spring/Ashton Rural Village Overlay Zone as follows:**
 - To commercial, mixed commercial/residential uses and residential uses of R-200 (approximately 2 dwelling units per acre) and greater densities.
 - To properties zoned RE-1, RE-2 and Rural Cluster that use the flexibility provisions of the Village Zone which call for site plan review.
- The community has expressed many concerns about the implications of providing sewer service in the Patuxent River watershed. To address these concerns, this Plan strictly limits the areas for which community sewer service is recommended. **The provision of this service is not to be a precedent for sewer service to properties other than those specifically identified in this Plan.** This is consistent with the guidelines of the *Functional Master Plan for the Patuxent River Watershed* which provides for logical, well-planned development. In addition, this Plan recommends that sewer service for properties within the Patuxent watershed be provided by extensions from the existing Northwest Branch sewerage system, which also includes the Sandy Spring Meadows and James Creek wastewater pumping stations, this Plan further recommends development patterns that eliminate or minimize the need for substantial new capital sewer projects, such as central pumping stations and force mains. This is to minimize costs and interest in sewer-dependent development outside the recommended sewer envelope. Existing community water and sewerage systems in the Northwest Branch watershed will be able to provide service recommended in this Plan without the need for new capital projects.
- Sewerage system construction has the potential to create both short- and long-term impacts to stream systems. **Wherever possible, sewer main alignments should be carefully planned, selected and constructed to minimize stream crossings and disturbance to stream buffers, and to avoid wetlands and other natural resources.**
- **On other properties, water service only to large-lot development can be considered on a case-by-case basis.** The policies in the *Water and Sewer Plan* allow for the provision of water service only to large-lot development consistent with master plan recommendations. M-NCPPC staff, in its case by case review of requests for this type of service, should place emphasis on the conformance of the proposed development with the rural character objectives of this Plan.
- **Study the provision of sewer and water service to the Chandlee Mill Road/Brooke Road Area.** Sewage disposal and water supply problems are identified as concerns in the 1980 Plan and a renewed effort should be made to find funding and strategies to address them. The

M-NCPPC, the Washington Suburban Sanitary Commission, and the Departments of Environmental Protection, Housing and Community Affairs, and Permitting Services need to address this issue as an amendment to the appropriate chapters of the *Water and Sewer Plan*. See also pages 45-48.

As noted in the Land Use chapter, development of the Dellabrooke property using community water and sewer service under the RNC zone optional method may provide for a partial solution for this problem. This Plan recommends that consideration of how the Dellabrooke site may contribute to a solution that can be coordinated with the water and sewer category change and the subdivision processes. These solutions can include the provision of land area 1) to allow access via easements to the Dellabrooke community water and /or sewerage systems, 2) to provide for the location of a sewage pumping station to be used solely for the solution of the health problem or 3) to allow the siting of replacements for the failing on-site septic systems. The solution should also allow the existing community to continue to thrive without leading to redevelopment that would destroy the character of the existing community. (See also Page 45-48).

- **Continuation of the policy to provide sewer and water service where public health is an issue and extension of service is found to be the appropriate solution.**
- **This Plan does not recommend any formal staging of community service;** the timing of water and sewer service extensions should depend on development activity, infrastructure requirements, and the need to relieve public health problems. Properties that require community water or sewer service must be in categories S(Sewer)-1, 2, or 3, and W(Water)-1, 2, or 3, indicating the highest priorities for community service, to proceed with the development process.