

Appendix 3: **DRAFT** Montgomery Village Overlay Zone

Section 4.9.XX. **DRAFT** Montgomery Village (MV) Overlay Zone

A. Purpose

The purpose of the MV Overlay zone is to:

1. Preserve the unique character of Montgomery Village.
2. Protect existing open space and conservation areas.
3. Ensure a compatible relationship between new and existing development.

B. Land Uses

1. In the RE-1 zone, all uses are prohibited except the following, which are permitted:
 - a. Agricultural Vending;
 - b. Recreation and Entertainment Facility, Outdoor (Capacity up to 1,000 Persons), such as an amphitheater or a swimming pool;
 - c. Recreation and Entertainment Facility, Indoor (Capacity up to 1,000 persons), such as an indoor swimming pool);
 - d. Distribution Line (Below Ground);
 - e. Pipeline (Below Ground);
 - f. Playground, Outdoor (Private);
 - g. Seasonal Outdoor Sales;
 - h. Solar Collection System; and
 - i. an Accessory Use associated with any of the above uses.
2. In the RE-1 zone, any of the allowed features in open space under Section 6.3.3.A are permitted, except for above-ground utility rights-of-way.

3. Applications for a Floating zone on land classified in the RE-1 zone are prohibited.

C. Development Standards

In addition to any other requirements of Division 6.3 and Chapter 50, common and public open space in Montgomery Village must be recorded within a separate lot or parcel with a protective easement or covenant in the land records, in a form approved by the Planning Board.

D. Site Plan and Record Plat

1. Site plan approval under Section 7.3.4 is required for all development in the MV Overlay zone, except for:
 - a. construction of an accessory structure;
 - b. construction of a structure less than 5,000 square feet in size in the RE-1 zone;
 - c. the modification or expansion of an existing detached house, duplex, townhouse, or accessory structure; or
 - d. a conditional use.
2. Record plats must show all land designated for open space and have a statement on the plat granting public access to those lands.
3. A certified site plan must show all land designated for open space.

E. Existing Buildings and Uses

1. A legal structure or site design existing on {day before date of adoption} that does not meet its current zoning is conforming and may be continued, renovated, repaired, or reconstructed if the floor area, height, and



footprint of the structure is not increased, except as provided below.

2. On a lot that has not changed in size or shape since {insert the date of adoption}, a detached house, duplex, or townhouse may be constructed, reconstructed, or expanded:
 - a. without regard to the minimum lot size or lot width at the front building line; and
 - b. in a manner that satisfies the maximum building height and lot coverage of its current zone and the side, front, and rear setback that was required when the lot was first created.
3. A legal use existing on {date before adoption} is conforming and may be continued. Expansion of any such use must satisfy the use standards of the current zone under Article 59-3.

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