Updated 01/13/20 10:00 p.m.

Ordinance No:2019-18Accepted by Planning Commission:11/06/2019Introduced by Town Council:11/11/2019Two Newspaper Advertisements:12/26/2019Out/02/202001/02/2020Public Hearing:01/13/2020Enacted:xx/xx/2019Effective:xx/xx/2020

ORDINANCE

AMENDING THE WASHINGTON GROVE ZONING ORDINANCE TO MODIFY THE MINIMUM LOT SIZE STANDARDS FOR THE RR-3 ZONE

PART 1. Background:

- A. Michael D. Schank and Marisel Schank, are owners of the property at 302 Ridge Road ("Property") also known as Parcel 291 on Tax Map GT11 in the 9th Election District of Montgomery County, Maryland, Tax Account Number 09-00769166. The Property is a single parcel comprising approximately 0.95 acres of land that was annexed into the Town of Washington Grove ("Town") in 1995 and classified in the RR-3 Zone. The Property is the only parcel in the RR-3 Zone.
- B. The owners of the Property have submitted a request dated September 9, 2019, to the Town's Planning Commission asking the Planning Commission to consider a zoning text amendment that would allow a subdivision of the Property into two lots without removing any of the current structures. The owners state they would not seek to further split the Property or remove any current structure.
- C. The Planning Commission filed an application for a zoning text amendment to reduce the RR-3 minimum lot size area from 20,000 to 13,900 square feet, and to reduce the RR-3 width at building line from 100 to 75 feet. The Planning Commission concludes this combination of standards would allow a straight dividing line between the two lots, parallel to and 76 feet from the western property boundary line, and would limit subdivision of the Property to two buildable lots. The existing home on the Property is 91 feet 3 inches from this boundary line, according to prior building permit records, and would comply with the required 15-foot side setback.
- D. The Town's Master Plan includes a recommendation to promote new and renewed development to be in physical scale with surroundings and neighbors. The Planning Commission notes the proposed RR-3 Zone lot size standards are between those of the neighboring RR-1 and RR-4 Zones, and concludes the proposed zoning text amendment is consistent with this Master Plan recommendation.
- E. The existing home on the Property (ca. 1880-95) has been identified as a contributing structure to the Washington Grove Historic District. *The Historic Preservation Commission (HPC) recommends that the historic features of the existing home be retained as part of subdivision of the property and that new construction be conditioned on several reasonable features consistent with the historic character of the Town.*

: Indicate matter added to existing law as Introduced.

: Indicate matter deleted from law as Introduced.

: Indicate matter deleted after Introduction.

[:] Indicate matter remaining unchanged in existing law but not set forth in Ordinance

[:] Indicate matter added after Introduction.

F. The Planning Commission accepted the application for a text amendment to the Washington Grove Zoning Ordinance on November 6, 2019. The Zoning Ordinance is Article VII of the Code of Ordinances of the Town of Washington Grove, and all subsequent Section references are to Article VII. The application for zoning text amendment was filed and accepted pursuant to Section 13. The proposed zoning text amendment involves modifying the RR-3 minimum lot size standards in Section 9.

PART 2. The Town Council adopts the following opinion:

A public hearing regarding the proposed zoning text amendment was held on XXXXXXXX XX, 2019. At this hearing concerned residents testified. After consideration of the public record, the Town Council concludes:

- A. Modifying the RR-3 Zone minimum lot size to 13,900 square feet and the width at building line to 75 feet supports a subdivision for the Property, the only parcel within the RR-3 Zone, and retention of the existing home. These modified RR-3 standards would allow a straight dividing line between the two lots, parallel to and at least 91 feet 3 inches from the western property boundary line along the graveled public right of way.
- B. This minimum lot size area supports and limits subdivision of the Property to two buildable lots. This action is consistent with the Master Plan recommendation to promote new and renewed development in physical scale with surroundings and neighbors.
- C. Consistent with Master Plan recommendations to sustain the historic character of the Town and to promote preservation, Planning Commission review of a subdivision plat for the Property should include consideration of the following HPC recommendations:
 - 1. The historic portions of the house on the property that is listed as contributing to the Historic District are substantially retained
 - 2. Any house constructed on the newly defined lot shall include a porch at the front of the house.
 - 3. Any garage constructed on the property shall not be attached to the house and shall be placed in the rear of the lot.
 - 4. The front of a proposed house shall generally align with the existing house.

PART 3. The Town Council enacts the following amendments to the text of the Washington Grove Zoning Ordinance:

- A. In Section 9. Schedule of Standards, Section 9.1, the Minimum Lot Size standards for the RR-3 Zone are modified as follows:
 - i. Area Square feet

ii.

Area – Square feet	[20,000] <u>13,900</u>
Width – at building line (in feet)	[100] <u>75</u>

PART 4. EFFECTIVE DATE: This Ordinance shall become effective thirty (30) days from the date of enactment hereof in the absence of a petition by qualified voters as set forth in Section 15 of the Charter of the Town.

ADOPTED THIS	DAY OF	,	, 20	_•

- CAPS [Brackets] Asterisks * * Italics (bold) [Brackets Italics bold]
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TOWN OF WASHINGTON GROVE

Mayor

ATTEST:

Town Clerk

Date

CAPS [Brackets] Asterisks * * * Italics (bold) [Brackets Italics bold]

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