

Extract from “Chapter 59 Zoning” of the Montgomery County Code:

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.

Sec. 59-C-1

8.2. 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.

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Sec. 59-C-18.11. Residential and open space preservation overlay zone for the Town of Garrett Park.

Sec. 59-C-18.111. Purpose.

It is the purpose of this overlay zone to:

- (a) Preserve the unique park-like setting of the 19th century garden suburb, maintain the prevailing pattern of houses and open spaces, and retain the maximum amount of green area surrounding new or expanded houses.
- (b) Encourage a compatible relationship between new or expanded houses and neighboring structures in scale, siting, and orientation on the lot.
- (c) Maintain housing diversity and choice by retaining existing housing stock yet allowing a reasonable amount of expansion in living space.
- (d) Create a uniform set of development standards in order to resolve the multiplicity of standards that currently apply to lots in Garrett Park.

59-C-18.112. Exemptions from control.

(a) **Buildable lot under previous ordinance:**

(1) The development standards of the overlay zone apply in lieu of the standards in effect at the time a lot was created. For lots within the overlay district, the language of the overlay zone supersedes all but the first sentence of Sec. 59-B- 5.1, which reads as follows:

“Any lot that was legally recorded by deed or subdivision plat before June 1, 1958, and that was a buildable lot under the law in effect immediately before June 1, 1958, is a buildable lot for building a one-family dwelling only, even though the lot may have less than the minimum area for any residential zone.”

(2) Any lot that was legally recorded by deed or subdivision plat between June 1, 1958 and August 4, 1964 and that was a buildable lot under the law in effect during that period is a buildable lot for building a one-family dwelling only, even though the lot may have less than the minimum area for any residential zone.

(b) **One-family dwelling:**

(1) The development standards of the overlay zone apply to alterations, renovations and enlargements of existing one-family dwellings as well as to new construction. For structures within the overlay district, the language of the overlay zone supersedes all but the first sentence of Sec. 59-B-5.3, which reads as follows:

“Any one-family dwelling in a residential zone or agricultural zone that was built on a lot legally recorded by deed or subdivision plat before June 1, 1958 is not a nonconforming building.”

(2) Any one-family dwelling in the overlay district that was built on a lot legally recorded by deed or subdivision plat between June 1, 1958 and March 29, 1993 is not a nonconforming building.

(3) Reconstruction of such a building may not exceed the footprint or floor area of the prior dwelling unless reconstruction fully conforms with the standards of the overlay zone.

59-C-18.113. Regulations.

(a) **Development Standards:** The development standards are the same as those in the R-90 zone, except as set forth below:

(1) **Setback from street.** No main building may be nearer to any street than 30 feet, and if the adjoining lots are occupied by buildings with a front yard setback greater than this requirement, no building hereafter erected or any addition to an existing building can project beyond the line previously established by the buildings on the adjoining lots. A front porch added to a main building existing as of February 15, 2000

may extend up to eight feet into the minimum front yard setback. Any front porch extending into the minimum front yard setback, under this provision, may be covered, but not enclosed.

(2) In the case of a corner lot, if the adjoining lot on one of the streets either does not front on that street or is in a nonresidential zone, the setback from that street must be at least 15 feet.

(3) **Setback from adjoining lot.** No main building can be nearer to any property line than the following:

Side:

— one side: 10 feet

— sum of both sides: 25 feet for lots with over 60 feet in width at the building line, and 20 feet for lots with 60 feet or less in width at the building line.

Rear: 25 feet for lots over 90 feet in depth and 15 feet for lots with 90 feet or less in depth.

(4) **Coverage.** Maximum percentage of net lot area that may be covered by buildings, including accessory buildings, is 20 percent.

(5) **Floor Area Ratio.** The maximum floor area ratio for main plus accessory buildings is .375.

(6) An accessory building or structure must be located in the rear yard and:

-must not occupy more than 25 percent of the rear yard on lots with a total lot area smaller than 8,600 square feet; or,

-must not occupy more than 20% of the rear yard of a lot on lots with a total lot area 8,600 square feet or larger.

(b) **Site Plan:**

(1) A site plan is not required in the Garrett Park overlay zone except as provided in Section 59-C-1.327, Maximum Building Height (in feet).