



Zoning Text Amendment No. 12-13, Establishing impervious surface limits in RC zone



Gregory Russ, Planner Coordinator, gregory.russ@montgomeryplanning.org, 301-495-2174



Mary Dolan, Chief, mary.dolan@montgomeryplanning.org, 301-495-4552

Completed: 10/04/12

Description

Zoning Text Amendment (ZTA) No. 12-13 amends the RC zone to establish impervious surface limits where specifically recommended in an area master or sector plan. Specifically, the total impervious surface area of any proposed preliminary plan must not exceed 8% of the land area of the preliminary plan if such a limit is recommended for the property in the approved and adopted master or sector plan. The ZTA provides a grandfather provision for a project, which has had a preliminary plan approved before the effective date of approval of the ZTA.

Summary/Analysis

Staff recommends approval of ZTA No. 12-13 as introduced. On July 12, 2012, by a vote of 5-0, the Planning Board recommended amending the RC zone to establish impervious surface limits where specifically recommended in the area master or sector plan. ZTA No. 12-13 was introduced by the County Council reflecting the recommendation of the Planning Board.

A primary purpose of the RC Zone is to protect environmentally sensitive areas. The Burtonsville Crossroads Neighborhood Plan (“The Plan”) recommends that development within designated tributary headwaters of the Patuxent River Watershed be limited to eight percent imperviousness instead of the 10 percent established in the Functional Master Plan for the Patuxent River Watershed and in the Environmental Guidelines.

The Plan area is in the sensitive tributary headwaters of the Patuxent River and the existing 10 percent limit is not adequate to preserve these sensitive areas. The Plan’s recommendation for eight percent imperviousness matches the existing limit in the Upper Paint Branch Special Protection Area and is currently our most stringent standard in preserving sensitive stream resources. Currently, the RC zone is limited only by a lot coverage requirement for buildings of 10 percent and does not limit paving. Zoning Text Amendment No. 12-13 implements the recommendation for properties zoned RC and designated in the plan for the eight percent imperviousness limit based on their location within the tributary headwaters of the Patuxent River Watershed. The ZTA accomplishes this by requiring any new preliminary plan to adhere to the impervious surface limits specifically recommended in the area master or sector plan.

ATTACHMENTS

1. Zoning Text Amendment No. 12-13 as introduced

GR/MD/am

ATTACHMENT 1

Zoning Text Amendment No.: 12-13
Concerning: RC Zone –Impervious
Surface Limits
Draft No. & Date: 2 – 8/27/12
Introduced: September 11, 2012
Adopted:
Effective:
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: The District Council at the request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- amend the RC zone to establish impervious surface limits where specifically recommended in the area master or sector plan

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-9. “AGRICULTURAL ZONES.”

Section 59-C-9.4. “Development standards.”

Section 59-C-9.5. “Cluster development--Option in Rural Cluster zone and Low Density Rural Cluster zone.”

Section 59-C-9.54. “Development standards.”

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*

Underlining indicates text that is added to existing law by the original text amendment.

[Single boldface brackets] indicate that text is deleted from existing law by original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

1 **Sec. 1. DIVISION 59-C-9 is amended as follows:**

2 **Division 59-C-9. AGRICULTURAL ZONES.**

3 * * *

4 **Sec. 59-C-9.4. Development standards.**

5 The following requirements apply in all cases, except as specified in the optional
6 standards for cluster development [set forth] in [sections] Sections 59-C-9.5 and
7 59-C-9.57 and the exemption provisions of [section] Section 59-C-9.7.

8 * * *

	Rural	RC	LDRC	RDТ	RS	RNC	RNC/ TDR
* * *							
59-C-9.46. Maximum Lot Coverage.							
No more than this percentage of the net lot area may be covered by buildings, including accessory buildings. ²	10	10 [*]	10	10	10	10	10
* * *							

9

10 * * *

11 * The total impervious surface area of any proposed preliminary plan must not
12 exceed 8% of the land area of the preliminary plan if such a limit is recommended
13 by the approved and adopted master or sector plan. A preliminary plan approved
14 before {the effective date of the ZTA} may be built or altered if the building
15 coverage of any lot is 10% of the lot or less, without a limit on total impervious
16 surface area.

17 * * *

18 **Sec. 59-C-9.5. Cluster development--Option in Rural Cluster zone and Low**
19 **Density Rural Cluster zone.**

20 * * *

21 **59-C-9.54. Development standards.**

22 The density under the cluster development option must not exceed one unit per 5
23 acres.

24 * * *

25 (b) **Lot coverage, percentage of.** A maximum of 10 percent of the net area of
26 the lot is to be covered by buildings, including accessory buildings.

27 * * *

28 (j) **Impervious surface.** In the RC zone, the total impervious surface area of
29 any proposed preliminary plan must not exceed 8% of the land area of the
30 preliminary plan if such a limit is recommended by the approved and
31 adopted master or sector plan. A project which has had a preliminary plan
32 approved before {the effective date of the ZTA} may be built or altered
33 without a limit on impervious surface area.

34 * * *

35 **Sec. 2. Effective Date.** This ordinance takes effect 20 days after the date of
36 Council adoption.

37 This is a correct copy of Council action.

38

39

Linda M. Lauer, Clerk of the Council