



Proposed Zoning Text Amendment Establishing impervious surface limits in RC zone

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Description

The proposed Zoning Text Amendment (ZTA) amends the RC zone to establish impervious surface limits where specifically recommended in the area master or sector plan. Specifically, the total area under application must not exceed an 8% impervious surface limit if recommended for the property on 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 that the proposed ZTA be transmitted to the County Council for introduction.

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. Currently, the RC zone is limited only by a lot coverage requirement for buildings of 10 percent. The attached zoning text amendment 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. A second option as discussed by staff would be to tie the impervious limit to the recommendation designated in the master or sector plan without establishing a maximum percentage in the Zoning Ordinance. The Zoning Ordinance would reference an impervious surface limit “not to exceed the limit established in the applicable master or sector plan”. Taking this approach would maintain flexibility for other master plans that might option for a different percentage. Staff has provided these options for the Planning Board to discuss at its worksession. Site specific information of the impacted properties within the Plan is included in the staff report for Item #8, the worksession discussion for the rural areas of the Plan. The rural area discussion will occur concurrently with the ZTA.

ATTACHMENTS

1. Proposed Zoning Text Amendment

GR/MD/kr

ATTACHMENT 1

Zoning Text Amendment No.: 12-
Concerning: RC Zones – Impervious
Limits

Draft No. & Date: 1 – 6/5/12

Introduced:

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:

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 59-C-9.5 and 59-C-9.57 and
 7 the exemption provisions of section 59-C-9.7.

8 * * *

	Rural	RC	LDRC	RDT	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 area under application must not exceed an 8% impervious surface limit
 12 if recommended for the property on the approved and adopted master or sector
 13 plan. A project which has had a preliminary plan approved before {the effective
 14 date of the ZTA} may be built or altered at any time, subject to a 10% maximum
 15 lot coverage.

16 * * *

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

19 * * *

20 **59-C-9.54. Development standards.**

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

23 * * *

24 (b) **Lot coverage, percentage of.** A maximum of 10 percent of the net area of
25 the lot is to be covered by buildings, including accessory buildings. In the
26 RC zone, the total area under application must not exceed an 8% impervious
27 surface limit if recommended for the property on the approved and adopted
28 master or sector plan. A project which has had a preliminary plan approved
29 before {the effective date of the ZTA} may be built or altered at any time,
30 subject to a 10% maximum lot coverage.

31 * * *

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

34 This is a correct copy of Council action.

35

36

37 Linda M. Lauer, Clerk of the Council

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