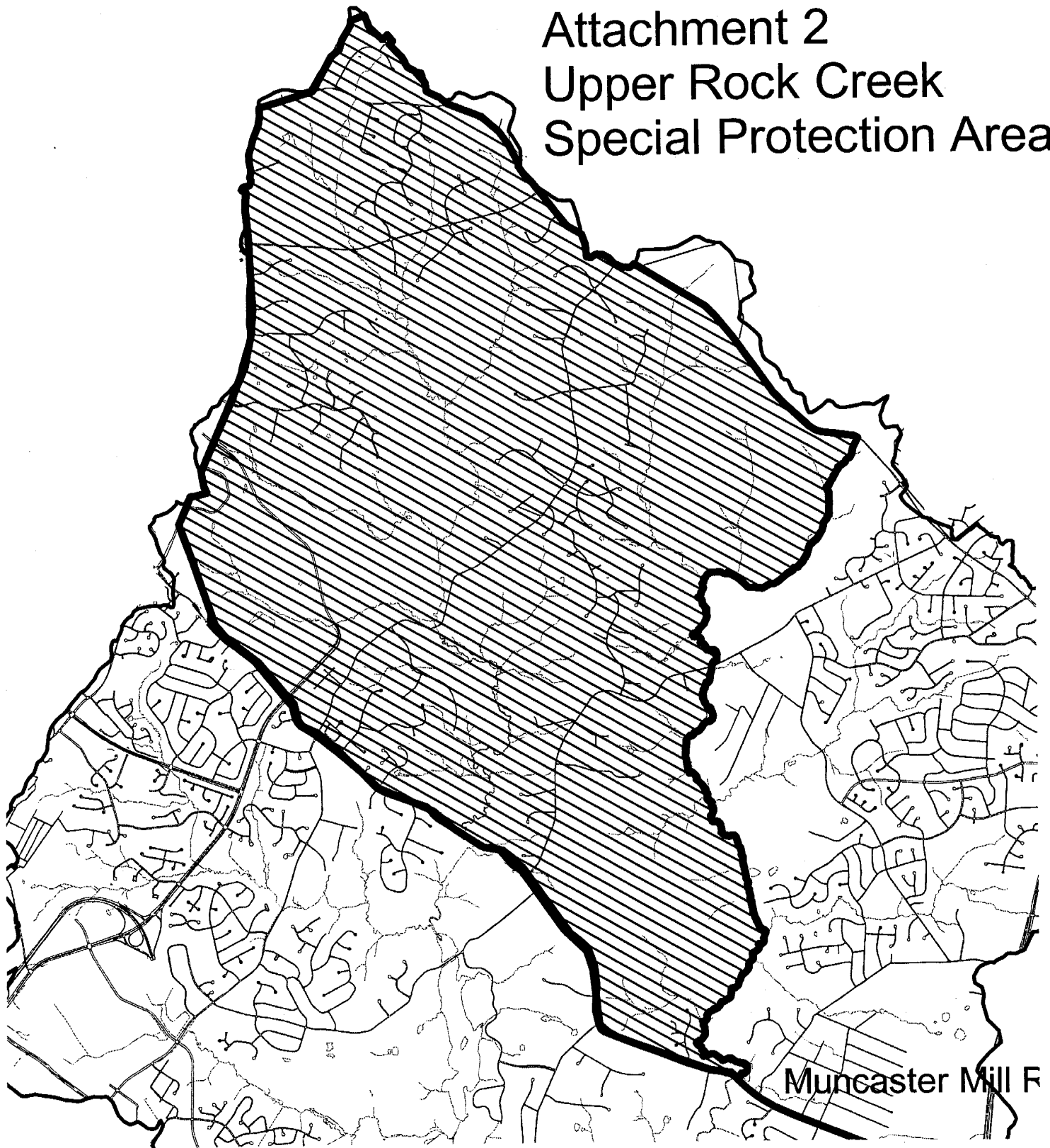




# Attachment 2 Upper Rock Creek Special Protection Area



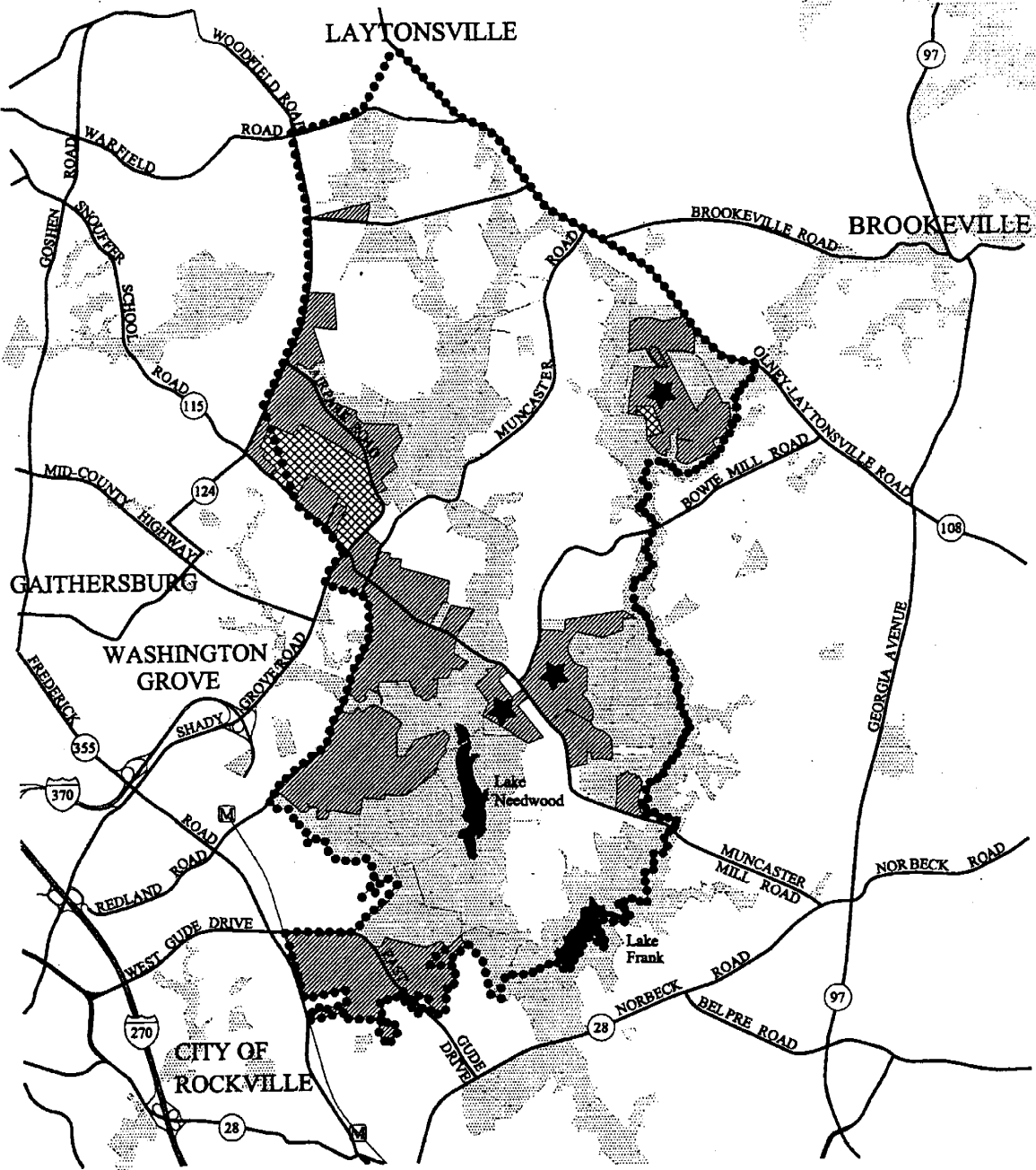
2000 0 2000 4000 Feet

July, 2004



-  Special Protection Area Boundary
-  Upper Rock Creek Watershed Boundary

PROPOSED SEWER ENVELOPE



- ★ Changes Recommended By This Master Plan - See Text
- ▨ Proposed Sewer Envelope
- Master Plan Area Boundary
- ▤ Parkland
- ▣ Planned Public Uses Requiring Sewer Service - See Text





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**Chapter 59 Zoning [Note] / Article 59-C. Zoning Districts; Regulations. / Division 59-C-18. Overlay Zones. / Sec. 59-C-18.15. Environmental Overlay Zone for the Upper Paint Branch Special Protection Area.**

**Sec. 59-C-18.15. Environmental Overlay Zone for the Upper Paint Branch Special Protection Area.**

**Chapter 59 Zoning [Note] / Article 59-C. Zoning Districts; Regulations. / Division 59-C-18. Overlay Zones. / Sec. 59-C-18.15. Environmental Overlay Zone for the Upper Paint Branch Special Protection Area. / 59-C-18.151. Purpose.**

**59-C-18.151. Purpose.**

It is the purpose of this overlay zone to:

(a) Protect the water quality and quantity of the Upper Paint Branch Watershed and its tributaries, as well as the biodiversity situated in these resources. The resources consist of the headwater tributary areas-Good Hope, Gum Springs, Right Fork and Left Fork-and the segment of the main stem of the Paint Branch north of Fairland Road.

(b) Regulate the amount and location of impervious surfaces in order to maintain levels of groundwater, control erosion, and allow the ground to filter water naturally and control temperature.

(c) Regulate land uses that could adversely affect this very high quality, cold water stream system resource that is afforded the highest order of resource protection (Use III Waters) under the State of Maryland's watershed classification system.

**Chapter 59 Zoning [Note] / Article 59-C. Zoning Districts; Regulations. / Division 59-C-18. Overlay Zones. / Sec. 59-C-18.15. Environmental Overlay Zone for the Upper Paint Branch Special Protection Area. / 59-C-18.152. Regulations.**

**59-C-18.152. Regulations.**

(a) **Development standards.** The development standards of the underlying zone apply except as modified by the requirements of this overlay zone.

(1) **Restriction on Impervious Surface.** Any development must not result in

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more than 10 percent impervious surface of the total area under application for development.

(A) Any impervious surface lawfully existing pursuant to a building permit issued before July 1, 1997 that exceeds the 10 percent restriction, may continue or be reconstructed under the development standards in effect when the building permit was issued.

(B) Any impervious surface which results from construction pursuant to a building permit application pending before the Department of Permitting Services on July 1, 1997, may continue or be reconstructed under the development standards in effect when the building permit was issued.

(C) Any expansion of an impervious surface above the 10 percent restriction is not allowed, except in accordance with the waiver provisions of Subsection (a)(2) or as provided under Subsection (a)(1)(D).

(D) Any impervious surface resulting from an addition or accessory structure to an existing one-family residential dwelling must not be counted against any calculation of the 10 percent impervious surface restriction.

(2) **Waiver.** The Director may grant a waiver from the 10 percent impervious surface restriction subject to the following standards and procedures:

(A) **Written Request.** An applicant may apply for a waiver from the 10 percent impervious surface restriction if enforcement would result in undue hardship to the applicant. The request must be in writing to the Director.

(B) **Review and action.** The Director may grant a waiver from the 10 percent impervious surface restriction if the applicant shows by clear and convincing evidence that:

(i) the 10 percent impervious limitation would result in undue hardship to the applicant because of events or circumstances not caused or facilitated by the applicant;

(ii) the applicant complies with all applicable federal, state, and county water quality standards; and

(iii) the relief sought is the minimum needed to prevent the hardship and the Director must consider alternative techniques.

(b) **Land use.** All permitted or special exception uses allowed in the underlying zones are allowed in the overlay zone except that:

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(1) The following special exception uses are allowed subject to the requirements of Article 59-G and specified environmental protection requirements:

Landscape contractor.<sup>1</sup>

Retail nursery or garden center.<sup>1</sup>

Wholesale nursery or greenhouse.<sup>1</sup>

Golf courses and country clubs.<sup>2</sup>

Golf driving range.<sup>2</sup>

Riding stables.<sup>3</sup>

(2) The uses in Section (1), if validly existing on July 1, 1997, may be continued under the regulations in effect at the time the use was established. Any expansion requires compliance with the provisions of this overlay zone.

(3) The following uses are prohibited in the overlay zone:

Airstrips, in common open space.

Helistops.

Pipelines, aboveground.<sup>4</sup>

Pipelines, underground.<sup>4</sup>

Automobile filling stations.

Automobile fluid maintenance stations.

Automobile repair and services.

1 If certified as an organic grower by the State of Maryland or another approved certifying body.

2 Must have an Integrated Pest Management program.

3 Must have an approved Soil Conservation Water Quality Plan from the Montgomery Soil Conservation District.

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4 Pipelines used for interstate transmission of petroleum products.

(Legislative History: Ord. No. 13-64, § 1.)