


AGENDA ITEM #1
October 3, 2005

Introduction

MEMORANDUM

September 28, 2005

TO: County Council

FROM: Ralph D. Wilson, Senior Legislative Analyst 

SUBJECT: Introduction – Zoning Text Amendment 05-15, building coverage and impervious surface limits.

The report of the interagency working group on the environmental impacts of private institutional facilities in the rural and large lot residential zones was recently released. The working group concluded that large private institutional facilities in the zones examined raise important environmental concerns that need to be addressed.

ZTA 05-15 is one of several measures proposed by the working group to address the environmental issues. Under the ZTA, building coverage and impervious surface limits would be placed on the development of private institutional facilities in the rural and large lot residential zones. Any existing development not in conformity with the proposed limits would be grandfathered. Any future expansion of a grandfathered private institutional facility would be subject to the building coverage and impervious surface limits in effect when the expansion occurs.

A public hearing on ZTA 05-15 is scheduled for November 8, 2005. The advertisement will be broad enough to allow other zoning options considered by the working group to be adopted.

Zoning Text Amendment No: 05-15
Concerning: Impervious Surface limits
Requirements for the RE-2, RE-1, Rural, RC
& RDT Zones
Draft No. & Date: 1 – 09/29/05
Introduced: October 3, 2005
Public Hearing: 11/8/05; 7:00 p.m.
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: District Council

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- establishing a definition for the term “impervious surface”;
- revising building coverage standards as a percentage of net lot area for certain zones;
- establishing maximum impervious surface standards as a percentage of net lot area for certain zones;
- requiring the submission of a site layout design under certain circumstances;
- grandfathering certain lots from building coverage and impervious standards under certain circumstances; and
- generally amending building coverage and impervious surface standards.

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

DIVISION 59-A-2	“DEFINITIONS AND INTERPRETATION”
Section 59-A-2.1	“Definitions”
DIVISION 59-C-1	“RESIDENTIAL ZONES, ONE-FAMILY”
Section 59-C-1.32	“Development standards”
DIVISION 59-C-9	“AGRICULTURAL ZONES”
Section 59-C-9.4	“Development standards”

EXPLANATION: ***Boldface** indicates a heading or a defined term.
Underlining indicates text that is added to existing laws
by the original text amendment.
[Single boldface brackets] indicate text that is deleted from
existing law by the 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-A-2 is amended as follows:**

2 **DIVISION 59-A-2. DEFINITIONS AND INTERPRETATION.**

3 * * *

4 **Sec. 59-A-2.1. Definitions.**

5 In this Chapter, the following words and phrases have the meanings indicated:

6 * * *

7 **Impervious Surface:** A hard surface area that prevents or substantially impedes the
8 natural infiltration of water into the underlying soil, resulting in an increased volume and
9 velocity of surface water runoff. Impervious surface includes, but is not limited to,
10 buildings, patios, decks, sidewalks, driveways, compacted gravel, pavement, asphalt,
11 concrete, roadways, parking areas, and hard-surfaced recreational areas.

12
13 **Sec. 2. Division 59-C-1 is amended as follows:**

14 **DIVISION 59-C-1. RESIDENTIAL ZONES, ONE-FAMILY.**

15 * * *

16 **59-C-1.32. Development standards.**

17 In addition to the following, the regulations in sections 59-C-1.34, 59-C-1.35 and 59-C-
18 1.36 shall apply:

1

	RE-2 ¹	RE-2C ¹	RE-1 ¹	R-200	R-150 ³	R-90	R-60	R-40 ²	R-4plex	RMH 200
59-C-1.328. Coverage.										
-Maximum percentage of net lot area that may be covered by buildings, including accessory buildings:	[2]15 ^{***}	25	15 ^{***}	25	25	30	35	40		25
* * *										
-Maximum percentage of net lot area that may be covered by an Impervious surface **	20 [*]		20 [*]							

2

3 * * *

4 * Any lot with an impervious surface area greater than 20% of the net lot area and
 5 lawfully existing before (ZTA Effective Date), is a conforming lot; however, the
 6 impervious surface area existing before (ZTA Effective Date) must not be
 7 increased.

8 ** Impervious surface requirements do not apply to the cluster method of
 9 development.

10 *** If building coverage for a permitted use exceeds 8.5% in the RE-2 Zone and 11%
 11 in the RE-1 zone, a site layout design must be submitted to the Department of
 12 Permitting Services. The site layout design must demonstrate compliance with the
 13 maximum impervious surface standard under 59-C-1.32. Any lot with a building
 14 coverage greater than 15 % of the net lot area and lawfully existing before (ZTA
 15 Effective Date), is a conforming lot; however, the building coverage existing
 16 before (ZTA Effective Date) must not be increased.

17 * * *

18 **Sec. 3. DIVISION 59-C-9 is amended as follows:**

19 **DIVISION 59-C-9. AGRICULTURAL ZONES.**

20 * * *



1 **59-C-9.4. Development standards.**

2 The following requirements apply in all cases, except as specified in the optional
 3 standards for cluster development set forth in sections 59-C-9.5 and 59-C-9.57 and the
 4 exemption provisions of section 59-C-9.7.

5 * * *

	Rural	RC	LDRC	RDT	RS	RNC
* * *						
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.] <u>Maximum percentage of net lot area that may be covered by buildings, including accessory buildings²</u>	10 ^{***}	10 ^{***}	10	10 ^{***}	10	10
<u>Maximum percentage of net lot area that may be covered by an impervious surface. Impervious surface limits do not apply to agricultural uses as defined in 59-A.2.1.</u>	20 [*]	20 [*]		15 ^{**}		

6

7

8 * * *

9 * Any lot with an impervious surface area greater than 20% of the net lot area and
 10 lawfully existing before (ZTA Effective Date), is a conforming lot; however, the
 11 impervious surface area existing before (ZTA Effective Date) must not be
 12 increased. Impervious surface limits do not apply to agricultural uses as defined in
 13 59-A.2.1

14 ** Any lot with an impervious surface area greater than 15% of the net lot area and
 15 lawfully existing prior to (the effective date of the ZTA), is a conforming lot but
 16 must not increase in impervious surface. Impervious surface limits do not apply to
 17 agricultural uses as defined in 59-A.2.1

5

1 *** If building coverage for a permitted use exceeds 3% in the Rural and RDT Zones
2 and 7.5% in the RC Zone, a site layout design must be submitted to the Department
3 of Permitting Services. The site layout design must demonstrate compliance with
4 the impervious surface standards of this chapter prior to the issuance of a building
5 permit.

6 * * *

7 **Sec. 4. Effective date.** This ordinance becomes effective 20 days after the date of
8 Council adoption.

9
10 This is a correct copy of Council action.

11
12
13
14 _____
15 Linda M. Lauer, Clerk of the Council

Resolution No:
Introduced: October 3, 2005
Adopted:

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

By: District Council

Subject: Notice of Public Hearing on Zoning Text Amendment 05-15

Background

1. Section 59-H-9.3 of the Montgomery County Ordinance requires that, within thirty days of introduction of any text amendment, the Council act by resolution to set a date and time for public hearing on the proposed amendment.
2. Zoning Text Amendment No. 05-15, which would amend the Zoning Ordinance to establish a definition for the term "impervious surface"; revise building coverage standards as a percentage of net lot area for certain zones; establish maximum impervious surface standards as a percentage of net lot area for certain zones; require the submission of a site layout design under certain circumstances; grandfather certain lots from building coverage and impervious standards under certain circumstances; and generally amend building coverage and impervious surface standards, was introduced on October 3, 2005.

Action

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 resolution:

Legal notice will be given of the public hearing to be held on November 8, 2005 at 7:00 p.m., in the Council Hearing Room, Stella Werner Council Office Building, Rockville, Maryland, for the purpose of giving the public an opportunity to comment on the proposed amendment.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

7