

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 [*]							

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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 converge 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 buildings</u> ²	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>	<u>20</u> [*]	<u>20</u> [*]		<u>15</u> ^{**}		

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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

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.

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10 This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council