

Ordinance No.: 17-26
Zoning Text Amendment No.: 12-13
Concerning: RC Zone - Impervious
Surface Limits
Draft No. & Date: 3 – 11/30/12
Introduced: September 11, 2012
Public Hearing: October 23, 2012
Adopted: December 4, 2012
Effective: December 24, 2012

**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.*

OPINION

Zoning Text Amendment No. 12-13 was introduced on September 11, 2012, sponsored by the District Council at the request of the Planning Board. ZTA 12-13 would impose impervious surface area limits in the Rural Cluster (RC) zone under certain circumstances. It was recommended to the Council in the course of the Planning Board's work on the Burtonsville Crossroads Neighborhood Plan.

In its report to the Council, the Montgomery County Planning Board recommended that the text amendment be approved with a revision to the grandfathering provision. Planning Staff recommended approval as introduced.

The Council held a public hearing on October 23, 2012. The text amendment was referred to the Planning, Housing, and Economic Development Committee and the Transportation, Infrastructure, Energy and Environment Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee and the Transportation, Infrastructure, Energy and Environment Committee held a joint worksession on November 29, 2012 to review the amendment. The joint Committee recommended approval of ZTA 12-13 with amendments to allow a master plan or sector plan to establish any impervious limit in the RC zone. In the opinion of the joint Committee majority, the Council should retain the flexibility in a master plan or sector plan to establish any impervious surface area limit it determines necessary for the protection of the natural environment.

The District Council reviewed Zoning Text Amendment No. 12-13 at a worksession held on December 4, 2012 and agreed with the recommendations of the joint Committee.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 12-13 will be approved as amended.

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	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 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]] any
13 impervious surface area limits recommended by the approved and adopted master
14 or sector plan. A preliminary plan approved before {the effective date of the ZTA}
15 may be built or altered if the building coverage of any lot is 10% of the lot or less,
16 without a limit on total impervious 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]] any impervious surface area limit
31 recommended by the approved and adopted master or sector plan. A project
32 which has had a preliminary plan approved before {the effective date of the
33 ZTA} may be built or altered 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.

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Linda M. Lauer, Clerk of the Council