

Zoning Text Amendment No.: 14-10
Concerning: Upper Paint Branch
Overlay Zone –
Exemptions
Draft No. & Date: 1 – 7/29/14
Introduced: July 29, 2014
Public Hearing:
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 Councilmembers Leventhal

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- exempt permeable pavement at places of public assembly in the Upper Paint Branch Overlay zone from impervious surface area limits under certain circumstances; and
- generally amend the exemption in the Upper Paint Branch Overlay zone.

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

DIVISION 59-4.9. “Overlay Zones.”
Section 59-4.9.15. “Upper Paint Branch (UPB) Overlay Zone.”

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 text that 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.*

1 **Sec. 1. DIVISION 59-4.9 is amended as follows:**

2 **DIVISION 59-4.9. Overlay Zones.**

3 * * *

4 **Section [4.9.15.] 4.9.17. Upper Paint Branch (UPB) Overlay Zone**

5 * * *

6 **B. Exemptions**

7 The following are exempt from Section [4.9.15] 4.9.17:

- 8 1. Any [impervious surface] lawfully existing impervious surface
9 allowed by a building permit issued before July 1, 2007 may continue
10 or be reconstructed under the development standards in effect when
11 the building permit was issued.
- 12 2. Any impervious surface that results from construction under a
13 building permit may be constructed or reconstructed under the
14 development standards in effect on July 31, 2007 if:
 - 15 a. the building permit application was pending before DPS on July
16 31, 2007; or
 - 17 b. the building permit is for a lot in a subdivision approved before
18 July 31, 2007, if the subdivision was approved for fewer than
19 20 housing units.
- 20 3. Any impervious surface resulting from an addition or accessory
21 structure to an existing detached house must not be counted against
22 any calculation of the 8% impervious surface restriction.
- 23 4. Any impervious surface resulting from the use of pervious concrete
24 where there is evidence that the unimproved ground being covered by
25 pervious concrete has been used for parking vehicles on a regular
26 basis at a place of public assembly.

27 * * *

28 **Sec. 2. Effective date.** This ordinance becomes effective on October 30,
29 2014.

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31 This is a correct copy of Council action.

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34 Linda M. Lauer, Clerk of the Council