

Zoning Text Amendment No.: 22-12
Concerning: Zoning Text Amendment
(ZTA) 22-12, Overlay
Zones – Clarksburg East
& West Environmental
Overlay – Exemptions
Draft No. & Date: 1 – 12/6/2022
Introduced: December 13, 2022
Public Hearing:
Adopted:
Effective:

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

Lead Sponsor: Council President Glass at the Request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- clarify that any master-planned bikeway is exempt from the overlay zones' impervious surface restrictions;
- and generally amend the Clarksburg East & West Environmental Overlay Zones.

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

Division 4.9.	“Overlay Zones”
Section 4.9.5.	“Clarksburg East Environmental (CEE) Overlay Zone”
Section 4.9.6.	“Clarksburg West Environmental (CWE) 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.*

OPINION

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:

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

Division 4.9. Overlay Zones

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Section 4.9.5. Clarksburg East Environmental (CEE) Overlay Zone

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B. Exemptions

1. Any impervious surface lawfully existing under a building permit or sediment control permit issued before August 4, 2014, that exceeds the applicable impervious surface restriction may continue or be reconstructed with the same or less impervious surface area under the development standards in effect when the building permit or sediment control permit was issued.
2. An impervious surface resulting from an addition to an existing detached house or an accessory structure to a detached house, not approved as part of a site plan under Section 7.3.4, is exempt from this Overlay zone's impervious surface restriction.
3. On any lot or parcel with an area less than 2 acres as of January 1, 2014, any development is exempt from this Overlay zone's impervious surface restriction.
4. Impervious surface for any publicly-funded road or any master-planned bikeway [identified by the Ten Mile Creek Area Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area] is exempt from this Overlay zone's impervious surface restriction.

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Section 4.9.6. Clarksburg West Environmental (CWE) Overlay Zone

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Sec. 2. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

Judy Rupp
Clerk of the Council