

Section 4.9.4. Clarksburg East Environmental (CEE) Overlay Zone

A. Purpose

The purpose of the CEE Overlay zone is to:

1. protect the water quantity, water quality, habitat, and biological diversity of the Ten Mile Creek watershed and its tributaries;
2. regulate the amount and location of impervious surfaces to maintain levels of groundwater, control erosion and water temperature, and retain as many of the functions provided by natural land as possible;
3. regulate development that could adversely affect this high quality stream system; and
4. implement the recommendations of the 2014 Ten Mile Creek Area Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area.

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 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.

C. Land Uses

The land uses and use standards of the underlying zone apply, except that if the underlying zone is R-90, Two-Unit Living, Townhouse Living, and Multi-Unit Living are also permitted.

D. Development Standards

1. Except as allowed under Section 4.9.4.B, the maximum total impervious surface area for any development after August 4, 2014 is 15% of the total area under application for development.
2. All environmental buffer areas or natural resources recommended for protection in the Ten Mile Creek Area Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area must be regulated as environmentally sensitive areas, just as other areas identified environmentally sensitive in law, regulations, or in the Planning Board's Guidelines for the Environmental Management of Development, as amended.
3. All environmentally sensitive areas must be included in the required open space area.
4. The minimum area devoted to open space must be 80% of the total area under application for development. For the purpose of this Overlay zone, open space is defined as rural open space as described and managed under Section 6.3.4.A.2, Section 6.3.4.A.4.b, and Section 6.3.4.B.
5. If the underlying zone is R-90:
 - a. the maximum density without MPDU bonus density is 3 dwelling units per acre;
 - b. the maximum density with MPDU bonus density is 3.66 dwelling units per acre;

- c. any type of dwelling unit is permitted, up to the maximum number allowed;
- d. the maximum building height is:
 - i. 35 feet for a detached house;
 - ii. 50 feet for a duplex or townhouse; and
 - iii. 65 feet for an apartment building or any non-residential building; and
- e. when site plan approval is required, the minimum lot area, lot dimensions, building coverage, and building setbacks of the R-90 zone do not apply. Such requirements are determined during the site plan approval process under Section 7.3.4.

E. Site Plan

1. Any development that must file a preliminary plan of subdivision under Chapter 50 requires approval of a site plan by the Planning Board under Section 7.3.4, unless excluded under Section 4.9.4.E.2.
2. A lot or parcel that is occupied by a detached house and that has not changed in size or shape since January 1, 2014 is excluded from the site plan approval requirement.