

Zoning Text Amendment No.: 16-14  
Concerning: Special Exception -  
Amendments  
Draft No. & Date: 1-07/21/16  
Introduced: August 2, 2016  
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**

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Lead Sponsor: Council President Floreen

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- clarify that a special exception approved under the prior zoning code may be expanded under the procedures and substantive provisions of the prior zoning code.

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

DIVISION 1.4.	“Defined Terms”
Section 1.4.2.	“Specific Terms and Phrases Defined”
DIVISION 7.7.	“Exemptions and Nonconformities”
Section 59.7.7.1.	“Exemptions”

**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.*

*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 59-1.4 is amended as follows:**

2           **DIVISION 1.4. Defined Terms**

3           **Section 1.4.2. Specific Terms and Phrases Defined**

4           \*    \*    \*

5           **Conditional Use:** A use that must meet the conditional use standards in Division  
6           3.2 through Division 3.7 and requires approval by the Hearing Examiner, under the  
7           findings in Section 7.3.1. [A] In zoning codes effective before October 30, 2014, a  
8           conditional use [is] was referred to as a special exception.

9           \*    \*    \*

10           **Sec. 2. Division 59-7.7 is amended as follows:**

11           **DIVISION 7.7. Exemptions and Nonconformities**

12           **Section 7.7.1. Exemptions**

13           \*    \*    \*

14           **C.    Expansion of Floor Area**

15           \*    \*    \*

16           **4.    Expansion above Section 7.7.1.C.2**

17           If any expansion exceeds Section 7.7.1.C.2 and does not satisfy  
18           Subsection b, then the entire expansion must satisfy the applicable  
19           standards and procedures for the current zoning. After October 30,  
20           2039, any amendment to a previously approved application must  
21           satisfy the applicable standards and procedures for the current zoning  
22           to the extent of (a) any expansion, and (b) any other portion of an  
23           approved development associated with the expansion.

24           **5.    Without regard to the limitations of Section 7.7.1.C, a special**  
25           exception approved under the code in effect on October 29, 2014 may

26                   be expanded under the applicable standards and procedures of the  
27                   code in effect on October 29, 2014.

28   \*   \*   \*

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

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32   This is a correct copy of Council action.

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35   Linda M. Lauer, Clerk of the Council