

1 **Sec. 1. DIVISION 59-4.2. is amended as follows:**

2 **Division 4.2. Agricultural Zone**

3 **Section 4.2.1. Agricultural Reserve Zone (AR)**

4 * * *

5 **D. Special Requirements for the Transfer of Density**

6 1. In General

7 a. Under Section 4.9.15.B and in conformance with a general plan,
8 master plan, or functional master plan, residential density may be
9 transferred at the rate of one development right per 5 acres minus one
10 development right for each existing dwelling unit, from the AR zone
11 to a TDR Overlay zone. A development right is not required for the
12 following dwelling units on land in the AR zone as long as the
13 dwelling unit remains accessory to Farming [and the principal
14 dwelling]:**

- 15 [a.] i. Farm Tenant Dwelling, and
- 16 [b.] ii. Detached Accessory Apartment
- 17 [c.] iii. Bed and Breakfast

18 b. **Any dwelling unit associated with these uses that is subdivided off**
19 **or otherwise separated by deed from the Property shall count**
20 **against the allowed density of that Property; otherwise, the**
21 **dwelling unit(s) that remains attached to and as an accessory to**
22 **the farming operation shall not count against the density**
23 **otherwise attributable to that Property under the zoning code.**

24
25 c. The density transfer provisions are not applicable to publicly owned
26 rights-of-way for roads, streets, alleys, easements, or rapid transit
27 routes classified in the AR zone.



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

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37 **** I would suggest that the language [and the principal dwelling] be deleted,**
38 **as not all farms have principal dwellings, but may have a tenant house.**

Zoning Text Amendment No.: 16-02
Concerning: Agricultural Zone –
Transfer of Development
Rights Requirements
Draft No. & Date: 2 - 1/14/16
Introduced: January 19, 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**

Lead Sponsor: Council President Floreen

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- exempt certain dwellings in the Agricultural Zone from the calculation of density under certain circumstances; and
- generally amend the provisions concerning the special requirements for the transfer of density

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

DIVISION 59-4.2. “Agricultural Zone”
Section 4.2.1. “Agricultural Reserve Zone (AR)”

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.*

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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:

4

1 **Sec. 1. DIVISION 59-4.2. is amended as follows:**

2 **Division 4.2. Agricultural Zone**

3 **Section 4.2.1. Agricultural Reserve Zone (AR)**

4 * * *

5 **D. Special Requirements for the Transfer of Density**

6 1. In General

7 a. Under Section 4.9.15.B and in conformance with a general
8 plan, master plan, or functional master plan, residential density
9 may be transferred at the rate of one development right per 5
10 acres minus one development right for each existing dwelling
11 unit, from the AR zone to a TDR Overlay zone. A development
12 right is not required for the following dwelling units on land in
13 the AR zone as long as the dwelling unit remains accessory to
14 Farming and the principle dwelling:

15 [a] i. Farm Tenant Dwelling[,]; and

16 [b. Attached Accessory Apartment,]

17 [c] ii. Detached Accessory Apartment[, and]

18 [d. Bed and Breakfast].

19 b. If a property is subdivided, [dwellings associated with these
20 uses] any Farm Tenant Dwellings or Detached Accessory
21 Apartments are not excluded from the calculation of density
22 and must have a retained a development right in addition to the
23 retained development right for any newly created lot; however,
24 these dwellings are excluded from the density calculation and
25 need not have a retained development right if:

26 i. the dwelling existed before October 31, 2014;

- 27 ii. the dwelling remains accessory to Farming and the
28 principle dwelling; and
29 iii. the subdivision is for:
30 (a) property encumbered by any agricultural easement
31 program administered by the County before
32 October 31, 2015; or
33 (b) the sole purpose of creating a child lot.
34 c. The density transfer provisions are not applicable to publicly
35 owned rights-of-way for roads, streets, alleys, easements, or
36 rapid transit routes classified in the AR zone.

37 * * *

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

40

41 This is a correct copy of Council action.

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44 _____
Linda M. Lauer, Clerk of the Council

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