

Clerks Note: Two clerical corrections have been made. On the cover page “Section 3.7.1. Noncommercial Kennel” has been corrected to “Section 3.7.2. Solar Collection System”. On line 34 “[Section 7.4.2]” has been moved to after the word “under”.

CORRECTED COPY

Ordinance No.: 20-01
Zoning Text Amendment No.: 22-11
Concerning: Technical Corrections
Revised: 1/30/2023 Draft No.: 2
Introduced: December 13, 2022
Public Hearing: January 17, 2023
Adopted: February 7, 2023
Effective: February 27, 2023

**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: Councilmember Friedson

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- (1) correct technical, typographical, grammatical, reference, and codification errors in, and make stylistic, clarifying, and conforming amendments to, various provisions of the zoning ordinance.

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

Division 3.1.	“Use Table”
Section 3.1.4.	“Temporary Uses”
Section 3.1.6.	“Use Table”
Division 3.3.	“Residential Uses”
Section 3.3.3.	“Accessory Residential Uses”
<u>Division 3.4.</u>	<u>“Civic and Institutional Uses”</u>
<u>Section 3.4.2.</u>	<u>“Charitable, Philanthropic Institution”</u>
Division 3.7.	“Miscellaneous Uses”
Section 3.7.2.	“Solar Collection System”
Division 4.2.	“Agricultural Zone”
Section 4.2.1.	“Agricultural Reserve Zone (AR)”

Division 7.2.	“District Council Approvals”
Section 7.2.1.	“Local Map Amendment”
Section 7.2.2.	“Corrective Map Amendment”
Section 7.2.3.	“Sectional and District Map Amendment”
Section 7.2.4.	“Zoning Text Amendment”
Division 7.3.	“Regulatory Approvals”
Section 7.3.6.	“Biohealth Priority Campus Plan”

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:

20 **Sec. 2. DIVISION 59-3.3 is amended as follows:**

21 **Division 3.3. Residential Uses**

22 * * *

23 **Section 3.3.3. Accessory Residential Uses**

24 * * *

25 **G. Home Health Practitioner**

26 * * *

27 **3. Home Health Practitioner (Low Impact)**

28 * * *

29 **c. Registration**

30 Any Home Health Practitioner (Low Impact) must register with DPS.

31 **i. Application Requirements**

32 * * *

33 (j) a copy of the use-and-occupancy permit required
34 under [Section 7.4.2] Chapter 8; and

35 * * *

36 **Sec. 3. DIVISION 59-3.4 is amended as follows:**

37 **Division 3.4. Civic and Institutional Uses**

38 * * *

39 **Section 3.4.2. Charitable, Philanthropic Institution**

40 * * *

41 **B. Use Standards**

42 * * *

43 2. Where a Charitable, Philanthropic Institution is allowed as a
44 conditional use, it may be permitted by the Hearing Examiner under
45 Section 7.3.1, Conditional Use, and the following standards:

46 * * *

- 47 g. In the RE-2, RE-2C, RE-1, R-200, R-90, and R-60 zones:
- 48 i. The site fronts on and has direct access to a road built to
- 49 Neighborhood Connector or higher standards. Access to
- 50 a corner lot may be from a Neighborhood Connector
- 51 street, if the Hearing Examiner finds this access to be
- 52 appropriate and not detrimental to existing residential
- 53 uses on that Neighborhood Connector street.

54 * * *

55 **Sec. [3] 4. DIVISION 59-3.7 is amended as follows:**

56 **Division 3.7. Miscellaneous Uses**

57 * * *

58 **Section 3.7.2. Solar Collection System**

59 * * *

60 **B. Use Standards**

- 61 1. Where a Solar Collection System is allowed as a limited use, it must
- 62 satisfy the following standards:

63 * * *

- 64 b. In Rural Residential, Residential, Commercial/Residential,
- 65 Employment, and Industrial zones, where a Solar Collection
- 66 System is allowed as a limited use, it must satisfy the following
- 67 standards [in either Subsection 59.3.7.2.B.2.a or
- 68 59.3.7.2.B.2.b]:

69 * * *

70 **Sec. [4] 5. DIVISION 59-4.2 is amended as follows:**

71 **Division 4.2. Agricultural Zone**

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

73 * * *

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

75 **1. In General**

76 a. Under Section [4.9.15.B] 4.9.18.B and in conformance
77 with a general plan, master plan, or functional master
78 plan, residential density may be transferred at the rate of
79 one development right per 5 acres minus one
80 development right for each existing dwelling unit, from
81 the AR zone to a TDR Overlay zone. A development
82 right is not required for the following dwelling units on
83 land in the AR zone as long as the dwelling unit remains
84 accessory to Farming and the principal dwelling:

85 * * *

86 **2. Recording of Development Right**

87 a. A development right may be created, transferred, and
88 extinguished only by an easement and appropriate
89 release, in a recordable form approved by the Planning
90 Board. Any easement must limit the future construction
91 of detached houses on land zoned AR to the total number
92 of development rights allowed by zoning minus all
93 development rights recorded prior to October 30, 2014,
94 all development rights previously transferred under
95 Section 4.2.1.D.1 and Section [4.9.15.B] 4.9.18.B, the
96 number of development rights to be transferred by the
97 instant transaction, and the number of existing detached
98 houses on the property.

99 * * *

100 **Sec. [5] 6. DIVISION 59-7.2 is amended as follows:**

101 **Division 7.2. District Council Approvals**

102 * * *

103 **Section 7.2.1. Local Map Amendment**

104 * * *

105 **F. Decision**

106 1. The District Council must make its decision to approve, deny, or
107 remand the application to the Hearing Examiner on the record.

108 2. Generally, an affirmative vote of [5] 6 members of the District
109 Council is required to approve an application; however, an affirmative
110 vote of [6] 8 members of the District Council is required to approve
111 an application if:

112 a. approval would be contrary to the recommendation of the
113 municipality in which the property is located; or

114 b. the Planning Board does not recommend approval of the
115 application.

116 If the required number of affirmative votes is not obtained, the
117 application is denied.

118 * * *

119 **Section 7.2.2. Corrective Map Amendment**

120 * * *

121 **E. Decision**

122 * * *

123 2. An affirmative vote of [5] 6 members of the District Council is
124 required to approve a Corrective Map Amendment. If the
125 required number of affirmative votes is not obtained, the
126 application is denied.

127 * * *

128 **Section 7.2.3. Sectional and District Map Amendment**

129 * * *

130 **D. Decision**

131 1. The District Council must conduct a public hearing and make its
132 decision to approve with or without modification, deny, or remand the
133 application to the Planning Board for additional analysis.

134 2. Generally, an affirmative vote of [5] 6 members of the District
135 Council is required to approve an application; however, an affirmative
136 vote of [6] 8 members of the District Council is required to approve
137 an application if:

138 a. approval would be contrary to the recommendation of the
139 municipality in which the property is located; or

140 b. the Planning Board does not recommend approval of the
141 application.

142 * * *

143 **Section 7.2.4. Zoning Text Amendment**

144 * * *

145 **D. Decision**

146 * * *

147 2. A minimum of [5] 6 members of the District Council must vote
148 in the affirmative to adopt a Zoning Text Amendment.

149 * * *

This is a correct copy of Council action.



Judy Rupp
Clerk of the Council