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.: <u>20-01</u>

Zoning Text Amendment No.: <u>22-11</u>
Concerning: <u>Technical Corrections</u>
Revised: <u>1/30/2023</u> Draft No.: <u>2</u>
Introduced: <u>December 13, 2022</u>
Public Hearing: <u>January 17, 2023</u>
Adopted: February 7, 2023

Effective: February 27, 2023

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:

abie	
	'able''

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> "Civic and Institutional Uses"

Section 3.4.2. "Charitable, Philanthropic Institution"

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.

<u>Underlining</u> 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.

<u>Double underlining</u> 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:

Sec. 1. DIVISION 59-3.1 is amended as follows: 1 2 **Division 3.1. Use Table** * * 3 Section 3.1.4. Temporary Uses 4 5 A. In General Temporary uses 6 are temporary in nature; 7 1. 2. are established for a fixed period of time with the intent to discontinue 8 the use when that period of time is over; 9 3. do not involve the construction or alteration of any permanent 10 structure; and 11 12 4. require a temporary use permit under [Section 7.4.2] Chapter 8, with the following exceptions. 13

15 **Section 3.1.6.** Use Table

14

The following Use Table identifies uses allowed in each zone. Uses may be modified in Overlay zones under Division 4.9.

*

												Resid	dentia	ıl														
USE OR USE GROUP	Definitions and Standards	Ag	Re	Rura esiden				Resid	ential	Deta	ched			esident wnhou		_	sident ulti-U		1	mmer esiden			Emplo	oymei	nt	lr	ndusti	rial
USE ON USE GROUP	Standards	AR	R	RC	RNC	RE- 2	RE- 2C	RE-1	R- 200	R-90	R-60	R- 40	TLD	TMD	THD	R-30	R-20	R-10	CRN	CRT	CR	GR	NR	LSC	EOF	IL	IM	IH
* * *																												
COMMERCIAL																												ļ
* * *																												
Office and Professional	3.5.8																											
Biohealth Priority Campus	3.5.8.E.																				L			Ī	ī			
Life Sciences	3.5.8.A																							Р				
Office	3.5.8.B								С	С	С								Р	Р	Р	Р	Р	L	Р	L	L	
Research and Development	3.5.8.C																			Р	Р			Р	L	Р	Р	
Signature Business Headquarters	3.5.8.D																				L							
[Biohealth Priority Campus]	[3.5.8.E.]																				[L]			[L]	[L]			
* * *																												

20		Sec. 2. DIVISION 59-3.3 is amended as follows:
21	Divi	sion 3.3. Residential Uses
22		* * *
23	Sect	ion 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	Divi	sion 3.4. Civic and Institutional Uses
38		* * *
39	Sect	ion 3.4.2. Charitable, Philanthropic Institution
40		* * *
41	В.	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] $\underline{4}$. 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] <u>5</u> . DIVISION 59-4.2 is amended as follows:
71	Division 4.2. Agricultural Zone
72	Section 4.2.1. Agricultural Reserve Zone (AR)
73	* * *

D. Special Requirements for the Transfer of Density

1. In General

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

* * *

2. Recording of Development Right

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

* * *

Sec. [5] $\underline{6}$. DIVISION 59-7.2 is amended as follows:

101	DIV	ISION 7.2. DISTRICT Council Approvals
102		* * *
103	Sect	tion 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	Sect	tion 7.2.2. Corrective Map Amendment
120		* * *
121	E.	Decision
122		* * *

123			2. An affirmative vote of [5] $\underline{6}$ 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	Secti	ion 7.2	2.3. Sectional and District Map Amendment
129			* * *
130	D.	Deci	sion
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	Secti	ion 7.2	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			* * *

150	Sec. [6] 7. DIVISION 59-7.3 is amended as follows:
151	Division 7.3	3. Regulatory Approvals
152		* * *
153	Section 7.3.	6. Biohealth Priority Campus Plan
154		* * *
155	В.	Application Requirements
156		* * *
157		2. A Biohealth Priority Campus plan application must include:
158		* * *
159		l. plans of proposed development showing:
160		i. use, ground-floor layout, building footprints,
161		massing, and heights of all on-site buildings and
162		structures, and approximate footprints and height
163		for buildings located on abutting and confronting
164		lots;
165		* * *
166	Sec. [[7] 8. Effective date. This ordinance becomes effective 20 days after
167	the date of C	Council adoption.

This is a correct copy of Council action.

Judy Rupp

Clerk of the Council