

Ordinance No.: 20-02
Zoning Text Amendment No.: 23-03
Concerning: Bethesda Overlay Zone -
Extensions
Revised: 6/27/2023 Draft No.: 4
Introduced: April 11, 2023
Public Hearing: May 16, 2023
Adopted: June 27, 2023
Effective: July 17, 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: Council President Glass at the Request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- (1) grant a one-time one-year extension to existing deadlines within the Bethesda Overlay Zone; and
- (2) generally amend the development procedures of the Bethesda Overlay Zone.

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

Division 4.9. “Overlay Zones”
Section 4.9.2. “Bethesda (B) Overlay Zone”

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 59-4.9 is amended as follows:**

2 **Division 4.9. Overlay Zones**

3 * * *

4 **Section 4.9.2. Bethesda (B) Overlay Zone**

5 * * *

6 **D. Development Procedures**

- 7 1. Except as modified in this subsection, the development procedures of
- 8 the underlying zone apply.
- 9 2. Sketch plan and site plan approval under Section 7.3.3 and
- 10 Section 7.3.4, respectively, are required for all development in the
- 11 Bethesda Overlay zone that uses the FAR Averaging provisions of
- 12 Section 4.9.2.C.5.
- 13 3. To approve a site plan, the Planning Board must find that the proposed
- 14 allocation of gross floor area, in addition to the sum of previously
- 15 approved or built developments, does not exceed 32,400,000 square
- 16 feet of gross floor area.
- 17 4. If the Planning Board approves a site plan using BOZ Density, the
- 18 applicant must have a building permit application, accepted by the
- 19 Department of Permitting Services, that includes the core and shell of
- 20 the principal building within two years of the date of the Planning
- 21 Board’s resolution. Within two years after the Department of
- 22 Permitting Services accepts the building permit application that
- 23 includes the core and shell of the principal building, the applicant
- 24 must obtain that building permit. [The deadlines under this section
- 25 may not be extended.] If an applicant fails to comply with any of the
- 26 deadlines under this section, the entire site plan approval is revoked.
- 27 For any site plan using BOZ density that was valid on July 17, 2023,

28 the deadline to have an application for a building permit that includes
29 the core and shell of the principal building accepted by the
30 Department of Permitting Services is automatically extended for one
31 year. The deadlines under this section may not otherwise be extended.

32 * * *

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

This is a correct copy of Council action.



Sara R. Tenenbaum
Clerk of the Council