

Zoning Text Amendment No: 07-08
Concerning: Transfer of development
Rights- standards
Draft No. & Date: 1 – 5/18/2007
Introduced: June 12, 2007
Public Hearing: July 19, 2007; 7:30 PM
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**

By: Council President Praisner at the request of the Ad Hoc Agricultural Policy Working Group

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- eliminate the requirement that a development must use at least two-thirds of the allowable number of transferable development rights in order to use any transferable development right; and
- generally amend development approval procedures.

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

DIVISION 59-C-1 “Residential Zones, One-Family”
Section 59-C-1.393 “Development Approval Procedures Under the Optional Method of Development”
DIVISION 59-C-2. “Residential Zones, Multiple-Family”
Section 59-C-2.443 “Development approval procedures under the optional method of development.”

*EXPLANATION: **Boldface** indicates a heading or a defined term.
Underlining indicates text that is added to existing laws by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by the 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, 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-C-1 is amended as follows:

DIVISION 59-C-1. RESIDENTIAL ZONES, ONE-FAMILY.

59-C-1.393. Development Approval Procedures Under the Optional Method of Development.

* * *

(b) [Such a preliminary plan must include at least two-thirds of the number of development rights permitted to be transferred to the property under the provisions of the applicable master plan approved by the district council. However, upon a finding by the planning board that for environmental or compatibility reasons it would be desirable to permit a lower density, the two-thirds requirement may be waived.]

[(c)] A site plan shall be submitted and approved in accordance with the provisions of division 59-D-3.

[(d)](c)The [planning board] Planning Board must approve a request to utilize development rights if the request:

- (1) Does not exceed the limitation on the density or number of dwelling units permitted in the zone and in the applicable master plan approved by the district council;
- (2) Is in accordance with the provisions of this chapter;
- (3) Is in accordance with [chapter] Chapter 50, title "Subdivision of Land;"
- (4) Is consistent with other recommendations of the master plan approved by the [district council] District Council; and
- (5) Achieves a desirable development compatible with both site conditions and surrounding existing and future development.

80 of the recordation of this conveyance required by section 59-C-
81 2.442(b)

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83 **Sec. 3. Effective date.** This ordinance takes effect 20 days after the
84 date of Council adoption.

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86 This is a correct copy of Council action.

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91 Linda M. Lauer, Clerk of the Council