



Committee: PHP

Committee Review: At a future date

Staff: Livhu Ndou, Legislative Attorney

Purpose: To introduce agenda item – no vote expected

Keywords: #Cemetery #TDR #AgriculturalReserve

AGENDA ITEM #7A

November 7, 2023

Introduction

SUBJECT

Zoning Text Amendment (ZTA) 23-08, Transferable Development Rights – Cemetery

Lead Sponsor: Councilmember Balcombe

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

To introduce ZTA – no vote expected

DESCRIPTION/ISSUE

ZTA 23-08 would allow a property owner in the AR zone to expand a cemetery onto land that currently has a TDR.

SUMMARY OF KEY DISCUSSION POINTS

- Under the current zoning ordinance, a Cemetery is prohibited if the lot or parcel on which the cemetery would be located is in the AR zone *and* is encumbered by a recorded Transfer of Development Rights easement.
- ZTA 23-08 would allow a property owner in the AR zone to expand a cemetery onto land that currently has a TDR.
- A public hearing is tentatively scheduled for January 16, 2024, pending approval of a resolution to extend the time for a public hearing.

This report contains:

ZTA 23-08

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Ordinance No.: _____
Zoning Text Amendment No.: 23-08
Concerning: Transferable
Development Rights -
Cemetery
Revised: 10/17/2023 Draft No.: 1
Introduced: November 7, 2023
Public Hearing: _____
Adopted: _____
Effective: _____

**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 Balcombe

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- (1) allow certain parcels in the Agricultural Reserve (AR) zone that have Transfer of Development Rights (TDRs) to be allowed to be used as cemeteries; and
- (2) generally amend the provisions for TDRs.

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

Division 3.1.	“Use Table”
Section 3.1.5.	“Transferable Development Rights”

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:

Sec. 1. DIVISION 59-3.1 is amended as follows:

Division 3.1. Use Table

* * *

Section 3.1.5. Transferable Development Rights

A. The following uses are prohibited if the lot or parcel on which the use is located is in the AR zone and is encumbered by a recorded Transfer of Development Rights easement:

* * *

4. Commercial

- a. Veterinary Office/Hospital
- b. Bed and Breakfast (if not accessory to Farming)
- c. Cemetery, unless expanding an existing Cemetery
- d. Funeral Home, Undertaker
- e. Lawn Maintenance Service
- f. Rural Antique Shop
- g. Shooting Range (Outdoor)

* * *

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