

Zoning Text Amendment No.: 16-04
Concerning: Agricultural Reserve
(AR) Zone – Transitory
Uses

Draft No. & Date: 1 – 4/20/16

Introduced: April 26, 2016

Public Hearing:

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**

Lead Sponsor: Councilmember Riemer

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow transitory uses in the Agricultural Reserve Zone on property with a recorded transferable development rights easement.

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

DIVISION 59-3.1. “Use Table”

Section 3.1.5. “Transferable Development Rights”

DIVISION 59-3.5. “Commercial Uses”

Section 3.5.15. “Temporary Commercial Uses”

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*

Underlining indicates text that is added to existing law by the original text amendment or by ZTA 14-09.

[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 or text added by this amendment in addition to ZTA 14-09.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment or indicates a change from ZTA 14-09.

** * * 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 59-3.1 is amended as follows:**

2 **DIVISION 3.1. Use Table**

3 * * *

4 **Section 3.1.5. Transferable Development Rights**

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

8 * * *

9 **4. Commercial**

- 10 a. Veterinary Office/Hospital
- 11 b. Bed and Breakfast (if not accessory to Farming)
- 12 c. Cemetery
- 13 d. Funeral Home, Undertaker
- 14 e. Lawn Maintenance Service
- 15 f. Rural Antique Shop
- 16 g. Shooting Range (Outdoor)
- 17 [h. Transitory Use]

18 * * *

19 **Sec. 2. DIVISION 59-3.5 is amended as follows:**

20 **DIVISION 3.5. Commercial Uses**

21 * * *

22 **Section 3.5.15. Temporary Commercial Uses**

23 * * *

24 **C. Transitory Use**

25 **1. Defined**

26 Transitory Use means a use on private property or the public right-of-
27 way conducted from a vehicle or from a movable structure that

28 remains in the same location for less than 24 hours. Transitory Use
29 includes a food service truck.

30 **2. Use Standards**

31 Where a Transitory Use is allowed as a limited use, it must satisfy the
32 following standards:

- 33 a. A Transitory Use must be registered under Chapter 47.
- 34 b. A Transitory Use may be located in the public right-of-way
35 where it satisfies Chapter 47.
- 36 c. A Transitory Use may be allowed on private property only if it
37 would be allowed as a permanent use in the applicable zone
38 under Section 3.1.6.
- 39 d. A Transitory Use is prohibited on any portion of the open space
40 required by the zone in which the property is located.
- 41 [e. In the AR zone, this use may be prohibited under Section 3.1.5,
42 Transferable Development Rights.]

43
44 **Sec. 3. Effective date.** This ordinance becomes effective 20 days after
45 approval.

46
47 This is a correct copy of Council action.

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49 _____
50 Linda M. Lauer, Clerk of the Council