

Zoning Text Amendment No.: 21-06  
Concerning: Exemptions – Density  
Transfer and Historic  
Resources  
Draft No. & Date: 1 – 9/20/2021  
Introduced: September 28, 2021  
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**

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Lead Sponsor: Council President at the request of the Planning Board

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- Establish a new Residential Lots and Parcels exemption for Density Transfer and Historic Resources

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

Division 7.7.	“Exemptions and Nonconformities”
Section 7.7.1.	“Exemptions”
Section 7.7.1.D.	“Residential Lots and Parcels”

And adding

Section 7.7.1.D.11. “Density Transfer and Historic Resources”

**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.*

**OPINION**

*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. ARTICLE 59-7 is amended as follows:**

2           **DIVISION 7.7 Exemptions and Nonconformities**

3           **Section 7.7.1. Exemptions**

4           \*   \*   \*

5           **D.    Residential Lots and Parcels**

6           \*   \*   \*

7           **11.   Density Transfer and Historic Resources**

8           Where a lot containing a site, structure, or area of historic significance  
9           in a Residential zone is protected from development through a density  
10           transfer, the following provisions apply:

11           a.    The following uses are allowed:

12                    i.    Any use permitted in the underlying zone;

13                    ii.   Clinic (up to 4 Medical Practitioners);

14                    iii.   Office;

15                    iv.   Retail/Service Establishment;

16                    v.    Rural Antique Shop;

17                    vi.   Drive-Thru as an accessory use to any other allowed  
18                            principal use; and

19                    vii.   Uses allowed by Conditional Use, subject to the  
20                            provisions of Section 7.3.1.

21           b.    Site plan approval is required under Section 7.3.4, except for  
22                    those uses requiring Conditional Use.

23           c.    The Planning Board and the Historic Preservation Commission  
24                    must make the following findings:

25                    i.    Any modifications to buildings, structures, or the land  
26                            must protect the intent of the historic resource and be  
27                            consistent with Chapter 24A of the County Code; and

28                    ii. Any operational characteristics must not encroach upon  
29                    or destroy the historical, archaeological, or architectural  
30                    character or value of the site.

31                    d. The project must be recommended for approval by the Historic  
32                    Preservation Commission prior to approval of the Site Plan by  
33                    the Planning Board.

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

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38 This is a correct copy of Council action.

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41 Selena Mendy Singleton, Esq.  
42 Clerk of the Council