

Zoning Text Amendment No.: 22-11  
Concerning: Technical Corrections  
Draft No. & Date: 1 – 11/24/2022  
Introduced: December 13, 2022  
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**

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Lead Sponsor: Councilmember Friedson

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

- correct technical, typographical, grammatical, reference, and codification errors in, and make stylistic, clarifying, and conforming amendments to, various provisions of the zoning ordinance.

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

Division 3.1.	“Use Table”
Section 3.1.4.	“Temporary Uses”
Section 3.1.6.	“Use Table”
Division 3.3.	“Residential Uses”
Section 3.3.3.	“Accessory Residential Uses”
Division 3.7.	“Miscellaneous Uses”
Section 3.7.1.	“Noncommercial Kennel”
Division 4.2.	“Agricultural Zone”
Section 4.2.1.	“Agricultural Reserve Zone (AR)”
Division 7.2.	“District Council Approvals”
Section 7.2.1.	“Local Map Amendment”
Section 7.2.2.	“Corrective Map Amendment”
Section 7.2.3.	“Sectional and District Map Amendment”
Section 7.2.4.	“Zoning Text Amendment”

Division 7.3. “Regulatory Approvals”  
Section 7.3.6. “Biohealth Priority Campus Plan”

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

2   **Division 3.1. Use Table**

3   \*   \*   \*

4   **Section 3.1.4. Temporary Uses**

5   **A.    In General**

6   Temporary uses

- 7           1.    are temporary in nature;
- 8           2.    are established for a fixed period of time with the intent to discontinue
- 9                the use when that period of time is over;
- 10          3.    do not involve the construction or alteration of any permanent
- 11                structure; and
- 12          4.    require a temporary use permit under [Section 7.4.2]Chapter 8, with
- 13                the following exceptions.

14   \*   \*   \*

15   **Section 3.1.6. Use Table**

16   The following Use Table identifies uses allowed in each zone.  Uses may be

17   modified in Overlay zones under Division 4.9.

18



21           **Sec. 2. DIVISION 59-3.3 is amended as follows:**

22   **Division 3.3. Residential Uses**

23   \*   \*   \*

24   **Section 3.3.3. Accessory Residential Uses**

25   \*   \*   \*

26   **G.    Home Health Practitioner**

27   \*   \*   \*

28           **3.    Home Health Practitioner (Low Impact)**

29   \*   \*   \*

30           **c.    Registration**

31                   Any Home Health Practitioner (Low Impact) must register with DPS.

32                   **i.    Application Requirements**

33   \*   \*   \*

34                                   (j)    a copy of the use-and-occupancy permit required  
35   [under Section 7.4.2]under Chapter 8; and

36   \*   \*   \*

37           **Sec. 3. DIVISION 59-3.7 is amended as follows:**

38   **Division 3.7. Miscellaneous Uses**

39   \*   \*   \*

40   **Section 3.7.2. Solar Collection System**

41   \*   \*   \*

42   **B.    Use Standards**

43           1.    Where a Solar Collection System is allowed as a limited use, it must  
44                   satisfy the following standards:

45   \*   \*   \*

46                   b.    In Rural Residential, Residential, Commercial/Residential,  
47                                   Employment, and Industrial zones, where a Solar Collection

48 System is allowed as a limited use, it must satisfy the following  
49 standards[ in either Subsection 59.3.7.2.B.2.a or  
50 59.3.7.2.B.2.b]:

51 \* \* \*

52 **Sec. 4. DIVISION 59-4.2 is amended as follows:**

53 **Division 4.2. Agricultural Zone**

54 **Section 4.2.1. Agricultural Reserve Zone (AR)**

55 \* \* \*

56 **D. Special Requirements for the Transfer of Density**

57 **1. In General**

58 a. Under Section [4.9.15.B]4.9.18.B and in conformance  
59 with a general plan, master plan, or functional master  
60 plan, residential density may be transferred at the rate of  
61 one development right per 5 acres minus one  
62 development right for each existing dwelling unit, from  
63 the AR zone to a TDR Overlay zone. A development  
64 right is not required for the following dwelling units on  
65 land in the AR zone as long as the dwelling unit remains  
66 accessory to Farming and the principal dwelling:

67 \* \* \*

68 **2. Recording of Development Right**

69 a. A development right may be created, transferred, and  
70 extinguished only by an easement and appropriate  
71 release, in a recordable form approved by the Planning  
72 Board. Any easement must limit the future construction  
73 of detached houses on land zoned AR to the total number  
74 of development rights allowed by zoning minus all

75 development rights recorded prior to October 30, 2014,  
76 all development rights previously transferred under  
77 Section 4.2.1.D.1 and Section [4.9.15.B]4.9.18.B, the  
78 number of development rights to be transferred by the  
79 instant transaction, and the number of existing detached  
80 houses on the property.

81 \* \* \*

82 **Sec. 5. DIVISION 59-7.4 is amended as follows:**

83 **Division 7.2. District Council Approvals**

84 \* \* \*

85 **Section 7.2.1. Local Map Amendment**

86 \* \* \*

87 **F. Decision**

- 88 1. The District Council must make its decision to approve, deny, or  
89 remand the application to the Hearing Examiner on the record.
- 90 2. Generally, an affirmative vote of [5]6 members of the District Council  
91 is required to approve an application; however, an affirmative vote of  
92 [6]8 members of the District Council is required to approve an  
93 application if:
  - 94 a. approval would be contrary to the recommendation of the  
95 municipality in which the property is located; or
  - 96 b. the Planning Board does not recommend approval of the  
97 application.

98 If the required number of affirmative votes is not obtained, the  
99 application is denied.

100 \* \* \*

101 **Section 7.2.2. Corrective Map Amendment**

102 \* \* \*

103 **E. Decision**

104 \* \* \*

105 2. An affirmative vote of [5]6 members of the District Council is  
106 required to approve a Corrective Map Amendment. If the  
107 required number of affirmative votes is not obtained, the  
108 application is denied.

109 \* \* \*

110 **Section 7.2.3. Sectional and District Map Amendment**

111 \* \* \*

112 **D. Decision**

113 1. The District Council must conduct a public hearing and make its  
114 decision to approve with or without modification, deny, or remand the  
115 application to the Planning Board for additional analysis.

116 2. Generally, an affirmative vote of [5]6 members of the District Council  
117 is required to approve an application; however, an affirmative vote of  
118 [6]8 members of the District Council is required to approve an  
119 application if:

120 a. approval would be contrary to the recommendation of the  
121 municipality in which the property is located; or

122 b. the Planning Board does not recommend approval of the  
123 application.

124 \* \* \*

125 **Section 7.2.4. Zoning Text Amendment**

126 \* \* \*

127 **D. Decision**

128 \* \* \*



129                    2.     A minimum of [5]6 members of the District Council must vote  
130                    in the affirmative to adopt a Zoning Text Amendment.

131     \*     \*     \*

132                    **Sec. 6. DIVISION 59-7.3 is amended as follows:**

133     **Division 7.3. Regulatory Approvals**

134     \*     \*     \*

135     **Section 7.3.6. Biohealth Priority Campus Plan**

136     \*     \*     \*

137                    **B.     Application Requirements**

138     \*     \*     \*

139                    2.     A Biohealth Priority Campus plan application must include:

140     \*     \*     \*

141                    1.     plans of proposed development showing:

142                    i.     use, ground-floor layout, building footprints,  
143                    massing, and heights of all on-site buildings and  
144                    structures, and approximate footprints and height  
145                    for buildings located on abutting and confronting  
146                    lots;

147     \*     \*     \*

148                    **Sec. 7. Effective date.** This ordinance becomes effective 20 days after the  
149     date of Council adoption.

150

This is a correct copy of Council action.

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Judy Rupp  
Clerk of the Council