

Ordinance No: 15-73
Zoning Text Amendment No: 06-03
Concerning: Creating a new TDR Zone
Draft No. & Date: 2 – 3/14/06
Introduced: January 24, 2006
Public Hearing: 3/7/06; 1:30 p.m.
Adopted: May 25, 2006
Effective: June 14, 2006

**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: District Council at the request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- establishing a new Rural Neighborhood Cluster/TDR zone[[; and
- generally amending the Rural Density Transfer zone]].

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

DIVISION 59-C-9 “AGRICULTURAL ZONES”
Section 59-C-9.4 “Development standards”
Section 59-C-9.5 “Cluster development-Options in Rural Cluster zone and Low
Density Rural Cluster zone”
Section 59-C-9.57 “Special regulations for development in the Rural Neighborhood
Cluster zone”
Add a new section:
Section 59-C-9.575 “Optional method using transferable development rights”

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.

OPINION

Zoning Text Amendment No. 06-03 was introduced on January 24, 2006, to establish a new Rural Neighborhood Cluster/Transferable Development Rights (RNC/TDR) zone. As introduced, the proposed amendment would create a new zone and establish certain density and other development standards for residential development if transferable development rights (TDRs) are used. The proposed amendment includes special provisions and approval procedures for developments using TDRs.

The Montgomery County Planning Board in its report to the Council recommended that the text amendment be approved.

The County Council held a public hearing on March 7, 2006, to receive testimony concerning the proposed text amendment. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held worksessions on March 17, March 20, and March 27, 2006 to review the amendment. The Committee considered all the testimony on the zone and recommended that ZTA 06-03 be approved with amendments. The Committee supported the Planning Board's conclusion that increased density in properties zoned Rural Neighborhood Cluster (RNC) should be accomplished through the use of TDRs and therefore supported the creation of this zone. Subsequent the introduction of this ZTA, the Screening Committee recommended a variety of changes to the amendment that the Committee supported, including adding the RNC/TDR zone to the permitted/special exception use and development standards table for the agricultural zones, adding sections describing the methods of development, removing a section discussing the optional method of development with TDRs, and adding a section about special regulations for development in the RNC/TDR zone.

The District Council reviewed Zoning Text Amendment No. 06-03 at worksessions held on April 4 and May 25, 2006, and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 06-03 will be approved as amended.

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. Section 59-C-9 Agricultural Zones is amended as follows:

59-C-9.3. Land uses.

No use is allowed except as indicated in the following table:

- **Permitted uses.** Uses designated by the letter "P" are permitted on any lot in the zones indicated, subject to all applicable regulations.
- **Special exception uses.** Uses designated by the letters "SE" may be authorized as special exceptions, in accordance with the provisions of Article 59-G.

	Rural	RC	LCRC	RDT	RS	RNC	<u>RNC/ TDR</u>
(a) Agricultural:							
Agricultural processing, primary						P	<u>P</u>
Equestrian facility. ⁴¹	P/SE	P/SE	P/SE	P/SE	P/SE	SE ²	<u>SE²</u>
Farm. ¹	P	P	P	P	P	P	<u>P</u>
Fish hatchery.	P	P	P	P	P		
Other agricultural use.	P	P	P	P	P	P	<u>P</u>
(b) Agricultural-Industrial:							
Abattoir.	SE	SE	SE ²	SE ²			
Agricultural processing. ³⁶	SE	SE ²	SE ²	SE	SE		
Construction Debris Reclamation Facility.					P		
Contractors storage yard. ²⁸ (existing)					P		
Grain elevator. ³⁶	SE	SE ²	SE ²	SE	SE		
Manufacture of light sheet metal products. ²⁸ (existing)					P		
Manufacture of mulch and composting.	SE	SE ²	SE ²	SE	SE		
Milk plant. ³⁷	SE	SE ²	SE ²	SE			
Sawmill.	SE	SE ²	SE ²	SE			
Storage for recycling of building or construction materials. ²⁸ (existing)					P		

	Rural	RC	LCRC	RDT	RS	RNC	<u>RNC/ TDR</u>
Winery. ³⁸	SE/P	SE/P	SE/P	SE/P	SE/P	SE ²	<u>SE²</u>
Wood product and furniture manufacturing. ²⁸ (existing)					P		
(c) Agricultural-Commercial:							
Blacksmith. ⁴	SE	SE ²	SE ²	SE	P	P ²	<u>P²</u>
Christmas tree sales between December 5 and 25.	P	P	P	P	P	P ²	<u>P²</u>
Country market.	SE	SE	SE	SE	P	SE ²	<u>SE²</u>
Farm market. ⁵	P	P	P	P	P	P ²	<u>P²</u>
Landscape contractor. ^{3, 2}	SE	SE	SE	SE	P	SE ²	<u>SE²</u>
Nursery, horticultural - retail. ^{1,3}	SE	SE	SE	SE	P	SE ²	<u>SE²</u>
Nursery, horticultural - wholesale. ^{1,3}	SE	SE ²	SE ²	SE	P	SE ²	<u>SE²</u>
(d) Resource Production and Extraction:²							
Rock or stone quarry, as a temporary use.	SE	SE	SE	SE			
Sand, gravel or clay pit, or extraction of other natural materials, as a temporary use.	SE	SE	SE	SE			
(e) Residential:²							
Accessory apartment. ^{6,7}	SE	SE	SE	SE		SE	<u>SE</u>
Accessory dwelling. ⁷	SE	SE	SE	SE	SE	SE	
Accessory dwelling for agricultural workers. ⁴²				P			
Bed-and-breakfast lodging with one or 2 guest rooms. ³¹	P	P	P	P	P	P	<u>P</u>
Bed-and-breakfast lodging with 3, 4 or 5 guest rooms. ¹⁸	SE	SE	SE	SE	P	SE	<u>SE</u>

	Rural	RC	LCRC	RDT	RS	RNC	<u>RNC/ TDR</u>
Dwelling, one-family detached.	P	P	P	P	P	P	<u>P</u>
Dwelling, one-family semidetached. ⁴⁴						P	<u>P</u>
Farm tenant dwelling. ⁸	P	P	P	P		P	<u>P</u>
Farm tenant mobile home, more than one but less than ^{4,8}	SE	SE	SE	SE		SE	<u>SE</u>
Group home, small.	P	P	P	P	P	P	<u>P</u>
Group home, large. ¹⁵	SE	SE	SE	SE	SE	SE	<u>SE</u>
Guest house, as accessory use. ⁸	P	P	P	P	P	<u>P</u>	
Guest rooms, for not more than 2 roomers in any dwelling unit.	P	P	P	P	P	P	<u>P</u>
Housing and related facilities for senior adults or persons with disabilities.	SE	SE	SE		SE	SE	<u>SE</u>
Life care facility.	SE	SE	SE			SE	<u>SE</u>
Mobile home, double-wide. ⁹	P	P	P	P	P	P	<u>P</u>
Registered living unit. ^{6,20}	P	P	P	P	P	P	<u>P</u>
Townhouse						P	<u>P</u>

(f) Transportation, Communication and Utilities:

Airstrip, associated with farm.		SE ²	SE	SE			
Cable communication system. ¹⁰	SE	SE	SE	SE	SE	SE	<u>SE</u>
Electric power transmission and distribution line, overhead, carrying more than 69,000 volts.	SE	SE	SE	SE	SE	SE	<u>SE</u>

	Rural	RC	LCRC	RDT	RS	RNC	<u>RNC/ TDR</u>
Electric power transmission and distribution line, overhead, carrying 69,000 volts or less.	P	P	P	P	P	P	<u>P</u>
Electric power transmission and distribution line, underground.	P	P	P	P	P	P	<u>P</u>
Helistop.	SE	SE ^{2,11}	SE ^{2,11}	SE ¹¹			
Parking of motor vehicles, off-street, in connection with any use permitted.	P	P	P	P	P	P	<u>P</u>
Parking of motor vehicles, off-street, in connection with commercial uses.	P ³⁹			P ³⁹			
Pipeline, aboveground.	SE	SE	SE	SE	SE		
Pipeline, underground.	P	P	P	P	P	P	<u>P</u>
Public utility buildings, public utility structures, and telecommunication facilities. ³³	SE	SE	SE	SE	P ³² /S E	SE ²	<u>SE²</u>
Radio or television broadcasting station or tower.	SE	SE ²	SE ²	SE	SE		
Railroad track.	P	P	P	P	P		
Rooftop mounted antennas and related unmanned equipment building, equipment cabinets, or equipment room. ²⁷	P	P		P		P	<u>P</u>
Telephone or telegraph line.	P	P	P	P	P	P	<u>P</u>
(g) Commercial:²							
Antique shop.	SE	SE	SE	SE	P	SE	<u>SE</u>
Auction facility. ¹²				SE	P		

	Rural	RC	LCRC	RDT	RS	RNC	<u>RNC/ TDR</u>
Farm machinery: sales, storage, or service.		SE	SE	SE	P		
Farm supply: sales, storage, or service.		SE	SE	SE	P		
Transitory use. ²⁶	P/SE	P/SE		P/SE		P/SE	<u>P/SE</u>
(g) Commercial (cont.)							
Child day care facility:							
—Family day care home.	P	P		P	P	P	<u>P</u>
—Group day care home. ³⁴	P	P		P	P	P	<u>P</u>
—Child day care center.	SE	SE		SE	P	SE	<u>SE</u>
Church, memorial garden, convent, monastery, and/or other place of worship.	P	P	P	P	P	P	<u>P</u>
Day care facility for more than 4 senior adults and persons with disabilities.	SE	SE	SE	SE	SE	SE	<u>SE</u>
Day care facility for not more than 4 senior adults and persons with disabilities. ¹⁴	P	P	P	P	P	P	<u>P</u>
Domiciliary care home for more than 16 residents. ³⁵	SE	SE	SE	SE	SE	SE	<u>SE</u>
Educational institution, private.	SE	SE	SE	SE ¹³	SE	SE	<u>SE</u>
Family burial sites.		SE	SE	SE	SE		
Fire station, publicly supported.	P	P	P	P	P	P	<u>P</u>
Funeral parlor or undertaking establishment				SE ⁴⁰			
Home health practitioner's office.	P ²² / SE ²¹	P ²² / SE ²¹	P ²² / SE ²¹	P ²² / SE ²¹	P ²² / SE ²¹	P ²² / SE ²¹	<u>P²²/ SE²¹</u>
Home occupation, major. ²¹	SE	SE	SE	SE	SE	SE	<u>SE</u>
Home occupation, registered. ²²	P	P	P	P	P	P	<u>P</u>
Home occupation, no impact. ²³	P	P	P	P	P	P	<u>P</u>

	Rural	RC	LCRC	RDT	RS	RNC	<u>RNC/ TDR</u>
Hospice care facility.	SE	SE	SE	SE	SE	SE	<u>SE</u>
Hospital, veterinary.	SE	SE	SE	SE	SE	SE	<u>SE</u>
Nursing home. ³⁵	SE	SE			SE	SE	<u>SE</u>
Offices, general. ²⁹					SE		
Publicly owned or publicly operated use.	P	P	P	P	P	P	<u>P</u>
Respite care home.	P	P	P	P	P	P	<u>P</u>
Sanitarium.	SE	SE	SE	SE	SE	SE	<u>SE</u>

(h) Services:²

Adult foster care home.	P	P	P	P	P	P	<u>P</u>
Ambulance or rescue squad, publicly supported.	P	P	P	P	P	P	<u>P</u>
Animal boarding place.	SE	SE	SE	SE	SE	SE	<u>SE</u>
Cemetery.	SE	SE	SE	SE	SE	SE	<u>SE</u>
Charitable or philanthropic institution. ¹⁹	SE	SE	SE	SE	SE	SE	<u>SE</u>

(i) Cultural, Entertainment and Recreational:

Boathouse, private.	P	P	P	P	P		
Camp retreat, non-profit.		P ⁴⁵					
Campground.	SE						
Country club.	SE	SE	SE				
Golf course.	SE	SE	SE	SE ²⁵			
Hunting or fishing cabin, private. ¹⁶	P	P	P	P			
Kennel, noncommercial.	P	P	P	P	P	P	<u>P</u>
Libraries and museums. ³⁰		P				P ²	<u>P²</u>
Private club or service organization.	SE	SE	SE	SE	SE	SE ²	<u>SE²</u>
Recreational or entertainment establishment, or commercial.	SE				SE		
Riding stable, private. ¹⁷			P				
Rifle, pistol, or skeet shooting range, outdoor.	SE ²	SE ²	SE	SE			
Swimming pool, community.	SE	SE	SE			SE ²	<u>SE²</u>

	Rural	RC	LCRC	RDT	RS	RNC	<u>RNC/</u> <u>TDR</u>
Swimming pool, private. ¹⁶	P	P	P	P	P	P	<u>P</u>
Theater, legitimate.	SE				SE		

(j) Miscellaneous:Accessory buildings and
uses.

P	P	P	P	P	P	P	<u>P</u>
P ⁴³	P ⁴³	P ⁴³	P ⁴³	P ⁴³	P ⁴³	P ⁴³	<u>P⁴³</u>

Security pavilion

Signs, in accordance with
the provisions
of Article 59-F.

P	P	P	P	P	P	P	<u>P</u>
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Wildlife or game preserve,
regulated shooting ground
licensed by the Maryland
Wildlife Administration,
and other conservation
areas.

P	P	P	P	P	P		
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14 **Sec. 59-C-9.4. Development standards.**

15 The following requirements apply in all cases, except as specified in the optional
16 standards for cluster development set forth in sections 59-C-9.5 and 59-C-9.57 and the
17 exemption provisions of section 59-C-9.7.

18 * * *

	Rural	RC	LDRC	RDT	RS	RNC	<u>RNC/</u> <u>TDR</u>
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**59-C-9.42. Minimum
net lot area.**No main building,
together with its
accessory buildings,
shall be located on a
lot having a net area
of less than

5	5	5	40,000	2	25,000	<u>25,000</u>
acres	acres	acres	sq.ft.	acres ⁴	sq.ft.	<u>sq.ft.</u>

	Rural	RC	LDRC	RDT	RS	RNC	<u>RNC/ TDR</u>
59-C-9.43. Minimum lot width (in feet):							
(a) Measured along front building line	300	300	300	125	125	100	<u>100</u>
(b) Measured along front street line	25	300	300	25	300	25	<u>25</u>
59-C-9.44. Yard requirements for a main building (in feet):							
(a) <i>Minimum setback from street.</i> The front building line must be parallel to the front lot line or proposed street line and set back from the lot or street line at least	50	50 ¹	50 ¹	50 ¹	50 ³	40	<u>40</u>
(b) <i>Minimum side yard, 2 required:</i>							
(1) One side	20	20	20	20	20	15	<u>15</u>
(2) Sum of both sides	40	40	40	40	40		
(3) Abutting a public street	50	50 ¹	50 ¹	50 ¹	50 ³	50 ¹	<u>50¹</u>
(c) <i>Minimum rear yard</i>	35	35	35	35	35 ³	35	<u>35</u>

	Rural	RC	LDRC	RDT	RS	RNC	<u>RNC/ TDR</u>
59-C-9.45. Yard requirements for an accessory building (in feet).							
In the Rural and Rural Cluster zone, an accessory building on a residential lot must be located in the rear yard and occupy no more than 25 percent thereof. In all [[6]] <u>7</u> zones, it must be set back at least as follows:							
(a) <i>From the front lot line or proposed street line</i>	80	80	80	(see note 1)	80	80	<u>80</u>
(b) <i>From the side lot line:</i>							
(1) Of an interior lot	15	15	15	15	15	15	<u>15</u>
(2) Of a lot abutting a public street	50 ¹	50 ¹	50 ¹	50 ¹	50 ¹	50	<u>50</u>
(c) <i>From a rear lot line</i>	10	10	10	10	10 ³	10	<u>10</u>

	Rural	RC	LDRC	RDT	RS	RNC	<u>RNC/ TDR</u>
Any accessory building or structure used for the housing, shelter, or sale of animals or fowl other than a household pet must be located at least 25 feet from a lot line and at least 100 feet from any dwelling on another lot or parcel.							
59-C-9.46. Maximum Lot Coverage.							
No more than this percentage of the net lot area may be covered by buildings, including accessory buildings. ²	10	10	10	10	10	10	<u>10</u>
59-C-9.47. Maximum building height, except that there is no height limit for agricultural buildings (in feet)							
	50	50	50	50	50	35	<u>35</u>

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Rural RC LDRC RDT RS RNC RNC/
TDR

59-C-9.48.**Additional
Development
Requirements**

In the zones indicated
thus (*), moderately
priced dwelling units
are required in
accordance with the
provisions of Chapter
25A and Section 59-
C-9.57.

*⁵*⁵

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23 * * *

24 **59-C-9.49. Methods of Development [[Standards]] – Transferable development**
25 **rights zones.**

26 (a) **Location.** Land must not be classified in any transferable development
27 rights zone unless recommended on an approved and adopted master plan
28 or sector plan.

29

30 **59-C-9.49.1. Methods of Development.** The following methods of
31 development are possible in a TDR zone:

32

33 (a) **Standard method of development.** Development under the
34 standard method for a TDR zone must comply with the
35 requirements for development and density limitations contained in
36 the corresponding zone as identified in 59-C-9.4. In addition,
37 standard method development may be approved under either the
38 cluster development procedures of 59-C-1.5 or the procedures for

development including moderately priced dwelling units, as contained in 59-C-1.6, if the property satisfied the minimum requirements for these development options.

(b) Optional method of development. Under the optional method of development for a TDR zone, a greater density may be permitted up to the maximum density established under the development standards of 59-C- 9.4 for the zone, and development must conform to the special regulations for an optional method development project using transferable development rights under 59-C-9.4. An optional method of development project must comply with the density, numerical limitations, and other guidelines contained in the applicable master plan approved by the district council.

	<u>[[RNC/TDR]]</u>
<u>[[59-C-9.492 Development Standards – Transferable Development Rights Zone:</u>	
<u>(a) Land uses.</u> <u>Uses allowed in a TDR zone are those uses allowed in the following zone(s):</u>	<u>RNC</u>
<u>(b) Development standards – Standard method:</u>	
<u>Development limitations for cluster development or MPDU development- applicable to the following zone(s), apply to similar development in a standard method TDR zone:</u>	<u>RNC</u>
<u>All other development standards must be in accord with the development standards applicable to the following zone(s):</u>	<u>RNC</u>
<u>(c) Development standards – Optional method:</u>	

- <u>Maximum density of development (maximum number of dwellings per acre</u>	<u>1</u>
- <u>All other development standards as specified in the special regulation provision of section 59-C-9.584.]]</u>	

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54 **59-C-9.57. Special regulations for development in the Rural Neighborhood**
55 **Cluster Zone.**

56 * * *

57 **59-C-9.574. Optional method development.**

58 * * *

59 **[[59-C-9.575. Optional method using transferable development rights.**

60 The use of transferable development rights including applicability,
61 general provisions, development approval procedures, and development
62 standards shall be governed by the provisions within Section 59-C-1.39 of
63 this Chapter. Special additional provisions for use in TDR developments
64 are noted below. The following development standards for the
65 development of a property under the optional method apply to the TDR
66 density shown on the master plan for that area. Where moderately priced
67 dwelling units are included in accordance with the requirements of
68 chapter 25A of this Code, as amended, the MPDU development standards
69 apply. The increase in density must not exceed 22 percent of the TDR
70 density.]]

71

<u>[[TDR Density per Acre</u> <u>Shown on Master Plan</u>	<u>Development Standards and</u> <u>Permitted Residential Uses</u>
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	<u>Without MPDU's</u>	<u>With MPDU's</u>
<u>1</u>	<u>RNC</u>	<u>RNC]]</u>

		<u>[[Minimum (Maximum) percentage required]]</u>		
<u>[[TDR Density per Acre Shown on Master Plan</u>	<u>Size of Development</u>	<u>One-Family Detached</u>	<u>One-Family Townhouse and Attached</u>	<u>Green Area</u>
<u>1</u>	<u>All sizes</u>	<u>P</u>	<u>P</u>	<u>65-85%]]</u>

59-C-9.57[5][[6]] 5. Off-street parking.

Parking must be provided in accordance with the provisions of Division 59-E except as follows: All parking must be located on the same lot as the use with which it is associated.

59-C-9.57[6][[7]] 6. Site plan review.

Site plan approval is required under the optional method of the Rural Neighborhood Zone as set forth in Division 59-D-3.

59-C-9.58. Special regulations for development in the Rural Neighborhood Cluster / Transferable Development Rights (RNC/TDR) Zone.

59-C-9.581. Purpose.

The purpose of this zone is as described in 59-C-9.571 for the Rural Neighborhood Cluster zone.

59-C-9.582. Rural open space

Rural open space is land that is managed or unmanaged as described in 59-C-9.572 for the Rural Neighborhood Cluster Zone

59-C-9.583. Standard method of development

Development under the standard method must comply with 59-C-9.573 of the Rural Neighborhood Cluster Zone

59-C-9.584. Optional method of development using transferable development rights.

59-C-9.584.1 Applicability. The following procedures and regulations apply to the transfer of development rights from land classified in the Rural Density Transfer (RDT) Zone to land classified in the RNC/TDR Zone. A subdivision approved for development under the optional method must not exceed the maximum density permitted in the RNC/TDR Zone and must conform to the guidelines contained in the applicable master plan. Any increase in density above the density applicable to the standard method of development must be based on a ratio of one single-family dwelling unit for each transferable development right (TDR).

59-C-9.584.2. General Provisions.

- (a) A development right must be created, transferred and extinguished only by means of documents, including an easement and appropriate releases, in a recordable form approved by the planning board. The easement must limit the future construction of one-family dwellings on a property in the RDT zone to the total number of development rights established by the zoning of the property minus all development rights previously transferred in accordance with this section, the number of development rights to be transferred by the instant transaction, and the number of existing one-family detached dwellings on the property.
- (b) The transfer of development rights must be recorded among the land records of Montgomery County, Maryland.
- (c) The development density of a property under the TDR optional method may not be increased above the maximum density permitted in the zone nor beyond the density or number of dwelling units recommended for such property by the land use plan of the applicable master plan approved by the district council, except as required to provide MPDU's.
- (d) A property developed with the transfer of development rights must conform to the requirements of chapter 25A of the Montgomery County Code requiring MPDU's. The applicability of chapter 25A and the MPDU density increase provided by 59-C-9.574 must be calculated after the base density of a property has been increased by a transfer of development rights. The density increase provided by 59-C-9.574 may be made without the acquisition of additional development rights. The density of development , including the

provision of MPDU's must not exceed 1.22 dwelling units per gross acre.

59-C-9.584.3. Approval Procedures Under the Optional Method of Development.

- (a) Standards for approval under the Optional Method are as provided in 59-C-9.574 for the Rural Neighborhood Cluster Zone. These standards include the minimum area of development, the standards for diversity of lot sizes and house sizes, development standards, common open space requirements, standards for the use of private streets, sewage treatment requirements, and rural open space guidelines.
- (b) A request to utilize development rights on a property under the optional method must be in the form of a preliminary subdivision plan submitted in accordance with the subdivision regulations contained in Chapter 50.
- (c) A site plan must be submitted and approved in accordance with the provisions of Division 59-D-3.
- (d) The 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;

- 168 (3) Is in accordance with chapter 50, title "Subdivision of Land;"
169 (4) Is consistent with other recommendations of the master plan
170 approved by the district council; and
171 (5) Achieves a desirable development compatible with both site
172 conditions and surrounding existing and future development.

173 (e) Prior to recordation of a final record plat for a subdivision using
174 transferred development rights, an easement to the Montgomery
175 County Government in the form required by 59-C-1.392(a) limiting
176 future construction of dwellings on a property in the RDT zone by
177 the number of development rights received must be recorded in the
178 land records of Montgomery County, Maryland.

179 (f) A final record plat for a subdivision using transferred development
180 rights must contain a statement setting forth the development
181 proposed, the zoning classification of the property, the number of
182 development rights used, and a notation of the recordation of the
183 conveyance required by 59-C-9.584.2(b)

184
185 **59-C-9.584.6. Off-street parking.**

186 Parking must be provided in accordance with the provisions of 59-C-9.75 for the
187 Rural Neighborhood Cluster zone.

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

This is a correct copy of Council action.

Elda M. Dodson

Elda M. Dodson, CMC, Acting Clerk of the Council