

Resolution No.:	<u>20-315</u>
Introduced:	<u>November 7, 2023</u>
Adopted:	<u>November 7, 2023</u>

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION  
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT  
WITHIN MONTGOMERY COUNTY, MARYLAND**

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Lead Sponsor: District Council

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**SUBJECT:** Resolution to Extend Public Hearing Date for Zoning Text Amendment (ZTA) 23-08, Transferable Development Rights - Cemetery

**Background**

1. On November 7, 2023, the District Council introduced Zoning Text Amendment (ZTA) 23-08, Transferable Development Rights - Cemetery.
2. Under Section 7.5.1. and 7.5.2.A. of the Zoning Ordinance, the District Council must publish a notice of the public hearing in at least 2 newspapers of general circulation in the County a minimum of 30 days before the hearing date.
3. The 30<sup>th</sup> day after November 7, 2023, would fall on December 7, 2023. Therefore, the District Council cannot hold a public hearing on ZTA 23-08 before December 7, 2023.
4. The Council will not be holding public hearings on Tuesday, December 12, 2023, its next Council hearing date after December 7, 2023.
5. Under Section 7.2.4.D. of the Zoning Ordinance, the District Council must hold a public hearing within 60 days after introduction, unless the District Council extends the hearing date.
6. The Council is on recess from December 18, 2023, through January 15, 2024.
7. The 60<sup>th</sup> day after November 7, 2023, would fall on January 8, 2024.

**Action**

For these reasons, 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 resolution:

The public hearing date for ZTA 23-08, Transferable Development Rights - Cemetery, is extended to the close of business on January 30, 2024.

This is a correct copy of Council action.

A handwritten signature in black ink, appearing to read 'Sara', is written over a horizontal line.

Sara R. Tenenbaum  
Clerk of the Council

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  
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 THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
 MONTGOMERY COUNTY, MARYLAND**

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Lead Sponsor: Councilmember Balcombe

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**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)

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

This is a correct copy of Council action.

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Sara R. Tenenbaum  
Clerk of the Council