

Introduction

**MEMORANDUM**

February 5, 2009

TO: County Council

FROM: Jeffrey L. Zyontz,  Legislative Attorney

SUBJECT: Introduction – Zoning Text Amendment 10-02,  
Residential Townhouse (RT) Zones – Existing Dwellings

Zoning Text Amendment (ZTA) 10-02, sponsored by Council Vice President Ervin and Councilmember Elrich, is scheduled to be introduced on February 9, 2010. This ZTA would add a provision in the RT zones to make multi-family building, existing before the land was classified in the RT zone, conforming.

Applications for RT zones sometimes involve land that has existing improvements. Those existing buildings may be made non-conforming after the application of the RT zone. This is not a problem when the owner intends to demolish those existing buildings; it is a problem when the owner decides to retain those buildings. ZTA 10-02 would make pre-existing multifamily building conforming.

RT zones allow the local map amendment applicant the option of filing a schematic development plan. The plan restricts the site's development. Applicants are willing to use this option in to avoid opposition to the rezoning. If the Council approves the rezoning, the owner is required to record covenants in the land records to assure that any future development will conform to the schematic development plan's binding elements. ZTA 10-02 would require any future redevelopment to conform to covenants record under a schematic development plan approval.

A public hearing will be held on March 16, 2010 at 1:30 p.m. if the Council approves the attached resolution.

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ZTA 09-11  
Resolution

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Zoning Text Amendment No: 10-02  
Concerning: Residential Townhouse (RT)  
Zones – Existing Dwellings  
Draft No. & Date: 1 -2/3/10  
Introduced: February 9, 2010  
Public Hearing: March 16, 2010  
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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By: Council Vice President Ervin and Councilmember Elrich

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

- add a provision in the RT zones to make certain existing structures conforming;

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

59-C-1.724. Existing structures

**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.

**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-C-1 is amended as follows:**

2  
3           **DIVISION 59-C-1. RESIDENTIAL ZONES, ONE-FAMILY.\***

4           \*   \*   \*

5           **59-C-1.7. R-T zones, townhouse, residential.**

6           \*   \*   \*

7           **59-C-1.724. Existing structures**

8           Multiple-family dwellings existing before the application of a RT zone, are conforming  
9           structures and may be repaired, reconstructed, or structurally altered under the provisions of their  
10          prior zone if the gross floor area of those dwellings is not increased above the gross floor area  
11          that existed on the date that the lot was rezoned; however, if covenants were recorded under an  
12          approved schematic development plan, any reconstruction or alteration must satisfy the  
13          conditions of those covenants.

14  
15          **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the date of  
16          Council adoption.

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19          This is a correct copy of Council action.

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21          \_\_\_\_\_  
22          Linda M. Lauer, Clerk of the Council

Resolution No.: \_\_\_\_\_  
Introduced: February 9, 2010  
Adopted: \_\_\_\_\_

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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By: District Council

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Subject: Notice of Public Hearing on Zoning Text Amendment 10-02

Background

1. Section 59-H-9.3 of the Montgomery County Ordinance requires that, within 30 days of introduction of any text amendment, the Council act by resolution to set a date and time for public hearing on the proposed amendment.
2. Zoning Text Amendment No. 10-02 introduced on February 9, 2010 would add a provision in the RT zones to make certain existing structures conforming.
3. Council Vice President Ervin and Councilmember Elrich requested consideration of the Zoning Text Amendment.

Action

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:

Legal notice will be given of the public hearing to be held on March 16, 2010 at 1:30 p.m., in the Council Hearing Room, Stella Werner Council Office Building, Rockville, Maryland, for the purpose of giving the public an opportunity to comment on the proposed amendment.

This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council