

Introduction

MEMORANDUM

March 12, 2010

TO: County Council

FROM: Jeffrey L. Zyontz, Legislative Attorney

SUBJECT: Introduction – Zoning Text Amendment 10-03, Exemptions – Legal Dwellings

Zoning Text Amendment (ZTA) 10-03 is being sponsored by Councilmember Knapp. Councilmember Knapp believes that the current provisions of the ordinance create an untenable situation for certain unplatted parcel owners. A record plat is required before the Department of Permitting Services can approve a building permit. Some unplatted parcels contain legally constructed one-family dwellings, yet the parcels do not meet the standards of the current zone. The owner of such a parcel is currently unable to record a plat under certain circumstances. ZTA 10-03 would exempt the parcel from the standards of its current zoning and allow a plat to be approved.

A public hearing on ZTA 10-03 will be scheduled for April 20, 2010 at 1:30 p.m., if the attached resolution is approved.

This Packet Contains
ZTA 10-03
Resolution

© number
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Zoning Text Amendment No: 10-03
Concerning: Exemptions – Legal Dwellings
Draft No. & Date: 1 - 3/3/10
Introduced: March 16, 2010
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**

By: Councilmember Knapp

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- provide an exemption from current zoning standards for certain unplatted parcels with legally constructed one-family detached dwelling units.

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

DIVISION 59-B-8. EXEMPTIONS FOR UNPLATTED PARCELS CONTAINING ONE-FAMILY DETACHED DWELLING UNITS

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 that text 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-B-8 is added as follows:**

2 DIVISION 59-B-8. EXEMPTIONS FOR UNPLATTED PARCELS
3 CONTAINING ONE-FAMILY DETACHED DWELLING UNITS.

4
5 Sec. 59-B-8.1. One-Family Detached Dwelling Units On Parcels Created by Deed.

6 A parcel, created by deed, that contains a one-family detached dwelling unit that
7 was lawfully constructed is exempt from the area and dimensional requirements of
8 its current zone, and may be recorded if the resulting lot meets the requirements of
9 the zone in which the parcel was classified when the dwelling was constructed.

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

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15 This is a correct copy of Council action.

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18 Linda M. Lauer, Clerk of the Council

Resolution No.: _____
Introduced: March 16, 2010
Adopted: _____

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

By: District Council

Subject: Notice of Public Hearing on Zoning Text Amendment 10-03

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. 10-03, introduced on March 16, 2010, would exempt certain parcels with legally constructed one-family detached dwellings from the standards of the current zone.
3. The current provisions prevent some parcels with legally constructed one-family detached dwelling units from recording a plat, even though a plat is required to get a building permit.

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 April 20, 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.

Linda M. Lauer, Clerk of the Council