

Public Hearing

MEMORANDUM

March 12, 2010

TO: County Council

FROM: Jeffrey L. Zyontz, Legislative Attorney

SUBJECT: Public Hearing – 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, was introduced on February 9, 2010. This ZTA would add a provision in the RT zones to make multi-family buildings, 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 multi-family buildings 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 order 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 recorded under a schematic development plan approval.

The Planning, Housing, and Economic Development Committee will schedule a worksession on ZTA 10-02 at a later date.

This packet contains
ZTA 10-02

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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**

By: Council Vice President Ervin and Councilmember Elrich

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

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

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19 This is a correct copy of Council action.

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22 Linda M. Lauer, Clerk of the Council