

Public Hearing

MEMORANDUM

April 16, 2010

TO: County Council

FROM: Jeffrey L. Zyontz,  Legislative Attorney

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

Zoning Text Amendment (ZTA) 10-03 is being sponsored by Councilmembers Knapp and Elrich. They believe 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.

The Planning, Housing, and Economic Development Committee has tentatively scheduled a worksession on ZTA 10-03 for April 22, 2010.

This Packet Contains
ZTA 10-03

© number
1 – 2

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: Councilmembers Knapp and Elrich

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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Linda M. Lauer, Clerk of the Council