

Zoning Text Amendment No: 07-09
Concerning: RDT - Child Lots Standards
Draft No. & Date: 1 – 5/31/07
Introduced: June 12, 2007
Public Hearing: 7/19/07; 7:30 PM
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 President Praisner on behalf of the Maryland-National Capital
Park and Planning Commission

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- amending the density calculations in the RDT Zone to clarify that the number of child lots must not exceed the allowable base density; and
- generally amending the conditions for creation of a child lot in the RDT Zone.

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

DIVISION 59-C-9 “Agricultural Zones”
Section 59-C-9.74 “Exempted lots and parcels-Rural Density Transfer zone”

*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-9 is amended as follows:**

2 **DIVISION 59-C-9. Agricultural Zones.**

3 * * *

4 **59-C-9.4. Development standards.**

5

6 The following requirements apply in all cases, except as specified in the optional
7 standards for cluster development set forth in sections 59-C-9.5 and 59-C-9.57 and
8 the exemption provisions of section 59-C-9.7.

9 * * *

10 **59-C-9.7. Exempted lots and parcels and existing buildings and permits.**

11 * * *

12 **59-C-9.74. Exempted lots and parcels—Rural Density Transfer zone.**

13 (a) The number of lots created for children in accordance with the
14 Maryland Agricultural Land Preservation Program must not exceed
15 the development rights assigned to the property and retained by the
16 property owner.

17 (b) The following lots are exempt from the area and dimensional
18 requirements of section 59- C-9.4 but must meet the requirements of
19 the zone applicable to them [prior to their classification in the Rural
20 Density Transfer zone] before January 7, 1981.

21 (1) A recorded lot created by subdivision, if the record plat was
22 approved for recordation by the Planning Board [prior to the
23 approval date of the sectional map amendment which initially
24 zoned the property to the Rural Density Transfer Zone] before
25 January 7, 1981.

- 26 (2) A lot created by deed executed [on or] before [the approval date
27 of the sectional map amendment which initially zoned the
28 property to the Rural Density Transfer Zone] January 7, 1981.
- 29 (3) A record lot having an area of less than 5 acres created after
30 [the approval date of the sectional map amendment which
31 initially zoned the property to the Rural Density Transfer Zone]
32 January 6, 1981 by replatting 2 or more lots; provided that the
33 resulting number of lots is not greater than the number which
34 were replatted.
- 35 (4) A lot created for use for a one-family [residence] dwelling by a
36 child, or the spouse of a child, of the property owner, provided
37 that the following conditions are met:
- 38 (i) The property owner can establish that he had legal title
39 on or before the approval date of the sectional map
40 amendment which initially zoned the property to the
41 Rural Density Transfer Zone;
- 42 (ii) This provision applies to only one such lot for each child
43 of the property owner; [and]
- 44 (iii) Any lots created for use for one-family residence by
45 children of the property owner must not exceed the
46 number of development rights for the property owner[.];
47 and
- 48 (iv) The overall density of the property does not exceed one
49 dwelling unit per 25 acres in any subdivision recorded
50 after June 12, 2007.

51 * * *

52 **Sec. 2. Effective date.** This ordinance takes effect 20 days after the date of
53 Council adoption.

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55 This is a correct copy of Council action.

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60 Linda M. Lauer, Clerk of the Council

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