

Ordinance No.: 16-51
Zoning Text Amendment No.: 10-03
Concerning: Exemptions – Legal Dwellings
Draft No. & Date: 2 – 4/22/10
Introduced: March 16, 2010
Public Hearing: April 20, 2010
Adopted: May 4, 2010
Effective: May 24, 2010

**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.*

OPINION

Zoning Text Amendment No. 10-03, sponsored by Councilmembers Knapp and Elrich, was introduced on March 16, 2010. In the sponsors' opinion, 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 and is unable to have a building permit approved. ZTA 10-03 would exempt the parcel from the standards of its current zoning and allow a plat to be approved.

The Montgomery County Planning Board, in its report to the Council, recommended that the zoning text amendment be approved with amendments to exclude farm tenant dwellings.

The Council held a public hearing on ZTA 10-03 on April 20, 2010. Testimony supported the ZTA, with some concern about the subdivision process required. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on April 22, 2010 to review the amendment. The Committee recommended approval with amendments to exclude all types of farm tenant housing.

The District Council reviewed Zoning Text Amendment No. 10-03 at a worksession held on May 4, 2010 and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 10-03 will be approved as amended.

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 lawfully constructed one-family detached
7 dwelling unit, excluding a farm tenant dwelling and a farm tenant mobile home,
8 [[that was lawfully constructed]] is exempt from the area and dimensional
9 requirements of its current zone, and may be recorded under Chapter 50 if the
10 resulting lot meets the requirements of the zone in place [[which the parcel was
11 classified]] when the dwelling was constructed.

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

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17 This is a correct copy of Council action.

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19 *Linda M. Lauer*

20 Linda M. Lauer, Clerk of the Council