

Introduction

MEMORANDUM

April 17, 2009

TO: County Council

FROM: Jeffrey L. Zyontz,  Legislative Attorney

SUBJECT: **Introduction:** Zoning Text Amendment 09-02,
Special Provision -Parcel Consolidation

Zoning Text Amendment (ZTA) 09-02, sponsored by Councilmember Berliner, is scheduled to be introduced on April 21, 2009. A public hearing will be held on June 9, 2009 at 1:30 p.m. if the Council approves the attached resolution.

Zoning Text Amendment No. 09-02 would amend the Zoning Ordinance to allow 2 or more tracts of land created by deed or plat before June 1, 1958 to be consolidated by record plat into 1 buildable lot without regard to the width and size requirements of the underlying zone, if:

- (1) the tracts of land are under common ownership; and
- (2) a habitable one-family dwelling crossed a property line created by a deed or plat.

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Zoning Text Amendment No: 09-02
Concerning: Special Provision - Parcel
Consolidation
Draft No. & Date: 1 – 4/1/09
Introduced: April 21, 2009
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 Berliner

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow the consolidation of certain lots, parts of lots, or parcels under certain circumstances.

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County code:

DIVISION 59-B-5. “SPECIAL PROVISIONS FOR CONDITIONS PREDATING 1958”

Adding:

Section 59-B-5.4. “Resubdivision of lots, parts of lots, or parcels with dwellings”

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-B-5 is amended by adding Section 59-B-5.4 as**
2 **follows:**

3 DIVISION 59-B-5. SPECIAL PROVISIONS FOR CONDITIONS PREDATING
4 1958.

5 * * *

6 **Sec. 59-B-5.4. Resubdivision of lots, parts of lots, or parcels with dwellings.**

7 (a) Any two or more tracts of land created by deed or plat before June 1, 1958
8 may be consolidated by record plat into one buildable lot, even if the new lot
9 does not meet the width and size requirements of the underlying zone, if:

10 (1) the tracts of land are under common ownership; and

11 (2) a habitable one-family dwelling located on the tracts, before {the
12 effective date}, crossed a property line created by deed or plat.

13 (b) The dwelling on any lot created under subsection (a) may be altered,
14 renovated, enlarged, or replaced by a new dwelling under the zoning
15 development standards in effect when the application is approved, even if
16 the lot's width and size standards are not satisfied.

17
18 **Sec. 2. Effective date.** This ordinance takes effect 20 days after the date of
19 Council adoption.

20
21 This is a correct copy of Council action.

22
23 _____
24 Linda M. Lauer, Clerk of the Council

Resolution No.: _____
Introduced: April 21, 2009
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 09-02

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. 09-02, introduced on April 21, 2009 would amend the Zoning Ordinance to allow the consolidation of certain lots, parts of lots, or parcels under certain circumstances.

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 June 9, 2009 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