

**Public Hearing**

**MEMORANDUM**

June 5, 2009

TO: County Council

FROM: Jeffrey L. Zyontz,  Legislative Attorney

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

On April 21, 2009 Zoning Text Amendment (ZTA) 09-02, sponsored by Councilmember Berliner, was introduced. Zoning Text Amendment 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.

The Planning, Housing, and Economic Development Committee will schedule a worksession on ZTA 09-02 in the near future.

This packet contains

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ZTA 09-02

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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**

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By: Councilmember Berliner

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**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.

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23 \_\_\_\_\_  
24 Linda M. Lauer, Clerk of the Council