

Ordinance No.: 18-40  
Zoning Text Amendment No.: 17-13  
Concerning: Exemptions - Public  
Taking  
Draft No. & Date: 2 – 1/29/18  
Introduced: October 31, 2017  
Public Hearing: December 5, 2017  
Adopted: February 6, 2018  
Effective: February 26, 2018

**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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Lead Sponsor: Councilmember Floreen

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- remove the possibility of structures located on a lot reduced in area by a public acquisition from becoming nonconforming;
- allow the repair, alteration, or reconstruction of such structure under certain circumstances;
- allow the lot reduced in area by public acquisition to be legal; and
- generally amend the provisions for exemptions

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

Division 7.7. “Exemptions and Nonconformities”  
Section 7.7.1. “Exemptions”

**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 text that 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. 17-13 was introduced on October 31, 2017 to avoid making structures and lots non-conforming because of public acquisition.

In its report to the Council, the Montgomery County Planning Board recommended approval as introduced.

The County Council held a public hearing on December 5, 2017 to receive testimony concerning the proposed text amendment. In addition to the positive recommendation from the Planning Board, correspondence indicated a concern for parking standards.

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 worksessions on December 11, 2017 and January 29, 2018 to review the text amendment. After careful review of the materials of record, the Committee recommended that ZTA 17-13 be approved with amendments. The Committee believed that any structure subject to public acquisition should be allowed to enlarge. In addition, the Committee recommended amendments to prevent parking from being made non-conforming. The District Council reviewed Zoning Text Amendment No. 17-13 at a worksession held on February 6, 2018. The Council agreed with the Committee's recommendation to approve ZTA 17-13 as amended.

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. 17-13 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:*

**Sec. 1. DIVISION 59-7.7 is amended as follows:**

**Division 7.7. Exemptions and Nonconformities**

**Section 7.7.1. Exemptions**

\* \* \*

**F. Public Taking**

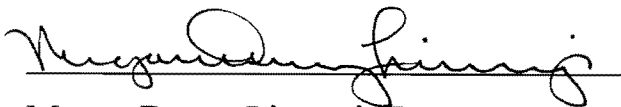
1. A lawful structure or surface parking lot located on a lot reduced in area by a public acquisition that would render the structure or parking lot nonconforming is legal and the structure or parking lot may be repaired, altered, or reconstructed[], but may not be enlarged[]].

2. A lot reduced in area by a public acquisition is legal.

\* \* \*

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

This is a correct copy of Council action.



Megan Davey Limarzi, Esq.  
Clerk of the Council