

Ordinance No:  
Zoning Text Amendment No: 08-11  
Concerning: Standards – Residential Zones  
Draft No. & Date: 2 – 5/06/08  
Introduced: May 6, 2008  
Public Hearing: June 17, 2008  
Adopted:  
Effective:

**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 Berliner, Andrews, Elrich, and Trachtenberg

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

- amend the provisions concerning an established building line;
- require regulations to implement the provision concerning a sloping lot;
- amend the maximum height for certain lots in the R-200 zone;
- amend the maximum building coverage for certain lots in certain one-family residential zones; and
- generally amend the development standards for one-family residential zones.

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

DIVISION 59-A-5    “COMPLIANCE REQUIRED”  
Section 59-A-5.33   “Established building line”  
Section 59-A-5.41   “Additional stories on sloping lots”  
DIVISION 59-C-1    “RESIDENTIAL ZONES, ONE-FAMILY”  
Section 59-C-1.32   “Development standards”

**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:*



28 setback of all the buildings described in subsection (b) excluding  
29 those buildings:

30 (1) in the R-200 zone that are or were ever served by well or  
31 septic[,];

32 (2) on the subject property;

33 (3) in a different zone than the subject property;

34 (4) on a through lot that fronts on a street different than the subject  
35 property,

36 (5) located on any pipestem, wedge-shaped, or flag-shaped lot; or

37 (6) approved by permit for demolition.

38 is the established building line unless the applicant chooses to  
39 calculate the setback as the average setback of the two adjoining lots.

40 All calculations must be based on a survey that is signed and sealed  
41 by a licensed engineer or surveyor. The engineer or surveyor who

42 signed the survey must also file an affidavit attesting to the accuracy  
43 of the survey. Any building excluded from the established building

44 line restriction must comply with the minimum setback requirement  
45 of the zone.

46 (d) Corner lots have two front yards and are subject to established  
47 building line standards on both streets.

48 \* \* \*

49 **59-A-5.41. Additional stories on sloping lot.**

50 On any sloping lot, stories in addition to the number permitted in the zone in which  
51 [such] the lot is [situated shall] located must be permitted on the downhill side of

52 any building erected on [such] the lot, but the building height limit [shall] must not  
53 otherwise be increased above that specified for the zone. The Department must

54 implement this section under a regulation adopted under method 2.

55 \* \* \*

56 **Sec. 2. DIVISION 59-C-1 is amended as follows:**

57 **DIVISION 59-C-1. RESIDENTIAL ZONES, ONE-FAMILY.**

58 \* \* \*

59 **59-C-1.32. Development standards.**

60 \* \* \*

	RE-2	RE-2C	RE-1	R-200	R-150 <sup>3</sup>	R-90	R-60	R-40 <sup>2</sup>	R-4 plex	RMH 200
<b>59-C-1.327. Maximum Building Height (in Feet).</b>										
Except for agricultural buildings, and except as provided in Division 59-B-1, the maximum height of any building or structure [shall] <u>must</u> be [as follows]:										
For any building in these zones:	50	50	50	50 <sup>*</sup>	50			35		50
For a main building in these zones:									35	
For a main building in the zones indicated (*):						*	*			

	RE-2	RE-2C	RE-1	R-200	R-150 <sup>3</sup>	R-90	R-60	R-40 <sup>2</sup>	R-4 plex	RMH 200
The height must not exceed: (1) 35 feet when measured to the highest point of roof surface regardless of roof type, or (2) 30 feet to the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof, subject to the following:										
(a) The height must not exceed 2 ½ stories <sup>5</sup> or 30 or 35 feet, depending on the method of measurement, if other lots on the same side of the street and in the same block are occupied by buildings with a building height the same or less [that] <u>than</u> this requirement.										
(b) The height may be increased to either 3 stories or 40 feet if approved by the [planning board] <u>Planning Board</u> [through the] <u>in a site plan</u> [approval procedures of division 59-D-3].						*	*	*		
An accessory building in these zones must not exceed:									20 <sup>9</sup>	

	RE-2	RE-2C	RE-1	R-200	R-150 <sup>3</sup>	R-90	R-60	R-40 <sup>2</sup>	R-4 plex	RMH 200
An accessory building in these zones, must not exceed 2 stories, and the height from existing grade to the highest point of roof surface must not exceed:						20 <sup>9</sup>	20 <sup>9</sup>	20 <sup>9</sup>		
<b>59-C-1.328. Coverage.</b>										
-Maximum percentage of net lot area that may be covered by buildings, including accessory buildings:	25	25	15	25 <sup>**</sup>	25 <sup>**</sup>	30 <sup>**</sup>	35 <sup>**</sup>	40 <sup>**</sup>		25
-Maximum percentage of tract that may be covered by buildings:									35	
-Maximum percentage of tract [to be] devoted to green areas:									50	

61 \* If the lot: (1) was created by a plat recorded before January 1, 1996, or by a plat of 5 or fewer  
 62 lots recorded after January 1, 1996; (2) is less than 40,000 square feet in area; and (3) is the site  
 63 of a building permit application filed after {date ZTA enacted}, then the maximum allowable  
 64 building height is determined by either of two methods and varies with the lot area as follows:

65 Lot Area in Square Feet

Height in Feet

<u>Equal to or greater than</u>	<u>And less than</u>	<u>Height to the highest point of any roof</u>		<u>The mean height in feet between the eaves and ridge of a gable, hip, mansard, or gambrel roof</u>
<u>25,000</u>	<u>40,000</u>	<u>45</u>	<u>or</u>	<u>40</u>
<u>15,000</u>	<u>25,000</u>	<u>40</u>	<u>or</u>	<u>35</u>
<u>0</u>	<u>15,000</u>	<u>35</u>	<u>or</u>	<u>30</u>

66 Any building constructed under a building permit application filed before {date ZTA enacted}  
67 is not non-conforming, but the building height must not be increased if it exceeds these  
68 standards.

69 \*\* If the lot was created by a plat recorded before January 1, 1996, or by a plat of 5 or fewer lots  
70 recorded after January 1, 1996, then the maximum percentage of lot area that may be covered by  
71 buildings, including any accessory building and any building floor area above a porch, but  
72 not including any bay window, chimney, or porch, must vary with the lot area as follows:

73 Lot area less than 6,000 square feet: 30 percent.

74 Lot area equal to or greater than 6,000 square feet but less than 15,000 square feet: 30  
75 percent, less one percent for every 1,000 square feet of lot area exceeding 6,000 square  
76 feet.

77 Lot area equal to or greater than 15,000 square feet: 20 percent.

78 Any building constructed under a building permit application filed before {date ZTA enacted}  
79 is not non-conforming, but it must not increase the lot area covered if it exceeds the applicable  
80 limit.

81 \* \* \*

82 **Sec. 3. Effective date.** This ordinance takes effect 20 days after the date of  
83 Council adoption.

84 This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council