

AGENDA ITEM #2F
March 2, 2010

Action

MEMORANDUM

February 26, 2010

TO: County Council

FROM: Jeffrey L. Zyontz,  Legislative Attorney

SUBJECT: **Action:** Resolution to extend time for the Council review of Executive Regulation 18-09, concerning Additional Stories on Sloping Lots

On December 9, 2008 the Council enacted ZTA 08-11, Standards – Residential Zones. Section 5 of ZTA 08-11 required the Executive to adopt and submit regulations to implement the Home Energy Loan Program to the Council by November 27, 2009 under method 2 of Section 2A-15.

On January 4, 2010 the Council received the regulations. In the absence of Council action, the regulations will be unreviewable by the Council after March 5, 2010. The Planning, Housing, and Economic Development Committee has been unable to attend to this matter due to other pressing matters.

The Council is extending the time for review of Executive Regulation 18-09, concerning Additional Stories on Sloping Lots, until June 30, 2010.

<u>This packet contains:</u>	<u>Circle</u>
Resolution extending the time of Council review	1
County Executive transmittal and proposed regulations	2 – 5

Resolution No.: _____
Introduced: March 2, 2010
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY MARYLAND**

By: County Council

SUBJECT: Resolution to extend time for Council review of Executive Regulation 18-09, concerning Additional Stories on Sloping Lots

Background

1. On December 9, 2008 the Council enacted ZTA 08-11, Standards – Residential Zones.
2. Section 5 of ZTA 08-11 required the Executive to adopt and submit regulations to implement the Home Energy Loan Program to the Council by November 27, 2009 under method 2 of Section 2A-15.
3. On January 4, 2010 the Council received the regulations. In the absence of Council action, the regulations would not be reviewable by the Council after March 5, 2010.
4. The Planning, Housing, and Economic Development Committee has been unable to attend to this matter due to other pressing matters.

Action

The County Council for Montgomery County Maryland approves the following resolution:

The Council extends the time for review of Executive Regulation 18-09, concerning Additional Stories on Sloping Lots, until June 30, 2010.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

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EXEC REG



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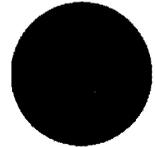
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OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

MEMORANDUM

January 4, 2010



2010 JAN -4 PM 3:42

RECEIVED
MONTGOMERY COUNTY
COUNCIL

TO: Nancy Floreen, President Method 2
 Montgomery County Council

FROM: Isiah Leggett, County Executive 

SUBJECT: Executive Regulation 18-09 - Additional Stories on Sloping Lots

The purpose of this memorandum is to transmit for the County Council's approval Executive Regulation 18-09, Additional Stories on Sloping Lots. This regulation implements Section 59-A-5.41 of the County Code as required by Zoning Text Amendment (ZTA) 08-11, Standards – Residential Zones, which took effect April 28, 2009.

Section 59-A-5.41 allows additional stories to be constructed on the downhill side of any building erected on a sloping lot so long as the building's height complies with the height limit for the zone in which the building is located. Executive Regulation 18-09 implements Section 59-A-5.41 by establishing the process for determining whether a lot slopes sufficiently to allow additional stories on the downhill side of a building erected on the lot.

Executive Regulation 18-09 was published in the October 2009 County Register. The only comments submitted on the regulation were provided by Raquel Montenegro, Associate Director, Legislative Affairs, Maryland National Capital Building Industry Association. A copy of those comments are attached. The Fiscal Impact Statement for Executive Regulation 18-09 is also attached.

I look forward to working with the Council on this important matter. If you have any questions about this proposed regulation please contact Susan Scala-Demby on 240-777-6255.

Attachments



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive . 101 Monroe Street . Rockville, Maryland 20850

Subject: Additional Stories on Sloping Lots	Number 18-09
Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date:

Montgomery County Regulation on:

ADDITIONAL STORIES ON SLOPING LOTS

Department of Permitting Services

Issued by County Executive
Regulation #18-09

Authority: Code Section 59-A-5.41

Supersedes: None

Council Review: Method 2 under Code Section 2A-15

Comment Deadline: October 31, 2009

Effective Date:

Sunset Date: None

SUMMARY:

This regulation establishes the policies and procedures for the method used to calculate a sloping lot and to determine when a lot slopes sufficiently to allow additional stories on the downhill side of any building erected on a sloping lot. This regulation does not allow additional building height above that specified for the zone.

ADDRESSES: Department of Permitting Services
255 Rockville Pike, Second Floor
Rockville, Maryland 20850

Staff Contact: Amy Edwards, Office Services Coordinator
240-777-6316

BACKGROUND:

The Department of Permitting Services is responsible for the enforcement of the Zoning Ordinance, Chapter 59 of the Montgomery County Code as amended. This regulation establishes the policies and procedures for the method used to calculate a sloping lot and to determine when a lot slopes sufficiently to allow additional stories on the downhill side of any building erected on a sloping lot. This regulation does not allow additional building height above that specified for the zone



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive . 101 Monroe Street . Rockville, Maryland 20850

Subject: Additional Stories on Sloping Lots	Number 18-09
Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date:

Section 1: Purpose

This regulation establishes the process for determining if a lot slopes sufficiently to allow additional stories on the downhill side of a building erected on a sloping lot.

Section 2: Applicability

This regulation applies to any lot that is determined to slope sufficiently to allow additional stories in excess of the number of stories allowed in the zone as defined in 59-A-5.41 of the *Zoning Ordinance*.

Section 3: Policy

3.0 It is the policy of the Department of Permitting Services to determine a lot to be sloping when any of the following circumstances occur on the lot:

- (1) There is a change in vertical elevation of at least one (1) foot for each twelve (12) feet of horizontal distance when measured from between any of the following points:
 - (a) from front lot line to rear of building or addition;
 - (b) from rear lot line to front of building or addition;
 - (c) from front building restriction line to rear building restriction line;
 - (d) from rear building restriction line to front building restriction line;
 - (e) from front of building or addition to rear of building or addition;
 - (f) from rear of building or addition to front of building or addition
 - (g) between side building restriction lines; or
 - (h) from one side of building or addition to other side of building or addition, and
- (2) Between the points selected, there is a change in elevation of at least six feet.



MONTGOMERY COUNTY EXECUTIVE REGULATION

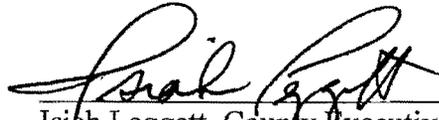
Offices of the County Executive . 101 Monroe Street . Rockville, Maryland 20850

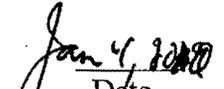
Subject: ADDITIONAL STORIES ON SLOPING LOT	Number: 18-09
Originating Department DEPARTMENT OF PERMITTING SERVICES	Effective Date:

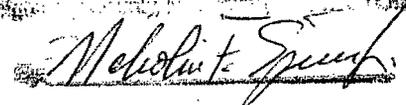
EFFECTIVE DATE

Section 4.

This regulation is effective on April 1, 2010.


Isiah Leggett, County Executive


Date

Montgomery County, Maryland

 Director of Permitting Services