

**Introduction**

**MEMORANDUM**

May 14, 2010

TO: County Council  
FROM: Jeffrey L. Zyontz, <sup>JY</sup>Legislative Attorney  
SUBJECT: Introduction – Zoning Text Amendment 10-06, Sloping Lots - Applicability

Zoning Text Amendment (ZTA) 10-06, sponsored by Councilmember Elrich, is scheduled to be introduced on May 18, 2010. This ZTA would allow only those lots that slope down from the street to the rear of the lot to have additional stories on the rear of the lot. In the opinion of the sponsor, the current sloping lot provision adds to infill development that is out of character with its neighbors; additional stories on the street side of the lot add to the potential for a house to dwarf the dwellings on either side.

A public hearing will be held on June 22, 2010 at 1:30 p.m. if the Council approves the attached resolution.

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Zoning Text Amendment No.: 10-06  
Concerning: Sloping Lots - Conditions  
Draft No. & Date: 1 – 5/11/10  
Introduced: May 18, 2010  
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 Elrich

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

- amend the provision concerning sloping lots

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-5.41   “Additional stories on sloping lots”

**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 that text 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.*

**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-A-5 is amended as follows:**

2   **Division 59-A-5. Compliance Required.**

3   \*       \*       \*

4   **59-A-5.41. Additional stories on sloping lot.**

5   [On any] If the average elevation of the lot along the front lot line abutting a street  
6   is higher than the average elevation of the lot along the rear lot line, and the lot is a  
7   sloping lot, stories in addition to the number permitted in the zone in which the lot  
8   is located must be permitted on the downhill side of any building erected on the  
9   lot, but the building height limit must not otherwise be increased above that  
10  specified for the zone. This section must be implemented by an executive  
11  regulation adopted under method 2 of Section 2A-15.

12  \*       \*       \*

13       **Sec. 2. Effective date.** This ordinance takes effect 20 days after the date of  
14  Council adoption.

15  
16  This is a correct copy of Council action.

17  
18  \_\_\_\_\_  
19  Linda M. Lauer, Clerk of the Council

Resolution No.: \_\_\_\_\_  
Introduced: May 18, 2010  
Adopted: \_\_\_\_\_

**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: District Council

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**Subject:** Notice of Public Hearing on Zoning Text Amendment 10-06

**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. 10-06, introduced on May 18, 2010 would allow only those lots that slope down from the street to the rear of the lot to have additional stories on the rear of the lot.
3. Councilmember Elrich requested consideration of the Zoning Text Amendment.

**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 22, 2010 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.

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Linda M. Lauer, Clerk of the Council