

Resolution No.: 16-1392  
Introduced: June 15, 2010  
Adopted: June 15, 2010

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY MARYLAND**

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By: County Council

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**SUBJECT:** Approval of Executive Regulation 18-09AM, Additional Stories on Sloping Lots

**Background**

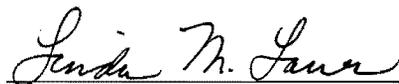
1. The Montgomery County Code §59-A-5.41 authorizes the County Executive to adopt regulations concerning sloping lots under Method 2.
2. On January 4, 2010 the County Council received Executive Regulation 18-09, Additional Stories on Sloping Lots. The Council extended time for action on this regulation on March 2, 2010 until June 30, 2010. The Council received Executive Regulation 18-09AM on June 3, 2010.
3. The Council reviewed the regulation under Method (2) of County Code §2A-15.
4. Under Method (2), the Council may approve, disapprove, or extend the time for action within 60 days of receiving the regulation. In the absence of Council action, the regulation is deemed approved as submitted.
5. On May 6, 2010 the Planning, Housing, and Economic Development Committee reviewed Executive Regulation 18-09 and recommended approval if the Executive was agreeable to stating that measurements were to be taken from the predevelopment grade. Regulation 18-09AM included that amendment.

**Action**

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

The Council approves Executive Regulation 18-09AM, Additional Stories on Sloping Lots.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council



# MONTGOMERY COUNTY EXECUTIVE REGULATION

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

<b>Subject:</b> ADDITIONAL STORIES ON SLOPING LOT	<b>Number:</b> 18-09 AM
<b>Originating Department</b> DEPARTMENT OF PERMITTING SERVICES	<b>Effective Date:</b> June 15, 2010

Montgomery County Regulation on:

ADDITIONAL STORIES ON SLOPING LOTS

Department of Permitting Services

Issued by County Executive  
Regulation # 18-09 AM

Authority: Code Section 59-A-5.41  
Supersedes:

Council Review: Method 2 under Code Section 2A-15  
Register Vol. , Issue

Comment Deadline: October 31, 2009  
Effective Date: June 15, 2010  
Sunset date: None

**SUMMARY;**

This regulation adopts a method by which the Department of Permitting Services calculates when a lot slopes sufficiently to merit additional stories on the down side of the sloping lot.

**ADDRESSES:**

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

**STAFF CONTACT:**

Susan Scala-Demby  
240-777-6255

**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 provides the method used by the Department of Permitting Services to calculate whether a lot has sufficient slope to allow additional stories on the down side of the lot.



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<b>Originating Department</b> DEPARTMENT OF PERMITTING SERVICES	<b>Effective Date:</b>

## 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 a least one (1) foot for each twelve (12) feet of horizontal distance when measured from predevelopment grade 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.



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## EFFECTIVE DATE

### Section 4.

This regulation is effective on June 15, 2010.

  
Isiah Leggett, County Executive

6/14/10  
Date

Approved as to form and legality  
Montgomery County, Md. County Attorney's Office

