

Ordinance No.: 15-78
Zoning Text Amendment No.: 06-13
Concerning: Established building line
Draft No. & Date: 1 – 4/21/06
Introduced: 4/25/06
Public Hearing: 6/13/06; 1:30 p.m.
Adopted: July 18, 2006
Effective: August 7, 2006

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

District Council at the Request of the County Executive

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- clarifying that the established building line requirements apply only if there are at least two existing residential dwellings that are not non-conforming and within 300 feet of the side property line of the proposed construction site; and
- generally amending the established building line standards.

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”

EXPLANATION:	<i>Boldface</i> indicates a heading or a defined term. <u><i>Underlining</i></u> indicates text that is added to existing laws by the original text amendment. <i>[Single boldface brackets]</i> indicate text that is deleted from existing law by the original text amendment. <u><i>Double underlining</i></u> indicates text that is added to the text amendment by amendment. <i>[[Double boldface brackets]]</i> indicate text that is deleted from the text amendment by amendment. <i>* * *</i> indicates existing law unaffected by the text amendment.
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OPINION

Zoning Text Amendment No. 06-13 was introduced on April 25, 2006 for the purpose of clarifying that the established building line requirements apply only if there are at least two existing residential dwellings that are not non-conforming and within 300 feet of the side property line of the proposed construction site; and generally amending the established building line standards.

The Montgomery County Planning Board in its report to the Council recommended that the text amendment be approved with revisions.

The County Council held a public hearing on June 13, 2006, to receive testimony concerning the proposed text amendment. 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 June 19, 2006 and June 27, 2006 to review the amendment.

The District Council reviewed Zoning Text Amendment No. 06-13 at a worksession held on July 18, 2006, and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

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. 06-13 will be approved as revised.

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-A-5 is amended as follows:

DIVISION 59-A-5. COMPLIANCE REQUIRED.

* * *

59-A-5.33. Established building line.

(a) The established building line, as defined in 59-A-2.1, applies only in the R-60, R-90, R-150 and R-200 zones.

(b) The two or more buildings considered in determining the established building line must:

(1) all be within 300 feet of the side property line of the proposed construction site (excluding corner lots);

(2) all be along the same side of the street;

(3) all be between intersecting streets or to the point where public thoroughfare is denied;

(4) all exist at the time when the building permit application is filed;

(5) not be nonconforming, unlawfully constructed, or constructed pursuant to a lawfully granted variance; and

(6) not be located on a pipestem or flag-shaped lot.

(c) The established building line is the minimum setback for the zone, unless there are [[more than]] at least two buildings as described in (b) and more than 50 percent of the buildings described in (b) are set back greater than the minimum, in which case the average setback of all the buildings described in (b) excluding those buildings in the R-200 zone that are served by well or septic, is the established building line. Any building excluded from the established building line restriction must comply with the minimum setback requirement of the zone.

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

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

This is a correct copy of Council action

Linda M. Lauer

Linda M. Lauer, Clerk of the Council