

Zoning Text Amendment No.: 16-11
Concerning: Rural and Residential
Zones – Road Setback
Draft No. & Date: 1 – 7/5/16
Introduced: August 2, 2016
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**

Lead Sponsor: The Planning, Housing, and Economic Development Committee

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- revise the building setback requirements from streets in rural residential and residential zones.

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

DIVISION 4.3.	“Rural Residential Zones”
Section 4.3.4.	“Rural Cluster Zone (RC)”
Section 4.3.5.	“Rural Neighborhood Cluster Zone (RNC)”
DIVISION 4.4.	“Residential Zones”
Section 4.4.5.	“Residential Estate - 2C Zone (RE-2C)”
Section 4.4.6.	“Residential Estate - 1 Zone (RE-1)”
Section 4.4.7.	“Residential - 200 Zone (R-200)”
Section 4.4.8.	“Residential - 90 Zone (R-90)”
Section 4.4.9.	“Residential - 60 Zone (R-60)”
Section 4.4.10.	“Residential - 40 Zone (R-40)”
Section 4.4.11.	“Townhouse Low Density Zone (TLD)”
Section 4.4.12.	“Townhouse Medium Density Zone (TMD)”
Section 4.4.13.	“Townhouse High Density Zone (THD)”
Section 4.4.14.	“Residential Multi-Unit Low Density - 30 Zone (R-30)”
Section 4.4.15.	“Residential Multi-Unit Medium Density - 20 Zone (R-20)”
Section 4.4.16.	“Residential Multi-Unit High Density - 10 Zone (R-10)”

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 text that 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 59-4.3 is amended as follows:**

2 **Division 4.3. Rural Residential Zones**

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4 **Section 4.3.4. Rural Cluster Zone (RC)**

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6 **D. RC Zone, Optional Method Development Standards**

1. Site	Cluster Development
	Detached House
* * *	
3. Placement	
Principal Building Setbacks (min)	
[Front setback from public street]	[50']
Front setback from [private] <u>any</u> street or open space	50'
Side street setback	50'
Side or rear setback	Determined at site plan
Side setback, abutting property not included in application	17'
Rear setback, abutting property not included in application	35'
Rear setback, alley	4'
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8 **Section 4.3.5. Rural Neighborhood Cluster Zone (RNC)**

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10 **C. RNC Zone, Standard Method Development Standards**

1. Site	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse
* * *				
3. Placement				
Principal Building Setbacks (min)				
Front setback[,] from a public street	40'	40'	40'	25'
Front setback[, private street or] from open space or any street, if approved through site plan under Section 7.3.4 after September 13, 2016	40'	40'	40'	4'
Side street setback	50'	50'	50'	15'
Side setback	15'	15'	15'	4'
Side setback, end unit	n/a	n/a	n/a	5'
Side setback between lot and site boundary	n/a	n/a	n/a	15'
Rear setback	35'	35'	35'	20'
Rear setback between lot and site boundary	n/a	n/a	n/a	15'
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12 **E. RNC Zone, Optional Method Development Standards**

1. Site	MPDU Development		
	Detached House	Duplex	Townhouse
* * *			
3. Placement			
Principal Building Setbacks (min)			
[Front setback from public street]	[15']	[15']	[15']

1. Site	MPDU Development		
	Detached House	Duplex	Townhouse
Front setback from [private street or] open space <u>or any street. Requires site plan approval under Section 7.3.4.</u>	15'	15'	15'
Side street setback	15'	15'	15'
Side or rear setback	Determined at site plan		
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method		
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14 **Sec. 2. DIVISION 59-4.4 is amended as follows:**

15 **Division 4.4. Residential Zones**

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17 **Section 4.4.5. Residential Estate - 2C Zone (RE-2C)**

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19 **D. RE-2C Zone, Optional Method Development Standards**

1. Site	MPDU Development			Cluster Development
	Detached House	Duplex	Townhouse	Detached House
* * *				
3. Placement				
Principal Building Setbacks (min)				
[Front setback from public street]	[35']	[35']	[35']	[35']
Front setback from [private] <u>any</u> street or open space	10'	10'	10'	10'

1. Site	MPDU Development			Cluster Development
	Detached House	Duplex	Townhouse	Detached House
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone	35'	35'	35'	35'
Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone	20'	20'	20'	20'
Side or rear setback	Determined at site plan			Determined at site plan
Side setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			Equal to required setback for a detached house building type in the abutting zone under standard method
Rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			50'
Rear setback, alley	4'	4'	4'	4'
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21 **Section 4.4.6. Residential Estate - 1 Zone (RE-1)**

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23 **D. RE-1 Zone, Optional Method Development Standards**

1. Site	MPDU Development			Cluster Development
	Detached House	Duplex	Townhouse	Detached House
* * *				
3. Placement				
Principal Building Setbacks (min)				
[Front setback from a public street]	[35']	[35']	[35']	[35']
Front setback from [private] <u>any</u> street or open space	10'	10'	10'	10'
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone	35'	35'	35'	35'
Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone	20'	20'	20'	20'
Side or rear setback	Determined at site plan			Determined at site plan
Side setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			Equal to required setback for a detached house building type in the abutting zone under standard method
Rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			50'
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25 **Section 4.4.7. Residential - 200 Zone (R-200)**

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C. R-200 Zone, Optional Method Development Standards

1. Site	MPDU Development			Cluster Development
	Detached House	Duplex	Townhouse	Detached House
* * *				
3. Placement				
Principal Building Setbacks (min)				
[Front setback from public street]	[25']	[25']	[25']	[25']
Front setback from [private] <u>any</u> street or open space	10'	10'	10'	10'
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone	25'	25'	25'	25'
Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone	15'	15'	15'	15'
Side or rear setback	Determined at site plan			Determined at site plan
Side setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			Equal to required setback for a detached house building type in the abutting zone under standard method
Rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			40'
Rear setback, alley	4'	4'	4'	4'
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29 **Section 4.4.8. Residential - 90 Zone (R-90)**

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31 **C. R-90 Zone, Optional Method Development Standards**

1. Site	MPDU Development			Cluster Development		
	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse
* * *						
3. Placement						
Principal Building Setbacks (min)						
[Front setback from public street]	[25']	[25']	[25']	[25']	[25']	[25']
Front setback from [private] <u>any</u> street or open space	10'	10'	10'	10'	10'	10'
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone	25'	25'	25'	25'	25'	25'
Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone	15'	15'	15'	15'	15'	15'
Side or rear setback	Determined at site plan			Determined at site plan		
Side setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			Equal to required setback for a detached house building type in the abutting zone under standard method		30'
Rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			30'	30'	30'
Rear setback, alley	4'	4'	4'	4'	4'	4'
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33 **Section 4.4.9. Residential - 60 Zone (R-60)**

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35 **C. R-60 Zone, Optional Method Development Standards**

1. Site	MPDU Development			Cluster Development		
	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse
* * *						
3. Placement						
Principal Building Setbacks (min)						
[Front setback from public street]	[20']	[20']	[20']	[20']	[20']	[20']
Front setback from [private] <u>any</u> street or open space	10'	10'	10'	10'	10'	10'
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone	20'	20'	20'	20'	20'	20'
Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone	15'	15'	15'	15'	15'	15'
Side or rear setback	Determined at site plan			Determined at site plan		
Side setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			Equal to required setback for a detached house building type in the abutting zone under standard method		30'
Rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			30'	30'	30'
Rear setback, alley	4'	4'	4'	4'	4'	4'
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37 **Section 4.4.10. Residential - 40 Zone (R-40)**

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39 **C. R-40 Zone, Optional Method Development Standards**

1. Site	MPDU Development		
	Detached House	Duplex	Townhouse
* * *			
3. Placement			
Principal Building Setbacks (min)			
[Front setback from public street]	[20']	[20']	[20']
Front setback from [private] <u>any</u> street or open space	10'	10'	10'
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone	20'	20'	20'
Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone	15'	15'	15'
Side or rear setback	Determined at site plan		
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method		
Rear setback, alley	4'	4'	4'
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41 **Section 4.4.11. Townhouse Low Density Zone (TLD)**

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43 **B. TLD Zone, Standard Method Development Standards**

1. Site	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse
* * *				
3. Placement				
Principal Building Setbacks (min)				
Front setback[,] from a public street	20'	20'	20'	20'
Front setback[, private street or] from open space or any street, if approved through site plan under Section 7.3.4 after September 13, 2016	4'	4'	4'	4'
Side street setback	15'	15'	15'	5'
Side setback, abutting Agricultural, Rural Residential, or Residential zones	6'	6'	6'	n/a
Side setback, abutting all other zones	4'	4'	4'	n/a
Side setback, end unit	n/a	n/a	n/a	4'
Side setback between lot and site boundary	n/a	n/a	n/a	5'
Rear setback	20'	20'	20'	20'
Rear setback, alley	4'	4'	4'	4'
Rear setback between lot and site boundary	n/a	n/a	n/a	10'
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45 **C. TLD Zone, Optional Method Development Standards**

1. Site	MPDU Development		
	Detached House	Duplex	Townhouse
* * *			
3. Placement			
Principal Building Setbacks (min)			
[Front setback from public street]	[10']	[10']	[10']
Front setback from [private] <u>any</u> street or open space	4'	4'	4'
Side street setback	10'	10'	5'
Side or rear setback	Determined at site plan		
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method		
Rear setback, alley	4'	4'	4'
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47 **Section 4.4.12. Townhouse Medium Density Zone (TMD)**

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49 **B. TMD Zone, Standard Method Development Standards**

1. Site	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse
* * *				
3. Placement				
Principal Building Setbacks (min)				
Front setback[,] <u>from</u> a public street	20'	20'	20'	20'

1. Site	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse
Front setback[, private street or] from open space or any street, if approved through site plan under Section 7.3.4 after September 13, 2016	4'	4'	4'	4'
Side street setback	15'	15'	15'	5'
Side setback, abutting Agricultural, Rural Residential, or Residential zones	6'	6'	6'	n/a
Side setback, abutting all other zones	4'	4'	4'	n/a
Side setback, end unit	n/a	n/a	n/a	4'
Side setback between lot and site boundary	n/a	n/a	n/a	5'
Rear setback	20'	20'	20'	20'
Rear setback, alley	4'	4'	4'	3'
Rear setback between lot and site boundary	n/a	n/a	n/a	10'
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C. TMD Zone, Optional Method Development Standards

1. Site	MPDU Development		
	Detached House	Duplex	Townhouse
* * *			
3. Placement			
Principal Building Setbacks (min)			

1. Site	MPDU Development		
	Detached House	Duplex	Townhouse
[Front setback from public street]	[10']	[10']	[10']
Front setback from [private] <u>any</u> street or open space	4'	4'	4'
Side street setback	10'	10'	5'
Side or rear setback	Determined at site plan		
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method		
Rear setback, alley	4'	4'	4'
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53 **Section 4.4.13. Townhouse High Density Zone (THD)**

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B. THD Zone, Standard Method Development Standards

1. Site	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse
* * *				
3. Placement				
Principal Building Setbacks (min)				
Front setback[,] <u>from</u> a public street	20'	20'	20'	20'
Front setback[, private street or] <u>from</u> open space <u>or any street, if approved through site plan under Section 7.3.4 after September 13, 2016</u>	4'	4'	4'	4'
Side street setback	15'	15'	15'	5'

1. Site	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse
Side setback, abutting Agricultural, Rural Residential, or Residential zones	6'	6'	6'	n/a
Side setback, abutting all other zones	4'	4'	4'	n/a
Side setback, end unit	n/a	n/a	n/a	3'
Side setback between lot and site boundary	n/a	n/a	n/a	5'
Rear setback	20'	20'	20'	20'
Rear setback, alley	4'	4'	4'	4'
Rear setback between lot and site boundary	n/a	n/a	n/a	10'
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C. THD Zone, Optional Method Development Standards

1. Site	MPDU Development		
	Detached House	Duplex	Townhouse
* * *			
3. Placement			
Principal Building Setbacks (min)			
[Front setback from public street]	[10']	[10']	[10']
Front setback from [private] <u>any</u> street or open space	4'	4'	4'
Side street setback	10'	10'	10'
Side or rear setback	Determined at site plan		

1. Site	MPDU Development		
	Detached House	Duplex	Townhouse
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method		
Rear setback, alley	4'	4'	4'
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59 **Section 4.4.14. Residential Multi-Unit Low Density - 30 Zone (R-30)**

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61 **B. R-30 Zone, Standard Method Development Standards**

1. Site	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse	Apartment
* * *					
3. Placement					
Principal Building Setbacks (min)					
Front setback[,] <u>from a public street</u>	20'	20'	20'	20'	30'
Front setback[, private street or] <u>from open space or any street, if approved through site plan under Section 7.3.4 after September 13, 2016</u>	4'	4'	4'	4'	20'
Side street setback	15'	15'	15'	5'	10'

1. Site	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse	Apartment
Side setback, abutting Agricultural, Rural Residential, Residential Detached, or Residential Townhouse zones	6'	6'	6'	n/a	See Section 4.1.8.A
Side setback, abutting all other zones	4'	4'	4'	n/a	10'
Side setback, end unit	n/a	n/a	n/a	3'	n/a
Side setback between lot and site boundary	n/a	n/a	n/a	5'	n/a
Rear setback, abutting Agricultural, Rural Residential, Residential Detached, or Residential Townhouse zones	20'	20'	20'	20'	See Section 4.1.8.A
Rear setback, abutting all other zones	20'	20'	20'	20'	30'
Rear setback, alley	4'	4'	4'	4'	4'
Rear setback between lot and site boundary	n/a	n/a	n/a	10'	n/a
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C. R-30 Zone, Optional Method Development Standards

1. Site	MPDU Development			
	Detached House	Duplex	Townhouse	Apartment
* * *				
3. Placement				

1. Site	MPDU Development			
	Detached House	Duplex	Townhouse	Apartment
Principal Building Setbacks (min)				
[Front setback from public street]	[10]'	[10]'	[10]'	[Determined at site plan]
Front setback from [private] <u>any</u> street or open space	4'	4'	4'	Determined at site plan
Side street setback	10'	10'	5'	Determined at site plan
Side or rear setback	Determined at site plan			
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			Equal to required setback for a detached house building type in the abutting zone under standard method and Section 4.1.8.A
Rear setback, alley	4'	4'	4'	n/a
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65 **Section 4.4.15. Residential Multi-Unit Medium Density - 20 Zone (R-20)**

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B. R-20 Zone, Standard Method Development Standards

1. Site	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse	Apartment
* * *					
3. Placement					
Principal Building Setbacks (min)					
Front setback[,] <u>from</u> a public street	20'	20'	20'	20'	30'
Front setback[, private street or] <u>from</u> open space <u>or any street, if approved through site plan under Section 7.3.4 after September 13, 2016</u>	4'	4'	4'	4'	20'
Side street setback	15'	15'	15'	5'	10'
Side setback, abutting Agricultural, Rural Residential, Residential Detached, or Residential Townhouse zones	6'	6'	6'	n/a	See Section 4.1.8.A
Side setback, abutting all other zones	4'	4'	4'	n/a	10'
Side setback, end unit	n/a	n/a	n/a	3'	n/a
Side setback between lot and site boundary	n/a	n/a	n/a	5'	n/a
Rear setback, abutting Agricultural, Rural Residential, Residential Detached, or Residential Townhouse zones	20'	20'	20'	10'	See Section 4.1.8.A
Rear setback, abutting all other zones	20'	20'	20'	10'	30'

1. Site	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse	Apartment
Rear setback, alley	4'	4'	4'	4'	4'
Rear setback between lot and site boundary	n/a	n/a	n/a	10'	n/a
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69 **C. R-20 Zone, Optional Method Development Standards**

1. Site	MPDU Development			
	Detached House	Duplex	Townhouse	Apartment
* * *				
3. Placement				
Principal Building Setbacks (min)				
[Front setback from public street]	[10']	[10']	[10']	[Determined at site plan]
Front setback from [private] <u>any</u> street or open space	6'	6'	4'	Determined at site plan
Side street setback	10'	10'	5'	Determined at site plan
Side or rear setback	Determined at site plan			

1. Site	MPDU Development			
	Detached House	Duplex	Townhouse	Apartment
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			Equal to required setback for a detached house building type in the abutting zone under standard method and Section 4.1.8.A
Rear setback, alley	4'	4'	4'	n/a
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71 **Section 4.4.16. Residential Multi-Unit High Density - 10 Zone (R-10)**

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73 **B. R-10 Zone, Standard Method Development Standards**

1. Site	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse	Apartment
* * *					
3. Placement					
Principal Building Setbacks (min)					
Front setback[,] from a public street	20'	20'	20'	20'	30'

1. Site	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse	Apartment
Front setback[, private street or] <u>from</u> open space <u>or</u> <u>any</u> street, <u>if approved through site plan under Section 7.3.4 after September 13, 2016</u>	4'	4'	4'	4'	20'
Side street setback	15'	15'	15'	5'	10'
Side setback, abutting Agricultural, Rural Residential, Residential Detached, or Residential Townhouse zones	6'	6'	6'	n/a	See Section 4.1.8.A
Side setback, abutting all other zones	4'	4'	4'	n/a	10'
Side setback, end unit	n/a	n/a	n/a	3'	n/a
Side setback between lot and site boundary	n/a	n/a	n/a	5'	n/a
Rear setback, abutting Agricultural, Rural Residential, Residential Detached, or Residential Townhouse zones	20'	20'	20'	10'	See Section 4.1.8.A
Rear setback, abutting all other zones	20'	20'	20'	10'	30'
Rear setback, alley	4'	4'	4'	4'	4'
Rear setback between lot and site boundary	n/a	n/a	n/a	10'	n/a
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75 **C. R-10 Zone, Optional Method Development Standards**

1. Site	MPDU Development			
	Detached House	Duplex	Townhouse	Apartment
* * *				
3. Placement				
Principal Building Setbacks (min)				
[Front setback from public street]	[10']	[10']	[10']	[Determined at site plan]
Front setback from [private] <u>any</u> street or open space	6'	6'	4'	Determined at site plan
Side street setback	10'	10'	5'	Determined at site plan
Side or rear setback	Determined at site plan			
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			Equal to required setback for a detached house building type in the abutting zone under standard method and Section 4.1.8.A
Rear setback, alley	4'	4'	4'	n/a
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77 **Sec. 3. Effective date.** This ordinance becomes effective 20 days after the
 78 date of Council adoption.

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80 This is a correct copy of Council action.

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83 Linda M. Lauer, Clerk of the Council