

Ordinance No: 15-75
Zoning Text Amendment No: 06-12
Concerning: Corner lot setbacks for
MPDU development
Draft No. & Date: 1 – 4/20/06
Introduced: 4/25/06
Public Hearing: 6/13/06
Adopted: July 11, 2006
Effective: July 11, 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**

By: Councilmember Floreen

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

- clarifying the minimum setback from the street for a corner lot under the MPDU optional development standards.

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

DIVISION 59-C-1
Section 59-C-1.623

"RESIDENTIAL ZONES, ONE FAMILY"
"Setbacks from street (in feet)"

EXPLANATION: ***Boldface** indicates a heading or a defined term.*
Underlining indicates text that is added to existing laws by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by the 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.*

OPINION

On April 25, 2006, Councilmember Floreen introduced ZTA 06-12 to change the setback standards for corner lots in subdivisions using the moderately priced dwelling unit (MPDU) optional method process. The ZTA would change the optional method standards for all corner lots in the following residential one-family zones; RE-2C, RE-1, R-200, R-150, R-90, R-60 and R-40. This ZTA would make the corner lot standards the same for developments that provide MPDUs as it is for developments that do not provide MPDUs.

The corner lot standards for subdivisions that do not have MPDUs are more accommodating than the corner lot standards for subdivisions that provide MPDUs. Only lots for the MPDUs themselves are on an equal footing with lots in a non-MPDU subdivision. Market rate houses in MPDU subdivisions have a larger setback than houses in subdivisions that do not provide MPDUs.

The Planning Board and the Planning Board staff recommended approval of ZTA 06-12. In the Planning Board's view, ZTA 06-12 creates consistent standards.

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 a worksession on June 21, 2006, to review the text amendment. After careful review of the materials of record, the Committee recommended that ZTA 06-12 be approved. It was the position of the Committee that it is important to have development standards for subdivisions with MPDUs that are equal to or less burdensome than the standards for subdivisions without MPDUs.

The District Council reviewed Zoning Text Amendment No. 06-12 at a worksession held on July 11, 2006. The Council agreed with the Committee's recommendation to approve ZTA 06-12. It was the position of the Council that it is important to have development standards for subdivisions with MPDUs that are equal to or less burdensome than the standards for subdivisions without MPDUs.

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. 06-12 will be approved as introduced.

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-C-1 is amended as follows:**
 2 **DIVISION 59-C-1. RESIDENTIAL ZONES, ONE FAMILY.**

3 * * *

4 **59-C-1.62. Development Standards.**

5 * * *

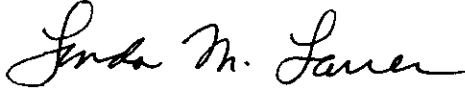
6 **59-C-1.623. Setbacks from street (in feet).**

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	RE-2C ⁸	RE-1 ⁸	R-200	R-150	R-90	R-60	R-40
...							
59-C-1.623. Setbacks from street (in feet).							
No detached dwelling must be nearer to any public street than:	35	35	25 ⁷	25 ⁷	25 ⁷	20	20
<u>In the case of a corner lot, if the adjoining lot on one of the streets either does not front on that street or is in a nonresidential zone, the setback from that street line must be at least:</u>	<u>20</u>	<u>20</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>

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 9 **Sec. 3. Effective Date.** This ordinance becomes effective immediately
 10 upon Council adoption.

11 This is a correct copy of Council action.

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 13 

14 Linda M. Lauer, Clerk of the Council