

Ordinance No.: 18-38  
Zoning Text Amendment No.: 17-12  
Concerning: Definitions – Rear  
Building Line  
Draft No. & Date: 1 – 10/10/17  
Introduced: October 17, 2017  
Public Hearing: November 28, 2017  
Adopted: January 16, 2018  
Effective: February 5, 2018

**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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Lead Sponsor: Councilmember Leventhal

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

- add a definition for “rear building line”

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

Division 1.4. “Defined Terms”

Section 1.4.2. “Specific Terms and Phrases Defined”

**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.*

## OPINION

Zoning Text Amendment No. 17-12 was introduced on October 12, 2017. Some lots in the County have two street frontages on opposite sides of the lot. These lots are called “through lots”. Under the current code, through lots have no backyard. When the through lot owner applies for a building permit for a structure in the back of a house, the Department of Permitting Services requires the approval of a variance before issuing the permit. These variances are routinely granted. The sponsor, after consultation with Department of Permitting Services and Board of Appeals staff, believes that this process is overly burdensome. The approval of ZTA 17-12 would avoid the need for a variance in most situations.

In its report to the Council, the Montgomery County Planning Board recommended approval as introduced.

The Council held a public hearing on November 28, 2017. The Planning Board representative was the only speaker. Planning Staff noted that all setback requirements would continue to be in effect.

The text amendment was referred to the Planning, Housing, and Economic Development (PHED) Committee for review and recommendation.

The PHED Committee held a worksession on December 4, 2017 to review the text amendment. After review of the materials of record, the Committee recommended that ZTA 17-12 be approved as introduced.

The District Council reviewed Zoning Text Amendment No. 17-12 at a worksession held on January 16, 2018. The draft ZTA for the Council’s consideration also included a technical correction to properly alphabetize the term “Rainwater Collection System” within defined terms. The Council agreed with the Committee’s recommendation to approve ZTA 17-12.

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. 17-12 will be approved as introduced. The ZTA will also be approved with the technical correction to the order of defined terms.

## 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. ARTICLE 59-1 is amended as follows:**

**Division 1.4. Defined Terms**

\* \* \*

**Section 1.4.2. Specific Terms and Phrases Defined**

\* \* \*

**[[Rainwater Collection System:** A system designed to redirect and store water.

Rainwater collection system includes gutters, downspouts, storage tanks, cisterns, pumps, and filtration systems.]]

**Railroad Tracks:** See Section 3.6.6.C

**Rainwater Collection System:** A system designed to redirect and store water.

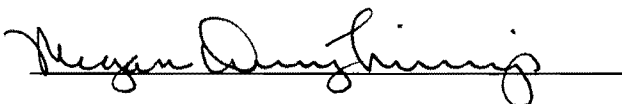
Rainwater collection system includes gutters, downspouts, storage tanks, cisterns, pumps, and filtration systems.

**Rear Building Line:** Except on a through lot, a line along the edge of the principal building facing the rear lot line that extends between side lot lines and is generally parallel to the rear lot line. On a through lot, the rear building line is a line along the edge of the principal building that extends between side lot lines and is on the opposite side of the principal building from the street where the property is addressed.

\* \* \*

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

This is a correct copy of Council action.



Megan Davey Limarzi, Esq.  
Clerk of the Council