



Zoning Text Amendment (ZTA) 17-12 Definitions – Rear Building Line



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Completed: 11/9/17

Description

The ZTA 17-12 would add to the Zoning Ordinance a definition for “rear building line”.

Summary

Staff recommends approval of ZTA 17-12, as introduced, to add a definition for “rear building line”.

Background/Analysis

There are lots in the County that have two street frontages on opposite sides of the lot. These lots are called "through lots". The Zoning Ordinance defines a through lot as *an interior lot fronting on two streets, excluding a corner lot*. Under the current code through lots have no backyard (*see Attachment 2 drawing from DPS website*). When a 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 of ZTA 17-12, 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. All setback requirements would continue to be in effect. Staff has no objection to ZTA 17-12. Below is the proposed definition for your convenience.

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.*

* * *

Attachments

1. ZTA No. 17-12 as introduced
2. Through lot Model (from DPS website)

ATTACHMENT 1

Zoning Text Amendment No.: 17-12
Concerning: Definitions – Rear
Building Line
Draft No. & Date: 1 – 10/10/17
Introduced: October 17, 2017
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: Councilmember Leventhal

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.*

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 59-1.4 is amended as follows:**

2 **Division 1.4. Defined Terms**

3 * * *

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

5 * * *

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

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

13 * * *

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

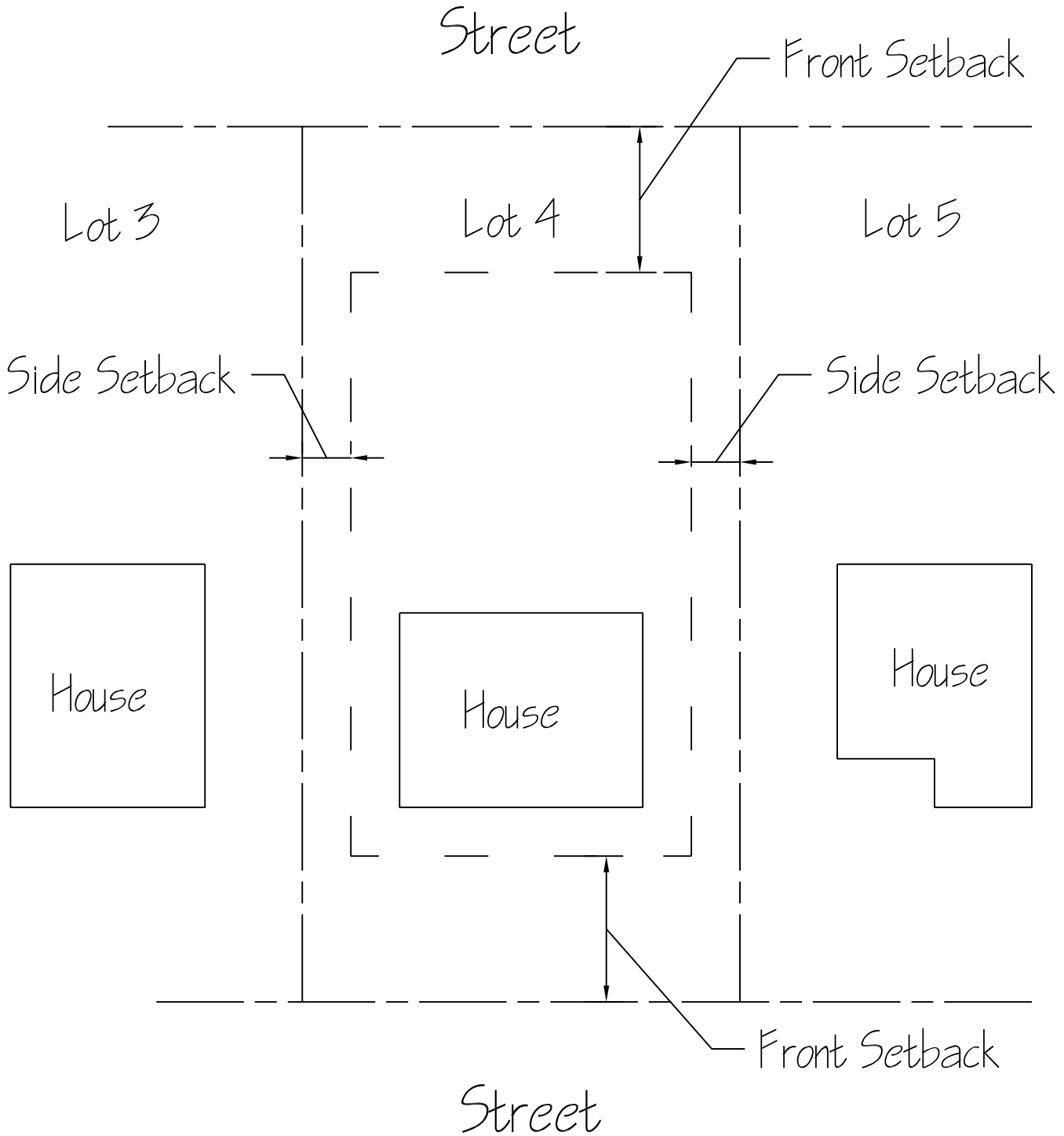
16
17 This is a correct copy of Council action.

18
19 _____

20 Linda M. Lauer, Clerk of the Council

THROUGH LOT

ATTACHMENT 2



Through lots have 2 front yards. Both lot lines along the 2 streets are considered front lot lines. The established building line must be determined only along the street where the lot has frontage. The established building line is not required on both streets. There is no rear yard in a through lot. Since accessory buildings must be located in the rear yard, a variance is required for all accessory structures on through lots.