

M-NCPPC



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

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**MCPB  
Item #14  
6/15/06**

**DATE:** June 2, 2006  
**TO:** Montgomery County Planning Board  
**VIA:** Rose Krasnow, Chief, Development Review *RK*  
Carlton Gilbert, Zoning Supervisor *CG*  
**FROM:** Greg Russ, Zoning Coordinator *GR*  
**REVIEW TYPE:** Zoning Text Amendment  
**PURPOSE:** To clarifying the minimum setback from the street for a corner lot under the MPDU optional development standards

**TEXT AMENDMENT:** No. 06-12  
**REVIEW BASIS:** Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance  
**INTRODUCED BY:** Councilmember Floreen  
**INTRODUCED DATE:** April 25, 2006  
**PLANNING BOARD REVIEW:** June 15, 2006  
**PUBLIC HEARING:** June 13, 2006; 1:30 p.m.

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**STAFF RECOMMENDATION:** APPROVAL

**PURPOSE OF THE TEXT AMENDMENT**

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

**BACKGROUND/ ANALYSIS**

The proposed text amendment is as follows:

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

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

	RE-2C <sup>8</sup>	RE-1 <sup>8</sup>	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 <sup>7</sup>	25 <sup>7</sup>	25 <sup>7</sup>	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>

The zoning text amendment proposes to clarify the setback standard for corner lots when the MPDU optional method of development is used. Under the standard method of development for 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 may be reduced to a minimum of 20 feet (for the RE-2, RE-2C and RE-1 zones) and 15 feet (for the R-200, R-150, R-90, R-60, R-40 and RMH 200 zones). The requirement is typically 50 feet (for the RE-2, RE-2C and RE-1 zones), 40 feet (for the R-200, RMH 200 and R-150 zones), 30 feet (for the R-90 zone) and 25 feet (for the R-60 and R-40 zones).

Under the MPDU optional method of development, the setback for a corner lot is not stated, only the setbacks from any street are mentioned. As such, the setbacks for a corner lot are the same as those for an interior lot. These setback standards are: 35 feet for the RE-2C and RE-1 zones, 25 feet for the R-200, R-150 and R-90 zones (except MPDU lots can reduce the setback to 15 feet) and 20 feet for the R-60 and R-40 zones. In all cases, the corner lot setback in the MPDU optional method of development is greater than that of the standard method of development.

Typically, the restrictions for MPDU developments are less than the standard method requirements in order to accommodate the smaller lot sizes that are permitted. The zoning text amendment would bring the setback for corner lots in an MPDU development in line with other MPDU standards. Staff recommends that the text amendment be approved. As proposed, the text amendment would also establish consistent (the same) corner lot setbacks for the MPDU optional method of development and the standard method of development in the one-family residential zones.

## **RECOMMENDATION**

Staff recommends approval of the text amendment as submitted and included as Attachment 1.

GR

### **Attachments**

1. Proposed Text Amendment 06-12

# ATTACHMENT 1

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:  
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

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By: Councilmember Floreen

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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"  
"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.*

*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 <sup>8</sup>	RE-1 <sup>8</sup>	R-200	R-150	R-90	R-60	R-40
...							
59-C-1.623. Setbacks from street (in feet).							
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<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 upon Council

10 adoption.

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14 This is a correct copy of Council action.

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17 Linda M. Lauer, Clerk of the Council

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