



Takoma Park City Council Meeting – May 3, 2017 Agenda Item 2

Voting Session

Resolution Requesting that the Montgomery County Council Modify Setback Rules in Areas with Uneven Property Frontage Lines

Recommended Council Action

Vote on the resolution.

Context with Key Issues

In the City of Takoma Park, it is commonplace to find uneven property frontage lines along major and minor roadways throughout the city. The official plat record shows many instances where the Right-of-Way (ROW) width varies along a roadway, creating a situation where the frontage line of one property is out of line with the frontage lines of adjacent properties (See image 1). When the owners of these parcels apply to develop or redevelop their land, the current regulations regarding building setbacks do not address uneven ROW lines and result in irregular setbacks.



Image 1: The 500 Block of Ethan Allen Avenue – Along one block there are three properties with frontage lines that are not in-line with adjacent properties.

In residential zones, the Montgomery County Zoning Ordinance requires that building setbacks must follow either: 1. a minimum front setback of 25 feet from the ROW line, or 2. a setback equal to an Established Building Line (EBL), whichever is greater. An EBL is only defined in instances where homes are set back more than 25 feet and are built in an even line. In instances where multiple homes in a row are built following the minimum 25 foot setback requirement, an EBL is not defined.

In these cases – where a row of houses has followed the minimum 25 foot rule and an EBL is not set – an adjacent property with an uneven frontage line is only required to follow the same

minimum 25 foot setback rule as well. This can create a situation where the setback for a home can be built on this property substantially out of line with the houses on adjacent properties.



Image 2: Proposed Ethan Allen Jackson Subdivision – The frontage line of the subject property (outlined in red) is not even with the 5 properties adjacent to it. There is no Established building line set by the adjacent houses, so the applicant only needs to follow the 25 foot setback rule. Since the property lines are uneven, the required setback line is much closer to Ethan Allen Avenue.

In order to alleviate this issue, the City Council of Takoma Park recommends that the Montgomery County Council study the extent of the issue, and create policy that would modify the setback rules for instances where property lines along a given section of roadway are significantly uneven. This would allow public agencies to require uniform setbacks no matter how the property lines are delineated.

Council Priority

A Livable Community for All; Engaged, Responsive & Service-oriented Government; Advance Economic Development Efforts

Environmental Impact of Action

The proposed plan incorporates new onsite stormwater management improvements; provides for the removal of invasive vegetation and landscaping.

Fiscal Impact of Action

N/A

Racial Equity Impact of Action

The impact of this proposal on racial equity is unable to be determined at this time.

Attachments and Links

Draft resolution

Introduced by:

CITY OF TAKOMA PARK, MARYLAND

Resolution No. 2017-

**Resolution Requesting that the Montgomery County Council
Modify Setback Rules in Areas with Uneven Property Frontage Lines**

WHEREAS, the City of Takoma park is located within the urban ring of Montgomery County, an intensively developed area where almost all current development activity is infill within established neighborhoods, and

WHEREAS, the building setbacks in these neighborhoods help maintain community character by providing a consistent building line for adjacent buildings to align with, and

WHEREAS, the plat record for the City shows many instances where the width of the public Right-of-Way (ROW) varies along one block of major and minor roadways throughout the city, creating uneven property frontage lines on abutting parcels, and

WHEREAS, new structures to be built on properties throughout the city must follow setback regulations prescribed in the Montgomery County Zoning Ordinance, and

WHEREAS, on properties zoned residential, the zoning ordinance currently requires that new structures must be built either a minimum of 25 feet from the property frontage line, or at a setback equal to an Established Build Line (EBL), whichever is greater, and

WHEREAS, an EBL is only defined in instances where structures are built more than 25 feet from the property frontage line and are built in an even line with surrounding structures, and

WHEREAS, in cases where a row of residential structures along one section of roadway follow the minimum 25 foot setback rule and an EBL is not set, and the property frontage line of a parcel is uneven with those adjacent, the current setback rules allow a new structure to be built out of line with the structures on adjacent parcels.

NOW, THEREFORE BE IT RESOLVED that the City Council requests that, in order to create more uniform setbacks and preserve neighborhood character, the Montgomery County Council modify setback rules through a text amendment or overlay in instances where uneven property frontage lines occur along the Rights-of-Way of roadways throughout the City.

Adopted this day of _____, 2017.

Attest:

Jessie Carpenter, CMC, City Clerk