

Clerk's Note: Removed "O-" from the Ordinance No. Replaced "Zoning Text Amendment No.: 21-10" with "Ordinance No.: 19-29" in the header of pages 4-14.

Ordinance No.: 19-29
Zoning Text Amendment No.: 21-10
Concerning: Accessory Structures –
Use Standards
Draft No. & Date: 2 – 3/1/2022
Introduced: November 16, 2021
Public Hearing: January 18, 2022
Adopted: March 8, 2022
Effective: March 28, 2022

**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 Sponsors: Councilmembers Friedson and Jawando

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- clarify the standards for the total allowed square footage for all accessory structures.

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

Division 3.7.	“Miscellaneous Uses”
Section 3.7.4.	“Accessory Miscellaneous Uses”
Division 4.2.	“Agricultural Zone”
Section 4.2.1.	“Agricultural Reserve Zone (AR)”
Division 4.3.	“Rural Residential Zones”
Section 4.3.3.	“Rural Zone (R)”
Section 4.3.4.	“Rural Cluster Zone (RC)”
Section 4.3.5.	“Rural Neighborhood Cluster Zone (RNC)”
Division 4.4.	“Residential Zones”
Section 4.4.4.	“Residential Estate – 2 Zone (RE-2)”
Section 4.4.5.	“Residential Estate – 2C Zone (RE-2C)”
Section 4.4.6.	“Residential Estate – 1 Zone (RE-1)”
Section 4.4.7.	“Residential – 200 Zone (R-200)”
Section 4.4.8.	“Residential – 90 Zone (R-90)”

Section 4.4.9. “Residential – 60 Zone (R-60)”
Section 4.4.10. “Residential – 40 Zone (R-40)”

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 (ZTA) 21-10, Accessory Structures – Use Standards, was introduced on November 16, 2021, by lead sponsors Councilmembers Friedson and Jawando. ZTA 21-10 clarifies that the cumulative footprint of all accessory structures may not exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater. ZTA 21-10 will not change the exemption for buildings that have an agricultural use. In addition, it will not apply to Detached Accessory Dwelling Units.

The Office of Legislative Oversight (OLO) submitted a Racial Equity and Social Justice (RESJ) impact statement on December 8, 2021. OLO found that ZTA 21-10 would have little to no impact on racial equity and social justice in the County because it clarifies existing practice.

The Montgomery County Planning Board reviewed ZTA 21-10 at its regular meeting on January 6, 2022. The Planning Board unanimously (5-0) recommended approval of ZTA 21-10 as introduced.

A public hearing was held on January 18, 2022. Planning Board Chair Casey Anderson testified in support. The Council also received letters in support from the Office of Agriculture and from a Silver Spring resident.

The PHED Committee held a worksession on February 7, 2022. The PHED Committee unanimously recommended approval of ZTA 21-10 without amendment.

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. 21-10 will be approved as amended.

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 59-3.7 is amended as follows:**

2 **Division 3.7. Miscellaneous Uses**

3 * * *

4 **Section 3.7.4. Accessory Miscellaneous Uses**

5 A. Accessory Structure

6 1. Defined

7 Accessory Structure means a structure subordinate to and located on
8 the same lot as a principal building, the use of which is incidental to
9 the use of the principal building or to the use of the land. An
10 Accessory Structure is not attached by any part of a common wall or
11 common roof to the principal building.

12 2. Use Standards

13 Where an Accessory Structure is allowed as a limited use, it must
14 satisfy the following standards:

15 a. In Agricultural and Rural Residential zones, [the maximum]
16 where the principal building on a lot is a detached house, the
17 cumulative footprint of [an] all accessory [building] buildings
18 on [a] that lot [where the main building is a detached house is]
19 may not exceed 50% of the footprint of the [main] principal
20 building. Buildings for an agricultural use are exempt from this
21 size restriction.

22 b. In Residential Detached zones, [the maximum] where the
23 principal building on a lot is a detached house, the cumulative
24 footprint of [an] all accessory [building] buildings on [a] that
25 lot [where the main building is a detached house is] may not
26 exceed 50% of the footprint of the [main] principal building or
27 600 square feet, whichever is greater. This Subsection does not

28 apply to Section 3.3.3.C, Detached Accessory Dwelling Unit.
 29 Buildings for an agricultural use are exempt from this size
 30 restriction.

31 * * *

32 **Sec. 2. Division 59-4.2 is amended as follows:**

33 **Division 4.2. Agricultural Zone**

34 **Section 4.2.1. Agricultural Reserve Zone (AR)**

35 * * *

36 F. AR Zone, Standard Method Development Standards

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone
* * *	
3. Placement	
* * *	
Specification for Principal Building and Accessory Structure Setbacks	
* * *	
c. [The maximum] <u>Where the principal building on a lot is a detached house, the cumulative footprint of [an] all accessory [building] buildings on [a] that lot [where the main building is a detached house is] may not exceed 50% of the footprint of the [main] principal building. Buildings for an agricultural use are exempt from this size restriction.</u>	

37 * * *

38 **Sec. 3. Division 59-4.3 is amended as follows:**

39 **Division 4.3. Rural Residential Zones**

40 * * *

41 **Section 4.3.3. Rural Zone (R)**

42 * * *

43 B. R Zone, Standard Method Development Standards

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone
* * *	
2. Placement	
* * *	
Specifications for Accessory Structure Setbacks	
* * *	
d. [The maximum] <u>Where the principal building on a lot is a detached house, the cumulative footprint of [an] all accessory [building] buildings on [a] that lot [where the main building is a detached house is] may not exceed 50% of the footprint of the [main] principal building. Buildings for an agricultural use are exempt from this size restriction.</u>	

44 * * *

45 **Section 4.3.4. Rural Cluster Zone (RC)**

46 * * *

47 B. RC Zone, Standard Method Development Standards

1. Lot and Density	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone
* * *	

2. Placement
* * *
Specifications for Principal Building and Accessory Structure Setbacks (min)
* * *
e. [The maximum] <u>Where the principal building on a lot is a detached house, the cumulative footprint of [an] all accessory [building] buildings on [a] that lot [where the main building is a detached house is] may not exceed 50% of the footprint of the [main] principal building. Buildings for an agricultural use are exempt from this size restriction.</u>

48 * * *

49 **Section 4.3.5. Rural Neighborhood Cluster Zone (RNC)**

50 * * *

51 C. RNC Zone, Standard Method Development Standards

1. Site	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	
* * *		
3. Placement		
* * *		
Specifications for Principal Building and Accessory Structure Setbacks		* * *
* * *		
d. [The maximum] <u>Where the principal building on a lot is a detached house, the cumulative footprint of [an] all accessory [building] buildings on [a] that lot [where the main building is a detached house is] may not exceed 50% of the footprint of the [main]</u>		

<p><u>principal</u> building. Buildings for an agricultural use are exempt from this size restriction.</p>	
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52 * * *

53 **Sec. 4. Division 59-4.4 is amended as follows:**

54 **Division 4.4. Residential Zones**

55 * * *

56 **Section 4.4.4. Residential Estate – 2 Zone (RE-2)**

57 * * *

58 B. RE-2 Zone, Standard Method Development Standards

<p>1. Lot and Density</p>	<p>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</p>
<p>* * *</p>	
<p>2. Placement</p>	
<p>* * *</p>	
<p>Specifications for Accessory Structure Setbacks</p>	
<p>* * *</p>	
<p>d. [The maximum] <u>Where the principal building on a lot is a detached house, the cumulative footprint of [an] all accessory [building] buildings on [a] that lot [where the main building is a detached house is] may not exceed 50% of the footprint of the [main] principal building or 600 square feet, whichever is greater. This Subsection does not apply to Section 3.3.3.C, Detached Accessory Dwelling Unit. Buildings for an agricultural use are exempt from this size restriction.</u></p>	

59 * * *

60 **Section 4.4.5. Residential Estate – 2C Zone (RE-2C)**

61 * * *

62 B. RE-2C Zone, Standard Method Development Standards

1. Lot and Density	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone
* * *	
2. Placement	
* * *	
Specifications for Accessory Structure Setbacks	
* * *	
<p>d. [The maximum] <u>Where the principal building on a lot is a detached house, the cumulative footprint of [an] all accessory [building] buildings on [a] that lot [where the main building is a detached house is] may not exceed 50% of the footprint of the [main] principal building or 600 square feet, whichever is greater. This Subsection does not apply to Section 3.3.3.C, Detached Accessory Dwelling Unit. Buildings for an agricultural use are exempt from this size restriction.</u></p>	

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64 **Section 4.4.6. Residential Estate – 1 Zone (RE-1)**

65 * * *

66 B. RE-1 Zone, Standard Method Development Standards

1. Lot and Density	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone
* * *	

2. Placement
* * *
Specifications for Accessory Structure Setbacks
* * *
d. [The maximum] <u>Where the principal building on a lot is a detached house, the cumulative footprint of [an] all accessory [building] buildings on [a] that lot [where the main building is a detached house is] may not exceed 50% of the footprint of the [main] principal building or 600 square feet, whichever is greater. This Subsection does not apply to Section 3.3.3.C, Detached Accessory Dwelling Unit. Buildings for an agricultural use are exempt from this size restriction.</u>

67 * * *

68 **Section 4.4.7. Residential – 200 Zone (R-200)**

69 * * *

70 B. R-200 Zone, Standard Method Development Standards

1. Lot and Density	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone
* * *	
2. Placement	
* * *	
Specification for Accessory Structure Setbacks	
* * *	
b. [The maximum] <u>Where the principal building on a lot is a detached house, the cumulative footprint of [an] all accessory [building] buildings on [a] that lot [where the main building is a detached house is] may not exceed 50% of the</u>	

footprint of the [main] principal building or 600 square feet, whichever is greater.
This Subsection does not apply to Section 3.3.3.C, Detached Accessory Dwelling Unit. Buildings for an agricultural use are exempt from this size restriction.

71 * * *

72 **Section 4.4.8. Residential – 90 Zone (R-90)**

73 * * *

74 B. R-90 Zone, Standard Method Development Standards

1. Lot and Density	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone
* * *	
2. Placement	
* * *	
Specifications for Accessory Structure Setbacks	
* * *	
<p>d. [The maximum] <u>Where the principal building on a lot is a detached house, the cumulative footprint of [an] all accessory [building] buildings on [a] that lot [where the main building is a detached house is] may not exceed 50% of the footprint of the [main] principal building or 600 square feet, whichever is greater.</u> <u>This Subsection does not apply to Section 3.3.3.C, Detached Accessory Dwelling Unit.</u> Buildings for an agricultural use are exempt from this size restriction.</p>	

75 * * *

76 **Section 4.4.9. Residential – 60 Zone (R-60)**

77 * * *

78 B. R-60 Zone, Standard Method Development Standards

1. Lot and Density	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone
* * *	
2. Placement	
* * *	
Specifications for Accessory Structure Setbacks	
* * *	
<p>d. [The maximum] <u>Where the principal building on a lot is a detached house, the cumulative footprint of [an] all accessory [building] buildings on [a] that lot [where the main building is a detached house is] may not exceed 50% of the footprint of the [main] principal building or 600 square feet, whichever is greater. This Subsection does not apply to Section 3.3.3.C, Detached Accessory Dwelling Unit. Buildings for an agricultural use are exempt from this size restriction.</u></p>	

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80 **Section 4.4.10. Residential – 40 Zone (R-40)**

81 * * *

82 B. R-40 Zone, Standard Method Development Standards

1. Site	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	* * *
* * *		
3. Placement		
* * *		

Specifications for Accessory Structure Setbacks	
*	* * *
d.	<p>[The maximum] <u>Where the principal building on a lot is a detached house, the cumulative footprint of [an] all accessory [building] buildings on [a] that lot [where the main building is a detached house is] may not exceed 50% of the footprint of the [main] principal building or 600 square feet, whichever is greater. <u>This Subsection does not apply to Section 3.3.3.C, Detached Accessory Dwelling Unit.</u></u></p> <p>Buildings for an agricultural use are exempt from this size restriction.</p>

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Sec. 5. Effective date. This ordinance becomes effective 20 days after the

85

date of Council adoption.

This is a correct copy of Council action.

A handwritten signature in black ink, appearing to read "SM Singleton", written over a horizontal line.

Selena Mendy Singleton, Esq.
Clerk of the Council