

Zoning Text Amendment No: 06-10
Concerning: Subordinate structure
Draft No. & Date: **2 – 3/20/06**
Introduced: March 28, 2006
Public Hearing: May 2, 2006; 1:30 PM
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**

By: Councilmembers Praisner and Silverman

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- revising the definition of “Building, accessory”;
- limiting the size of an accessory building in relation to the size of the main building;
- requiring accessory buildings of a certain size to be approved by the Board of Appeals; and
- establishing standards for Board of Appeals review of an accessory building; and
- generally amending the definition and standards for an accessory building.

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

DIVISION 59-A-2	“DEFINITIONS AND INTERPRETATION”
Section 59-A-2.1	“Definitions”
DIVISION 59-A-4	“COUNTY BOARD OF APPEALS”
Section 59-A-4.1	“Authority and powers”
DIVISION 59-C-1	“RESIDENTIAL ZONES, ONE-FAMILY”
Section 59-C-1.3	“Standard development”
Section 59-C-1.32	“Development standards”
DIVISION 59-C-9	“AGRICULTURAL ZONES”
Section 59-C-9.3	“Land uses”
Section 59-C-9.4	“Development standards”

*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-A -2 is amended as follows:**

2 **DIVISION 59-A-2. DEFINITIONS AND INTERPRETATION.**

3 **59-A-2.1. Definitions.**

4 * * *

5 **Building, accessory:** A building subordinate in size to, and located on the same
6 lot with, a main building, the use of which is clearly incidental to that of the main
7 building or to the use of the land, and which is not attached by any part of a
8 common wall or common roof to the main building.

9 * * *

10 **Use, accessory:** A use which is (1) customarily incidental and subordinate to the
11 principal use of a lot or the main building [thereon], and (2) located on the same lot
12 as the principal use or building. [In addition, a] A temporary structure or trailer
13 used for construction administration or real estate sales in conjunction with and
14 during the period of development, construction, or sales within the same site or
15 subdivision in which it is located is [also] an accessory use.

16 **Sec. 2. DIVISION 59-A-4 is amended as follows:**

17 **DIVISION 59-A-4. COUNTY BOARD OF APPEALS.**

18 **59-A-4.1. Authority and powers.**

19 **59-A-4.11. Authority.**

20 The county Board of Appeals may hear and decide the following matters as
21 provided in Section 2-112:

- 22 (a) Petitions for special exceptions, subject to articles 59-G-1 and 59-G-2.
23 (b) Petitions for variances from the strict application of this chapter, as
24 provided in article 59-G-3.
25 (c) Appeals from any refusal to issue a building or use-and-occupancy
26 permit, or from any order or decision of the Department or the

27 Commission, when passing upon an application for a building or other
 28 permit, or by any other officer or body, under this chapter.

29 (d) Appeals in regard to property affected by the master plan of highways.

30 (e) Petitions concerning public nuisances as specified in section 59-A-5.7.

31 (f) Petitions for an increase in the proportion of guest rooms to more than
 32 20 percent, but not more than 45 percent of the total units in apartment
 33 hotels, under the hotel-motel special exception.

34 (g) Petitions for an increase in the floor area or footprint of an accessory
 35 building not to exceed the floor area or footprint of the main building
 36 in or accordance with the standards established under 59-C-1.31(g)
 37 and 59-C-9.3(j).

38 [(g)] (h) Appeals from an action or decision of the Sign Review Board under
 39 Section 59-F-10.2.

40 [(h)] (i) Appeals from the issuance, revocation, suspension, or refusal to renew
 41 a sign installer license under Section 59-F-9.2.

42 **Sec. 3. DIVISION 59-C-1 is amended as follows:**

43 **DIVISION 59-C-1. RESIDENTIAL ZONES, ONE-FAMILY.**

44 * * *

45 **59-C-1.3. Standard development.**

46 * * *

47 **59-C-1.31. Land uses.**

48 * * *

	RE-2	RE-2C	RE-1	R-200	R-150	R-90	R-60	R-40	R-4plex	RMH 200
* * *										
(g) Miscellaneous.										
Accessory buildings or structures for housing animals or fowl.	P	P	P	P	P	P	P			

Accessory buildings and uses.*	P	P	P	P	P	P	P	P	P	P
Kennels, noncommercial. ³¹	P	P	P	P	P ³⁰					

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50 * Except for a building accessory to an agricultural use, an accessory building
 51 must not exceed 50 percent of the floor area or 50 percent of the footprint of
 52 the main building; however, the Board of Appeals may approve by
 53 resolution, after a public hearing, an increase in the floor area or footprint of
 54 an accessory building not to exceed the floor area or footprint of the main
 55 building. The following standards must be considered: (1) the floor area and
 56 footprint of the accessory building in relation to the size of the parcel; (2) the
 57 floor area and footprint of the accessory building in relation to the main
 58 building; (3) the location of the accessory building in relation to other
 59 buildings on the parcel and any adjoining parcel; and (4) whether the
 60 accessory building alters the character of the parcel.

61 * * *

62 **Sec. 4. DIVISION 59-C-9 is amended as follows:**

63 **DIVISION 59-C-9. AGRICULTURAL ZONES.**

64 * * *

65 **59-C-9.3. Land uses.**

66 * * *

	Rural	RC	LDRC	RDT	RS	RNC
* * *						
(j) Miscellaneous:						
Accessory buildings and uses.*	P	P	P	P	P	P
Security pavilion.	P ⁴³					

67 _____

68 * Except for a building accessory to an agricultural use, an accessory building
 69 must not exceed 50 percent of the floor area or 50 percent of the footprint of
 70 the main building; however, the Board of Appeals may approve by

71 resolution, after a public hearing, an increase in the floor area or footprint of
72 an accessory building not to exceed the floor area or footprint of the main
73 building. The following standards must be considered: (1) the floor area
74 and footprint of the accessory building in relation to the size of the parcel;
75 (2) the floor area and footprint of the accessory building in relation to the
76 main building; (3) the location of the accessory building in relation to other
77 buildings on the parcel and any adjoining parcel; and (4) whether the
78 accessory building alters the character of the parcel.

79 * * *

80 **Sec. 5. Effective date.** This ordinance becomes effective 20 days after the
81 date of Council adoption.

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83 This is a correct copy of Council action.

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88 Linda M. Lauer, Clerk of the Council