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:

2
Sec. 1. Division 59-3.7 is amended as follows:

Division 3.7. Miscellaneous Uses

* * *

Section 3.7.4. Accessory Miscellaneous Uses

A. Accessory Structure

1. Defined

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

2. Use Standards

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

a. In Agricultural and Rural Residential zones, [the maximum] 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.

b. In Residential Detached zones, [the maximum] 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.

* * *

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

Division 4.2. Agricultural Zone

Section 4.2.1. Agricultural Reserve Zone (AR)

F. AR Zone, Standard Method Development Standards

<table>
<thead>
<tr>
<th>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</th>
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</table>

3. Placement

* * *

Specification for Principal Building and Accessory Structure Setbacks

* * *

c. [The maximum] 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.

* * *

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

Division 4.3. Rural Residential Zones

* * *
Section 4.3.3. Rural Zone (R)

B. R Zone, Standard Method Development Standards

<table>
<thead>
<tr>
<th>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</th>
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2. Placement

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Specifications for Accessory Structure Setbacks

*  *  *

d. [The maximum] 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.

Section 4.3.4. Rural Cluster Zone (RC)

B. RC Zone, Standard Method Development Standards

<table>
<thead>
<tr>
<th>1. Lot and Density</th>
<th>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</th>
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2. Placement

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Specifications for Principal Building and Accessory Structure Setbacks (min)

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e. [The maximum] 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.

Section 4.3.5. Rural Neighborhood Cluster Zone (RNC)

C. RNC Zone, Standard Method Development Standards

<table>
<thead>
<tr>
<th>1. Site</th>
<th>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</th>
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<tbody>
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<td>2. Placement</td>
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6
principal building. Buildings for an agricultural use are exempt from this size restriction.

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

Division 4.4. Residential Zones

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

B. RE-2 Zone, Standard Method Development Standards

<table>
<thead>
<tr>
<th>1. Lot and Density</th>
<th>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</th>
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<td>Specification for Accessory Structure Setbacks</td>
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<td>d. [The maximum] 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.</td>
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Section 4.4.5. Residential Estate – 2C Zone (RE-2C)
B. RE-2C Zone, Standard Method Development Standards

<table>
<thead>
<tr>
<th>1. Lot and Density</th>
<th>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</th>
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Section 4.4.6. Residential Estate – 1 Zone (RE-1)

B. RE-1 Zone, Standard Method Development Standards

<table>
<thead>
<tr>
<th>1. Lot and Density</th>
<th>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</th>
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Specifications for Accessory Structure Setbacks

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d. [The maximum] 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.

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

B. R-200 Zone, Standard Method Development Standards

<table>
<thead>
<tr>
<th>1. Lot and Density</th>
<th>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</th>
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2. Placement

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Specification for Accessory Structure Setbacks

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b. [The maximum] 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.

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

B. R-90 Zone, Standard Method Development Standards

<table>
<thead>
<tr>
<th>1. Lot and Density</th>
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</table>

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

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**

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### 2. Placement

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### Specifications for Accessory Structure Setbacks

* * *

d. [The maximum] 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.

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### Section 4.4.10. Residential – 40 Zone (R-40)

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

<table>
<thead>
<tr>
<th>1. Site</th>
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Specifications for Accessory Structure Setbacks

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</tr>
</tbody>
</table>

Sec. 5. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.
This is a correct copy of Council action.

Selena Mendy Singleton, Esq.
Clerk of the Council