



Montgomery  
County Council

**Committee PHED**

**Staff:** Jeff Zyontz, Senior Legislative Analyst

**Purpose:** To introduce agenda item – no vote expected

**Keywords:** #Accessory structures, #footprint limits

AGENDA ITEM 8C

January 28, 2020

**Introduction**

## **SUBJECT**

ZTA 20-02, Accessory Structures - Standards

## **EXPECTED ATTENDEES**

NA

## **COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION**

NA

## **DESCRIPTION/ISSUE**

The proposed amendment to the Montgomery County Zoning Ordinance would clarify that the Council's intended limitation on the footprint of accessory buildings or structures applies to all buildings or structures on the site combined.

## **SUMMARY OF KEY DISCUSSION POINTS**

In the opinion of Council Staff and the Department of Permitting Services, the proposed amendment to the Montgomery County Zoning Ordinance would clarify that the Council's intended limitation on the footprint of accessory buildings or structures applies to all buildings or structures on the site combined. In a District Court case, the current limitation on accessory structures (50% of the footprint of the principal structure) was mistakenly allowed to each accessory structure on the site. DPS has been interpreting the code such that the 50% limitation applied to the footprints of all accessory structures on the site. This ZTA would clarify the Council's intent and would not interfere with the size limitation of an accessory dwelling unit.

### **This report contains:**

ZTA 20-02

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Zoning Text Amendment No.: 20-02  
Concerning: Accessory Structures -  
Standards  
Draft No. & Date: 1 – 1/14/20  
Introduced:  
Public Hearing:  
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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Lead Sponsor: Councilmembers Friedson and Jawando

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**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 1.4. “Defined Terms”
- Section 1.4.1. “Rules of Interpretation”
- Division 3.7. “Miscellaneous Uses”
- Section 3.7.4. “Accessory Miscellaneous Uses”

**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.*

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 1.4 is amended as follows:**

2   **Division 1.4. Defined Terms**

3   **Section 1.4.1. Rules of Interpretation**

4   \*   \*   \*

5   E.   Singular and Plural

6           The singular includes the plural and the plural includes the singular. The  
7           limitation on the footprint of accessory buildings or structures applies to all  
8           buildings or structures on the site combined.

9   \*   \*   \*

10           **Sec. 2 DIVISION 3.7 is amended as follows:**

11   **Division 3.7. Miscellaneous Uses**

12   \*   \*   \*

13   Section 3.7.4. Accessory Miscellaneous Uses

14   A.   Accessory Structure

15           1.   Defined

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

21           2.   Use Standards

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

- 24                   a.   In Agricultural and Rural Residential zones, the maximum  
25                   footprint of [an] all accessory [building] buildings on a lot  
26                   where the [main] principal building is a detached house is 50%

27 of the footprint of the [main] principal building. Buildings for  
28 an agricultural use are exempt from this size restriction.

29 b. In Residential Detached zones, the maximum footprint of [an]  
30 all accessory [building] buildings on a lot where the [main]  
31 principal building is a detached house is 50% of the footprint of  
32 the [main] principal building or 600 square feet, whichever is  
33 greater. Without regard to any pre-existing accessory building,  
34 the footprint of a Detached Accessory Dwelling Unit is limited  
35 only by Subsection 3.3.3.C.2.e. Buildings for an agricultural  
36 use are exempt from this size restriction.

37 \* \* \*

38 **Sec. 2. Note.** This amendment clarifies the Zoning Ordinance without any  
39 substantive change. It will not require any change in the Department of Permitting  
40 Services' administration of the ordinance.

41 **Sec. 3. Effective date.** This ordinance becomes effective immediately upon  
42 Council adoption.

43

44 This is a correct copy of Council action.

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47 Selena Mendy Singleton, Esq.  
48 Clerk of the Council