



**Committee:** PHED  
**Committee Review:** At a future date  
**Staff:** Livhu Ndou, Legislative Attorney  
**Purpose:** To introduce agenda item – no vote expected  
**Keywords:** #PoolEnclosure #AccessoryStructure  
#AccessoryBuilding

AGENDA ITEM #7C  
July 26, 2022  
**Introduction**

## SUBJECT

Zoning Text Amendment (ZTA) 22-09, Accessory Structures – Use Standards

Lead Sponsor: Councilmember Riemer  
Co-Sponsor: Councilmember Hucker

## EXPECTED ATTENDEES

None

## COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

N/A

## DESCRIPTION/ISSUE

ZTA 22-09 will create use standards for pool enclosures.

## SUMMARY OF KEY DISCUSSION POINTS

- In the current zoning ordinance, the cumulative footprint of all accessory buildings on a lot may not exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater.
- ZTA 22-09 will allow a cumulative footprint of up to 1,200 square feet if the property contains a pool enclosure. If the cumulative footprint of accessory buildings is increased because of a pool enclosure, ZTA 22-09 also contains provisions limiting the size of the other accessory buildings.
- The pool enclosure must be transparent or translucent and have a maximum height of 7 feet or less.
- A public hearing is tentatively scheduled for September 20, 2022.

### This report contains:

ZTA 22-09

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Ordinance No.:  
Zoning Text Amendment No.: 22-09  
Concerning: Accessory Structures –  
Use Standards  
Draft No. & Date: 1 – 7/14/2022  
Introduced: July 26, 2022  
Public Hearing:  
Adopted:  
Effective:

**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: Councilmember Riemer  
Co-Sponsor: Councilmember Hucker

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- create use standards for pool enclosures; and
- generally amend the provisions for 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.*

*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, where the principal  
16                  building on a lot is a detached house, the cumulative footprint  
17                  of all accessory buildings on that lot may not exceed 50% of the  
18                  footprint of the principal building. Buildings for an agricultural  
19                  use are exempt from this size restriction.
- 20                  b.    In Residential Detached zones, where the principal building on  
21                  a lot is a detached house, the cumulative footprint of all  
22                  accessory buildings on that lot may not exceed 50% of the  
23                  footprint of the principal building or 600 square feet, whichever  
24                  is greater. This Subsection does not apply to Section 3.3.3.C,  
25                  Detached Accessory Dwelling Unit. Buildings for an  
26                  agricultural use are exempt from this size restriction.

27                   c. Where the construction of a pool enclosure would cause the  
 28                   cumulative footprint of all accessory buildings, including the  
 29                   pool enclosure, to exceed 50% of the footprint of the principal  
 30                   building or 600 square feet, whichever is greater, the pool  
 31                   enclosure may be allowed, provided:

32                   1. the pool enclosure, not including the rafters, is  
 33                   translucent or transparent;  
 34                   2. the pool enclosure has a height of 7 feet or less;  
 35                   3. the cumulative footprint of all other accessory buildings  
 36                   on the property is less than 50% of the footprint of the  
 37                   principal building or 600 square feet, whichever is  
 38                   greater; and  
 39                   4. the cumulative footprint of the pool enclosure and all  
 40                   other accessory buildings on the property does not  
 41                   exceed 1,200 square feet.

42                   \*    \*    \*

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

44                   **Division 4.2. Agricultural Zone**

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

46                   \*    \*    \*

47                   F.    AR Zone, Standard Method Development Standards

	<b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b>
*    *    *	

3. Placement
* * *
Specification for Principal Building and Accessory Structure Setbacks
* * *
<p>c. Where the principal building on a lot is a detached house, the cumulative footprint of all accessory buildings on that lot may not exceed 50% of the footprint of the principal building. Buildings for an agricultural use are exempt from this size restriction.</p> <p><u>d. Where the construction of a pool enclosure would cause the cumulative footprint of all accessory buildings, including the pool enclosure, to exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater, the pool enclosure may be allowed, provided:</u></p> <ol style="list-style-type: none"> <li><u>1. the pool enclosure, not including the rafters, is translucent or transparent;</u></li> <li><u>2. the pool enclosure has a height of 7 feet or less;</u></li> <li><u>3. the cumulative footprint of all other accessory buildings on the property is less than 50% of the footprint of the principal building or 600 square feet, whichever is greater; and</u></li> <li><u>4. the cumulative footprint of the pool enclosure and all other accessory buildings on the property does not exceed 1,200 square feet.</u></li> </ol>

48 \* \* \*

49 **Sec. 3. Division 59-4.3 is amended as follows:**50 **Division 4.3. Rural Residential Zones**

51 \* \* \*

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

53 \* \* \*

54 B. R Zone, Standard Method Development Standards

	<b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b>
* * *	
2. Placement	
* * *	
Specifications for Accessory Structure Setbacks	
* * *	
d. Where the principal building on a lot is a detached house, the cumulative footprint of all accessory buildings on that lot may not exceed 50% of the footprint of the principal building. Buildings for an agricultural use are exempt from this size restriction.	
e. <u>Where the construction of a pool enclosure would cause the cumulative footprint of all accessory buildings, including the pool enclosure, to exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater, the pool enclosure may be allowed, provided:</u>	
1. <u>the pool enclosure, not including the rafters, is translucent or transparent;</u>	
2. <u>the pool enclosure has a height of 7 feet or less;</u>	
3. <u>the cumulative footprint of all other accessory buildings on the property is less than 50% of the footprint of the principal building or 600 square feet, whichever is greater; and</u>	
4. <u>the cumulative footprint of the pool enclosure and all other accessory buildings on the property does not exceed 1,200 square feet.</u>	

55 \* \* \*

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

57 \* \* \*

## 58 B. RC Zone, Standard Method Development Standards

<b>1. Lot and Density</b>	<b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b>
* * *	
<b>2. Placement</b>	
* * *	
Specifications for Principal Building and Accessory Structure Setbacks (min)	
* * *	
e. Where the principal building on a lot is a detached house, the cumulative footprint of all accessory buildings on that lot may not exceed 50% of the footprint of the principal building. Buildings for an agricultural use are exempt from this size restriction.	
<u>f. Where the construction of a pool enclosure would cause the cumulative footprint of all accessory buildings, including the pool enclosure, to exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater, the pool enclosure may be allowed, provided:</u>	
<u>1. the pool enclosure, not including the rafters, is translucent or transparent;</u>	
<u>2. the pool enclosure has a height of 7 feet or less;</u>	
<u>3. the cumulative footprint of all other accessory buildings on the property is less than 50% of the footprint of the principal building or 600 square feet, whichever is greater; and</u>	
<u>4. the cumulative footprint of the pool enclosure and all other accessory buildings on the property does not exceed 1,200 square feet.</u>	

59 \* \* \*

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

61 \* \* \*

## 62 C. RNC Zone, Standard Method Development Standards

<b>1. Site</b>	<b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b>	
* * *		
3. Placement		
* * *		
Specifications for Principal Building and Accessory Structure Setbacks		
* * *		
d. Where the principal building on a lot is a detached house, the cumulative footprint of all accessory buildings on that lot may not exceed 50% of the footprint of the principal building. Buildings for an agricultural use are exempt from this size restriction.		* * *
e. <u>Where the construction of a pool enclosure would cause the cumulative footprint of all accessory buildings, including the pool enclosure, to exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater, the pool enclosure may be allowed, provided:</u>		
1. <u>the pool enclosure, not including the rafters, is translucent or transparent;</u>		
2. <u>the pool enclosure has a height of 7 feet or less;</u>		
3. <u>the cumulative footprint of all other accessory buildings on the property is less than 50% of the footprint of the principal building or 600 square feet, whichever is greater; and</u>		

<p><u>4. the cumulative footprint of the pool enclosure and all other accessory buildings on the property does not exceed 1,200 square feet.</u></p>	
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63     \*   \*   \*

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

65           **Division 4.4. Residential Zones**

66     \*   \*   \*

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

68     \*   \*   \*

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

<p><b>1. Lot and Density</b></p>	<p><b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b></p>
<p>*   *   *</p>	
<p><b>2. Placement</b></p>	
<p>*   *   *</p>	
<p>Specifications for Accessory Structure Setbacks</p>	
<p>*   *   *</p>	
<p>d. Where the principal building on a lot is a detached house, the cumulative footprint of all accessory buildings on that lot may not exceed 50% of the footprint of the 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.</p>	
<p>e. <u>Where the construction of a pool enclosure would cause the cumulative footprint of all accessory buildings, including the pool enclosure, to exceed 50% of the</u></p>	

footprint of the principal building or 600 square feet, whichever is greater, the pool enclosure may be allowed, provided:

1. the pool enclosure, not including the rafters, is translucent or transparent;
2. the pool enclosure has a height of 7 feet or less;
3. the cumulative footprint of all other accessory buildings on the property is less than 50% of the footprint of the principal building or 600 square feet, whichever is greater; and
4. the cumulative footprint of the pool enclosure and all other accessory buildings on the property does not exceed 1,200 square feet.

70 \* \* \*

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

72 \* \* \*

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

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

e. Where the construction of a pool enclosure would cause the cumulative footprint of all accessory buildings, including the pool enclosure, to exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater, the pool enclosure may be allowed, provided:

1. the pool enclosure, not including the rafters, is translucent or transparent;
2. the pool enclosure has a height of 7 feet or less;
3. the cumulative footprint of all other accessory buildings on the property is less than 50% of the footprint of the principal building or 600 square feet, whichever is greater; and
4. the cumulative footprint of the pool enclosure and all other accessory buildings on the property does not exceed 1,200 square feet.

74 \* \* \*

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

76 \* \* \*

#### 77 B. RE-1 Zone, Standard Method Development Standards

<b>1. Lot and Density</b>	<b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b>
* * *	
<b>2. Placement</b>	
* * *	
<b>Specifications for Accessory Structure Setbacks</b>	
* * *	
d. Where the principal building on a lot is a detached house, the cumulative	

footprint of all accessory buildings on that lot may not exceed 50% of the footprint of the 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.

e. Where the construction of a pool enclosure would cause the cumulative footprint of all accessory buildings, including the pool enclosure, to exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater, the pool enclosure may be allowed, provided:

1. the pool enclosure, not including the rafters, is translucent or transparent;
2. the pool enclosure has a height of 7 feet or less;
3. the cumulative footprint of all other accessory buildings on the property is less than 50% of the footprint of the principal building or 600 square feet, whichever is greater; and
4. the cumulative footprint of the pool enclosure and all other accessory buildings on the property does not exceed 1,200 square feet.

78 \* \* \*

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

80 \* \* \*

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

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

Specification for Accessory Structure Setbacks

\* \* \*

b. Where the principal building on a lot is a detached house, the cumulative footprint of all accessory buildings on that lot may not exceed 50% of the footprint of the 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.

c. Where the construction of a pool enclosure would cause the cumulative footprint of all accessory buildings, including the pool enclosure, to exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater, the pool enclosure may be allowed, provided:

1. the pool enclosure, not including the rafters, is translucent or transparent;
2. the pool enclosure has a height of 7 feet or less;
3. the cumulative footprint of all other accessory buildings on the property is less than 50% of the footprint of the principal building or 600 square feet, whichever is greater; and
4. the cumulative footprint of the pool enclosure and all other accessory buildings on the property does not exceed 1,200 square feet.

[c]d. Any accessory building or structure used for the housing, shelter, or sale of animals or fowl other than a household pet must be a minimum of 25' from a lot line and a minimum of 100' from a dwelling on another lot.

82 \* \* \*

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

84 \* \* \*

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

<b>1. Lot and Density</b>	<b>Detached House or a Building for a</b>
---------------------------	---

	<b>Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b>
* * *	
2. Placement	
* * *	
Specifications for Accessory Structure Setbacks	
* * *	
d. Where the principal building on a lot is a detached house, the cumulative footprint of all accessory buildings on that lot may not exceed 50% of the footprint of the 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>e. Where the construction of a pool enclosure would cause the cumulative footprint of all accessory buildings, including the pool enclosure, to exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater, the pool enclosure may be allowed, provided:</u>	
1. <u>the pool enclosure, not including the rafters, is translucent or transparent;</u>	
2. <u>the pool enclosure has a height of 7 feet or less;</u>	
3. <u>the cumulative footprint of all other accessory buildings on the property is less than 50% of the footprint of the principal building or 600 square feet, whichever is greater; and</u>	
4. <u>the cumulative footprint of the pool enclosure and all other accessory buildings on the property does not exceed 1,200 square feet.</u>	
[e]f. Any accessory building or structure used for the housing, shelter, or sale of animals or fowl other than a household pet must be a minimum of 25' from a lot	

line and a minimum of 100' from a dwelling on another lot.

86 \* \* \*

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

88 \* \* \*

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

<b>1. Lot and Density</b>	<b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b>
* * *	
<b>2. Placement</b>	
* * *	
<b>Specifications for Accessory Structure Setbacks</b>	
* * *	
d. Where the principal building on a lot is a detached house, the cumulative footprint of all accessory buildings on that lot may not exceed 50% of the footprint of the 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.	
e. Where the construction of a pool enclosure would cause the cumulative footprint of all accessory buildings, including the pool enclosure, to exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater, the pool enclosure may be allowed, provided:	
1. the pool enclosure, not including the rafters, is translucent or transparent;	
2. the pool enclosure has a height of 7 feet or less;	
3. the cumulative footprint of all other accessory buildings on the property is	

less than 50% of the footprint of the principal building or 600 square feet, whichever is greater; and

4. the cumulative footprint of the pool enclosure and all other accessory buildings on the property does not exceed 1,200 square feet.

[e]f. Any accessory building or structure used for the housing, shelter, or sale of animals or fowl other than a household pet must be a minimum of 25' from a lot line and a minimum of 100' from a dwelling on another lot.

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

92 \* \* \*

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

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

e. Where the construction of a pool enclosure would cause the cumulative footprint of all accessory buildings, including the pool enclosure, to exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater, the pool enclosure may be allowed, provided:

1. the pool enclosure, not including the rafters, is translucent or transparent;
2. the pool enclosure has a height of 7 feet or less;
3. the cumulative footprint of all other accessory buildings on the property is less than 50% of the footprint of the principal building or 600 square feet, whichever is greater; and
4. the cumulative footprint of the pool enclosure and all other accessory buildings on the property does not exceed 1,200 square feet.

[e]f. Any accessory building or structure used for the housing, shelter, or sale of animals or fowl other than a household pet must be a minimum of 25' from a lot line and a minimum of 100' from a dwelling on another lot.

94 \* \* \*

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