



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Office of the Chairman, Montgomery County Planning Board

MCPB
Item # 2
10/10/05

DATE: October 6, 2005
TO: Montgomery County Planning Board
VIA: Rose Krasstow, Chief, Development Review
Carlton Gilbert, Zoning Supervisor
FROM: Greg Russ, Zoning Coordinator
REVIEW TYPE: Zoning Text Amendment
PURPOSE: To reduce the allowable rear yard coverage and maximum height of an accessory building in certain zones; and generally amend provisions concerning accessory buildings.

TEXT AMENDMENT: No. 05-11
REVIEW BASIS: Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance
INTRODUCED BY: Councilmember Praisner
INTRODUCED DATE: September 13, 2005
PLANNING BOARD REVIEW: October 10, 2005
PUBLIC HEARING: October 18, 2005; 1:30 p.m.

STAFF RECOMMENDATION: APPROVAL with modifications

PURPOSE OF THE TEXT AMENDMENT

To reduce the allowable rear yard coverage and maximum height of an accessory building in certain zones; and generally amend provisions concerning accessory buildings.

BACKGROUND/ANALYSIS

Councilmember Praisner introduced the subject text amendment to address a growing trend toward the construction of large accessory buildings on relatively small lots. An accessory building is defined as a use that is customarily incidental and subordinate to the principal use of a lot or the main building. However, some accessory buildings are being constructed that are almost as large as the main building. The proposed text amendment would help reduce the likelihood that this would occur by reducing the allowable rear

yard coverage in all one-family residential zones and by lowering the maximum height for accessory buildings in the small lot zones (R-90, R-60, R-40 and R-4plex).

Location and Rear Lot Coverage of Accessory Structures

Currently in one-family residential zones, an accessory building or structure must be located in a rear yard and must not occupy more than 25 percent of the rear yard. The subject zoning text amendment proposes to reduce the allowable rear yard coverage to 20 percent. Staff research of several surrounding jurisdictions (Fairfax County, VA; Arlington County, VA; Prince George's County, MD; and Howard County, MD—see Attachment 2) finds accessory structure coverage requirements that range from no specific coverage requirement (but instead include setback requirements for accessory structures) to a maximum coverage of 30 percent of the minimum required rear yard. Staff believes that the proposed reduction in the allowable rear yard coverage by accessory buildings (along with the proposed reduction in building height) would serve to lessen the overall bulk on all lots and could assist in re-establishing appropriate dimensional standards between main buildings and accessory structures in the small lot residential zones.

Maximum Height for Accessory Buildings in Small Lot Zones

The Zoning Ordinance currently allows a maximum building height of 25 feet for accessory buildings in the smaller lot zones (R-90, R-60, R-40 and R-4plex). The subject zoning text amendment proposes to reduce the allowable building height to 20 feet. The proposal further includes a grandfathering provision for existing accessory structures with a height greater than 20 feet (to be discussed in the section below). Staff research of several surrounding jurisdictions (Fairfax County, VA; Arlington County, VA; Prince George's County, MD; and Howard County, MD—see Attachment 2) indicates accessory structure height requirements that range from 15 feet to 35 feet (the same as a principle structure- with varying setback requirements based on the height of the structure). Staff believes that the proposed height reduction from 25 to 20 feet for accessory structures is not out of character with surrounding localities and is appropriate for further distinguishing accessory structures from main buildings in the small lot residential zones.

Grandfathering Provisions for existing Accessory Structures

The grandfathering provision in the proposed ZTA is as follows:

Any accessory building in an R-90, R-60, R-40, or R-4plex zone lawfully existing before (ZTA Effective Date) with a height greater than 20 feet is a conforming building and may continue under the standards in effect when the accessory building was constructed:

The proposed text amendment provides a grandfathering clause for existing accessory structures located in the R-90, R-60, R-40 and R-4plex zones with a height greater than 20 feet but does not provide a compliance requirement for those properties where accessory structures currently occupy more than 20 percent of the rear yard (rear yard

coverage portion of the text amendment). Staff believes that a grandfathering provision also should be included with the rear yard coverage modification. Staff further recommends that the grandfathering provision be clarified to state that an existing accessory building (as of the effective date of the ZTA) would be conforming and could continue under the standards in effect when the accessory building was constructed but any replacement or reconstruction of the structure must conform to the standards in effect at the time of replacement or reconstruction.

RECOMMENDATION

The staff supports the proposed text amendment to reduce the allowable rear yard coverage and maximum height of an accessory building in certain zones; and generally amend provisions concerning accessory buildings. Staff proposes to modify the proposed language to also include grandfathering provisions for those existing lots that include accessory structures that currently occupy more than 20 percent of the rear yard. Staff further recommends that the grandfathering provisions be clarified to state that any replacement or reconstruction of a grandfathered structure must conform to the standards in effect at the time of replacement or reconstruction. The proposed text amendment language as modified by staff is included as Attachment 1.

GR

Attachments

1. Proposed Text Amendment 05-11 (as modified by staff)
2. Accessory Building Requirements for Certain Surrounding Jurisdictions