

ATTACHMENT 1

Zoning Text Amendment No: 05-11
Concerning: Accessory Buildings – height
and lot coverage
Draft No. & Date: 1 – 9/7/05
Introduced: September 13, 2005
Public Hearing: 10/18/05; 1:30 p.m.
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: Councilmember Praisner

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

- reducing the allowable rear yard coverage and maximum height of an accessory building in certain zones; and
- generally amending provisions concerning accessory buildings.

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-C-1 “RESIDENTIAL ZONES, ONE-FAMILY”
Section 59-C-1.3 “Standard development”
Section 59-C-1.32 “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 **Use, accessory:** A use which is (1) customarily incidental and subordinate to the
 6 principal use of a lot or the main building [thereon], and (2) located on the same lot
 7 as the principal use or building. [In addition, a] A temporary structure or trailer
 8 used for construction administration or real estate sales in conjunction with and
 9 during the period of development, construction, or sales within the same site or
 10 subdivision in which it is located is [also] an accessory use,

11 **Sec. 2. DIVISION 59-C-1 is amended as follows:**

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

13 * * *

14 **59-C-1.3. Standard development.**

15 * * *

16 **59-C-1.32. Development standards.**

17 * * *

	RE-2 ¹	RE-2C ¹	RE-1 ¹	R-200	R-150 ³	R-90	R-60	R-40 ²	R-4plex	RMH 200
* * *										
59-C-1.326. Yard Requirements for an Accessory Building or Structure (in Feet).⁷										
(a) For all lots.										
(1) An accessory building or structure must be located in a rear yard and must not occupy more than [25] <u>20</u> percent of the rear yard. <u>Any accessory building or structure lawfully existing before (ZTA Effective Date) and</u>										

<p><u>occupying more than 20 percent of the rear yard is a conforming building and may continue under the standards in effect when the accessory building was constructed. However, any replacement or reconstruction of the structure must conform to the standards in effect at the time of replacement or reconstruction.</u></p> <p>(2) An accessory building or structure must be set back from the lot lines with a minimum setback as follows:</p>										
(A) From the street line:	80	80	80	65	65	60	60	60		65
(B) From a rear lot line:	10	10	10	7	7	5	5	5		7
(C) From a side lot line:	15	15	15	12	12	5	5	5		12
(3) For any accessory building or structure in the zones indicated thus (*) with a height greater than 15 feet, the side yard and rear yard minimum setback must be increased from the requirements in (2) above at a ratio of one foot of additional setback for each foot of height in excess of 15 feet:						*	*	*		
(4) For any accessory building or structure in the zones indicated thus (*) with a length along a rear or side property line which has a linear dimension greater than 24 feet, the										

<p>minimum setback from that rear or side property line must be increased from the requirement in (2) above at a ratio of one foot for every 2 feet that the dimension exceeds 24 linear feet.</p>						*	*	*		*
<p>* * *</p>										
<p>59-C-1.327. Maximum Building Height (in Feet).</p>										
<p>* * *</p>										
<p>[For an accessory building in these zones:</p>									25]	
<p>[For an accessory building in these zones, which shall not exceed 2 stories; the height from existing grade shall not exceed] <u>For an accessory building in an R-90, R-60, R-40, or R-4plex zone, the building height as measured from the existing grade in front of the building must not exceed [25] 20 feet. 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. ; However, any replacement or reconstruction of the structure must conform to the standards in effect at the time of replacement or reconstruction.</u></p>						[25]	[25]	[25]		

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Sec. 2. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council