

Zoning Office Requirements

Background

The Montgomery County Council made changes to the existing zoning ordinance that allow accessory apartments also known as Accessory Dwelling Units (ADUs) in smaller residential zones. These secondary housing units are located on the same lot as an owner-occupied single-family home. They are significantly smaller than the main house and can be a stand-alone structure in the backyard, a basement apartment, an addition or an apartment over the garage. ADUs go by many names, such as accessory apartments, granny pods, backyard cottages or carriage houses, among others. The principal dwelling or ADU must be the primary residence of the applicant for an ADU rental license.

The intent of these changes to the zoning ordinance was to:

- Remove the requirement for conditional use approval for all accessory apartments
- Revise the limited use provisions for attached and detached accessory apartments
- Generally, amend the provisions for accessory apartments

Use Standards (3.3.3.A.2 of ZTA 19-01)

How Many ADU's?

- One ADU per lot
- Same street address like the principal dwelling
- An ADU must not be located on a lot where any short-term rental Residential use exists or is licensed
- A Bed and Breakfast is prohibited in a dwelling unit that also provides guest rooms for roomers, or in a Farm Labor Housing Unit, or on a site that includes an ADU
- Where a Guest House is allowed as a limited use, a Guest House must not be located on a lot that has an ADU

Number of Occupants

- The maximum number of occupants is limited by Chapter 26 (Section 26-5); however, the total number of occupants residing in the ADU Unit who are 18 years or older is limited to 2.

ADUs allowed in Agricultural and Rural Residential Zones

- ADU is excluded from any density calculations. If the property associated with an ADU is subsequently subdivided, the ADU is included in the density calculations
- In the AR zone, any ADU may be prohibited under Section 3.1.5, Transferable Development Rights.

Lot Size

Detached ADUs are allowed as a limited use in R-200, R-90, and R-60 zones (currently only allowed in the RE-1, RE-2 and RE-2C residential zones). Where an attached ADU is allowed as a limited use, it must satisfy the use standards for all ADUs under Section 3.3.3.A.2.

Lot Coverage

The maximum footprint of an ADU, in combination with other structures on the site, is limited by the total lot coverage limit in the underlying zone and the maximum gross floor area of the unit; and unless modified by the use standards for an ADU, an ADU must comply with the setback, height, and building lot coverage standards of an accessory structure in the underlying zone.

Parking

Except for lots located within 1 mile of any Metrorail, Purple Line, or MARC Rail Station, either:

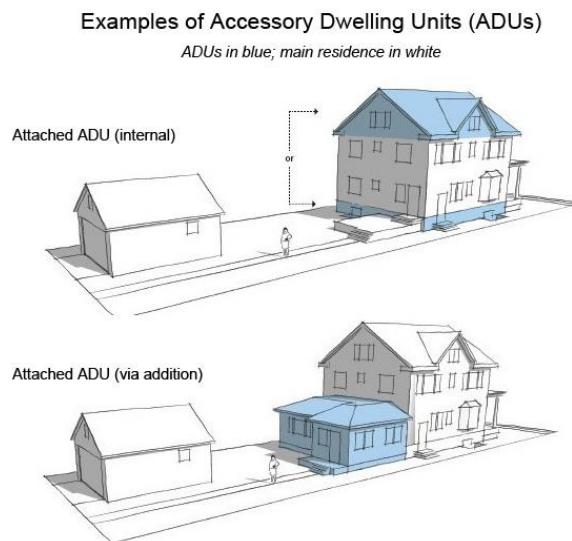
- (a) one on-site parking space is provided in addition to any required on-site parking space for the principal dwelling; however, if a new driveway must be constructed for the ADU, then a total of at least two on-site parking spaces must be provided; or
- b) the Hearing Examiner finds under the waiver in Section 29-26(b) that there is adequate on-street parking;

Attached ADU (internal or addition)

All use standards above and a) and b) below:

a) A separate entrance located either:

1. On the side or rear of the dwelling;
2. At the front of the principal dwelling, if the entrance existed before May 20, 2013;
or
3. At the front of the principal dwelling, if it is a single entrance door for use of the principal dwelling and the attached ADU



b) The maximum gross floor area, including any floor area used for an ADU in a cellar, must be:

- 1,200 square feet of gross floor area; or
- if the basement or cellar is used for the ADU, the gross floor area for the ADU may equal the square footage area of the basement or cellar

Detached ADU

All use standards above and a, b), c) and d) below:

- a) An ADU built after May 30, 2012 must have the same minimum side setback as the Principal Dwelling and a minimum rear setback of 12 feet.
- b) Any structure constructed legally before May 31, 2012 that is not increased in size or building height and does not have new windows on a wall nearest an abutting property may be used for ADU without regard to setbacks or floor area.
- c) For any ADU with a length along a rear or side lot line that is longer than 24 feet, the minimum side or rear setback must be increased at a ratio of 1 foot for every 1 foot that the dimension exceeds 24 linear feet. The additional rear setback is from a 12-foot setback as its starting point.
- d) The maximum gross floor area must be the least of:
 - 50% of the footprint of the principal dwelling;
 - 10% of the lot area; or
 - 1,200 square feet of gross floor area

