

Zoning and Permitting Requirements for Accessory Dwelling Units (ADUs)



Background

- The Montgomery County Council made changes to the existing laws that allow 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.

What ZTA 19-01 allows:

- Detached ADUs as a limited use in R-200, R-90, and R-60 zones (currently only allowed, as a limited use, in the RE-1, RE-2 and RE-2C residential zones)
 - Where an Attached Accessory Dwelling Unit is allowed as a limited use, it must satisfy the use standards for all Accessory Dwelling Units under Section 3.3.3.A.2 and the following standards:
 - a. A separate entrance is located:



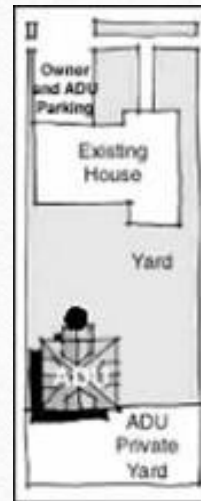
- i. On the side or rear of the dwelling;
- ii. At the front of the principal dwelling, if the entrance existed before May 20, 2013; or
- iii. At the front of the principal dwelling, if it is a single entrance door for use of the principal dwelling and the Attached Accessory Dwelling Unit.

Zoning Text Amendment No.: 19-01

Accessory Residential

Uses – Accessory

Apartments



- Adopted: July 23, 2019
- Effective: December 31, 2019

What was the overall intent of ZTA 19-01?

- To remove the requirement for conditional use approval for all accessory apartments
- To revise the limited use provisions for attached and detached accessory apartments
- To generally amend the provisions for accessory apartments



Definition

Accessory Structure

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

Accessory Dwelling Unit

An Accessory Dwelling Unit or Accessory Apartment means a second dwelling unit that is subordinate to the principal dwelling. An Accessory Dwelling Unit includes an Attached Accessory Dwelling Unit and a Detached Accessory Apartment Dwelling Unit.

Examples of Accessory Dwelling Units (ADUs)

ADUs in blue; main residence in white

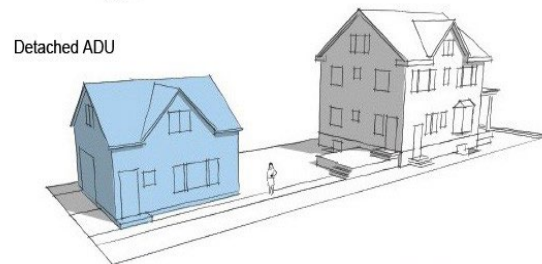
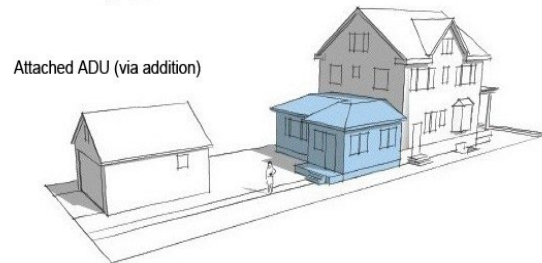
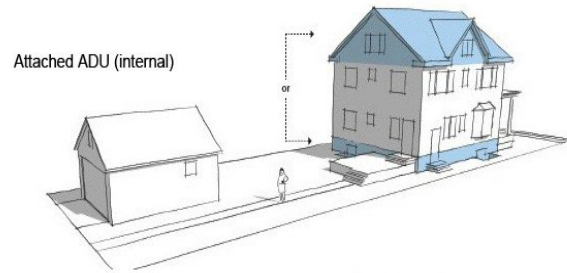


Image credit: City of Saint Paul, MN



*Accessory
Structures*

- A Building Permit is required from the Department of Permitting Services (DPS) for all ADUs.
- All Permits for ADUs are reviewed and approved by DPS.
- The Principal Dwelling or Accessory Apartment must be the primary residence of the applicant for an accessory apartment rental license.



INFORMATION

LAND USE

 **DPS**
Montgomery | Department of
County | Permitting Services



Department of Permitting Services Process for ADU

What we do:

We are responsible for permit issuance to ensure proposed land and building construction work is done safely, timely, and professionally. Working with design professionals, local and state agencies, business groups and the public, we review, approve, issue and inspect plans to ensure code compliance, promote economic wellbeing, sustainability and quality of life.



ADU Requirements

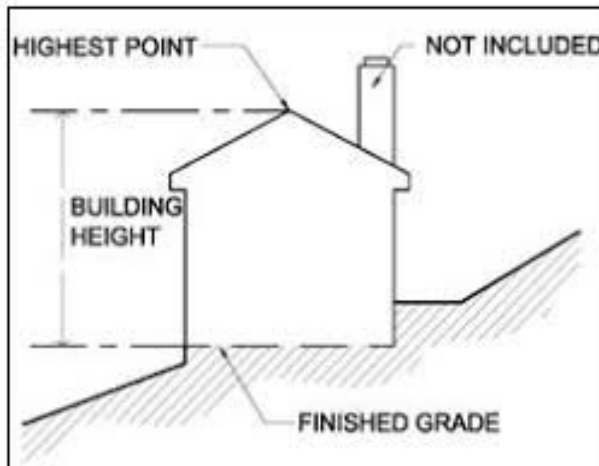
The maximum gross floor area for a Detached Accessory Dwelling Unit must be the least of:

- i. 50% of the footprint of the principal dwelling;
- ii. 10% of the lot area; or
- iii. 1,200 square feet of gross floor area.



Maximum Building Heights

Zone	Maximum Principle Building Height (measured to the highest point)	Maximum Accessory Structure Height
R-200	50' to 35' depending on lot size	35'
R-90	35'	20'
R-60	35'	20'



- A Detached Accessory Dwelling Unit built after May 30, 2012 must have the same minimum side setback as the Principle Dwelling and a minimum rear setback of 12 feet.

Residential Construction and Intake Division

What we do:

The Residential Construction and Intake Division promotes public safety through the effective administration and enforcement of residential building, structural, electrical, mechanical, and energy conservation codes. We process permit applications, issue permits, perform inspections, conduct investigations.

Process Guide

How it Works

Permit applications must be applied for electronically using the Apply Online link.

Permit Plans Review

How it Works

Your drawings and documents will be reviewed for compliance with local and state building codes. If the plan reviewer determines that your drawings and documents are adequate they will stamped as DPS approved for code compliance. If your drawings and documents need corrections, you will receive a notification that corrections are required. Once those corrections are made you will re-upload those drawings and documents.



General Information



- All ADUs are licensed and inspected by the Department of Housing and Community Affairs (DHCA).
- All Rental Licenses are issued by DHCA.



Contact Information

- Zoning and Code Compliance Division Chief
Victor Salazar
240-777-6211
Victor.Salazar@montgomerycountymd.gov



DPS

Montgomery County
Department of Permitting Services

YOUR PROJECT PARTNER