

ACCESSORY DWELLING UNITS – CURRENT ZONING vs. ZTA 19-1

<u>All ADUs</u>	<u>Current Zoning Code-Limited Use¹</u>	<u>ZTA 19-1-Riemer Proposal-Limited Use²</u>
	Must be subordinate to principal dwelling.	Same
	Only one attached accessory apartment per lot.	Same
	If not approved as a special exception before 5/20/13, must be licensed by Department of Housing and Community Affairs.	Same
	Must have same street address as principal dwelling.	Same
	Must have separate on-site parking space for the ADU, or two on-site spaces for the ADU if new driveway is constructed for the ADU.	Deleted. No separate parking space required for the ADU. The two parking spaces required for the principal dwelling will serve the ADU.
	Maximum gross floor area (including any cellar floor area used for the ADU) is the lesser of 50% of the total floor area in the principal dwelling (including any floor area used for an ADU in the cellar), or 1,200 sq. ft., whichever is less.	Maximum habitable floor area including floor area used for ADU in basement or cellar is limited to 50% of total floor area of principal dwelling (including any floor area used for an ADU in the cellar of the principal dwelling).
	Principal dwelling or the ADU must be the primary residence of the lot owner.	Principal dwelling or ADU must be primary residence of lot owner/applicant only if ADU is a rental.
	No more than two adults may occupy an ADU. [No restriction on number of children occupying the ADU.]	Same.
	May not be located on a lot with a residential	

¹ Source: Montgomery County Zoning Ordinance, Ch. 59, Sec. 3.3.3.

² Source: County Council Staff Memo (Jeffrey Zyontz, Senior Legislative Analyst, 1/11/19).

	rental.	May not be located on lot with a short-term residential rental.
<u>Attached ADUs</u>	<u>Current Zoning Code-Limited Use</u>	<u>ZTA 19-1-Rierner Proposal-Limited Use</u>
	If the ADU is constructed as an addition that increases the footprint of the principal dwelling, the maximum floor area of the ADU cannot exceed 800 sq. ft.	Deleted. No limit on square feet of addition to principal dwelling for an ADU.
	Must be subordinate to the principal dwelling.	Same.
	In the R-200, R-90 and R-60 zones, the ADU must be located at least 300 feet from any other attached or detached ADU along the same block face.	Deleted. No spacing requirement.
	A separate entrance for the ADU must be located on the side or rear of the principal dwelling. May be at the front of the dwelling if the entrance either existed before 5/20/13 or the door is for both the principal dwelling and the ADU.	Deleted. An ADU must simply have a separate entrance. No specific requirements included.
	The principal dwelling in which the ADU is created must be at least five years old.	Deleted. No requirement for age of principal dwelling.
	ADUs allowed in cellars but not in basements.	Allowed in basements as well as cellars.
<u>Detached ADUs</u>	<u>Current Zoning Code-Limited Use</u>	<u>ZTA 19-1-Rierner Proposal-Limited Use</u>
	Minimum lot size is one acre.]DETACHED ADUs ARE NOT CURRENTLY ALLOWED IN R-200, R-90 OR R-60 ZONES.]	Deleted. No minimum lot size. [DETACHED ADUs WOULD BE ALLOWED IN R-200, R-90 AND R-60 ZONES.]
	If built after 5/30/12, an ADU must have the same	Same for ADUs built after 5/30/12. ZTA expressly

	minimum side yard setbacks as the principal dwelling, and a minimum rear set back of 12 feet unless more restrictive setbacks are required	exempts Detached ADUs built before 5/31/12 from any setbacks.
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