

## **ZTA 19-01: Modifications to Accessory Apartment/Accessory Dwelling Code**

Currently, Montgomery County allows a second “dwelling unit” or apartment WITHIN a home in our R-90 single-family zone. The apartment must be approved, inspected and licensed by the Department of Housing and Community Affairs and is limited to two adults along with children. A Zoning Text Amendment (ZTA) was introduced to change/relax the current requirements. Council’s PHED Committee had one work session and is agreement to advance (not table) this ZTA. The PHED’s next session is on Tues., March 26. Following PHED action, this ZTA will be considered by full Council.

ZTA 19-01 proposes the following basic changes:

1. Currently, spacing between accessory apartments is limited to 300’ on the face of a block. This is to ensure that units are not overly concentrated in an area. There is a simple waiver process to allow units to be closer. **ZTA 19-01 will eliminate the 300’ spacing requirement.**
2. Currently, an accessory apartment requires one additional off-street parking space (in addition to the two for the basic R-90 home). There is a simple waver process for an applicant to use on-street parking, if available, instead of an off-street space. **ZTA 19-01 eliminates the requirement for an additional off-street parking space and assumes sufficient on-street parking.**
3. Currently an accessory apartment is restricted to be the smaller of 50% of the home’s gross square footage, or 1200 square feet. **ZTA 19-01 eliminates the 1200 square foot maximum and changes the size to be 50% of the habitable space of the home.**
4. Currently, DETACHED accessory dwelling units are not allowed in the R-90 zone. **ZTA 19-01 proposes allowing detached units on all R-90 lots:**
  - Existing accessory structures allowed to be converted (garages/out buildings). Buildings existing prior to 2012 allowed without set-back review.
  - New structures allowed to be constructed on the lot with current set-back requirements.

For more detailed discussion of all the issues, see the two staff reports:

**March 26:**

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20190326/20190326\\_PHED1.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20190326/20190326_PHED1.pdf)

**March 18:**

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20190318/20190318\\_PHED1.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20190318/20190318_PHED1.pdf)

Or, watch the video of the PHED meetings, live-streamed or on-demand:

<https://www.montgomerycountymd.gov/council/ondemand/index.html>