DPS | Montgomery County
Department of Permitting Services
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240-777-0311
montgomerycountymd.gov/dps

Guidelines for Accessory Dwelling Units (ADUs)

An accessory dwelling unit (ADU) is a second dwelling unit that is subordinate to the owner-occupied main one-family dwelling located on the lot with house. ADUs go by many names, such as accessory apartments, granny pods, backyard cottages or carriage houses, among others. ADU is smaller than the house and it must contain permanent provisions for living, sleeping, eating, cooking and sanitation. ADUs can be created by altering a portion of a main existing house, including a garage, adding to an existing house, or constructing a new detached building on the same lot.

Before applying for a building permit you must apply for a license with Department of Housing and Community Affairs (DHCA) https://www.montgomerycountymd.gov/dhca/housing/licensing/accessory.html. DHCA will provide you with approved stamped drawings and an inspection report that you must present to the Department of Permitting Services (DPS) prior to issuance of the building permit. DHCA will inspect the ADU, after the final DPS inspection, to issue the ADU license.

If your house is on a septic or well lot, please contact the Well and Septic Department at 240-777-0311 for applicable requirements.

DPS staff can help you determine if an ADU is allowed on your property and discuss zoning standards, codes and construction standards, land development and fire protection codes and standards that are applicable to your project.

Application Process

Applications may be submitted electronically or via paper application. Electronic applications can be made at any time; or you may submit in person at DPS offices during normal business hours. A non-refundable filing fee must be paid at the time of application whether filed in person or electronically. Acceptable methods of payment are credit card, check and e-Check. Cash is only accepted if paid in person. Please visit our eServices page https://www.montgomerycountymd.gov/DPS/Services/eServices.html for to learn about performing tasks electronically.

When an ADU is proposed in a new detached building or detached accessory structure, the permitting process is the same as that for a new one-family dwelling https://www.montgomerycountymd.gov/DPS/Process/rci/residential-access-structure.html. The inspection processes are described in the Inspections section below.

Converting an existing unfinished space to an ADU, requires special consideration because some features, such as ceiling heights, windows, stairs, sprinkler heads, and exits may not meet current building code requirements for finished space. Additionally, all zoning ordinance requirements must be met. These conditions could make it impossible for you to change your unfinished space into living space.

When an ADU is proposed as an addition or conversion of existing space in a detached one-single family dwelling, the permitting process is the same as for an addition https://www.montgomerycountymd.gov/DPS/Process/rci/residential-additions.html or alteration https://www.montgomerycountymd.gov/DPS/Process/rci/residential-alterations.html. The inspection processes are described in the Inspections section below.

Regulatory Requirements for Creating an ADU

Zoning

The zoning ordinance limits the location of entrance doors and size of the ADU. Please see all the other requirements such as setback, size, height and so on https://montgomerycountymd.gov/dps/Resources/Files/RCI/ADUZoningRequirements.pdf

Construction

A building permit is required to build an ADU. Depending on the scope of work, your project will most likely also require electrical, fire protection (sprinklers), mechanical, right-of-way, drainage permits issued by DPS. The building https://www.montgomerycountymd.gov/DPS/Process/combuild/electrical-withparent-building.html, , electrical https://www.montgomerycountymd.gov/DPS/Process/combuild/electrical-withparent-building.html, mechanical https://www.montgomerycountymd.gov/DPS/Process/combuild/residential-mechanical.html, sprinkler https://www.montgomerycountymd.gov/DPS/Process/fpcc/fire-protection.html, right of way https://www.montgomerycountymd.gov/DPS/Process/ld/driveway-permit.html and drainage https://www.montgomerycountymd.gov/DPS/Process/fpcc/fire-protection.html permits are obtained through DPS.

Fire Protection

If your project is a detached ADU, the unit must be supplied with an approved 13D automatic suppression (sprinkler) system. In these cases, DPS will issue a fire protection permit. Please verify with WSSC what modifications are required to accommodate the sprinkler installations, such as correct water pipe size and meter.

If your project is an attached or included ADU, the unit must be supplied with an approved 13D automatic suppression (sprinkler) system only if the existing house is protected by a sprinkler system. Please verify with WSSC what modifications are required to accommodate the sprinkler installations, such as correct water pipe and meter.

Water and Gas

You must also obtain all necessary WSSC permits for the project. The water and gas permits must be obtained through WSSC. Please verify with WSSC, Regulatory Services Division, Plumbing & Gas Plan Review, Submittal Requirements, Code Questions, 301-206-8886, PlumbingPlansReview@wsscwater.com, what modifications are required to accommodate the sprinkler installations, such as correct water pipe size and meter. WSSC Water

Drainage

Chapter 8, Section 8-29B of the Montgomery County Code establishes the requirement to control water runoff due to construction of a new residential building or for additions to single family dwellings located on properties with a lot size of less than 15,000 square feet and where a stormwater management plan has not already been approved. The applicant must submit a drainage plan that will show the proposed measure to ensure control and/or safe conveyance of any runoff caused by the new construction.

Land Development

A sediment control permit is required if land disturbance is 5,000 square feet or more, or if earth movement associated with the project is 100 cubic yards or more.

A Right-of-Way permit will be required only if project includes a total of 1,000 square feet of new floor area.

Permits for well or septic tank installation may be required. COMCOR 27A.00.01.03(7) requires that a guest house, bedroom, or other habitable space in separate and detached buildings require separate on-site sewage disposal systems.

If an ADU is proposed on a property served by a septic system, then a separate septic reserve area must be established for the ADU and a new septic system must be installed within the septic area under a new septic system permit. On a case by case basis, it may also be necessary to drill a separate well for the ADU.

Establishing a septic area will require soils testing. The first step in the soils testing process is the 'water table' test, which is typically conducted between February 1st and April 15th of years preceded by normal levels of precipitation. Providing the 'water table' test is suitable, then percolation testing may be performed any time of year.

If the water table and percolation tests is successful, then an engineer secured by the homeowner must submit a final plan for approval by our office. Once a final plan is approved the homeowner can apply for a septic permit. When the septic permit has been issued, the building permit is eligible for approval by the Well and Septic section.

For more details regarding well and septic requirements, please contact the Well & Septic Section by calling 240-777-0311.

Covenants and Deed Restrictions

Many of the subdivisions and developments in Montgomery County have private deed restrictions and covenants regulating the construction of decks beyond the limitations contained in County Ordinances. These amount to contractual agreements and thus the County does not enforce covenants and deed restrictions. Should you have questions about your development's restrictions, you may obtain information from your homeowners' association, or civic association.

Review Process

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 be 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 either re-upload those drawings and documents or submit them to DPS office.

When ADU is proposed in a new detached building or detached accessory structure, plans must be prepared according to https://www.montgomerycountymd.gov/DPS/Resources/Files/RCI/GuidelinesForNewSingleFamilyDwellingsPlanSubmittal.pdf

When an ADU is proposed as an addition or conversion of existing space in a detached one-single family dwelling, plans must be prepared according to https://www.montgomerycountymd.gov/DPS/Resources/Files/RCI/GuidelinesForAdditionsAlterationsPlanSubmittal.pdf

Please note that a copy of the ADU Preliminary Inspection Report and a copy of floor plan stamped by the Licensing and Registration Unit issued by DHCA must be submitted with your application.

For additions with a footprint of more than 400 square feet on a lot of 15,000 square feet or less, you must submit drainage plans. For newly constructed ADUs on a lot of 15,000 square feet or less, you must submit drainage plans. Drainage plans are not required for interior only alteration or other situations not mentioned herein.

Electronic Format

Please visit eServices https://www.montgomerycountymd.gov/DPS/Services/eServices.html to learn about performing tasks electronically.

Paper Format

The permit technicians will guide and assist applicants to plan review sections where reviewers representing several disciplines will participate in the review of the applications and plans: zoning, well or septic, right-of-way, drainage, building, mechanical, electrical, fire protection permits, if required.

Some applications may be eligible for the Residential Walk-Thru Program https://www.montgomerycountymd.gov/DPS/Process/rci/Residential-Walk-Through.html that allows the applicant to walk the site and construction plans and building permit application to the applicable sections for review, while waiting, with permits usually being issued on the same day. Eventually you will receive the building permit and approved plans.

Fees

For information regarding the building permit fee, call 311 or visit https://www.montgomerycountymd.gov/DPS/Resources/Files/Fees/BCRESFees.pdf. Please note that a Residential Use and Occupancy Certificate fee is charged for detached ADUs. If other permits are required, separate fees will be charged.

Inspections

Residential inspectors scrutinize projects for construction or modification of houses, additions, alterations, and accessory structures. After you obtain the permits you must request mandatory inspections to ensure that permitted work on the project is approved and the building or structure is ready for use or occupancy https://www.montgomerycountymd.gov/DPS/Process/rci/residential-inspection-details.html. Work is inspected in the sequence described for each project type, see below. The permit must be on site at the project. Be certain that your project is clearly marked with a lot number or address. For all inspections, a set of approved plans, if any, stamped by Montgomery County must be on the job site for inspector's review. Requests made prior to 12:00 A.M. will be scheduled for the next workday.

Additions:

https://www.montgomerycountymd.gov/DPS/Resources/Files/RCI/ResidentialAdditionsInspections.pdf

Alterations or conversions of existing space (interior work only):

https://www.montgomerycountymd.gov/DPS/Resources/Files/RCI/ResidentialAlterationsPermitInspections.pdf

Detached ADU:
https://www.montgomerycountymd.gov/DPS/Resources/Files/RCI/ResidentialAccessoryStructureInspections.pdf