

Ordinance No.: 20-36
Zoning Text Amendment No.: 26-06
Concerning: Accessory Residential
Uses – Accessory
Dwelling Unit
Revised: 9/9/2026 Draft No.: 2
Introduced: April 21, 2026
Public Hearing: June 9, 2026
Adopted: September 15, 2026
Effective: October 5, 2026

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Council President Fani-González at the request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- (1) amend the use standards for attached and detached accessory dwelling units consistent with State law;
- (2) generally amend the provisions for accessory dwelling units.

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

Division 3.3.	“Residential Uses”
Section 3.3.3.	“Accessory Residential Uses”

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*

Underlining indicates text that is added to existing law by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

1 **Sec. 1. DIVISION 59-3.1 is amended as follows:**

2 Division 3.1. Use Table

3 * * *

4 Section 3.1.6. Use Table

5 The following Use Table identifies uses allowed in each zone. Uses may be modified
6 in Overlay zones under Division 4.9.

7

USE OR USE GROUP	Definition s and Standards	Ag	Rural Residential				Residential												Commercial / Residential			Employment				Industrial		
							Residential Detached								Residential Townhouse			Residential Multi-Unit										
		AR	R	RC	RNC	RE- 2	RE- 2C	RE-1	R- 200	R-90	R-60	R- 40	TLD	TMD	THD	R-30	R-20	R-10	CRN	CRT	CR	GR	NR	LSC	EOF	IL	IM	IH
* * *																												
RESIDENTIAL																												
* * *																												
ACCESSORY RESIDENTIAL USES	3.3.3																											
* * *																												
Attached Accessory Dwelling Unit	3.3.3.B	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L			
Detached Accessory Dwelling Unit	3.3.3.C	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L			
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Sec. 2. DIVISION 59-3.3 is amended as follows:

Division 3.3. Residential Uses

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Section 3.3.3. Accessory Residential Uses

A. Accessory Dwelling Unit, In General

1. Defined, In General

Accessory Dwelling Unit or Accessory Apartment means a second dwelling unit that is not greater than 75% of the size of and subordinate in use to the primary single-family detached dwelling unit [subordinate to the principal dwelling]. An Accessory Dwelling Unit includes an Attached Accessory Dwelling Unit and a Detached Accessory Dwelling Unit.

2. Use Standards for all Accessory Dwelling Units

Where an Accessory Dwelling Unit is allowed as a limited use, it must satisfy the following standards:

- a. Only one Accessory Dwelling Unit is permitted for each lot.
- b. The Accessory Apartment was approved as a special exception before May 20, 2013, and satisfies the conditions of the special exception approval or satisfies [Subsection] subsection c.
- c. If the Accessory Dwelling Unit does not satisfy [Subsection] subsection b, the Accessory Dwelling Unit must be licensed by the Department of Housing and Community Affairs under Chapter 29 (Section 29-19); and
 - i. the Accessory Dwelling Unit must have the same street address as the principal dwelling;
 - ii. except for lots located within [1] one 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 Accessory Dwelling Unit, then a total of at least two on-site parking spaces must be provided] if the principal dwelling has no existing on-site parking, the Accessory Dwelling Unit only needs to provide the one parking space required for the unit; or
- (b) the Hearing Examiner finds under the waiver in Section 29-26(b) that there is adequate on-street parking or finds that the size or shape of the existing lot for the principal dwelling effectively precludes the ability to provide additional on-site parking;
- iii. the maximum number of occupants is limited by Chapter 26 (Section 26-5); however, the total number of occupants residing in the Accessory Dwelling Unit who are 18 years or older is limited to 2;
- iv. the maximum footprint of an Accessory Dwelling Unit, 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
- v. [[unless modified by the use standards for an Accessory Dwelling Unit,]] an Accessory Dwelling Unit must comply with the setback, height, and building lot coverage standards of an accessory structure in the underlying zone.

- d. An Accessory Dwelling Unit must not be located on a lot where any [short-term rental Residential] Short-Term Residential Rental use exists or is licensed.
- e. [In the Agricultural and Rural Residential zones, a] An Accessory Dwelling Unit is excluded from any density calculations. If the property associated with an Accessory Dwelling Unit is subsequently subdivided so that the detached Accessory Dwelling Unit is now located on its own lot, the Accessory Dwelling Unit is included in the density calculations.
- f. Screening under Division 6.5 is not required.
- g. In the AR zone, any Accessory Dwelling Unit may be prohibited under Section 3.1.5, Transferable Development Rights.

B. Attached Accessory Dwelling Unit

1. Defined

Attached Accessory Apartment or Accessory Dwelling Unit means a second dwelling unit that is part of a detached house building type and includes facilities for cooking, eating, sanitation, and sleeping. An Attached Accessory Dwelling Unit is subordinate to the principal dwelling.

2. Use Standards

- a. 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]b. A separate entrance [is] must be 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.

[b. The maximum gross floor area for an Attached Accessory Dwelling Unit, including any floor area used for an Accessory Dwelling Unit in a cellar, must be:

i. 1,200 square feet of gross floor area; or

ii. if the basement or cellar is used for the Attached Accessory Dwelling Unit, the gross floor area for the Attached Accessory Dwelling Unit may equal the square footage area of the basement or cellar.]

C. Detached Accessory Dwelling Unit

1. Defined

Detached Accessory Apartment or Accessory Dwelling Unit means a second dwelling unit that is located in a separate accessory structure on the same lot as a detached house building type and includes facilities for cooking, eating, sanitation, and sleeping. A Detached Accessory Dwelling Unit is subordinate to the principal dwelling.

2. Use Standards

a. Where a Detached 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.

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 a Detached Accessory Dwelling Unit without regard to setbacks or floor area.

- 115 [[c. A Detached Accessory Dwelling Unit built after May 30, 2012,
116 must have the same minimum side setback [as the principal
117 dwelling] and [a] minimum rear setback [of 12 feet] as the
118 accessory structure.]]
- 119 [d. For any Detached Accessory Dwelling Unit with a length along
120 a rear or side lot line that is longer than 24 feet, the minimum
121 side or rear setback must be increased at a ratio of 1 foot for every
122 1 foot that the dimension exceeds 24 linear feet. The additional
123 rear setback is from a 12-foot setback as its starting point.
- 124 e. The maximum gross floor area for a Detached Accessory
125 Dwelling Unit must be the least of:
- 126 i. 50% of the footprint of the principal dwelling;
127 ii. 10% of the lot area; or
128 iii. 1,200 square feet of gross floor area.]

129 * * *

130 **Sec. 3. Effective date.** This ordinance becomes effective 20 days after the
131 date of District Council adoption.

This is a correct copy of Council action.

A handwritten signature in black ink, appearing to read 'Sara', written over a horizontal line.

Sara R. Tenenbaum
Clerk of the Council