

ORDINANCE NO. ORD-2025-33

**AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF THE
ZONING ORDINANCE FOR WASHINGTON COUNTY, MARYLAND
(RZ-25-005)**

RECITALS

The Board of County Commissioners of Washington County, Maryland (the "Board") adopted the Zoning Ordinance for Washington County, Maryland (the "Ordinance") on January 23, 1973, and it became effective on April 2, 1973.

Planning and Zoning Staff filed an application requesting that amendments be made to the text of the Ordinance. The amendments proposed would amend several sections of the Zoning Ordinance to permit the creation of a new housing type in the County, Accessory Dwelling Units (ADU).

The Washington County Planning Commission (the "Planning Commission") held a public meeting for the purpose of taking comments on the proposed amendments, pursuant to public notice duly given.

The Board held a public hearing for the purpose of taking testimony on the proposed amendments on August 26, 2025, pursuant to notice duly given.


The Board has considered the recommendations of the Planning Commission and the Planning Department staff, and the testimony and materials received at the public hearing. The Board conducted this review in a public session.

The Board believes it to be in the best interests of the citizens of Washington County for the amendments to be enacted.

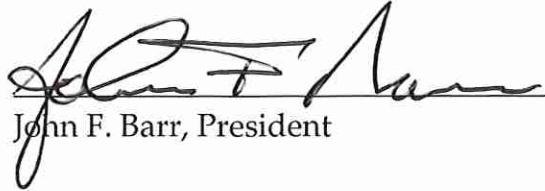
NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that certain provisions of the Zoning Ordinance, as amended, be further amended and restated as outlined in the attached Exhibit A.

Adopted and effective this 14th day of October, 2025.


ATTEST:


Dawn L. Marcus, Clerk

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND


John F. Barr, President

Approved as to legal
sufficiency:


Zachary J. Kieffer
County Attorney

Mail to:
Office of the County Attorney
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ZONING ORDINANCE FOR
WASHINGTON COUNTY, MARYLAND

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A(R)-Agriculture (Rural)
 EC-Environmental Conservation
 P-Preservation
 RV-Rural Village
 RB-Rural Business
 IM-Industrial Mineral

Section 3.3 Land Use Regulations

Table No. 3.3(1)^{6 7}
TABLE OF LAND USE REGULATIONS
(RURAL AREA USES)

LAND USES	A(R)	EC	P	RV	RB	IM	Intensity of Use
A. Accessory							
Guest house in an accessory building	SE	SE	SE	SE	N	N	N/A
Private stables as defined in Article 28A shall be subject to the requirements set forth in Article 4 Section 4.13	A	A	A	A	A	N	N/A
Swimming pools, tennis and other similar courts and other recreational facilities, when accessory to a residence	A	A	A	A	A	N	N/A
Uses and structures customarily accessory and incidental to any principal permitted use or special exception, including business signs pertaining to "use on the premises" (provided, that such signs are located as regulated in Section 22.2.), and a single-family dwelling unit in the same building with a principal use	A	A	A	A	A	A	N/A
Accessory Dwelling Units shall be subject to the requirements set forth in Article 4.27 and Article 22 Division 1.	A	A	A	A	A	N	N/A

P-Permitted
 SE-Special Exception
 A-Accessory
 N-Not Permitted

ARTICLE 4 GENERAL PROVISIONS

Section 4.10 Accessory Structures and Uses²⁷

- (a) Generally. Except as otherwise restricted by this Ordinance, customary accessory structures and uses shall be permitted in any district in connection with the principal permitted use within such district.
- (b) Use limitations. In addition to the other requirements of this Ordinance, an accessory use shall not be permitted unless it strictly complies with the following:
 - 1. No accessory structure shall be used for living quarters, the storage of contractors' equipment, the storage of animals, or the conducting of any business unless otherwise provided in this Ordinance.
 - 2. No accessory use or structure shall be established on any lot prior to substantial completion of the construction of the principal structure.
 - 3. No accessory use or structure, except fences, shall be located within any recorded easement area.
 - 4. Any detached accessory structure shall be separated from other principal and accessory structures in compliance with the Washington County Building Code.
 - 5. In all districts wherein single-family and two-family dwellings are permitted, accessory structures shall not be located closer to public or private road right-of-way or rear lot line than the side yard requirements for a single-family or two-family dwelling in that district, except as provided in Section 23.5(b).
- (c) Accessory Dwelling Units. Permitted in accordance with Section 4.27.1

²³ Revision 15, Section 4.8 amended 9/19/06 (RZ-06-007/ORD-06-09)
²⁴ Revision 18, Section 4.8 amended 10/11/16 (RZ-13-003/ORD-2016-18)
²⁵ Revision 15, Section 4.9 amended 9/19/06 (RZ-06-007/ORD-06-09)
²⁶ Revision 18, Section 4.9 amended 10/11/16 (RZ-13-003/ORD-2016-18)
²⁷ Revision 16, Section 4.10 amended 8/4/09 (RZ-09-001/ORD-09-08)

Section 4.27 Accessory Dwelling Units

- a. Generally. Except as otherwise restricted by this Ordinance, an accessory dwelling unit (ADU), as defined in Article 28A, shall be permitted by right in connection with a principal permitted use within A(R), EC, P, RV, RT, RS, RU, RM, RB, BL, BG HI zoning district.
- b. Use limitations. In addition to the other requirements of this Ordinance, an accessory use shall not be permitted unless it strictly complies with the following:
 1. ADUs may be constructed: within an existing or proposed single-family detached dwelling; within an addition to the principal dwelling unit; or be located in a detached accessory unit or structure.
 2. Only one ADU may be created per lot.
 - i. One detached ADU is permitted on a lot containing a two-family (duplex) dwelling. An attached ADU is not permitted on a duplex lot.
 - ii. Neither attached or detached ADUs are permitted on lots containing semi-detached, townhouse or multi-family dwellings.
 - iii. In commercial zoning districts, only one attached ADU is permitted per lot.
 3. In accordance with Article 22 Division I, one parking space must be provided for the ADU in addition to any required on-site parking spaces for the principal dwelling. Lawful on-street parking may be utilized to meet this requirement.
 - i. This requirement is waived for any lot within ½ mile of a transit stop.
 4. 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
 - i. An accessory dwelling unit may be no more than 75 percent of the gross floor area (GFA) of the primary dwelling unit or 1,200 square feet of GFA, whichever is less. ADUs greater than 1,200 square feet are strictly prohibited.
 - ii. If the basement or attic is used for the attached ADU, the gross floor area for the attached ADU may equal the square footage area of the basement or attic.
 5. 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.
 6. An ADU shall not be considered a dwelling unit for purposes of residential density calculations.

7. The principal and accessory dwelling units shall remain in common ownership and shall not be subdivided from each other.
8. ADUs are intended to serve ongoing housing needs of county residents. The use of ADUs for short-term rentals, as defined in Article 28A, is not permitted.
9. Travel trailers are not permitted for use as an ADU.

ARTICLE 7A "RT" RESIDENTIAL, TRANSITION DISTRICT⁷⁵

Section 7A.3 Accessory Uses⁷⁷

- (a) Accessory buildings and uses customarily incidental to any principal permitted use or authorized special exception use.
- (b) Incidental home or farm occupations.
- (c) Guest house in an accessory building.
- (d) Swimming pools, tennis, and other similar courts when accessory to a residence.
- (e) Private stables as defined in Article 28A shall be subject to the requirements set forth in Article 4, Section 4.13.
- (f) Accessory Dwelling Units shall be subject to the requirements set forth in Article 4.27 and Article 22 Division I.

ARTICLE 8 "RS" RESIDENTIAL, SUBURBAN DISTRICT⁷⁹

Section 8.3 Accessory Uses⁸³

- (a) Accessory buildings or uses customarily incidental to any principal permitted use or authorized conditional use.
- (b) Swimming pools, tennis and other similar courts when accessory to a residence.
- (c) Accessory Dwelling Units shall be subject to the requirements set forth in Article 4.27 and Article 22 Division I.

ARTICLE 9 "RU" RESIDENTIAL, URBAN DISTRICT⁸⁵

Section 9.3 Accessory Uses

- (a) Accessory buildings and uses customarily incidental to any principal permitted use or authorized special exception use.
- (b) Incidental home occupations.

- (c) Swimming pools, tennis, and other similar courts when accessory to a residence.
- (d) Accessory Dwelling Units shall be subject to the requirements set forth in Article 4.27 and Article 22 Division I.

ARTICLE 10 "RM" RESIDENTIAL, MULTI-FAMILY DISTRICT⁹¹

Section 10.3 Accessory Uses

Accessory buildings and uses customarily incidental to any principal use or authorized special exception use.

Accessory Dwelling Units shall be subject to the requirements set forth in Article 4.27 and Article 22 Division I.

ARTICLE 11 "BL" BUSINESS, LOCAL DISTRICT⁹⁷

Section 11.2 Accessory Uses.

- (a) Uses and structures customarily accessory and incidental to any permitted principal use or authorized conditional use, including a single-family dwelling unit in the same building with a principal use.
- (b) Accessory Dwelling Units shall be subject to the requirements set forth in Article 4.27 and Article 22 Division I.

ARTICLE 12 "BG" BUSINESS, GENERAL DISTRICT⁹⁹

Section 12.3 Accessory Uses

- (a) Uses and structures customarily accessory and incidental to any principal permitted use or authorized conditional use, including business signs pertaining to "use on the premises" (provided, that such signs are located as regulated in Section 22.23), and a single-family dwelling unit in the same building with a principal use.
- (b) Accessory Dwelling Units shall be subject to the requirements set forth in Article 4.27 and Article 22 Division I.

ARTICLE 19 "HI" HIGHWAY INTERCHANGE DISTRICT¹²⁴

Section 19.4 Accessory Uses

Uses and structures customarily accessory and incidental to any Principal Permitted or Special Exception Use.

Accessory Dwelling Units shall be subject to the requirements set forth in Article

4.27 and Article 22 Division I.

ARTICLE 19C - "SPECIAL ECONOMIC DEVELOPMENT DISTRICT"¹²⁹

Section 19C.4. Accessory Uses

Uses and structures customarily incidental and subordinate to any Principal Permitted or Special Exception Use.

Accessory Dwelling Units shall be subject to the requirements set forth in Article 4.27 and Article 22 Division I.

ARTICLE 22 SPECIAL PROVISIONS

DIVISION I OFF-STREET PARKING AND LOADING AREA REQUIREMENTS¹⁴⁶

Section 22.12 Off-Street Parking Requirements

(a) Customer/Visitor Parking

1. **Minimum Spaces Required.** Parking for employees, customers and/or visitors shall be provided in accordance with the following table. All fractions of spaces shall be rounded up to the next whole integer. If a specific use is not listed, the Zoning Administrator shall have the right to determine the required off-street parking requirements, based on the most similar use(s) listed.

Land Use	Parking Required
Residential, Accessory Dwelling Unit	1 parking space per lot for the ADU in addition to any required on-site parking spaces for the principal dwelling. Exceptions to this requirement are specified in Article 4.27.
Residential, Single & Two-Family	2 spaces per dwelling unit excluding garage space
Residential, Multi-Family	2 spaces per dwelling unit excluding garage space; plus overflow/visitor parking outlined in 22.12(b). ⁴¹⁴⁷

ARTICLE 28A - DEFINITIONS²¹¹

Section 28A.0 Purpose

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The present tense includes the singular. The word "shall" is mandatory; the word "may" is permissive. The words "used for" shall include "arranged for", "designed for", "intended for", "maintained for", "constructed for", or "occupied for." The word "lot" includes the words "plot" or "parcel." Words or terms not specifically defined below shall have the definition provided in a standard dictionary.

Accessory Dwelling Unit:

A second subordinate dwelling unit that is located on the same lot, tract or parcel as the principal dwelling. The ADU shall provide complete, independent living facilities for one or more persons including sleeping, eating, cooking, and sanitation facilities.

Accessory Use or Structure:

A Use or Structure on the same premises with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Dwelling:

A building containing one or more dwelling units. The term "dwelling" or any combination thereof shall not be deemed to include hotel, rooming house, motel, clubhouse, hospital, or other accommodations used for more or less transient occupancy.

- A. Dwelling, Detached: A dwelling that is not attached to any other dwelling by any means.
- B. Dwelling, Group ("Condominium"): A building, or group of buildings consisting only of dwelling units that occupy a single parcel of land in one ownership and have any yard or service area in common.
- C. Dwelling, Multiple-Family ("Apartment"): A building containing three or more dwelling units.
- D. Dwelling, Semi-Detached: One of two buildings arranged or designed as dwelling units, located on abutting lots, separated from each other by a party wall, without openings, extending from the cellar floor to the highest point of the roof along the dividing lot line, and separated from any other building or structures by space on all sides.
- E. Dwelling, One-Family: A building containing not more than one dwelling unit and not occupied by more than one family and is not attached to any

other dwellings by any other means.

- F. Dwelling, Town House: A one family dwelling in a series of three or more attached dwelling units, each with its own access points, located side by side, and separated from one another by continuous vertical party walls without openings from basement floor to roof.
- G. Dwelling, Two-Family ("Duplex"): A building containing two (2) dwelling units only, neither of which is an accessory dwelling unit, and each of which is separated from each other by a party wall, without openings, extending from the cellar floor to the highest point of the roof.

Dwelling Unit:

A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.