



FOR PLANNING COMMISSION USE ONLY  
 Rezoning No. \_\_\_\_\_  
 Date Filed: \_\_\_\_\_

WASHINGTON COUNTY PLANNING COMMISSION  
 ORDINANCE TEXT AMENDMENT APPLICATION

\_\_\_\_\_  
 Applicant

- Property Owner       Contract Purchaser  
 Attorney             Consultant  
 Other: \_\_\_\_\_

\_\_\_\_\_  
 Address

\_\_\_\_\_  
 Primary Contact

\_\_\_\_\_  
 Phone Number

\_\_\_\_\_  
 Address

\_\_\_\_\_  
 E-mail Address

- Adequate Public Facilities Ordinance  
 Forest Conservation Ordinance  
 Subdivision Ordinance  
 Solid Waste Plan

- Water and Sewer Plan  
 Zoning Ordinance  
 Other \_\_\_\_\_

Section No. \_\_\_\_\_

Please provide the proposed text on a separate sheet of paper as follows: strike-through should be used for deletions [~~deletions~~], unchanged wording in regular type, and new wording should be underlined [new wording].

\_\_\_\_\_  
 Applicant's Signature

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My commission expires on \_\_\_\_\_

\_\_\_\_\_  
 Notary Public

FOR PLANNING COMMISSION USE ONLY	
<input type="checkbox"/> Application Form <input type="checkbox"/> Fee Worksheet <input type="checkbox"/> Application Fee	<input type="checkbox"/> Proposed Text Changes <input type="checkbox"/> 30 copies of complete Application

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)<sup>6 7</sup>**  
**TABLE OF LAND USE REGULATIONS**  
**(RURAL AREA USES)**

LAND USES	A(R)	EC	P	RV	RB	IM	Intensity of Use
<b>A. Accessory</b>							
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 I.	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 Uses<sup>27</sup>

- (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

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<sup>23</sup> Revision 15, Section 4.8 amended 9/19/06 (RZ-06-007/ORD-06-09)  
<sup>24</sup> Revision 18, Section 4.8 amended 10/11/16 (RZ-13-003/ORD-2016-18)  
<sup>25</sup> Revision 15, Section 4.9 amended 9/19/06 (RZ-06-007/ORD-06-09)  
<sup>26</sup> Revision 18, Section 4.9 amended 10/11/16 (RZ-13-003/ORD-2016-18)  
<sup>27</sup> 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 1000 square feet of GFA, whichever is less. ADUs greater than 1000 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 DISTRICT<sup>75</sup>**

### Section 7A.3 Accessory Uses<sup>77</sup>

- (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 DISTRICT<sup>79</sup>**

### Section 8.3 Accessory Uses<sup>83</sup>

- (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 DISTRICT<sup>85</sup>**

### 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 DISTRICT<sup>91</sup>**

### 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 DISTRICT<sup>97</sup>**

### 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 DISTRICT<sup>99</sup>**

### 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 DISTRICT<sup>124</sup>**

### 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”<sup>129</sup>**

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 REQUIREMENTS<sup>146</sup>**

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
<b>Residential, Accessory Dwelling Unit</b>	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). <sup>4147</sup>



## ARTICLE 28A - DEFINITIONS<sup>211</sup>

### 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.

**WASHINGTON COUNTY ZONING ORDINANCE  
STAFF REPORT AND ANALYSIS**

**ARTICLES 3, 4, 7A, 8, 9, 10, 11, 12, 19, 19C, 22, 28A**

**Proposal:** Application is being made to amend several sections of the Zoning Ordinance to permit the creation of a new housing type in the County, Accessory Dwelling Units (ADU).

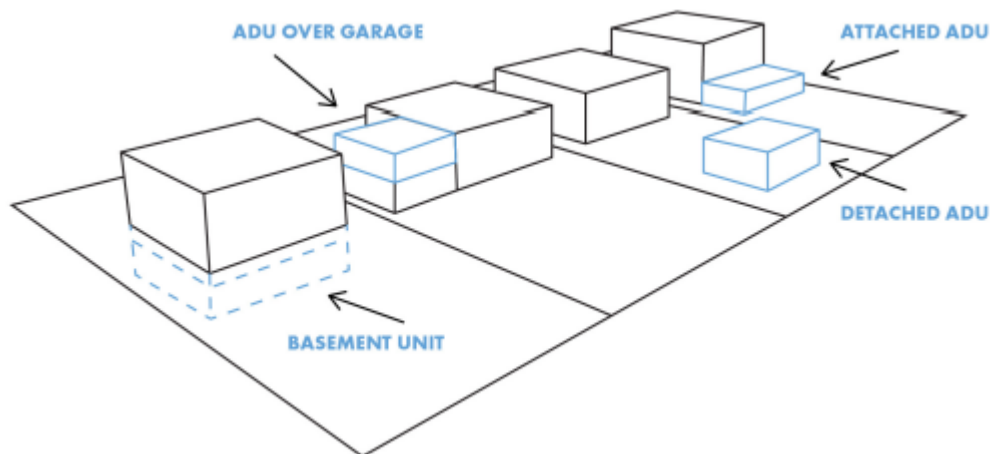
**Staff Report Summary:** The purpose of this text amendment is to permit, by right, the creation of one ADU per lot, tract or parcel in conjunction with the principal use on a given property. Within specified conditions designed to limit their impact on neighborhood character, ADUs would be allowed in rural zoning districts (A(R), EC, P, RV, RB) as well as urban zoning districts (RT, RS, RU, RM, BL, BG, HI).

**Analysis:**

The proposed amendment seeks to provide a legal pathway to the creation of a new housing type, Accessory Dwelling Units, to address the need for more affordable housing in the county. According to Census data included in our ongoing Comprehensive Plan update, nearly 30% of owners and 50% of renters devoted more than 30% of their monthly household income to housing costs in Washington County in 2020. The 30% figure is a standard measure in demographic data research for determining the affordability of housing to households in a given jurisdiction.

Accessory Dwelling Unit is a broad term that refers to a smaller, self-contained residential dwelling that is located on the same parcel as a primary, larger residential dwelling, typically a single-family home. The term ADU is often interchangeably used with other common names, such as in-law/mother-in-law suites, granny flats, secondary dwelling units, casitas and carriage units. ADUs can be created in variety of ways (see image below). An ADU can be an internal portion of the primary dwelling that is converted into a separate, smaller unit, such as a basement unit, a sheltered garage or an attic. ADUs can also be created through the rehabilitation of an existing/construction of a new external structure that could be detached or attached to the primary dwelling.

### ADU Examples



To create this new housing type, while also protecting neighborhood character the proposed amendments include the following conditions:

- Owners would be limited to one ADU per lot, tract or parcel in conjunction with the principal permitted use.
- Neither attached or detached ADUs would be permitted on lots containing semi-detached, townhouse or multi-family dwellings.
- In commercial zoning districts, only one attached ADU would be permitted per lot.
- To ensure that ADUs are subordinate to the principal dwelling on the property, they are proposed to be limited in size to no more than 75 percent of the gross floor area (GFA) of the primary dwelling unit or 1000 square feet of GFA, whichever is less. ADUs greater than 1000 square feet would be prohibited.
- ADUs must meet the underlying bulk requirements of the zoning district in which they are located, including setback, height, and building lot coverage standards.
- The principal and accessory dwelling units would be required to remain in common ownership and not be subdivided from each other.
- ADUs are intended to serve ongoing housing needs of county residents. The use of ADUs for short term rentals would not be permitted.
- Travel trailers would not be permitted for use as an ADU.
- Additional considerations are detailed in the proposed zoning amendments.

Primarily, the amendments seek to enable ADUs to be created where single-family housing is permitted by zoning. Additionally, however, the amendments also seek to enable the ability to create one attached ADU in select commercial zoning districts. This would permit the creation of mixed-use buildings where housing and commercial space occupy different floors or portions of the same building, promoting more efficient land use patterns. This effort is part of a multi-pronged strategy to promote more mixed-use opportunities in ongoing our Comprehensive Plan update.

**Staff Recommendation:**

To craft the language in the proposed text amendments, we have done extensive research of best practices of ADUs in Maryland and around the country. We have also convened a working group in the Department of Planning and Zoning which has conducted wide-ranging discussions on the topic. These meetings have included the solicitation of input from the Department of Permits and Inspections to understand the building code implications of creating this new housing type.

Without a legal pathway in place to pursue this housing type, it leaves open the possibility that property owners will create these units without proper permits, thereby constructing additional dwelling units that do not meet the building code and are a risk to public health and safety.

Interest in ADUs is presently very high – at a local level among residents, community leaders and housing professionals; in State government, and throughout the rest of the Country as well. Many states and local jurisdictions have already passed legislation authorizing ADUs, including several in Maryland. To that end, there is legislation pending at the State level which may require local jurisdictions to authorize ADUs in most places where single-family housing is allowed. Our proposed amendments address the proposed language that we’ve seen to a substantial degree. Accordingly, staff recommends approval of this text amendment with the conditions proposed in the report and application materials.

Respectfully submitted,



Travis Allen  
Senior Planner