



Ordinance No:	<u>2023-08</u>
Accepted by Planning Commission:	<u>12/06/2023</u>
Introduced by Town Council:	<u>12/11/2023</u>
Two Newspaper Advertisements:	<u>01/09/2024</u> <u>01/16/2024</u>
Public Hearing:	<u>01/23/2024</u>
Enacted:	<u>03/25/2024</u>
Effective:	<u>04/25/2024</u>

ORDINANCE
 AMENDING THE WASHINGTON GROVE ZONING ORDINANCE
 TO EXPAND HOUSING OPPORTUNITIES AND UPDATE VEHICLE
 PARKING REQUIREMENTS

PART 1. Background:

- A. With regard to the Town’s residential zones, the 2022 Comprehensive Plan, Section 1.1, states: *The Plan provides policy strategies and recommendations for updates to permitted land uses and administration for the residential zones to support rentals, accessory dwelling units, and infill development. These updates are to be linked with specified amendments to the Zoning Ordinance with regard to the degree of non-compliance and requirements for vehicle parking on private property in order to protect residential areas of the Town.*
- B. With regard to housing opportunities, the 2022 Comprehensive Plan, Section 12.4, includes: *The best options for providing more moderately priced housing in the current residential portion of the Town are room rentals and addition of accessory dwelling units. Both could provide opportunities for increased residential diversity. To help ensure retention of the character of the residential zones, it is recommended that accessory room rentals be limited to a maximum of two bedrooms. The addition of accessory dwelling units (ADUs) modeled on the Montgomery County ADU process and administered by Montgomery County could also increase housing diversity. Montgomery County oversight would be desirable since they are already set up to deal with processing and potential enforcement issues. If ADUs are integrated into the main structure of the property it would reduce impervious surfaces and avoid new foundations. This approach would tend to preserve the existing urban forest within the town. Alternatively, a separate structure has the advantage of replicating the modest size of the original 14’ x 28’ module that ties many of the historic houses together. As with room rentals it is recommended that ADUs be limited to a maximum of two bedrooms to ensure retention of the residential character of the current zones. Both room rentals and ADUs could increase affordable housing options to accommodate extended families and a broader range of households. As with rental expansion, compliance with parking requirements would be critical.*
- C. One concern which arose multiple times during the Planning Commission public hearing was that detached ADUs might be too large and negatively affect our historic integrity, and potentially our historic register listing. **Montgomery County** states: *The maximum gross floor area for a Detached Accessory Dwelling Unit must be **the least of**: i. 50% of the*

<u>Underlining</u>	: Indicate matter added to existing law as Introduced.
Strikethrough	: Indicate matter deleted from law as Introduced.
Asterisks * * *	: Indicate matter remaining unchanged in existing law but not set forth in Ordinance

footprint of the principal dwelling; ii. 10% of the lot area; or iii. 1,200 square feet of gross floor area. The Planning Commission suggests we follow the Montgomery County guidelines with some modification. We have changed i) to 75% of the footprint of the principal dwelling and iii) to limit the enclosed area to 800 square feet. We believe an 800 square feet **maximum** provides a comfortable 2-bedroom ADU while maintaining our unique Grove environment. General guidelines (reported by AARP) state: *The minimum square footage for a functional two-bedroom ADU is typically around 600 sq ft. However, for those seeking a more comfortable living space, a 750 sq ft layout is often more suitable.*

- D. Modest scale is not ensured by the current accessory building requirements, but considering the Historic Preservation Commission’s voluntary, recommended design guidelines will help ensure compatibility with the existing primary residence, the neighborhood and the historic integrity of the Grove. Reviews by the Historic Preservation Commission will greatly facilitate this process.
- E. With regard to vehicle parking requirements, the 2022 Comprehensive Plan, Section 12.6, includes: *It is recommended that compliance with vehicle parking requirements be linked to housing issues. Specifically, previous considerations of the “degree of non-compliance” did not include consideration of non-compliance with regard to parking. It is recommended that evaluations of “degree of non-compliance” include the number of off-street spaces as specified in the Zoning Ordinance (Section 6.2224) except for the reconstruction of non-complying buildings to the extent that there is insufficient space to meet these parking requirements. The Zoning Ordinance (Section 6.2224) currently specifies a minimum of two spaces for each dwelling unit. For accessory residential room rentals and accessory dwelling units it is recommended that the minimum number of spaces be increased by one space for each bedroom rented or added. This must be coordinated with the limit of four vehicles maximum per dwelling. This restriction, currently in (the Zoning Ordinance) Article 7.2 (e), should be made more explicit and changed to a maximum of four vehicles per lot or contiguous lots under the same ownership.*
- F. The Planning Commission accepted the application for a text amendment to the Washington Grove Zoning Ordinance on December 6, 2023. The application for zoning text amendment was filed and accepted pursuant to Section 13.

PART 2. The Town Council adopts the following opinion:

A public hearing regarding the proposed zoning text amendment was held on January 23, 2024. At this hearing interested residents testified. After consideration of the public record, the Town Council concludes that expanding housing opportunities, while updating vehicle parking requirements to protect residential areas, is consistent with the 2022 Comprehensive Plan and the general purposes specified in the Washington Grove Zoning Ordinance.

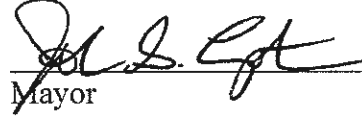
PART 3. The Town Council enacts the following amendments to the text of the Washington Grove Zoning Ordinance as specified on the attached pages. Underlining indicates matter added to existing law, and ~~strikethrough~~ indicates matter deleted from law.

<u>Underlining</u>	: Indicate matter added to existing law as Introduced.
Strikethrough	: Indicate matter deleted from law as Introduced.
Asterisks * * *	: Indicate matter remaining unchanged in existing law but not set forth in Ordinance

PART 4. EFFECTIVE DATE: This Ordinance shall become effective thirty (30) days from the date of enactment hereof in the absence of a petition by qualified voters as set forth in Section 15 of the Charter of the Town.

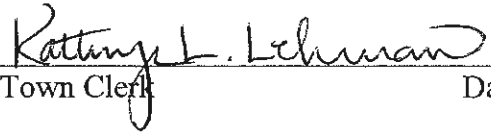
ENACTED THIS 25th DAY OF March 2024.

TOWN OF WASHINGTON GROVE



Mayor

ATTEST:

 4/4/24

Town Clerk Date

Underlining : Indicate matter added to existing law as Introduced.
~~Strikethrough~~ : Indicate matter deleted from law as Introduced.
Asterisks * * * : Indicate matter remaining unchanged in existing law but not set forth in Ordinance

Amendments to Article VII – Zoning

Section 2.11 Controls as to Use

* * *

Section 2.113 Not more than one (1) main building ~~consisting of one dwelling unit~~ shall be located on any one lot.

* * *

Section 2.22 Residential Zones

RR-1 Residential, ~~One Family~~ Single Primary Residence, Detached

RR-2 Residential, ~~One Family~~ Single Primary Residence, Detached

RR-3 Residential, ~~One Family~~ Single Primary Residence, Detached

RR-4 Residential, ~~One Family~~ Single Primary Residence, Detached

* * *

Section 3.13 Lots of Record

Lots which appear on record plats duly recorded prior to July 1, 1964, but have an area or width below the minimum requirements of this Article may be used for the construction of ~~one-family~~ detached dwellings provided they are in a residential zone, and are in compliance with all other applicable requirements of the Article; except that where land of sufficient area or width is in common ownership on July 1, 1964, or at any subsequent time, no construction shall take place on any parcel or tract of land of less area or width than otherwise specified in the Article.

* * *

Section 4.2 Definitions

For the purposes of this Article, the following words and phrases have the meanings stated, unless the context clearly indicates otherwise.

* * *

Accessory Dwelling Unit (ADU) – An additional dwelling unit that is subordinate to the principal use of the main building. In any residential zone, an Accessory Dwelling Unit is subordinate to the primary residence.

* * *

Accessory Use -- Use of a building or lot, or portion thereof, which is customarily incidental and subordinate to the principal use of the main building or lot.

Attached Accessory Dwelling Unit (AADU) – An accessory dwelling unit that is part of a main building and includes facilities for cooking, sanitation, and sleeping. An Attached Accessory Dwelling Unit is subordinate to the principal use of the main building.

* * *

Detached Accessory Dwelling Unit (DADU) – An accessory dwelling unit that is located in an accessory building on the same lot as a main building and includes facilities for cooking, sanitation, and sleeping. A Detached Accessory Dwelling Unit is subordinate to the principal use of the main building.

Underlining : Indicate matter added to existing law as Introduced.

~~Strikethrough~~ : Indicate matter deleted from law as Introduced.

Asterisks * * * : Indicate matter remaining unchanged in existing law but not set forth in Ordinance

* * *

Dwelling — Building arranged or designed to provide living facilities and containing one primary dwelling unit and may contain up to one (1) accessory dwelling unit for one family and containing not more than one dwelling unit. In all residential zones, dwelling is intended to be synonymous with main building and primary residence.

Dwelling Unit -- A building or portion of a building providing complete living facilities for not more than one family household, including, at a minimum, facilities for cooking, sanitation, and sleeping.

* * *

~~Family~~ — ~~An individual or two (2) or more persons related by blood or marriage, or a group of not more than five (5) persons, not related by blood, adoption or marriage, living together as a single housekeeping group in a dwelling unit.~~

* * *

Front Yard --- Front yard is the portion of a lot defined as the premise address of the house as shown on current tax records. This will be the area between the line defined by the front plane of the house extended to the side lot line, and the front lot line. In a case of ambiguity, the Commission may designate the front yard of a lot based on historic precedent and compatibility with the surrounding properties.

Household -- A group of persons living together, consisting of ~~either (1) a single individual, (2) a group of persons all of whom are related by blood, marriage, or adoption, or (3) if the group does not fall into category (1) or (2) above, the group may not consist of more than five persons:~~ a person living alone, or any one of the following groups living together as a single housekeeping unit and sharing common cooking, sanitation, and sleeping facilities:

1. any number of people related by blood, marriage, adoption, or guardianship;
2. up to a combination of 5 unrelated or related people; or
3. 2 unrelated people and any children, parents, siblings, or other persons related to either of them by blood, adoption, or guardianship

Household does not include any society, club, fraternity, sorority, association, lodge, federation, or like organization; any group of individuals whose association is seasonal in nature; or any group of individuals who are in a group living arrangement as a result of criminal offenses.

* * *

Off-Street Parking -- Spaces for vehicles located on private property rather than on Town property, including Town streets.

Primary Dwelling Unit-- The main building or portion of the main building, on a residential lot, which provides complete living facilities for not more than one household, including, at a

Underlining

~~Strikethrough~~

Asterisks * * *

: Indicate matter added to existing law as Introduced.

: Indicate matter deleted from law as Introduced.

: Indicate matter remaining unchanged in existing law but not set forth in Ordinance

minimum, facilities for cooking, sanitation, and sleeping. A primary residence contains one primary dwelling unit.

Primary Residence -- The building on a residential lot that represents the basis for a majority of the taxable living space described in the official tax records of that property. The primary residence contains one primary dwelling unit. In all residential zones, primary residence is intended to be synonymous with main building and primary dwelling.

* * *

~~Rear Yard-- Rear yard is the portion of a lot which is opposite from the front yard. The remaining area of the lot after consideration of the front yard.~~ In a case of ambiguity, the Commission may designate the rear yard of a lot based on historic precedent and compatibility with surrounding properties.

Short-Term Residential Rental -- The residential occupancy of a dwelling unit for a fee for less than 30 consecutive days.

Section 5.32 Definition of Degree of Non-Compliance

No increase in the degree of non-compliance means that:

- (a) no additional area of required front, back or side yard is encroached upon beyond that already encroached upon; and
- (b) no additional enclosed area is added for a dwelling which already exceeds the maximum enclosed area; and
- (c) there is no increase in height for the non-complying portions of the structure; and
- (d) in any residential zone, the required off-street parking spaces are provided but the maximum number of required off-street parking spaces may be no more than four (4). Developments which would require more than four spaces based on other rules, are not permitted.

Section 6.11 Accessory Dwelling Unit, In General

1. Defined, In General

Accessory Dwelling Unit means an additional dwelling unit that is subordinate to the principal use of the main building. In any residential zone, an Accessory Dwelling Unit is subordinate to the primary residence and only one Accessory Dwelling Unit is permitted for each lot.

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. In any residential zone, only one Accessory Dwelling Unit is permitted for each lot.
- b. The Accessory Dwelling Unit must have the same street address as the main building.

<u>Underlining</u>	: Indicate matter added to existing law as Introduced.
Strikethrough	: Indicate matter deleted from law as Introduced.
Asterisks * * *	: Indicate matter remaining unchanged in existing law but not set forth in Ordinance

- c. One off-street parking space per bedroom in the Accessory Dwelling Unit must be provided in addition to the two required off-street parking space(s) for the primary use(s) of the main building. In any residential zone, the maximum number of required off-street parking spaces is four (4).
- d. The Accessory Dwelling Unit is limited to a maximum of two (2) bedrooms.
- e. The total number of occupants residing in the Accessory Dwelling Unit is limited to five (5).
- f. The footprint of an Accessory Dwelling Unit, in combination with other structures on the lot, is limited by the maximum ground coverage for all buildings on the lot as specified in Section 9.1 for the underlying zone.
- g. An Attached Accessory Dwelling Unit must also satisfy the use standards specified in Section 6.12.
- h. A Detached Accessory Dwelling Unit must also satisfy the use standards specified in Section 6.13.
- i. Short-Term Residential Rental is prohibited on a site that includes an Accessory Dwelling Unit.
- j. An Accessory Dwelling Unit must be licensed in accordance with Montgomery County Chapter 29 (Landlord-Tenant Relations) as adopted by Washington Grove in Article XIII.

Section 6.12 Attached Accessory Dwelling Unit

1. Defined

Attached Accessory Dwelling Unit means an accessory dwelling unit that is part of a main building and includes facilities for cooking, sanitation, and sleeping. An Attached Accessory Dwelling Unit is subordinate to the principal use of the main building.

2. Use Standards

An Attached Accessory Dwelling Unit must satisfy the use standards for all Accessory Dwelling Units as specified in Section 6.11 and the following standard:

- a. In any residential zone, the enclosed area of an Attached Accessory Dwelling Unit, when added to the enclosed area of the rest of the dwelling, is limited by the maximum enclosed area for the dwelling as specified in Section 3.6, which is based on the total area of the lot.
- b. If building an addition to create an Attached Accessory Dwelling Unit increases the enclosed space of the existing main building, the increased enclosed space shall be no more than 800 square feet.
- c. If a basement, cellar, attic, or wing of the existing building is used for the Attached Accessory Dwelling Unit (“Interior Attached Accessory Dwelling Unit”), and the basement, cellar, attic, or wing comprises more than 800 square feet, the gross floor area for the Interior Attached Accessory Dwelling Unit may equal the square footage area of the basement, cellar, attic, or wing.
- d. If the Attached Accessory Dwelling Unit increases the enclosed space of the existing main building the modifications should be compatible with the existing structure, and with elements of that neighborhood within Washington Grove as identified in the Comprehensive Plan, and with the historic integrity of the Historic District and the

<u>Underlining</u>	: Indicate matter added to existing law as Introduced.
Strikethrough	: Indicate matter deleted from law as Introduced.
Asterisks * * *	: Indicate matter remaining unchanged in existing law but not set forth in Ordinance

voluntary recommended guidelines for new construction as defined by the Historic Preservation Commission.

Section 6.13 Detached Accessory Dwelling Unit

1. Defined

Detached Accessory Dwelling Unit means an accessory dwelling unit that is located in an accessory building on the same lot as a main building and includes facilities for cooking, sanitation, and sleeping. A Detached Accessory Dwelling Unit is subordinate to the principal use of the main building

2. Use Standards

A Detached Accessory Dwelling Unit must satisfy the use standards for all Accessory Dwelling Units as specified in Section 6.11 and the following standards:

- a. In any residential zone, the enclosed area of an Attached Accessory Dwelling Unit, when added to the enclosed area of the rest of the dwelling, is limited by the maximum enclosed area for the dwelling as specified in Section 3.6, which is based on the total area of the lot.
- b. The maximum gross floor area for a Detached Accessory Dwelling Unit must be *the least of*: i) 75% of the footprint of the principal dwelling; ii) 10% of the lot area; or iii. 800 square feet of enclosed space.
- c. The setbacks and height for a Detached Accessory Dwelling Unit must comply with the accessory building standards as specified in Section 9.1 for the underlying zone.
- d. The Detached Accessory Dwelling Unit should be compatible with the existing structure, and with elements of that neighborhood within Washington Grove as identified in the Comprehensive Plan, and with the historic integrity of the Historic District and the voluntary recommended guidelines for new construction as defined by the Historic Preservation Commission.

Section 6.133 Any structure constructed legally before March 1, 2024 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.

Section 6.14 Town Council Review -- The Town Council shall commence a review of this ordinance no later than March 2029 and at that time shall consider any amendments necessary to its effective implementation. Nothing in this section prevents the Mayor and Town Council from reviewing the ordinance, or sections of the ordinance, earlier than March 2029 if the situation warrants.

Section 6.2 Accessory Off-Street Parking and Loading

* * *

Section 6.2224 Schedule of Minimum Requirements. The minimum numbers of ~~off-street off-~~street parking spaces per unit of measurement for each type of use are as listed in the following

<u>Underlining</u>	: Indicate matter added to existing law as Introduced.
Strikethrough	: Indicate matter deleted from law as Introduced.
Asterisks * * *	: Indicate matter remaining unchanged in existing law but not set forth in Ordinance

schedule. Other uses operated in association with the uses listed must be provided for in addition.

Type of Use	# of Spaces	Unit of Measurement
Residential	2 (* See Note)	Dwelling unit

*Note:

- Two (2) off-street parking spaces are required for a primary dwelling unit
- One (1) additional off-street parking space is required for each bedroom in an accessory dwelling unit or in an accessory residential room rental
- A maximum of four (4) off-street parking spaces are required for each residential lot or contiguous lots associated with a single primary dwelling unit. This includes any parking spaces required for the primary dwelling unit, any accessory residential room rentals, and any ADU. Developments which would require more than four (4) spaces based on other rules are not permitted.

Section 7. Residential Zones, ~~One-Family~~ Single Primary Residence

Section 7.1 Purpose

In keeping with the general purposes of this Article as stated in Section 1.1 it is more specifically the purpose of this Section:

(a) To provide for the establishment and maintenance of residential areas of low to moderately low density, so as to make available the types of living environment to meet the housing needs and preferences of those present and future residents of the Town ~~who find it desirable or expedient to live in one-family residences.~~

* * *

Section 7.2 Use Regulations

No building, structure or land may be used and no building or structure may be erected, structurally altered, enlarged or maintained, except for one or more of the following uses:

- (a) ~~One-family detached dwelling.~~ One primary residence, detached
- (b) Buildings and uses normally accessory to permitted use, including Accessory Dwelling Unit as a limited use that must satisfy the standards specified in Section 6.11.
- (c) Signs, in accordance with Section 6.33.

* * *

(e) Parking or storing of not more than four vehicles per lot or contiguous lots associated with a single primary dwelling unit under the same ownership. Parking in a yard fronting an avenue is not permitted.

* * *

Underlining : Indicate matter added to existing law as Introduced.
~~Strikethrough~~ : Indicate matter deleted from law as Introduced.
Asterisks * * * : Indicate matter remaining unchanged in existing law but not set forth in Ordinance