



Proposed Zoning Text Amendment Revising the Requirements for permitting Accessory Apartments

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Description

Currently, an accessory apartment requires approval of a special exception by the County Board of Appeals. The proposed Zoning Text Amendment:

- Modifies the current accessory apartment requirements by distinguishing between an attached and detached accessory apartment, defines these terms and establishes separate requirements and standards for each.
- Allows by right, with certain standards and requirements, an attached accessory apartment with a floor area up to 1,200 square feet in the larger lot one-family residential zones (RE-2C, RE-2, RE-1, RMH-200, R-200 and R-150 zones) and many of the agricultural zones (Rural, RC, LDRC, and RDT zones)
- Allows by right an attached accessory apartment with a floor area up to 800 square feet to be located in the R-60 and R-90 zones and in the RNC zone.
- Requires special exception approval in the R-60, R-90 and RNC zones for an attached accessory apartment with a floor area greater than 800 square feet.
- Allows a detached accessory apartment by right only in the RE-2C, RE-2, and RE-1 zones.
- Does not allow a detached accessory apartment with a floor area greater than 800 square feet in the R-60, R-90 and RNC zones.
- Sets the maximum floor area for an accessory apartment at 1,200 square feet.

Summary

Staff recommends that the proposed ZTA be transmitted to the County Council for introduction.

As with many developing communities located in the Washington, DC Metropolitan area, housing costs have increased over the past decades. With this increase in the cost of housing comes more restricted access to housing for people of low and moderate incomes as well as for the diversifying workforce.

In the 1980’s one means for addressing this concern was the establishment of accessory apartment provisions—a way to use the existing housing stock more efficiently to provide more affordable housing for the County’s residents. Other benefits to providing accessory apartments include:

- Increase housing affordability
- Provide a greater range of housing options
- Combat sprawl and allow growth in built out areas
- Facilitating seniors’ ability to age in place through added income or space for caregivers.

- Increasing affordable home ownership opportunities. A homeowner could qualify for as much as a 25% higher mortgage with an income producing accessory apartment.
- Expanding the supply of affordable rental housing without the use of County subsidies. Most accessory apartments, whether rented to relatives or non-relatives, have below market rents. In addition, accessory apartments would have a broader geographic distribution and provide affordable housing well integrated in the community.
- Fostering investment in the existing housing stock.

Currently, an accessory apartment can only be granted through approval of a special exception by the Board of Appeals. The approval process is designed to address concerns pertaining to maintaining neighborhood quality through exterior appearance, providing adequate parking and protecting against the overconcentration of accessory units in any one area.

Current regulations that require a special exception for approval can be expensive and/or time-consuming. As such, only an average of ten accessory apartments are approved annually. According to staff from the Board of Appeals, the Planning Department and the Department of Housing and Community Affairs, almost all applications are approved. The few that are not approved are turned down because the existing house on the property already does not meet a zoning setback requirement (which is unrelated to the accessory apartment application) or the proposed accessory apartment does not have an adequate exit location from the unit in case of an emergency.

The Zoning Text Amendment proposes to provide opportunities to permit accessory apartments by right in certain zones based on the size of the unit and/or whether the unit is attached or detached from the principle one-family detached house. The ZTA establishes certain standards and requirements drafted from existing, objective standards by which a special exception use is granted for an accessory apartment. In addition, the maximum number of occupants is restricted for both the small and large accessory units. Last, a spacing requirement has been added to the use standards to limit the number of accessory units, regardless of size, that can be constructed within a neighborhood. The proposed text amendment attempts to address community impact concerns while in some cases reducing the process time and expense required to provide one particular type of affordable dwelling unit in the County.

The Zoning Ordinance Rewrite, an ongoing project to rewrite the current zoning code, includes a similar draft proposal on accessory apartments. These draft changes have been the topic of discussion at several Zoning Advisory Panel and community meetings. Staff has heard a wide range of views on the topic, from those who fully support a more simpler approval for accessory apartments to those who believe this use should only be permitted as a Special Exception. Given the interest this topic generates, staff believes that addressing changes to this use requires focused attention and input separate from the Zoning Ordinance Re-write.

ANALYSIS

I. Current Special Exception Use Standards for Accessory Apartments (Also See Attachment 2 Table for Quick Comparison)

For all Accessory Apartments:

- Minimum lot size 6,000 square feet; only one per lot; must be subordinate to main dwelling
- Separate entrance must preserve appearance of single-family dwelling; must have same street address
- Must not be located on lot occupied by family of unrelated persons
- External modifications must be compatible with main house and surrounding properties
- Must provide adequate parking (min. 2 off-street spaces)
- Owner of lot must occupy one of the units

Attached:

- Must have one party wall in common
- Principal dwelling must be at least 5 yrs old
- Max floor area: 1,200 square feet

Detached:

- Lot of more than 1 acre, through conversion of a separate accessory structure existing on 12/2/1983
- Accessory structure built after 12/2/1983 if lot at least 2 acres and will house a care-giver
- Max floor area: 2,500 square feet or less than 50% floor area of main dwelling, whichever is less

II. Proposed ZTA (Also See Attachment 2 Table for Quick Comparison)

The proposed text amendment is summarized as follows:

Two Types of Accessory Units, Two Sizes for Each Unit Type

Attached Accessory Apartment (up to 800 square feet; and from 801 square feet, up to 1,200 square feet)

- A second dwelling unit that is part of the principal structure of a detached house
- Has a separate entrance
- Subordinate to principal dwelling

Detached Accessory Apartment (up to 800 square feet; and from 801 square feet, up to 1,200 square feet)

- A second dwelling that is located in a separate accessory structure on the same lot as the principal dwelling.
- Allowed only where the principal dwelling is a detached house
- Subordinate to principal dwelling

Use Standards for Attached Accessory and Detached Accessory Apartments

All Attached and Detached Accessory Apartments

- Only one accessory apartment per lot. Cannot be located on a lot with a registered living unit or any other rental residential use
- Must be subordinate to the principal dwelling
- Separate entrance must not be located along the front building line. Must have the same street address
- Owner of the lot must occupy one of the units
- One off-street parking space is required
- In the RE-2, RE-2C, RE-1, R-200, RMH-200, and R-150 zones an accessory apartment must not be located:
 - Within 500 feet of another accessory apartment (attached or detached) measured in a straight line from side property line to side property line along the same block face; and
 - On a lot abutting the rear lot line of any property with an accessory apartment (attached or detached)
- In the R-90, R-60 and RNC zones an accessory apartment must not be located:
 - Within 300 feet of another accessory apartment (attached or detached) measured in a straight line from side property line to side property line along the same block face; and
 - On a lot abutting the rear lot line of any property with an accessory apartment (attached or detached)
- Through special exception approval, the proposed text allows deviation from any permitted use standard regarding: (1) location of the separate entrance, (2) number of on-site parking spaces, or (3) minimum distance from any other attached or detached accessory apartment if the Board finds, as applicable, that: the separate entrance is located so that the appearance of a single-family dwelling is preserved; adequate on-street parking permits fewer off-street spaces; or when considered in combination with other existing or approved accessory apartments, the deviation in distance separation does not result in an excessive concentration of similar uses, including other special exception uses, in the general neighborhood of the proposed use.

Smaller Accessory Apartment (up to 800 square feet)

- Floor area must not exceed 50% of the principal dwelling or 800 square feet, whichever is less
- Maximum number of occupants is 3

Larger Accessory Apartment (from 801 square feet, up to 1,200 square feet)

- Floor area must not exceed 50% of the principal dwelling or 1,200 square feet, whichever is less
- Maximum number of occupants is 3

As depicted above and included in Attachment 2 as a table, the proposed use standards were drafted from many of the existing, objective standards by which a special exception use is granted for an accessory apartment. In addition, the maximum size of a detached accessory apartment was reduced to less than half the maximum size allowed in the current code, and the maximum number of occupants is restricted to three persons for both the small and large accessory units. Last, a spacing requirement has

been added to the use standards to limit the number of accessory units, regardless of size, that can be constructed within a neighborhood.

Therefore, any potential increase in those seeking to have an accessory unit as a by-right use may be reduced by the additional restrictions regarding spacing, and potential impacts on surrounding neighbors may be further minimized by the reduction in size for a detached apartment and by the limit on the number of occupants. The proposed accessory structure provisions of the text amendment (detached accessory apartment) and the existing accessory structure provisions of the Zoning Ordinance also provide new protections for adjacent properties. The proposed provisions of the text amendment require a detached accessory apartment to have the same minimum side yard setback requirement as the principal dwelling and a minimum rear yard setback requirement of 12 feet unless more restrictive accessory building or structure yard setback standards are required under Section 59-C-1.326. Under Section 59-C-1.326, the existing accessory building yard requirements in the R-90 and R-60 zones increases by 2 feet for every foot of height above 15 feet and by 2 feet for every 2 feet of length greater than 24 feet. The text amendment requires that the more restrictive requirement prevail.

As depicted in Attachment 2 and summarized in the “Discussion” section of this report (page 1), detached accessory apartments with a floor area up to 1,200 square feet would only be allowed by right in the RE-2, RE-2C and RE-1 zones where the minimum lot size ranges from 1 to 2 acres. In addition, the proposed text amendment limits opportunities to locate detached units in the R-90 and R-60 zones by only allowing units with a floor area up to 800 square feet by special exception approval.

The proposed use standards also provide an opportunity to deviate from certain permitted use standards regarding: (1) location of the separate entrance, (2) number of on-site parking spaces, or (3) the minimum distance from any other attached or detached accessory apartment if an applicant is granted special exception approval where the Board of Appeals must make certain compatibility and impact findings.

III. Citizen Comments (Attachment 4)

Staff has received approximately 21 letters concerning the proposed text amendment; 20 either in opposition to the proposal or in opposition to removing the accessory apartment discussion from the Zoning Ordinance Rewrite Project. Specific comments in opposition to the ZTA include: concerns about effects on neighborhood character caused by relaxing requirements for: the exterior appearance of the house; parking in small lot neighborhoods; and over concentration of unit requirements. Comments also included concerns about potential overcrowding of schools and the separation of the accessory apartment discussions outside of the context of other changes being made through the Zoning Ordinance Rewrite project.

Staff received one letter in favor of the ZTA. The letter in favor of the ZTA also requested that the language consider allowing floor area beyond 50% of the size of the main house in order to allow outside stairs to access an accessory apartment located upstairs in a detached garage.

IV. Other Jurisdictions

Attachment 3 depicts a summary of the requirements for 4 surrounding jurisdictions: Prince George's County, Arlington County, Virginia, Fairfax County, Virginia and Washington D.C. Several highlights are as follows:

- Fairfax County and Washington D.C both require a public hearing process for approval and Prince George's County does not allow these units at all.
- Arlington County and Washington D.C. both allow accessory apartments only as attached units.
- Fairfax County allows detached units if the lot is at least two acres in size.
- Both Fairfax County and Arlington County limit the number of persons occupying the accessory apartment to two while Washington D.C. limits the total occupancy of the principle dwelling and accessory unit to six persons.

ATTACHMENTS

1. Proposed Zoning Text Amendment
2. Accessory Apartment Comparison Table-Existing Vs. Proposed Provisions
3. Summary of Accessory Apartment Process and Requirements in Neighboring and other Jurisdictions
4. Letters from Citizens regarding the Proposed ZTA

GR/MD/kr

ATTACHMENT 1

Zoning Text Amendment No.: 12-XX
Concerning: Accessory apartments
Draft No. & Date:
Introduced:
Public Hearing:
Adopted:
Effective:
Ordinance No.:

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

By: XX

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- revise the definitions for one-family dwelling and one-family detached dwelling-unit;
- establish definitions for an attached accessory apartment and a detached accessory apartment to replace the definition for an accessory apartment;
- revise the standards and requirements for a registered living unit;
- establish standards for attached and detached accessory apartments as permitted uses;
- delete accessory apartment from the residential zones, one-family and agricultural zones
- add attached and detached accessory apartment to the one-family residential zones and agricultural zones; and
- establish special exception standards for attached and detached accessory apartment

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

DIVISION 59-A-2	DEFINITIONS AND INTERPRETATION
DIVISION 59-A-6	USES PERMITTED IN MORE THAN ONE CLASS OF ZONE
Adding Section 59-A-6.19	Attached accessory apartments
Adding Section 59-A-6.20	Detached accessory apartments
DIVISION 59-C-1	RESIDENTIAL ZONES, ONE-FAMILY
Section 59-C-1.3	Standard development
Section 59-C-1.5	Cluster development
Section 59-C-1.6	Development including moderately priced dwelling units

DIVISION 59-C-9	AGRICULTURAL ZONES
Sec. 59-C-9.3	Land uses
Sec. 59-C-9.4	Development standards
DIVISION 59-G-2.	SPECIAL EXCEPTIONS
	—STANDARDS AND REQUIREMENTS
Sec. 59-G-2.00.	Accessory apartment
Adding Sec. 59-G-2.00.6	Attached accessory apartment
Adding Sec. 59-G-2.00.7	Detached accessory apartment

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 that text 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-A-2 is amended as follows:**

2 **DIVISION 59-A-2. DEFINITIONS AND INTERPRETATION.**

3 * * *

4 **59-A-2.1. Definitions.**

5 * * *

6 **[Accessory apartment:** A second dwelling unit that is part of an existing one-
7 family detached dwelling, or is located in a separate existing accessory structure on
8 the same lot as the main dwelling, with provision within the accessory apartment
9 for cooking, eating, sanitation and sleeping. Such a dwelling unit is subordinate to
10 the main dwelling.]

11 **Accessory apartment, attached:** A second dwelling unit that is part of a one-
12 family detached dwelling and provides for cooking, eating, sanitation and sleeping.
13 An attached accessory apartment has a separate entrance and is subordinate to the
14 principal dwelling.

15 **Accessory apartment, detached:** A second dwelling unit that is located in a
16 separate accessory structure on the same lot as a one-family detached dwelling and
17 provides for cooking, eating, sanitation and sleeping. A detached accessory
18 apartment is subordinate to the principal dwelling.

19 * * *

20 **Dwelling and dwelling units:**

21 **Dwelling:** A building or portion thereof arranged or designed to contain one or
22 more dwelling units.

23 **Dwelling, one-family:** A dwelling containing not more than one dwelling
24 unit. An accessory apartment [, if approved by special exception,]or a
25 registered living unit may also be part of a one-family dwelling. A one-
26 family dwelling with either of these subordinate uses is not a two-family
27 dwelling, as defined in this section.

28 * * *

29 **Dwelling unit:** A building or portion thereof providing complete living facilities
30 for not more than one family, including, at a minimum, facilities for cooking,
31 sanitation and sleeping.

32 **Dwelling unit, one-family detached:** A dwelling unit that is separated and
33 detached from any other dwelling unit on all sides, except where the
34 dwelling is modified to include an accessory apartment [, approved by
35 special exception,]or a registered living unit.

36 * * *

37 **Sec. 1. DIVISION 59-A-6 is amended as follows:**

38 DIVISION 59-A-6 USES PERMITTED IN MORE THAN ONE CLASS OF
39 ZONE

40 **59-A-6.10. Registered living unit--Standards and requirements.**

41 A registered living unit, permitted in[,] agricultural, one-family residential and
42 planned unit development zones, must:

43 * * *

44 (i) be removed whenever it is no longer occupied as a registered living unit
45 unless the owner applies for and is granted either a special exception [for] or a
46 license for an attached accessory apartment in accordance with Section [59-G-
47 2.00] 59-G-2.00.6 or Section 59-A-6.19, or whenever the one-family detached
48 dwelling unit in which it is located is no longer occupied by the owner.

49 * * *

50 **Sec. 59-A-6.19 Attached accessory apartment**

51 Where an attached accessory apartment is permitted in a zone, only one accessory
52 apartment is permitted for each lot and it is only permitted under the followings
53 standards:

- 54 a) the apartment was approved as a special exception before (EFFECTIVE
55 DATE OF THE ZTA) and satisfies the conditions of the special
56 exception approval; or
- 57 b) the apartment is registered with the Department of Permitting Services in
58 the same manner as a registered living unit under Subsection 59-A-
59 6.1(a)(3); and
- 60 1) the owner of the lot occupies a dwelling unit on the lot;
61 2) the apartment has the same street address as the principal dwelling;
62 3) a separate entrance is located on the side yard or rear yard;
63 4) one on-site parking space is provided in addition to any on-site
64 parking for the principal dwelling;
65 5) in the RE-2, RE-2C, RE-1, R-200, RMH-200, and R-150 zones, the
66 attached accessory apartment is located a minimum distance of 500
67 feet from any other attached or detached accessory apartment
68 measured in a straight line from side property line to side property
69 along the same block face;
70 6) in the R-90, R-60 and RNC zones, the attached accessory apartment is
71 located a minimum distance of 300 feet from any other attached or
72 detached accessory apartment measured in a straight line from side
73 property line to side property along the same block face;
74 7) the rear lot line of the lot with the accessory apartment does not abut a
75 lot with another accessory apartment;
76 8) if the accessory apartment has a floor area of 800 square feet or less it
77 satisfies the following requirements:
- 78 (A) The floor area must be no greater than 50% of the principal
79 dwelling or 800 square feet, whichever is less.

80 (B) The maximum number of occupants is limited to three
81 persons.

82 9) if the accessory apartment has a floor area greater than 800 square
83 feet it satisfies the following requirements:

84 (A) The floor area must be no greater than 50% of the principal
85 dwelling or 1,200 square feet, whichever is less.

86 (B) The maximum number of occupants is limited to three
87 persons.

88

89 c) The accessory apartment must not be located on a lot where any of the
90 following otherwise allowed residential uses exist: guest room for rent;
91 boardinghouse; a registered living unit; or any other rental residential use
92 other than an accessory dwelling in an agricultural zone.

93

94 An attached accessory apartment special exception may be filed with the Board of
95 Appeals to deviate from any permitted use standard regarding: (1) location of the
96 separate entrance, (2) number of on-site parking spaces, or (3) minimum distance
97 from any other attached or detached accessory apartment if the Board finds, as
98 applicable, that: the separate entrance is located so that the appearance of a single-
99 family dwelling is preserved; adequate on-street parking permits fewer off-street
100 spaces; or when considered in combination with other existing or approved
101 accessory apartments, the deviation in distance separation does not result in an
102 excessive concentration of similar uses, including other special exception uses, in
103 the general neighborhood of the proposed use.

104

105 **Sec. 59-A-6.20 Detached accessory apartment**

106 Where a detached accessory apartment is permitted in a zone, only one accessory
 107 apartment is permitted for each lot and it is only permitted under the followings
 108 standards:

109 a) the accessory apartment was approved as a special exception before
 110 (EFFECTIVE DATE OF THE ZTA) and satisfies the conditions of the
 111 special exception approval; or

112 b) the accessory apartment is registered with the Department of Permitting
 113 Services in the same manner as a registered living unit under Subsection
 114 59-A-6.1(a)(3); and

115 1) the owner of the lot occupies a dwelling unit on the lot;
 116 2) the apartment has the same street address as the principal dwelling;

117 3) a separate entrance is located on the side yard or rear yard;
 118 4) one on-site parking space is provided in addition to any on-site

119 parking for the principal dwelling;
 120 5) in the RE-2, RE-2C, RE-1, R-200, RMH-200, and R-150 zones, the

121 detached accessory apartment is located a minimum distance of 500
 122 feet from any other attached or detached accessory apartment

123 measured in a straight line from side property line to side property
 124 along the same block face;

125 6) in the R-90, R-60 and RNC zones, the detached accessory apartment
 126 is located a minimum distance of 300 feet from any other attached or

127 detached accessory apartment measured in a straight line from side
 128 property line to side property along the same block face;

129 7) the rear lot line of the lot with the accessory apartment does not abut a
 130 lot with another accessory apartment;

131 8) if the accessory apartment has a floor area of 800 square feet or less it
 132 satisfies the following requirements:

- 133 (A) The floor area must be no greater than 50% of the principal
- 134 dwelling or 800 square feet, whichever is less.
- 135 (B) The maximum number of occupants is limited to three
- 136 persons.
- 137 (C) Any structure built after (THE EFFECTIVE DATE OF
- 138 THE ZTA) to be occupied as an accessory apartment must
- 139 have the same minimum side yard setback requirement as
- 140 the principal dwelling and a minimum rear yard setback
- 141 requirement of 12 feet unless more restrictive accessory
- 142 building or structure yard setback standards are required
- 143 under Section 59-C-1.326.

144

145 8) if the accessory apartment has a floor area greater than 800 square feet

146 it satisfies the following requirements:

- 147 (A) The floor area must be no greater than 50% of the principal
- 148 dwelling or 1,200 square feet, whichever is less.
- 149 (B) The maximum number of occupants is limited to three
- 150 persons.
- 151 (C) Any structure built after (THE EFFECTIVE DATE OF
- 152 THE ZTA) to be occupied as an accessory apartment must
- 153 have the same minimum side yard setback requirement as
- 154 the principal dwelling and a minimum rear yard setback
- 155 requirement of 12 feet unless more restrictive accessory
- 156 building or structure yard setback standards are required
- 157 under Section 59-C-1.326.

158

159 c) The accessory apartment must not be located on a lot where any of the
160 following otherwise allowed residential uses exist: guest room for rent;
161 boardinghouse; a registered living unit; or any other rental residential use
162 other than an accessory dwelling in an agricultural zone.

163
164 A detached accessory apartment special exception may be filed with the Board of
165 Appeals to deviate from any permitted use standard regarding: (1) location of the
166 separate entrance, (2) number of on-site parking spaces, or (3) minimum distance
167 from any other attached or detached accessory apartment if the Board finds, as
168 applicable, that: the separate entrance is located so that the appearance of a single-
169 family dwelling is preserved; adequate on-street parking permits fewer off-street
170 spaces; or when considered in combination with other existing or approved
171 accessory apartments, the deviation in distance separation does not result in an
172 excessive concentration of similar uses, including other special exception uses, in
173 the general neighborhood of the proposed use.

174

175 * * *

176 **Sec. 2. DIVISION 59-C-1 is amended as follows:**

177 DIVISION 59-C-1 RESIDENTIAL ZONES, ONE-FAMILY

178 Sec. 59-C-1.3. Standard development.

179 The procedure for approval is specified in Chapter 50.

180 59-C-1.31. Land uses.

181 No use is allowed except as indicated in the following table:

182 -Permitted Uses. Uses designated by the letter "P" are permitted on any lot in the
183 zones indicated, subject to all applicable regulations.

184 -Special Exception Uses. Uses designated by the letters "SE" may be authorized as
185 special exceptions under Article 59-G.

	RE-2	RE-2C	RE-1	R-200	R-150	R-90	R-60	R-40	R-4plex	RMH 200
(a) Residential										
[Accessory apartment. ⁴]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]			[SE]
<u>Attached accessory apartment (Up to 800 square feet)⁴</u>	<u>P⁵⁵/SE⁵⁷</u>	<u>P⁵⁵/SE⁵⁷</u>	<u>P⁵⁵/SE⁵⁷</u>	<u>P⁵⁵/SE⁵⁷</u>	<u>P⁵⁵/SE⁵⁷</u>	<u>P⁵⁵/SE⁵⁷</u>	<u>P⁵⁵/SE⁵⁷</u>			<u>P⁵⁵/SE⁵⁷</u>
<u>Attached accessory apartment (Greater than 800 square feet, up to 1,200 square feet)⁴</u>	<u>P⁵⁵/SE⁵⁷</u>	<u>P⁵⁵/SE⁵⁷</u>	<u>P⁵⁵/SE⁵⁷</u>	<u>P⁵⁵/SE⁵⁷</u>	<u>P⁵⁵/SE⁵⁷</u>	<u>SE⁵⁷</u>	<u>SE⁵⁷</u>			<u>P⁵⁵/SE⁵⁷</u>
<u>Detached accessory apartment (Up to 800 square feet)⁴</u>	<u>P⁵⁶/SE⁵⁸</u>	<u>P⁵⁶/SE⁵⁸</u>	<u>P⁵⁶/SE⁵⁸</u>	<u>SE⁵⁸</u>	<u>SE⁵⁸</u>	<u>SE⁵⁸</u>	<u>SE⁵⁸</u>			<u>SE⁵⁸</u>
<u>Detached accessory apartment (Greater than 800 square feet, up to 1,200 square feet)⁴</u>	<u>P⁵⁶/SE⁵⁸</u>	<u>P⁵⁶/SE⁵⁸</u>	<u>P⁵⁶/SE⁵⁸</u>	<u>SE⁵⁸</u>	<u>SE⁵⁸</u>					<u>SE⁵⁸</u>

186 * * *

187 ⁴ Not permitted in a mobile home.

188 ⁵⁵ See Sec. 59-A-6.19. Attached accessory apartment

189 ⁵⁶ See Sec. 59-A-6.20. Detached accessory apartment

190 ⁵⁷ See Sec. 59-G-2.00.6. Attached accessory apartment

191 ⁵⁸ See Sec. 59-G-2.00.7. Detached accessory apartment

192 * * *

193 **Sec. 59-C-1.5. Cluster development.**

194 * * *

195 **59-C-1.53. Development standards.**

196 All requirements of the standard method of development in the respective zones, as

197 specified in Section 59-C-1.3, apply, except as expressly modified in this section.

	RE-2C	RE-1	R-200	R-150	R-90	R-60	RMH-200
59-C-1.531. Uses Permitted. No uses shall be permitted except as indicated by the letter "P" in the following schedule. Special exceptions may be authorized as indicated in section 59-C-1.31.							
* * *							
[Accessory apartment. ²]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]
<u>Attached accessory apartment (Up to 800 square feet)²</u>	<u>P¹⁰/SE¹²</u>	<u>P¹⁰/SE¹²</u>	<u>P¹⁰/SE¹²</u>	<u>P¹⁰/SE¹²</u>	<u>P¹⁰/SE¹²</u>	<u>P¹⁰/SE¹²</u>	<u>P¹⁰/SE¹²</u>
<u>Attached accessory apartment (Greater than 800 square feet, up to 1,200 square feet)²</u>	<u>P¹⁰/SE¹²</u>	<u>P¹⁰/SE¹²</u>	<u>P¹⁰/SE¹²</u>	<u>P¹⁰/SE¹²</u>	<u>SE¹²</u>	<u>SE¹²</u>	<u>P¹⁰/SE¹²</u>
<u>Detached accessory apartment (Up to 800 square feet)²</u>	<u>P¹¹/SE¹³</u>	<u>P¹¹/SE¹³</u>	<u>SE¹³</u>	<u>SE¹³</u>	<u>SE¹³</u>	<u>SE¹³</u>	<u>P¹¹/SE¹³</u>
<u>Detached accessory apartment (Greater than 800 square feet, up to 1,200 square feet)²</u>	<u>P¹¹/SE¹³</u>	<u>P¹¹/SE¹³</u>	<u>SE¹³</u>	<u>SE¹³</u>			<u>P¹¹/SE¹³</u>
* * *							

198 * * *

199 ² Not permitted in a townhouse, one-family attached dwelling unit or mobile
200 home.

201 ¹⁰ See Sec. 59-A-6.19. Attached accessory apartment

202 ¹¹ See Sec. 59-A-6.20. Detached accessory apartment

203 ¹² See Sec. 59-G-2.00.6. Attached accessory apartment

204 ¹³ See Sec. 59-G-2.00.7. Detached accessory apartment

205 * * *

206 **Sec. 59-C-1.6. Development including moderately priced dwelling units.**

207 * * *

208 **59-C-1.62. Development standards.**

	RE-2C ⁸	RE-1 ⁸	R-200	R-150	R-90	R-60	R-40
59-C-1.621. Uses Permitted. No uses are permitted except as indicated by the letter "P" in the following schedule. Special exceptions may be authorized as indicated in section 59-C-1.31 , title "Land Uses," subject to the provisions of article 59-G .							
* * *							
Registered living unit. ^{3,5}	P	P	P	P	P	P	
[Accessory apartment. ³]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	
<u>Attached accessory apartment (Up to 800 square feet)</u> ³	<u>P⁹/ SE¹¹</u>	<u>P⁹/ SE¹¹</u>	<u>P⁹/ SE¹¹</u>	<u>P⁹/ SE¹¹</u>	<u>P⁹/ SE¹¹</u>	<u>P⁹/ SE¹¹</u>	
<u>Attached accessory apartment (Greater than 800 square feet, up to 1,200 square feet)</u> ³	<u>P⁹/ SE¹¹</u>	<u>P⁹/ SE¹¹</u>	<u>P⁹/ SE¹¹</u>	<u>P⁹/ SE¹¹</u>	<u>SE¹¹</u>	<u>SE¹¹</u>	
<u>Detached accessory apartment, (Up to 800 square feet)</u> ³	<u>P¹⁰/ SE¹²</u>	<u>P¹⁰/ SE¹²</u>	<u>SE¹²</u>	<u>SE¹²</u>	<u>SE¹²</u>	<u>SE¹²</u>	
<u>Detached accessory apartment (Greater than 800 square feet, up to 1,200 square feet)</u> ³	<u>P¹⁰/ SE¹²</u>	<u>P¹⁰/ SE¹²</u>	<u>SE¹²</u>	<u>SE¹²</u>			

209 * * *

210 ³ Not permitted in a townhouse, one-family attached dwelling unit or mobile home.

211 ⁹See [Sec. 59-A-6.19. Attached accessory apartment](#)

212 ¹⁰ See [Sec. 59-A-6.20. Detached accessory apartment](#)

213 ¹¹See Sec. 59-G-2.00.6. Attached accessory apartment

214 ¹²See Sec. 59-G-2.00.7. Detached accessory apartment

215 * * *

216 **Sec. 3. DIVISION 59-C-9 is amended as follows:**

217 DIVISION 59-C-9 AGRICULTURAL ZONES

218 * * *

219 **Sec. 59-C-9.3. Land uses.**

220 No use is allowed except as indicated in the following table:

221 — **Permitted uses.** Uses designated by the letter “P” are permitted on any lot in
 222 the zones indicated, subject to all applicable regulations.

223 — **Special exception uses.** Uses designated by the letters “SE” may be authorized
 224 as special exceptions under [Article 59-G](#).

	Rural	RC	LDRC	RDT	RS	RNC	RNC/ TDR
* * *							
(e) Residential:²							
[Accessory apartment. ^{6,7}]	[SE]	[SE]	[SE]	[SE ⁴⁸]		[SE]	[SE]
Accessory dwelling. ⁷	SE	SE	SE	SE ⁴⁸	SE	SE	SE
Accessory dwelling for agricultural workers. ⁴²				P			
<u>Attached accessory apartment (Up to 800 square feet)^{6,7}</u>	<u>P⁵⁰/SE⁵¹</u>	<u>P⁵⁰/SE⁵¹</u>	<u>P⁵⁰/SE⁵¹</u>	<u>P^{48,50}/SE^{48,51}</u>		<u>P⁵⁰/SE⁵¹</u>	
<u>Attached accessory apartment (Greater than 800 square feet, up to 1,200 square feet)^{6,7}</u>	<u>P⁵⁰/SE⁵¹</u>	<u>P⁵⁰/SE⁵¹</u>	<u>P⁵⁰/SE⁵¹</u>	<u>P^{48,50}/SE^{48,51}</u>		<u>SE⁵¹</u>	
Detached accessory apartment	<u>SE⁵²</u>	<u>SE⁵²</u>	<u>SE⁵²</u>	<u>SE^{48,52}</u>		<u>SE⁵²</u>	

<u>(Up to 800 square feet)^{6,7}</u>							
<u>Detached accessory apartment (Greater than 800 square feet, up to 1,200 square feet)^{6,7}</u>	<u>SE⁵²</u>	<u>SE⁵²</u>	<u>SE⁵²</u>	<u>SE^{48,52}</u>			

225 * * *

226 6 Not permitted in a mobile home.

227 7 [As a special exception regulated by divisions 59-G-1 and 59-G-2, such a]
 228 An accessory dwelling unit, including an attached or detached accessory
 229 apartment, is excluded from the density calculations [set forth] in [sections]
 230 Sections 59-C-9.41, title "Density in RDT Zone," and 59-C-9.6, title
 231 "Transfer of Density-Option in RDT Zone." Once the property is
 232 subdivided, such a dwelling would no longer comply with [the special
 233 exception regulations or with] this exclusion. A special exception is not
 234 required for a dwelling that was a farm tenant dwelling in existence [prior
 235 to] before June 1, 1958, provided, that the dwelling meets all applicable
 236 health and safety regulations.

237 * * *

238 48 If property is encumbered by a recorded transfer of developments rights
 239 easement, this use is prohibited. However, any building existing on October
 240 2, 2007 may be repaired or reconstructed if the floor area of the building is
 241 not increased and the use is not changed.

242 * * *

243 ⁵⁰See Sec. 59-A-6.19. Attached accessory apartment

244 ⁵¹See Sec. 59-G-2.00.6. Attached accessory apartment

245 ⁵²See Sec. 59-G-2.00.7. Detached accessory apartment

246 * * *

247 **Sec. 59-C-9.4. Development standards.**

248 **59-C-9.41. Density in RDT zone.**

249 Only one one-family dwelling unit per 25 acres is permitted. (See section 59-C-9.6
250 for permitted transferable density.) The following dwelling units on land in the
251 RDT zone are excluded from this calculation, provided that the use remains
252 accessory to a farm. Once the property is subdivided, the dwelling is not excluded:

253 (a) A farm tenant dwelling, farm tenant mobile home or guest house as
254 defined in section 59-A-2.1, title "Definitions."

255 (b) An accessory apartment or accessory dwelling regulated by the
256 special exception provisions of [division] Division 59-G-1 and 59-G-2
257 and Sections 59-A-6.19 and 59-A-6.20.

258 * * *

259 **Sec. 4. DIVISION 59-G-2 is amended as follows:**

260 **DIVISION 59-G-2. SPECIAL EXCEPTIONS—STANDARDS AND**
261 **REQUIREMENTS.***

262 The uses listed in this Division, as shown on the index table below, may be
263 allowed as special exceptions in any zone where they are so indicated, as provided
264 in this Article, subject to the standards and requirements in this Division and the
265 general conditions specified in Section 59-G-1.21.

266 **USE SECTION**

267 * * *

268 Accessory apartment G-2.00

269 Accessory apartment, attached G-2.00.6

270 Accessory apartment, detached G-2.00.7

271 * * *

272 **Sec. 59-G-2.00. Accessory apartment. (The standards below reflect the**
273 **conditions required only for an accessory apartment approved before**
274 **(EFFECTIVE DATE of ZTA)**

275 A special exception may be granted for an accessory apartment on the same lot as
276 an existing one-family detached dwelling, subject to the following standards and
277 requirements:

278 * * *

279 **Sec. 59-G-2.00.6 Attached accessory apartment.**

280 A special exception may be granted for an attached accessory apartment on the
281 same lot as an existing one-family detached dwelling, subject to the special
282 exception provisions of Division 59-G-1 and the standards and requirements of
283 Section 59-A-6.19.

284

285 **Sec. 59-G-2.00.7. Detached accessory apartment**

286 Where a detached accessory apartment is permitted in a zone, only one detached
287 accessory unit is permitted for each lot and it is only permitted under the special
288 exception provisions of Division 59-G-1 and the standards and requirements of
289 Section 59-A-6.20.

290

291 **Sec. 5. Effective date.** This ordinance becomes effective 20 days after the
292 date of Council adoption.

293

294 This is a correct copy of Council action.

295

296

297 _____
Linda M. Lauer, Clerk of the Council

Accessory Apartments	
Existing Zoning	Proposed ZTA <i>(denotes change from existing code)</i>
<p>Definition of Accessory Apartment: A second dwelling unit that is part of an existing one-family detached dwelling, or is located in a separate existing accessory structure on the same lot as the main dwelling, with provision within the accessory apartment for cooking, eating, sanitation, and sleeping. Such a dwelling unit is subordinate to the main dwelling.</p>	<p>Definition of Accessory Apartment: A second dwelling unit in a detached house building type (or in a detached accessory structure) and provides for cooking, eating, sanitation and sleeping, must be subordinate to the principal dwelling and requires a separate entrance.</p>
<p>Size restriction: Attached ≤ 1,200sf Detached ≤ 2,500sf</p>	<p>Size restriction: Attached: (≤ 800sf), (801 - 1,200sf) Detached: (≤ 800sf), (801 - 1,200sf)</p>
<p>Lot size requirements: Attached accessory apt - on a lot of one acre or less apartment must have one party wall in common. Detached accessory apt - on a lot of more than 1 acre created through conversion of separate accessory structure existing on lot prior to 12/2/1983. Or, detached accessory apartment in an accessory structure built after 12/2/1983 requires 2 acres and will house either a care-giver or relative.</p>	<p>Lot size requirements: Minimum lot size required in the zone</p>
<p>No by right use</p>	<p>By right use in the following zones: Attached, (≤ 800sf): RE-2C, RE-2, RE-1, RMH-200, R-200, R-150, R-90, R-60, Rural, RC, LDRC, RDT and RNC Attached, (801 - 1,200sf): RE-2C, RE-2, RE-1, RMH-200, R-200 and R-150 Rural, RC, LDRC, and RDT Detached (up to 1,200 sf): RE-2C, RE-2, and RE-1</p>
<p>Special Exception use in the following zones: Attached and Detached: Rural, RC, LRDC, RDT, RNC, RNC/TDR, RE-2, RE-2C, RE-1, R-200, R-150, R-90, R-60, RMH200</p>	<p>Special Exception Use in the following zones: Attached, (801 - 1,200sf): R-60, R-90 and RNC Detached, (≤ 800sf): RMH-200, R-200, R-150, R-90, R-60, Rural, RC, LDRC, RDT and RNC Detached, (801 - 1,200sf): Rural, RC, LDRC, RDT</p>

Standards for Special Exception approval:	Standards for by right use approval:
1. Principal dwelling unit must be detached house	1. Principal dwelling unit must be detached house
2. Only one accessory apartment per lot; must be subordinate to principal dwelling	2. Only one accessory apartment per lot; must be subordinate to principal dwelling
3. Owner of lot must occupy either principal dwelling or apartment	3. Owner of lot must occupy either principal dwelling or apartment
4. Must not be located on a lot occupied by a family of unrelated persons	4. Occupancy limited to maximum of 3
5. Must have separate entrance to preserve appearance of the building type	5. Separate entrance must not be located along the front building line
6. Apartment must have same address as principal dwelling	6. Apartment must have same address as principal dwelling
7. 2 parking spaces required unless Board finds that there is adequate on-street parking	7. 1 parking space required
8. Principal dwelling must be at least 5 years old	8. N/A
9. No excessive concentration	9. Spacing requirement: In the R-90, R-60 and RNC zones an accessory apartment must not be located: 1) within 300 feet of another accessory apartment measured in a straight line from side property line to side property line along the same block face; and 2) on a lot abutting the rear lot line of any property with an accessory apartment In the RE-2, RE-2C, RE-1, R-200, RMH-200, and R-150 zones an accessory apartment must not be located 1) within 500 feet of another accessory apartment measured in a straight line from side property line to side property line along the same block face; and 2) on a lot abutting the rear lot line of any property with an accessory apartment
10. External modifications must be compatible with main house and surrounding property	10. N/A, However for a detached accessory apartment: Any structure built after (THE EFFECTIVE DATE OF THE ZTA) to be occupied as an accessory apartment must have the same minimum side yard setback requirement as the principal dwelling and a minimum rear yard setback requirement of 12 feet unless more restrictive accessory building or structure yard setback standards are required under Section 59-C-1.326.
11. General Special Exceptions standards	11. Same as current General Special Exception standards
	Standards for Special Exception use approval:
	1. All by right use standards
	2. General Special Exception standards

Summary of Accessory Apartment Requirements in Surrounding Jurisdictions

Arlington County

Just completed the process of making “accessory dwellings” a by-right use over strong community opposition (a petition was signed by over 400 people and over 50 public meetings were held). Will allow only 28 ADs per year.

<http://www.arlingtonva.us/Departments/CPHD/housing/hpp/page61595.aspx> Main highlights of code:

- Only interior “accessory dwellings” (ADs) & only in single-family detached houses
- Owner must reside in building
- There will be annual inspections by Code Enforcement staff & in response to complaints
- Maximum occupancy of two people
- A parking survey is initiated by the AD application. If the block is more than 65% parked, there must be at least one off-street parking space (of standard size)
- The public is notified through updating the county’s real estate database
- Home occupations are permitted in the AD, but no employees on the premises except in the case of assisting a person with disabilities who resides in the AD

Fairfax County

- The Board of Zoning Appeals (BZA) may approve a special permit for the establishment of an accessory dwelling unit (for single family detached unit). The BZA determines that the proposed ADU together with any other ADUs within the neighborhood won’t constitute sufficient change to modify/disrupt the predominant character of the neighborhood. Permits are only good for five years.
- Parking: BZA reviews parking situation to determine if parking is sufficient. If not, will require some off-street parking for the ADU.
- Cannot have more than two bedrooms or two persons
- Gross floor area-35% of gross floor area of principle dwelling unit

Washington, DC

May be added within an existing one-family detached dwelling if approved by the Board of Zoning Adjustment as a special exception. No mention of parking spaces

- Can’t occupy more than 25% of the gross floor area of the house
- Can’t add any floor area to the house and can’t use the garage
- Can’t have a home occupation and an accessory apartment
- The aggregate number of persons that may occupy the house, including the principal dwelling and the accessory apartment combined, shall not exceed six (6);

Prince George’s County

Not allowed in residential zones

MCP-Chair

From: Evans, Dorinda <devan03@emory.edu>
Sent: Wednesday, April 18, 2012 11:13 AM
To: MCP-Chair; Berliner@montgomerycountymd.gov
Subject: accessory apartments

RECEIVED
0316
APR 18 2012

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Please do not relax the rules for accessory apartments in single-family neighborhoods. This will be a disaster for existing small neighborhoods, leading to an influx of people with no increase in the available street parking. Worse, there is no restriction on whether additional buildings need to be architecturally compatible with the neighborhood. I urge you to keep the accessory apartment proposals in the Zoning Rewrite so that they can be fully vetted in the context of all other changes. Some of these neighborhoods are so consistent and of a particular time period that they one day might reach historic preservation status. What short-sighted thinking to spoil them now, merely for a possible increase in taxes! I live in a quiet English-village style neighborhood, much of which was designed by one 1940s architect. Kids now play in the streets and we have backyard cook-outs, but the whole atmosphere would be changed with increased density and increased traffic. Please consider the voters.

Dorinda Evans

4514 Cortland Road
Chevy Chase, MD 20815

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If you have received this message in error, please contact the sender by reply e-mail message and destroy all copies of the original message (including attachments).

MCP-Chair

From: Evans, Dorinda <devan03@emory.edu>
Sent: Wednesday, April 18, 2012 2:00 PM
To: MCP-Chair
Subject: RE: accessory apartments

RECEIVED
0320
APR 19 2012

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Thanks. No, it concerns Brookdale, the Friendship Heights area. Dorinda Evans

From: MCP-Chair [MCP-Chair@mncppc-mc.org]
Sent: Wednesday, April 18, 2012 11:26 AM
To: Evans, Dorinda
Subject: RE: accessory apartments

Ms. Evans:

This confirms receipt of your email concerning accessory apartments. Would you please clarify if your email pertains to an item on the Planning Board's agenda tomorrow, perhaps the Local Map Amendment No. G-909, Glen Aldon?

Thank you for taking the time to share your comments.

Joyce P. Garcia

Special Assistant to the Montgomery County Planning Board
The Maryland-National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910
joyce.garcia@mncppc-mc.org
Phone: 301-495-4631
Fax: 301-495-1320

From: Evans, Dorinda [<mailto:devan03@emory.edu>]
Sent: Wednesday, April 18, 2012 11:13 AM
To: MCP-Chair; Berliner@montgomerycountymd.gov
Subject: accessory apartments

Please do not relax the rules for accessory apartments in single-family neighborhoods. This will be a disaster for existing small neighborhoods, leading to an influx of people with no increase in the available street parking. Worse, there is no restriction on whether additional buildings need to be architecturally compatible with the neighborhood. I urge you to keep the accessory apartment proposals in the Zoning Rewrite so that they can be fully vetted in the context of all other changes. Some of these neighborhoods are so consistent and of a particular time period that they one day might reach historic preservation status. What short-sighted thinking to spoil them now, merely for a possible increase in taxes! I live in a quiet English-village style neighborhood, much of which was designed by one 1940s architect. Kids now play in the streets and we have backyard cook-outs, but the whole atmosphere would be changed with increased density and increased traffic. Please consider the voters.

Dorinda Evans

4514 Cortland Road
Chevy Chase, MD 20815

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If you have received this message in error, please contact the sender by reply e-mail message and destroy all copies of the original message (including attachments).

MCP-Chair

From: Jennifer Miles <jennifermiles9@gmail.com>
Sent: Wednesday, April 18, 2012 2:11 PM
To: MCP-Chair

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APR 19 2012

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Please do not hastily change the rules for accessory apartments. Keep the accessory apartment proposals in the Zoning Rewrite so that they are fully vetted and considered in the context of all of the other changes.

Jennifer Miles

MCP-Chair

From: Chip Heartfield <cheartfield@comcast.net>
Sent: Wednesday, April 18, 2012 12:47 PM
To: MCP-Chair
Subject: I oppose relaxing the rules for apartments in single family neighborhoods

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APR 19 2012

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

To the Planning Board:

I have just received information and reviewed the legislative language regarding proposed changes to residential zoning rules that would make it easier for people to destroy the residential character of our neighborhoods, increase crowding, increase cars on the street, and allow for mismatched and cobbled-together "apartments" on their property, directly affecting their abutting neighbors and the character of entire neighborhoods.

Please be advised that I strongly oppose these changes. Please leave single family home zoning as is and do not make it any easier for people to turn our neighborhoods into overcrowded rental operations.

Sincerely,

Chip Heartfield
301-320-7523 (home)
301-560-5599 (e-fax)
410-200-1022 (mobile)

MCP-Chair

From: Dmschelle@aol.com
Sent: Wednesday, April 18, 2012 1:24 PM
To: MCP-Chair
Subject: (no subject)

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OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Planning Board and the Council:

Please leave the single-family residential neighborhoods alone! Do not hastily change the rules for accessory apartments. Keep the accessory apartment proposals in the Zoning Rewrite so that they are fully vetted and considered in the context of all of the other changes.

**Thank You
David M. Schelle
63 year resident at 9517 Garwood St, Silver Spring, MS 20901**

MCP-Chair

From: nileagain <nileagain@yahoo.com>
Sent: Wednesday, April 18, 2012 4:28 PM
To: MCP-Chair; Councilmember.Berliner@montgomerycountymd.gov
Cc: Isca Listserve
Subject: Changes in single family home/accessory apartment rules

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

I understand the current rules will be reassessed, and potentially make the family neighborhoods more likely to have apartments within the houses constructed for single family living. There are neighborhoods where the current rules seem to be unenforced as it is, and the homes look terrible with parking lots for front yards as just one negative outcome of relaxed rules. The homes are often too crowded and now the apartments within, may suffer the same fate as people rent out rooms within the apartments. The living situation can get so crowded that it puts more people in the street to loiter at stores and parking lots, to avoid returning to an overpopulated living space. It cannot be a good development for property values and those who own homes and spend the money for the mortgage and taxes, so that they can live in a non transient, stable neighborhood. Relaxing these rules can only have negative consequences for the residents.

Thank you for your time,

Harise Poland-Wright

MCP-Chair

From: linganore2@comcast.net
Sent: Wednesday, April 18, 2012 5:26 PM
To: MCP-Chair
Subject: Accessory Apartments

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APR 19 2012

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Ms. Françoise Carrier,
Chair Montgomery County Planning Board:

Please leave the single-family neighborhoods alone! Do not hastily change the rules for accessory apartments. Please keep the accessory apartment proposals in the Zoning Rewrite so that they are fully vetted and considered in the context of all of the other changes. Thank you.

Dr. Robert L. Ingram & Lynda Eckard
5903 Jarvis Lane
Bethesda, MD 20814

MCP-Chair

From: Gaby Chidichimo <gabyzeh@aol.com>
Sent: Wednesday, April 18, 2012 5:39 PM
To: MCP-Chair; Councilmember.Berliner@montgomerycountymd.gov
Subject: Please do not change the rules for accessory apartments

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APR 19 2012

**OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION**

We respectfully ask the Planning Board and the Council to leave the single-family residential neighborhoods alone.

Do not change the rules for accessory apartments. Keep the accessory apartment proposals in the Zoning Rewrite so that they are fully vetted and considered in the context of all of the other changes.

Thank you.

**Brian and Gaby Chidichimo
9910 Edward Ave
Bethesda. MD 20814**

MCP-Chair

From: Jason Levine <jasonklevine@gmail.com>
Sent: Wednesday, April 18, 2012 7:11 PM
To: MCP-Chair; Councilmember.Berliner@montgomerycountymd.gov
Subject: zoning changes

RECEIVED

APR 19 2012

**OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION**

To whom it may concern -

As a Bethesda resident I have some real concerns regarding the proposed zoning changes that would allow for an increase in accessory apartments. I would urge the Council to reevaluate neighborhood support for such dramatic changes to the existing characteristics of our wonderful community.

Sincerely,

Jason Levine
4923 Jamestown Rd
Bethesda, MD 20816

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APR 19 2012

MCP-Chair

From: Sherley Lee <sherley_a_lee@hotmail.com>
Sent: Wednesday, April 18, 2012 8:37 PM
To: MCP-Chair; councilmember.berliner@montgomerycountymd.gov
Subject: RELAXED RULES RE "ACCESSORY APARTMENTS" IN SINGLE-FAMILY NEIGHBORHOODS NOW INCLUDED IN ZONING CODE REWRITE DRAFT

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

I would like to ask the Planning Board and the Council to leave the single-family residential neighborhoods alone! "Do not hastily change the rules for accessory apartments." Keep the accessory apartment proposals in the Zoning Rewrite so that they are fully vetted and considered in the context of all of the other changes.

Many residents already seem to be running rooming houses this change for allowing accessory apartments will change the character of our neighborhoods. Please do not let this happen.

**Sherley Lee
12821 Layhill Rd.
Silver Spring, Md. 20906**

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APR 19 2012

MCP-Chair

From: Joanne <sixtyfivedodge@yahoo.com>
Sent: Wednesday, April 18, 2012 10:59 PM
To: MCP-Chair; Councilmember.Berliner@montgomerycountymd.gov
Subject: NO the the new zoning law

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Dear Mr. Carrier and Mr. Berliner,

I am writing you regarding this new zoning law proposed to allow "Accessory Apartments" in Bethesda. I have lived in my home since the day I was born, and I do not want this particular Law to be put into motion. It will only bring the area down in value. My neighbors and I will be very disappointed in whom we voted into office if this happens.

A Concerned Citizen,

Joanne Fusco
5113 Saratoga Avenue
Bethesda MD 20816

MCP-Chair

From: Tommy C <tomc0077@yahoo.com>
Sent: Thursday, April 19, 2012 6:36 AM
To: MCP-Chair
Subject: "Do not hastily change the rules for accessory apartments"

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APR 19 2012

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

"Do not hastily change the rules for accessory apartments-there is little parking now...(and avoid legal challenges and costs later-

Thanks
Tom Ciak

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APR 19 2012

MCP-Chair

From: Helene Brett <HBrett@apta.com>
Sent: Thursday, April 19, 2012 8:27 AM
To: MCP-Chair; 'Councilmember.Berliner@montgomerycountymd.gov'
Cc: 'mightyj1974@verizon.net'
Subject: New Zoning text amendment to relax rules for "accessory apartments" in single-family neighborhoods

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Importance: High

Dear Francoise Carrier, Chair, Montgomery County Planning Board and Roger Berliner, President, Montgomery County Council:

I am writing to express my grave concern regarding the above mentioned zoning text amendment. As a long-time resident of Montgomery County (more than thirty-five years), I urge **the Planning Board and the Council to leave the single-family residential neighborhoods alone! Do not hastily change the rules for accessory apartments. Keep the accessory apartment proposals in the Zoning Rewrite so that they are fully vetted and considered in the context of all of the other changes.**

Thank you for your serious consideration of my wishes as a resident living in the Layhill South community of Silver Spring.

Helene M. Brett
12900 Bluet Lane
Silver Spring, MD 20906
Home email: h_brett@verizon.net

MCP-Chair

From: Lynne Baum <lynnebaum@yahoo.com>
Sent: Thursday, April 19, 2012 3:23 PM
To: MCP-Chair
Subject: Zoning

RECEIVED
0324
APR 19 2012

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Mr. Carrier -

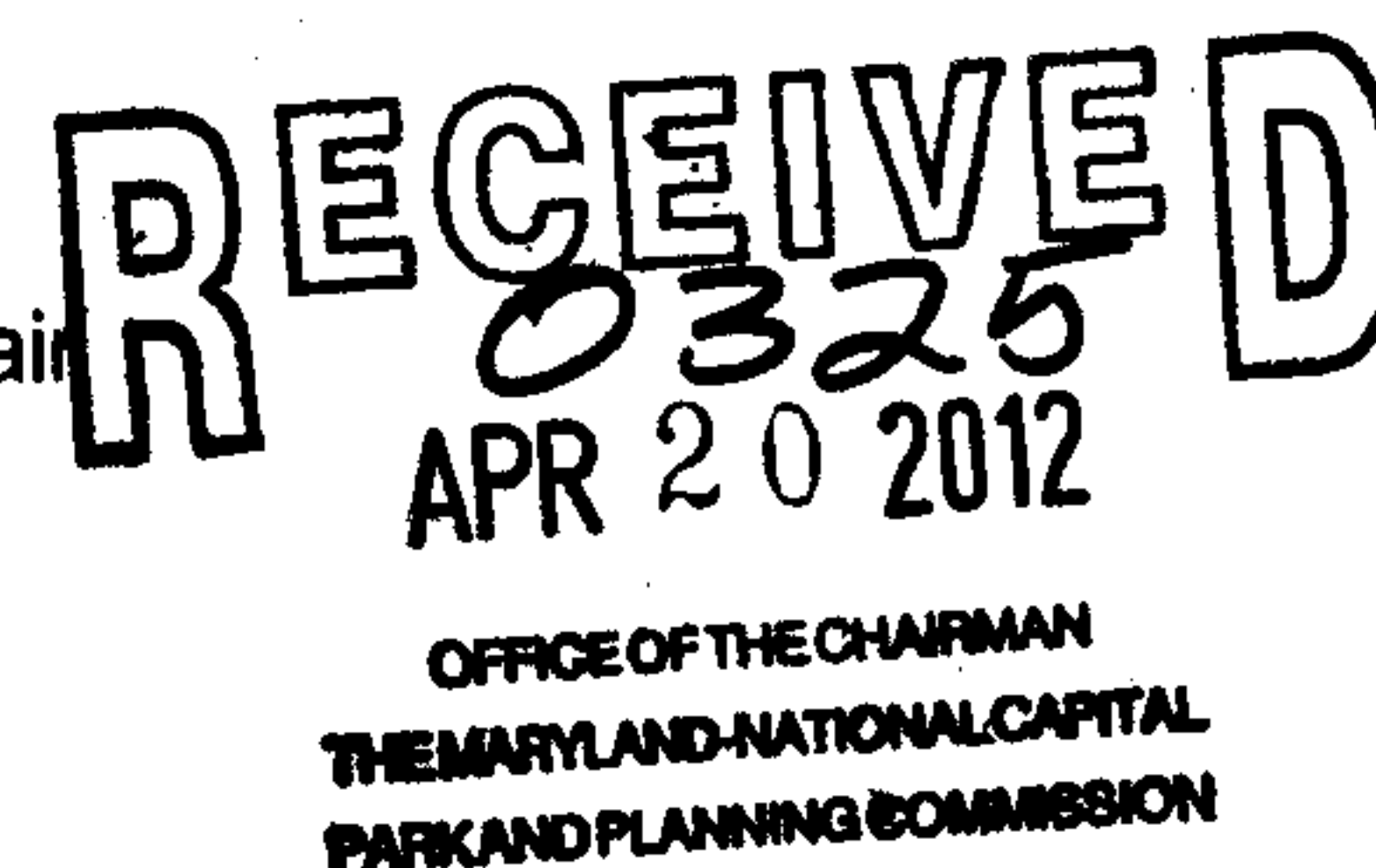
I write in reference to the proposed zoning changes regarding accessory apartments in single family neighborhoods of Montgomery County. I urge you not to hastily change the rules for accessory apartments. Keep the accessory apartment proposals in the Zoning Rewrite so that they are fully vetted and considered in the context of all of the other changes.

Thank you,

Lynne Baum
5004 Fort Sumner Drive
Bethesda, MD 20816

MCP-Chair

From: Jonathan Munroe <JFCM1954@msn.com>
Sent: Thursday, April 19, 2012 5:26 PM
To: Councilmember.Berliner@montgomerycountymd.gov; MCP-Chair
Cc: Elaine Munroe
Subject: Fw: [WildwoodNews] Zoning Rules for Accessory Apartments



Councilperson Berliner and Chairperson Carrier:

I am ***in favor of*** relaxed rules for "accessory apartments" in single-family neighborhoods, as described below. All too often neighborhood groups such as the one I am a member of, assume its constituents agree with its opposition to everything related to growth. I do not. In addition to your current plan, please also consider allowance of use of square footage beyond what is currently allowed (50% of residence or maximum on footprint) if necessary to allow outside stairs for accessory apartments above a current garages. Again, I am ***in favor of*** the relaxed rules for "accessory apartments" in single-family neighborhoods. I AGREE the current rules are unnecessarily restrictive.

Thank you.

Jonathan F. Munroe,
Montgomery County Resident and Taxpayer,
Address: 10319 Dickens Avenue, Bethesda, MD 20814
Home Phone: 301-564-1148.

----- Original Message -----

From: etmunroe@msn.com
To: jfcm1954@msn.com
Sent: Wednesday, April 18, 2012 10:22 PM
Subject: Fw: [WildwoodNews] Zoning Rules for Accessory Apartments

Connected by DROID on Verizon Wireless

-----Original message-----

From: WildwoodNews-owner@yahoogroups.com
To: WildwoodNews@yahoogroups.com
Sent: Thu, Apr 19, 2012 01:33:09 GMT+00:00
Subject: [WildwoodNews] Zoning Rules for Accessory Apartments

Hi All,

This information was forwarded to WMCA from our legal counsel.

Please see the attached information about zoning rules for proposed 'accessory apartments'. If you would like your voice to be heard please send the following e-mail (the meeting has been postponed until Thursday, May 3rd).

Send one email addressed to both the Chair of the Planning Board and the President of the Council. Ask the Planning Board and the Council to leave the single-family residential neighborhoods alone! Tell them, "Do not hastily change the rules for accessory apartments." Keep the accessory

apartment proposals in the Zoning Rewrite so that they are fully vetted and considered in the context of all of the other changes.

Send your emails to:

Francoise Carrier, Chair, Montgomery County Planning Board, **MCP-Chair@mncppc-mc.org**

Roger Berliner, President, Montgomery County Council,
Councilmember.Berliner@montgomerycountymd.gov

From the Group: Neighborhood Montgomery (<http://groups.google.com/group/neighborhood-montgomery>)

Dear Neighbors,

We are writing to you about an urgent matter: the County Council will soon be considering a Zoning Text Amendment (ZTA) with relaxed rules for "accessory apartments" in single-family neighborhoods. The Planning Board is reviewing the ZTA next Thursday, April 26th, and, if approved, will transmit the ZTA immediately to the County Council. The ZTA comes from new proposals for accessory apartments contained in the November 22, 2011 ZAP Review Draft for the Zoning Rewrite.

<http://www.montgomeryplanning.org/viewer.shtm#http://www.montgomeryplanning.org/development/zoning/documents/ConsolidatedNovemberDraft.pdf> See Sec 3.3.2. pp.32-33

Although the proposed relaxation of the rules for accessory apartments are supposed to be considered as part of the Zoning Rewrite, and subject to the same vetting as the Rewrite, again, as with the CR Zones, the Council is pulling accessory apartments out of the Zoning Rewrite, and considering the subject by itself as a zoning text amendment.

Please express your views on this matter ASAP to the Planning Board and the County Council. See below for more information.

Below you will find a summary of the proposed changes to accessory apartments in the R-60 and R-90 zones.

RELAXED RULES RE "ACCESSORY APARTMENTS" IN SINGLE-FAMILY NEIGHBORHOODS NOW INCLUDED IN ZONING CODE REWRITE DRAFT

Most of the single-family homes in Montgomery County are on either R-60 (6,000 sq. ft.) or R-90 (9,000 sq. ft.) zoned lots. This summary addresses the proposed changes in the rules for accessory apartments in those two zones. (Remember that the County plans to rezone R-60 and R-90 into RMD-6 and RMD-9, respectively.)

Residents of single-family neighborhoods throughout the County should be aware that the Planning Board staff and their consultants have developed proposals as part of the zoning code rewrite project that would significantly relax the rules for both "attached accessory apartments" (separate dwelling units within a single-family home) and "detached accessory apartments" (dwelling units in a separate structure on single-family property). Note that there are different rules for detached and attached apartments depending on their size: small ≤ 800 sq. ft. or less; and large ≥ 801 sq. ft. to a maximum of 1200 sq. ft. These rules are discussed below.

As currently proposed, the potential impacts on the residential areas zoned R-60 and R-90 are enormous. Why? Because of at least five changes:

First, a category of accessory apartments \square detached accessory apartments \square for the first time can be built on standard sized R-60 and R-90 lots. Currently a homeowner must have either a minimum of 1 acre to remodel an existing detached accessory apartment, or 2 acres to build a new one that can only be occupied by either a caregiver or a relative. Thus, what was exclusively a large lot use now becomes a potential use on any lot zoned R-60 or R-90, regardless of lot size.

Second, it will be simpler for a homeowner to obtain approval for a "small" attached accessory apartment. Right now the County Board of Appeals must approve all accessory apartments as a "special exception" use. This means that there is a hearing, and those who object may testify against the special exception. Furthermore, as a special exception, there is no right to the use, and it may be turned down.

As proposed, small accessory apartments will be a "limited" use. Under the new process, you go to the County building permit office, and after showing that you can meet the standards for an attached accessory apartment, you get your permit.

Third, the nature of the use will change. Currently, in order to receive approval for an accessory apartment, Sec. 59-G-2.00 (a) (5) provides that "the accessory apartment must not be located on a lot...that is occupied by a family of unrelated persons", or, inter alia, in R-60 and R-90 where there is any other rental residential use on the lot.

Under the new provisions, neither the persons in the single family home nor the persons in the accessory apartment need to be related to each other. Right now a single-family home may house 6 unrelated persons. If that continues to be the case, under the new provisions, a smaller accessory apartment may house 3 unrelated persons, and the larger accessory apartment may house 5 unrelated persons. That means that there could be as many as 11 unrelated persons living in a single-family home with an attached or detached accessory apartment. One requirement remains: the owner still must live in either the home or the apartment.

Fourth, the parking requirement is reduced. Right now, there must be two off street parking spaces (may be in a driveway, but otherwise not in the front yard) for an accessory apartment unless the Board of Appeals finds that either more or less than two spaces are required. Under the new rules only one off street parking space is required with no restriction on location--even though unrelated tenants are more likely to have more cars.

Fifth, the current compatibility requirement that is, that external modifications must be compatible with main house and surrounding property is removed, and nothing is put in its place.

Given these changes and the likelihood of a large increase in accessory apartments, does the new draft propose to deal with the impact of the proliferation of accessory apartments in existing single-family neighborhoods?

Yes, it does, but, in our opinion, these proposals are inadequate.

1) The Planning Board staff proposes that "large" attached, and "small" and "large" detached apartments will be called "conditional" uses. As such, approval will be by the Board of Appeals in a process very similar to the current special exception process for accessory apartments. Although an accessory apartment application may be rejected, the neighbors of the property owner seeking the conditional use will likely have to hire a lawyer to present their concerns or objections to the Board of Appeals in a hearing process that can be lengthy and costly. The current rule clearly protects single-family neighborhoods better: no detached accessory apartments on lots smaller than 1 acre.

2) Moreover, in order to prevent excessive concentration of accessory apartments in any one geographic area, there is a proposal that an accessory apartment must not be located within 300 feet of another accessory apartment, or be located on a lot abutting the rear lot line of any property with an existing accessory apartment. That means, that if your neighbor's application is approved before yours, you cannot have an accessory apartment on your property. There is a real question among some zoning lawyers, however, that a court will enforce this restriction.

3) Finally, there are other limitations applying to all accessory apartments: only one per lot, the accessory apartment must have the same street address as the principal dwelling; and floor area of the accessory apartment must not exceed 50% of the principal dwelling or the maximum square footage allowed by the use, whichever is less. But most of these limitations are already reflected in the existing rules. Moreover, under the current rules the principal dwelling must be 5 years old. This limitation has been removed.

The bottom line is that serious changes in the rules respecting accessory apartments in our neighborhoods are headed our way. It's time that we start telling the Planning Board and the Council how we view these changes.

Send one email addressed to both the Chair of the Planning Board and the President of the Council. Ask the Planning Board and the Council to leave the single-family residential neighborhoods alone! Tell them, "Do not hastily change the rules for accessory apartments." Keep the accessory apartment proposals in the Zoning Rewrite so that they are fully vetted and considered in the context of all of the other changes.

Send your emails to: Francoise Carrier, Chair, Montgomery County Planning Board, MCP-Chair@mncppc-mc.org and Roger Berliner, President, Montgomery County Council, Councilmember.Berliner@montgomerycountymd.gov

We'll be back in touch soon.

Meredith, Julie, Pat, and Jenny Sue

Neighborhood Montgomery
A Neighborhood Network for Sensible Growth
<http://groups.google.com/group/neighborhood-montgomery>

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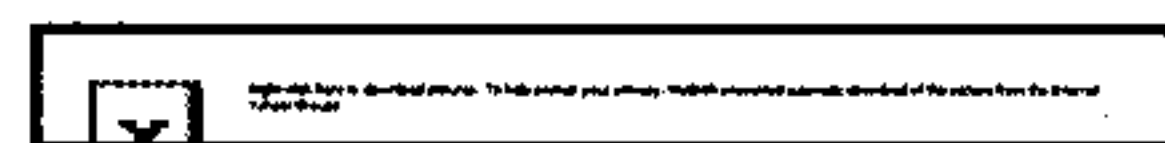
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MCP-Chair

From: Chantal Rigaud <chantalrigaud@gmail.com>
Sent: Thursday, April 19, 2012 11:51 PM
To: MCP-Chair; Councilmember.Berliner@montgomerycountymd.gov
Subject: Accessory apartments in single family homes neighborhoods

RECEIVED

APR 20 2012

**OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION**

To: Planning Board and Council:

I would like to respectfully ask that the Planning Board and Council refrain from changing the zoning rules governing single family neighborhoods, which would make the building of accessory apartments easier and destroy the quality of life of long time residents.

Thank you for considering my request.

Chantal Rigaud
Silver Spring, MD

RECEIVED
0335
APR 23 2012

MCP-Chair

From: Alice Dixon <adixon38@yahoo.com>
Sent: Saturday, April 21, 2012 4:25 PM
To: MCP-Chair; councilmember.Berliner@montgomerycountymd.gov
Subject: Accessory apartments

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

I feel that it is important to keep the accessory apartment regulations in the total zoning amendment to be considered in the entire context of how the changes would affect neighborhoods.

There is a new huge house on my modest street which would be able to have even more people living there with a very detrimental effect on the neighbors.

Thank you.

Alice Dixon
5201 Elsmere Ave
Bethesda, MD 20814

MCP-Chair

From: Jody Perkins Bramel <june19music@verizon.net>
Sent: Sunday, April 22, 2012 5:42 PM
To: MCP-Chair
Subject: Say "No" to Accessory Appartments

RECEIVED
APR 23 2012

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

To: Francoise Carrier, Chair, Montgomery County Planning Board

Dear Francoise,

We are writing to ask the Montgomery County Planning Board to leave the single-family residential neighborhoods alone! Do not change the rules for accessory apartments. Keep the accessory apartment proposals in the Zoning Rewrite so that they are fully vetted and considered in the context of all of the other changes.

We are AGAINST making any changes to allow accessory apartments in our Aspen Hill, Montgomery County neighborhood.

Thank you for your attention to this matter.

Thomas and Jody Bramel
4401 Kalmia Street
Rockville, MD 20853

MCP-Chair

From: Marsha Luce <marsha.luce@verizon.net>
Sent: Monday, April 23, 2012 7:05 PM
To: MCP-Chair; Councilmember.Berliner@montgomerycountymd.gov
Cc: county.council@montgomerycountymd.gov
Subject: Zoning Text Amendment - Accessory Apartments

RECEIVED
0338
APR 24 2012

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

We are writing in opposition to the Zoning Text Amendment that would with relaxed rules for "accessory apartments" in single-family neighborhoods. We oppose using an amendment for such a significant change to the zoning law. This amendment would bypass the hearing process, which we feel is critical for any major zoning change.

Marsha and Al Luce
13811 Vista Drive
Rockville, MD 20853

RECEIVED
APR 24 2012

MCP-Chair

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PLANNING AND PLANNING COMMISSION

From: Beers, Deborah <deborah.beers@bipc.com>
Sent: Tuesday, April 24, 2012 12:27 PM
To: Councilmember.Berliner@montgomerycountymd.gov
Cc: MCP-Chair; Town Hall; Norman G. Knopf
Subject: Proposed New Accessory Apt. ZTA

Dear Councilman Berliner and Chair Carrier:

The Town of Glen Echo, MD is writing to object to the proposed ZTA for accessory apartments and to the consideration of the ZTA as a stand-alone provision that is separate from the the Zoning Ordinance Rewrite.

On the latter point, this subject is too important to local communities to short-circuit the review process.

On the substance, we in Glen Echo believe that allowing the virtually unlimited building of accessory apartments on lots in the R-60 zone (which are small enough already) would irreversibly alter - and not for the better - the character of our community.

Your attention to the Town's concerns is appreciated.

Sincerely,

Deborah Beers, Mayor
Glen Echo, Maryland

Deborah M. Beers

Phone: (202) 452-7919 (office); Fax: (202) 452-7989;
(301)-229-7308 (home); (301) 509-0618 (cell)
deborah.beers@bipc.com
d.beers@verizon.net

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MCP-Chair

From: ahnw@earthlink.net
Sent: Monday, April 23, 2012 9:29 PM
To: MCP-Chair
Subject: NO MORE ACCESSORY APARTMENTS!!

RECEIVED
APR 24 2012

Francoise Carrier, Chair, Montgomery County Planning Board:

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

I suggest that YOU try NOW to drive down many of our Aspen Hill residential streets in the evenings and on weekends when most residents are usually at home. You will see how their street-parked automobiles crowd many of our streets, and many of these automobiles are already parked illegally on the County Property beside the driving lane. (Consider the driver of a fire truck or ambulance or the Police trying to maneuver at a fast pace down these narrow lanes under these conditions.)

As you know, there are already stipulations against filling a home of certain dimensions with more than a certain number of people; the person staying in an Accessory Apartment must be a relative of the owner. If this latest County Council action is approved, there will be no restrictions and there will be no order. There will be a crowd of occupants (transients) who have no investment in the properties and no concern for the appearance and maintenance of the properties.

AND THERE GO THE NEIGHBORHOODS!! Think about it, please.

Thank you,
L. Dawn Doscher, (a Property Owner)
Coordinator, Aspen Hill "Neighborhood Watch"

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APR 24 2012

MCP-Chair

From: ahnw@earthlink.net
Sent: Tuesday, April 24, 2012 2:08 PM
To: MCP-Chair; Roger Berliner
Cc: Nancy Navarro; Roger Manno; Don Becker
Subject: MORE REASONS TO OPPOSE MORE "ACCESSORY APARTMENTS"
Attachments: 120425_AHNW_Flyer_.pdf

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Francoise Carrier, Chair, Montgomery County Planning Board:

Where will the money come from to furnish schools for the new residents, badly needed road improvements, Maryland County and State Police staff and facilities, necessary urgent medical care from traffic accidents, etc., etc.

What about the Property Taxes that property owners are paying now? Are the Accessory Apartments Property Tax-free?

We'll have a Third World scene because of the decline in property values! Over-crowding everywhere and no possible chance of necessary improvements in our community structure.

We ask for your interest, concern, and recommendations for solving this latest URGENT matter.

Dawn Doscher, Coordinator, Aspen Hill "Neighborhood Watch" (AHNW)
(You are all cordially invited to attend our AHNW Meetings. Attached is the "flyer" for tomorrow evening's meeting at the Aspen Hill Library.)



NEIGHBORHOOD WATCH
MEETING

Wednesday, April 25, 7:00 pm

ASPEN HILL LIBRARY

(Downstairs Meeting Room)

SEXUAL
ASSAULT

CHERYL BANKS

*Community Educator for the Victim Assistance
and Sexual Assault Program (VASAP)*

PLEASE BRING YOUR FRIENDS AND NEIGHBORS.

BE ON THE ALERT!

If you see something, say something!

*Email **ahnw@earthlink.net** for further information*

TOGETHER, WE CAN KEEP ASPEN HILL A SAFE PLACE TO LIVE!