

Accessory Dwelling Unit Approval Process	Fairfax County, VA	Montgomery County, MD
1. Permit Requirement	Special Permit: Renewable every five (5) years. Runs with the owner, not with the property.	Exception Permit: Renewable annually. Runs with the owner, not with the property.
2. Accessory Unit Residency Restrictions	<ul style="list-style-type: none"> ○ Either the principal residence or the accessory unit shall be occupied by a person or persons who qualify as elderly (fifty-five (55) years of age or over) and/or any person or persons permanently and totally disabled. <ul style="list-style-type: none"> ▪ Accessory unit residency is restricted to two (2) persons, not necessarily related by blood or marriage. ▪ The principal single family dwelling unit may be occupied by not more than one (1) of the following: (1) One (1) family, which consists of one (1) person or two (2) or more persons related by blood or marriage and with any number of natural children, foster children, step children or adopted children; or(2) A group of not more than four (4) persons not necessarily related by blood or marriage. 	<ul style="list-style-type: none"> ○ Unlimited number of related persons; or ○ Up to five (5) unrelated persons. ○ The applicant/owner must reside in one of the two units, re: principal residence or accessory unit. ○ No requirement that accessory unit residents be elderly or disabled. <ul style="list-style-type: none"> ▪ Montgomery’s zoning ordinance does include a category of accessory unit for the elderly and disabled. In this case, the units are referred to as “small group homes,” are permitted by right, and can house between 3 to 8 residents, including resident staff.
3. Unit and Lot Size Restrictions	<ul style="list-style-type: none"> ○ Unit size is restricted to ≤ 35% of the gross floor size of the principal residential unit. ○ On lots that are less than 2 acres in size, the accessory unit must be constructed as a part of the principal residence. ○ On lots of 2 acres or more, the accessory unit may be constructed as a separate unit. 	<ul style="list-style-type: none"> ○ Unit size is restricted to ≤ 1,200 ft². ○ On lots that are less than 1 acre in size, the accessory apartment must be constructed as a part of the principal residence. ○ On lots of 1 or more acres, the accessory apartment may be constructed as a separate unit.
4. Application Process and Associated Costs	<ul style="list-style-type: none"> ○ Initial Application Filing Fee = \$140 ○ Application is 27 pages in length. ○ Nine separate components each applicant must submit. ○ Additional costs = <ul style="list-style-type: none"> ▪ \$2,000 - \$3,000 for survey plats 	<ul style="list-style-type: none"> ○ Initial Application Filing Fee = \$650 ○ Application is 9 pages in length. ○ Twelve separate components each applicant must submit ○ Additional Costs = <ul style="list-style-type: none"> ▪ \$100 for county sign to be erected during application and hearing process (\$75 of which is refunded to the applicant once a decision has been reached to approve or deny the application) ▪ \$2,000 - \$3,000 for survey plats

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5. Application Review and Hearing	<ul style="list-style-type: none"> ○ Application submission; ○ Once an application is accepted, it is processed by the Special Permit Branch; ○ Review by staff for compliance with the Comprehensive Plan, the Zoning Ordinance, impacts on land use, transportation, environmental resources, public facilities and other factors; ○ Public Hearing Notification is sent by the applicant to surrounding property owners; ○ Public hearing, held by the Fairfax County Board of Zoning Appeals (BZA); ○ Letter of Decision is mailed by the Clerk to the BZA to the applicant; ○ Implementation period, during which the applicant must meet certain conditions prior to the final establishment of the use, as well as other plats/plans such as building plans and occupancy permits which must be submitted and approved. 	<ul style="list-style-type: none"> ○ Application submission; ○ If accepted, application is processed by the County Board of Appeals; ○ Review by Board of Appeals for compliance with the Zoning Ordinance, impacts on land use, transportation, environmental resources, public facilities and other factors; ○ Public Hearing Notification to the applicant, other county agencies, confronting and adjoining neighbors, Maryland National Park and Planning Commission; ○ Public hearing held by the Montgomery County Office of Zoning and Administrative Hearings (OZAH) ; ○ Letter of Decision is mailed by the Hearing Examiner to the applicant; ○ Application is processed by the Department of Housing and Community Affairs, which issues the necessary rental license.
5. Permit Renewal Process	<ul style="list-style-type: none"> ○ Fairfax County Accessory Unit Special Permits expire after a term of five (5) years. Current owners can apply for permit renewal. There is no cost or new public hearing for this application. ○ New owners who wish to use the accessory unit must apply for a new permit, as the permit runs with the owner and not with the property. 	<ul style="list-style-type: none"> ○ Montgomery County Accessory Apartment Exception Permits expire after one year. Current owners can apply for permit renewal, subject to property inspection. There is no cost for this application. ○ New owners who wish to use the accessory unit must apply for a new permit, as the permit runs with the owner and not with the property.
6. Other Requirements	<ul style="list-style-type: none"> ○ Mobile homes are not permitted to be used as accessory units. 	<ul style="list-style-type: none"> ○ The existing single family residence must be at least five years old. ○ Mobile homes may be permitted to be used as accessory apartments IF the manufactured unit resides on a given residential lot prior to when application is made for an Accessory Apartment Exception Permit. ○ The applicant must have owned the property for at least one year, unless the accessory apartment existed on the property prior to purchase.
7. Total Number of Approved Permits	64	512