

ORDINANCE NUMBER _____

AN ORDINANCE AMENDING THE TOWN OF ROCKVILLE'S LAND USE CODE
CHAPTER 7 – SUPPLEMENTARY REGULATIONS
CHAPTER 2 – DEFINITIONS

THE PURPOSE OF THIS ORDINANCE IS TO PROVIDE A LIMITED OPPORTUNITY TO APPLY FOR AN ACCESSORY DWELLING PERMIT IN ORDER TO:

- bring an existing Accessory Dwelling Unit (ADU), constructed within the existing footprint of an existing residence, without a building permit, into compliance with the Rockville Land Use Code; or,
- bring an existing ADU separate from the primary residence, constructed without a building permit, into compliance with the Rockville Land Use Code; or
- construct an ADU within the footprint of an existing residence; and,
- permit the personal use and/or long-term rental of the ADU.

Definitions: Unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the words and phrases in the following list of definitions shall, for the purposes of this ordinance, have the meanings indicated. All words and phrases not defined shall have their common meaning.

Residence. One (1) or more rooms in a dwelling or structure designed for, or occupied by, one family for living and sleeping purposes and having a kitchen and separate bathroom facilities for the use of not more than one (1) family. The term residence does not include boarding houses, hotels, motels, tents, vehicles, or other structures designed or used primarily for temporary occupancy.

Building Footprint. The building footprint is the total continuous area of the structure's foundation.

Building, Attached. A building connected by a continuous foundation and a continuous roofline. No attached building shall be more than 30' from the main structure and shall not be used as an additional residence.

Accessory Dwelling Unit. A dwelling unit that includes one bedroom, one bathroom and one kitchen as well as other amenities needed for independent living that is located on the same parcel as a principal residential structure to which it is clearly accessory and subordinate to the principal dwelling.

WHEREAS, the Town of Rockville (hereinafter "Town") was incorporated in part to give the Town greater control over its future growth and development; and

WHEREAS, the Town shall adopt carefully considered ordinances that reflect the General Plan and which define land use within the Town; and,

WHEREAS, the Town has determined to manage the ultimate growth of the community by setting density for land use types; and,

WHEREAS, the Town determined that residential uses should be limited to predominately low-density, single-family dwellings; and

WHEREAS, the Town's residents determined that Rockville should maintain a quiet, small town, rural atmosphere and only allow uses compatible with that goal; and

WHEREAS, the Town has determined that the amount of culinary water will be taken into consideration when making decisions that impact water use; and

WHEREAS, the Town, in order to find an equitable solution to ADU's constructed without a building permit, has determined that it is in the best interest of the Town and its residents to provide an opportunity to bring such structures into compliance with Rockville's Land Use Code; and to allow the rental use thereof; and,

WHEREAS, the Town has determined that it is in the best interest of the Town and its residents to equally provide an opportunity for those who wish to construct an ADU within the footprint of their existing residence for private or rental purposes, to do so; and,

WHEREAS, the Rockville Planning Commission recommends the Rockville Town Council consider a time-limited amendment to the Rockville Land Use Code to address these issues.

NOW THEREFORE, to resolve this problem, in as equitable a manner as possible, without amending either the General Plan or the Land Use Code, be it ordained that:

- 1) This ordinance be enacted for a period of one year during which time residents will be allowed to apply to the Planning Commission for an Accessory Dwelling Unit (ADU) permit to:
 - a) allow an existing ADU, either within an existing footprint or an existing ADU separate from the main residence, to come into compliance.
 - b) allow residents who would like to create an ADU within the footprint of their existing primary residence to do so.
 - c) ← allow one of the two dwelling units to be rented on a long term basis.
- 2) Upon termination of this ordinance, the Town will go forward strictly enforcing the existing Land Use Code which supports the General Plan's intent that single-family residences should be the "predominant" housing type.
- 3) If the owner of a parcel having an existing ADU or an applicant for an ADU permit is unable or unwilling to fulfill the requirements as outlined in the *Accessory Dwelling Unit Code Amendment* section of this ordinance, the owner shall remove those features of the accessory dwelling that make it a dwelling unit. Failure to do so will constitute a violation of the Rockville Land Use Code.
- 4) This Ordinance does not apply to secondary residences that existed prior to incorporation and whose use as a residence can be documented.

This Ordinance does not Allow for:

- a. ***a new second residence separate from the main residence to be constructed.***
- b. ***an existing accessory structure separate for the primary residence, such as a garage or workshop, to be converted into a residence.***

ORDINANCE NUMBER _____

Accessory Dwelling Unit (ADU) Code Amendment

For the purposes of this Ordinance, the following regulations apply.

General:

- The ADU must be smaller in area than the principal structure.
- An ADU shall not have more than (1) bedroom and (1) bathroom. This restriction must be recorded on the deed.
- Either the ADU or the main unit must be owner-occupied for the entire calendar year. Failure of the property owner to permanently reside in one of the units on the premises shall be grounds for revocation of the accessory dwelling permit resulting in a prohibition of further occupancy of the accessory dwelling. This restriction must be recorded on the deed.
- No more than (1) ADU is allowed per parcel. **That is, there shall be no more than two permanent residences per parcel.** This restriction must be recorded on the deed.
- All ADU applications must be approved **by the Planning Commission** within one year from the approval date of this Ordinance.
- Approved applicants **with existing ADU's** will have 180 days from the date of their approval to complete **their project by implementing all improvements required by the building inspector.** **Approved applicants for new construction will have 1 year from the date of their approval to complete their project.**
- ADU's may be rented per Section 7.3 of the Rockville Land Use Code. Transient and overnight rentals are prohibited. This restriction must be recorded on the deed.
- Failure of the property owner to comply with, or remain in compliance with, the regulations outlined herein shall be grounds for revocation of the ADU permit resulting in a prohibition of further occupancy of the accessory dwelling.

Size:

- An ADU may be no more than 30% of the total living area of the main house or a maximum of 800 square feet, whichever is less.

New Construction:

- New internal ADU applications will be reviewed and processed as per Rockville Land Use Code current standards and shall comply with current International Building and Fire Code.

ADU permit applications where no building permit was issued at the time of construction or remodel:

- ADU permit applications where no building permit was issued at the time of construction or remodel shall pay a non-refundable ADU permit fee of \$250, the standard inspection fee based on square footage, plus a fine in the amount of \$500.00.

All applicants whose existing second residence has been constructed without a building permit will be required:

- a) to have a visual, walk-through inspection of the ADU by the Rockville Building Inspector.
- b) to provide a site plan drawn accurately to scale, showing property lines and dimensions, the location of existing buildings and building entrances, proposed buildings, dimensions between buildings and to property lines, the location of parking stalls and closest fire hydrant.
- c) to provide before and after floor plans drawn to scale showing building before and after completed work, indicating where electrical and plumbing has been installed and labels indicating room use.
- d) to confirm the presence of smoke and CO2 Detectors; the bedroom has two exits, one of which leads directly outside; GFI outlets over counters near sinks; appliance outlets; visual under sink plumbing inspection, and electrical power testing
- e) All violations identified by the Building Inspector shall be corrected before the Permit is approved.

Parking:

All property owners will be required to provide off-street parking on the property for all vehicles associated with the residence and to utilize such. In no case shall the number of off-street parking spaces be less than the number of vehicles being maintained on the premises.

Deed Restriction and Disclaimer

The owner shall record a deed restriction and disclaimer with the Washington County /Recorder evidencing the following restrictions under which the accessory dwelling unit is constructed and occupied.

- 1) Either the ADU or the main unit must be owner-occupied for the entire calendar year. Failure of the property owner to permanently reside in one of the units on the premises shall be grounds for revocation of the accessory dwelling permit resulting in a prohibition of further occupancy of the accessory dwelling.
- 2) No more than (1) ADU is allowed per parcel
- 3) ADU's may be rented per Section 7.3 of the Rockville Land Use Code. Transient and overnight rentals are prohibited.
- 4) An ADU shall not have more than (1) bedroom and (1) bathroom.
- 5) If the ADU was originally constructed without a building permit, the property owner shall sign a disclaimer acknowledging the structure was constructed without a building permit and therefore cannot be certified as meeting International Building or Fire codes.
- 6) This deed restriction and disclaimer shall run with the land as long as the property contains and utilizes said Accessory Dwelling Unit.