

The Town of
GLEN ECHO
Chartered 1904

Town Hall • 6106 Harvard Avenue • Glen Echo • Maryland 20812 • (301) 320-4041
townhall@glenecho.org

Town Council Hearing Minutes

SUBJECT: ACCESSORY DWELLING UNITS
December 16, 2019

CALL TO ORDER: MAYOR WILLEM POLAK. 7:00 PM

Mayor Willem Polak announced that the meeting is being recorded.

Present: Mayor: Willem Polak. Councilmembers: (CM) Dia Costello, Dan Spealman, Matt Stiglitz, and Julia Wilson. Town Clerk: (TC) Beth Boa. Town Attorney: Ron Bolt

Guests: Paul Mortensen and Lisa Govoni (M-NCPPC)

Residents: Blair Anderson (Harvard Ave), Alex Boyar (Cornell Ave), Pete Epanchin (ECHO), Alec Graham (Radcliffe), Aaron Hirsch (University Ave), Angela Hirsch (University Ave), Claire Kelly (Cornell Ave), Gloria Levin (University Ave), Andrea Matney (Wellesley Cir), Renny Springuel (Vassar Cir).

PRESENTATION ON ACCESSORY DWELLING UNITS

Mayor Polak introduced Mr. Mortensen and Ms. Govoni. TC Boa invited these speakers to give an overview on ADUs. Mr. Mortensen is an architect with Montgomery Planning who focuses on master planning and urban design of residential communities. Ms. Govoni is the Housing Research Planner at the Montgomery County Planning Department. The presentation is attached to these minutes. Questions were taken by the presenters and Attorney Bolt.

INTRODUCTION OF ORDINANCE 19-06:

ZONING TEXT AMENDMENT (ZTA) 19-01 ACCESSORY DWELLING UNITS:

Background:

The Montgomery County Council recently approved Zoning Text Amendment (ZTA) 19-01 (Accessory Dwelling Units) which amends the zoning laws that control the R-60 zones (as well as other residential zones) that include the Town of Glen Echo. This text amendment will allow residents who meet the requirements to build a second house on their lot or add an apartment within their home. These changes were offered as a part of a program goal to increase affordable housing in the County. Attorney Bolt provided details to the Town Council at the December 9, 2019 Council Meeting on the text amendment that was approved by Montgomery County Council. Changes will go into effect on December 31, 2019.

Concerns about increased density, parking problems, infrastructure limitations and the like have encouraged several municipalities in Montgomery County to consider revising their building code, within their limits of

municipal authority, in response to these changes in County zoning law. Like other municipalities, TOGE can regulate setbacks, lot coverage, on-site parking requirements and other limited building code regulations.

At the request of several municipalities that Attorney Bolt represents, he drafted an ordinance that would allow the municipalities to address the impacts of this new development. Bolt described the differences between the Town's proposed ordinance and the County's. Under the proposed local ordinance TOGE would require: Two new, additional parking spaces; a permit for interior ADUs (apartments); impose setbacks for detached ADUs at 25 feet in the front yard (County requires ADU be in the rear yard); rear set back is 20 feet (County is 12 feet); side set back eight feet (County is 5-8 feet, depending on when the lot was recorded); an existing detached non-conforming building cannot be converted to an ADU (in the County it can be).

Public comments and questions were taken by the Council and Attorney Bolt regarding the proposed Ordinance. Though it was pointed out that there were likely many other citizens who thought differently, many to most of the residents who participated were opposed to some or all of the provisions in the new ordinance. Concerns expressed by citizens and some council members revolved around the proposed limits being too restrictive (perhaps even so restrictive as to completely preclude ADUs in the town), and included the following:

- Concerns were raised over the requirement for two new parking spaces for an ADU based on issues of cost and increased paved areas in Town. Some felt that the spot requirement was excessive and/or unfair in situations where ample parking already existed on a property. The counter argument expressed was that the increased density that would result from ADUs would likely cause more parking problems in Town which is why two new parking spots should be required.
- Some of the residents and Council Members felt that the County requirements for ADUs are strict enough and additional zoning restrictions on the part of TOGE are not necessary. The feeling was that this might be over-regulation that might unintentionally restrict positive things residents might want (e.g., an in-law suite) and/or that we were regulating for a problem that did not yet exist. The counter argument expressed was that it is better to get out in front of a potential challenge and to make sure everyone has to abide by the same rules going forward.
- Concerns were also raised about the requirement for a stormwater plan and questions were raised as to why we would require it only for ADUs and not for any other structure. In addition, there was concern expressed over locking the town into the expense of hiring contractors to review such plans. The counterpoint expressed was that since the increased density would cause more stormwater runoff issues, the Town should require a stormwater plan from a resident applying for a permit for an ADU.

CM Stiglitz was concerned that allowing the County to make decisions on ADUs for the Town would harm the character of the Town; the County does not know what is best for TOGE and may not know of the Town's interests. He noted that he felt that residents would not be happy with increased density, stormwater runoff, parking issues, and having second homes built close to their existing home. CM Spealman felt that we should carefully consider the concerns expressed by the residents in the room and the fact the County regulations seemed to be fairly robust, and suggested not legislating unless and until a problem starts to emerge.

CM Stiglitz proposed that the Council re-introduce Ordinance 19-06 on Accessory Dwelling Units and that the Council consider the ordinance again in its January 13, 2020 Council Meeting. Attorney Bolt will make proposed amendments and email the new version to Town Hall. The changes are: reducing the parking space requirement to 1; deleting the unnecessary sentence in 3.1.1.A.1 regarding "exemptions"; and correcting the reference to "setbacks" in Section 3.1.2.

Motion to Re-Introduce Ordinance 19-06 with Amendments: CM Stiglitz, 2nd CM Wilson. Approved 3-1 (CM Spealman opposed).

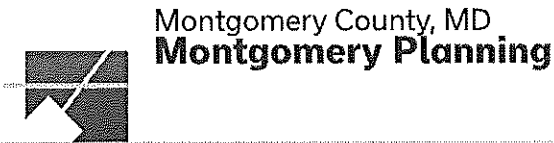
ADJOURNMENT:

Motion to adjourn: CM Stiglitz, 2nd Wilson. All in favor. Meeting Adjourned 9:38 pm

Minutes Prepared by: Beth Boa, Town Clerk-Treasurer

Approved by: Willem Polak
Mayor, Willem Polak

Date: 11/14/20



Paul Mortensen



September 26, 2016

Paul Mortensen

Senior Urban Designer in the Director's Office

paul.mortensen@montgomeryplanning.org

Paul Mortensen is a Chief and Senior Urban Designer in the Director's Office at Montgomery Planning and is leading the Design Excellence efforts within the organization. He is a registered architect in the states of California, Washington and Maryland, is a LEED Accredited Professional, a member of the Congress for New Urbanism, and is an Architect and Urban Designer of significant talent and experience with a strong emphasis on sustainable architecture design in urban settings. His primary focus over the past thirty years has been on master planning and urban design of residential and mixed-use communities. Mr. Mortensen was an Associate Principle with Torti Gallas and Partners in Silver Spring, Maryland where he served as a leading principal of the Planning and

Urban Design Studio and was involved in a number of large scale, award winning master planning projects and new town designs such as the Crystal City, Virginia Master Plan and the Tacoma, Washington Salishan HOPE VI development.

Affordable Housing Conference of Montgomery County

Lisa Govoni

1 May, 2017 in Board of Directors by AHCMC

Lisa Govoni is the Housing Research Planner at the Montgomery County Planning Department. In this role, she provides housing research and analysis for master plans and special projects, including serving as the project manager for the Rental Housing Study. Prior to starting this position in January 2016, Lisa served as a Planner for the Delaware State Housing Authority, where she was responsible for the collection, compilation, analysis of qualitative and statistical data to support key initiatives. She also previously worked for the Calvert County Department of Community Planning and Building assisting with the update of master plans and zoning ordinances.

Lisa completed her BA in Government and Politics in 2008, her MCP in Community Planning in 2011 and her MPS in Geographic Information Systems (GIS) in 2013, all from the University of Maryland, College Park.

Post navigation

[← Muriel Garr](#)[Brian Rennie →](#)

Our Vision

The Affordable Housing Conference of Montgomery County (AHCMC) believes that affordable, decent, and safe housing is an inalienable right—and not a privilege—for every American.

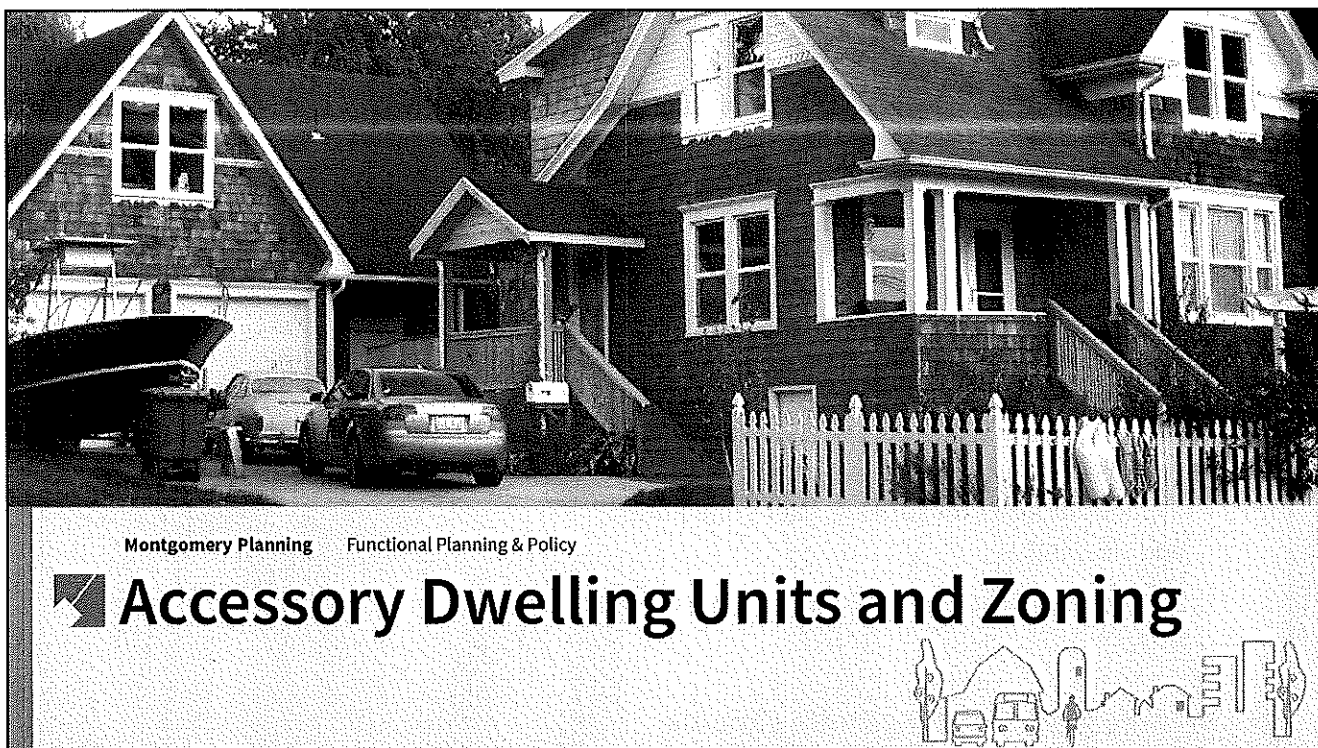
A Legacy of Results

Affordable Housing Confe...



Montgomery County Council Supports MWCOG

Housing target an additional 10,000 affordable housing units. Read more [HERE](#).



1

Why ADUs are Important

- Can help increase the supply of housing
- Provide supplemental income to homeowners
- Help meet the needs of the County's growing senior demographic



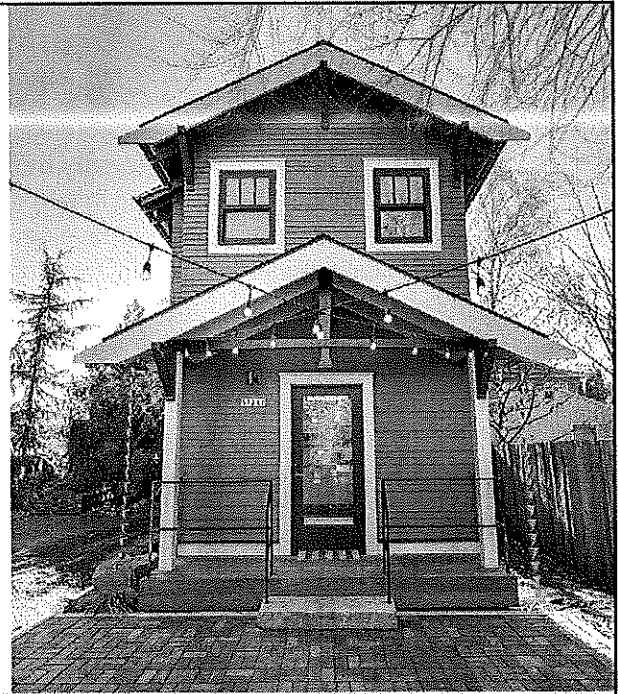
 Accessory Dwelling Units - Zoning

2

2

Use Standards - General

- **Principal dwelling or ADU must be the primary residence** of the applicant (Section 29-19)
- The **ADU must have same street address** as the main house
- Only **one ADU apartment** may be created on the same lot as an existing one family detached house.
- ADUs are **prohibited in Townhomes**.



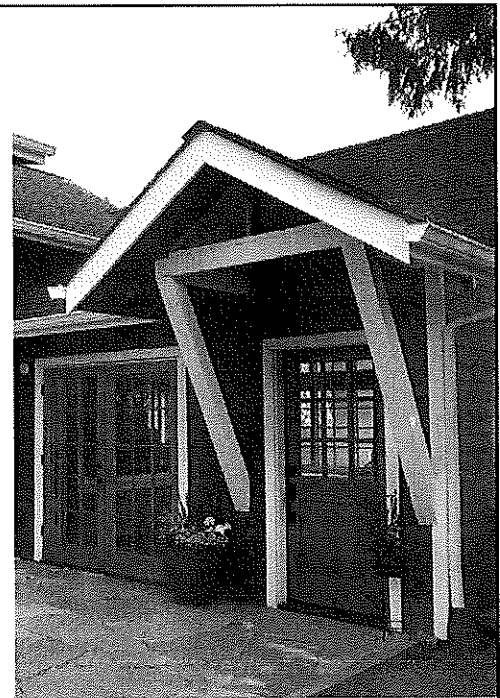
Accessory Dwelling Units - Zoning

5

5

Use Standards - General

- An ADU must not be located on a lot where any short-term rental Residential use exists or is licensed
- The maximum footprint of an ADU, in combination with other structures on the site, is limited by the total lot coverage limit in the underlying zone and the maximum gross floor area of the unit
- Unless modified by the use standards for an Accessory Dwelling Unit, an **Accessory Dwelling Unit must comply with the setback, height, and building lot coverage** standards of an accessory structure in the underlying zone.



Accessory Dwelling Units - Zoning

6

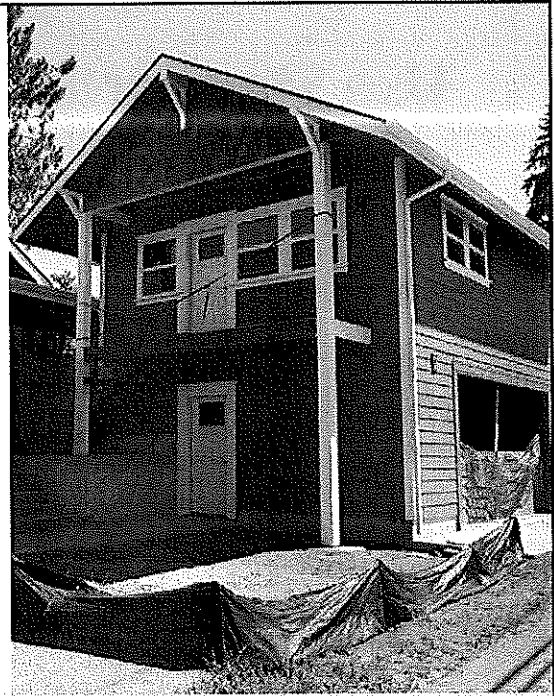
6

Use Standards – Size

- **Detached ADUs:** limited to the least of 50% of the footprint of the principal dwelling; 10% of the lot area; or 1,200 square feet of gross floor area

smallest of 3

- **Attached ADUs:** 1,200 square feet of gross floor area; if the basement or cellar is used for the Attached ADU, the gross floor area for the Attached ADU may equal the square footage area of the basement or cellar.



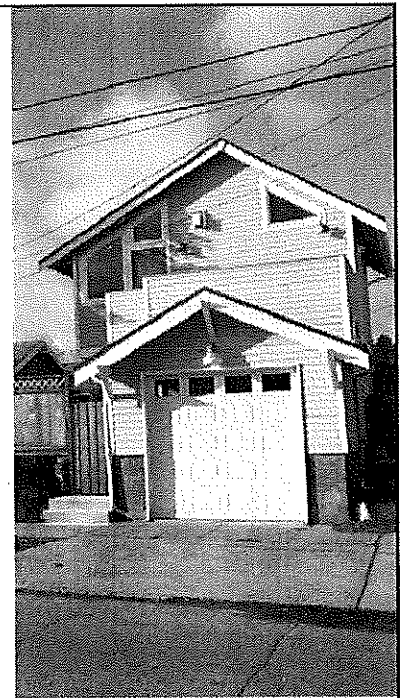
Accessory Dwelling Units - Zoning

9

9

Use Standards – Entrances

- A **separate entrance for an Attached ADU** may be located:
 - On the side or rear of the dwelling or
 - At the front of the principal dwelling, if the entrance existed before May 20, 2013 or
 - At the front of the principal dwelling, if it is a single entrance door for use of the principal dwelling and the Attached Accessory Dwelling Unit.



Accessory Dwelling Units - Zoning

10

10

Town of Glen Echo

Ordinance

(Accessory Dwelling Units; Permit Amendments and Extensions; Variances)

Ordinance No.: 19-06

Introduced: November 11, 2019

Adopted:

Effective Date:

SUBJECT: AN ORDINANCE TO AMEND THE CODE OF ORDINANCES TO ADD BUILDING REQUIREMENTS APPLICABLE TO ACCESSORY DWELLING UNITS; TO ADD PROVISIONS REGARDING BUILDING PERMIT AMENDMENTS AND EXTENSIONS, INCLUDING FEES; AND TO AMEND THE STANDARD FOR VARIANCE REQUESTS

WHEREAS, Maryland Code, Local Government Article, Section 5-202, as amended, grants to the legislative body of every incorporated municipality in Maryland, including the Town of Glen Echo, general power to pass such ordinances not contrary to the Constitution of Maryland, or the public general law, as deemed necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality;

WHEREAS, Maryland Code, Local Government Article, Section 5-211, as amended, authorizes the legislative body of each municipal corporation in the State of Maryland to make reasonable regulations concerning buildings to be erected within the limits of the municipality, including a building code and the requirement for building permits;

WHEREAS, Maryland Code, Land Use Article, Section 20-509 grants to the legislative body of incorporated municipalities in the Maryland-Washington Regional District general power to adopt building regulations for the protection of the public health, safety, and welfare; the preservation, improvement, and protection of lands, water, and improvements in the municipal corporation; and to regulate the construction, repair, or remodeling of buildings on land zoned for single-family residential uses at it relates to fences, walls, hedges, and similar barriers; signs; residential parking; residential storage; the location of structures, including setback requirements; the dimensions of structures, including height, bulk, massing, and design; and lot coverage, including impervious surfaces;

WHEREAS, Sections 413 and 415 of the Charter of the Town of Glen Echo authorize the Town Council to pass ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter of the Town of Glen Echo (the "Town");

WHEREAS, after proper notice to the public, the Town Council introduced the following Ordinance in an open meeting conducted on the 11th day of November, 2019;

WHEREAS, to comply with Maryland Code, Land Use Article, Section 20-509, on the 12th day of November, 2019, a copy of following Ordinance was submitted to the Montgomery County Council for its comments;

WHEREAS, the Montgomery County Council acknowledged receipt of the Ordinance by letter dated November 14, 2019;

WHEREAS, after proper notice to the public, and after at least thirty days from the date a copy of the following Ordinance was transmitted to the Montgomery County Council, the Town Council considered the following Ordinance in public session assembled on the ___ day of _____, 2019;

WHEREAS, the Montgomery County Council, by Zoning Text Amendment 19-01, effective December 31, 2019, authorized the establishment and construction of detached accessory dwelling units in single-family zones, and removed some of the restrictions applicable to attached units;

WHEREAS, due to narrow street widths, and the existing density and motor vehicle use and traffic in and around the Town, the Town Council finds that existing parking congestion and shortages would be exacerbated by the allowance of accessory dwelling units, unless sufficient measures are implemented to mitigate the impacts;

WHEREAS, due to the limited open and green space existing in the Town as a result of contemporary construction, and due to the inadequacy of the existing public stormwater drainage system, the Town Council finds that current stormwater drainage problems would be exacerbated by the allowance of accessory dwelling units, unless sufficient measures are implemented to mitigate the impacts;

WHEREAS, the Town Council finds that the Town building regulations do not currently separately address accessory dwelling units and should therefore be amended;

WHEREAS, the purposes of the Town building regulations include maintaining privacy and space between properties, ensuring adequate light, air, and safe passageways between buildings; encouraging appropriately-sized construction in keeping with lot sizes and the character of the Town; minimizing the flow of stormwater from lots by encouraging the maintenance of open spaces and the reduction of impervious surfaces; and the preservation and perpetuation of neighborhood character;

WHEREAS, the Town Council finds that the allowance of accessory dwelling units would be detrimental to the purposes of the Town building regulations, unless sufficient measures are implemented to mitigate the impacts;

WHEREAS, the Town Council finds that the ordinance as hereinafter set forth is necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons

and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the Town, and otherwise advantageous and beneficial to the Town.

NOW, THEREFORE, the Town Council does hereby adopt the foregoing Ordinance.

BE IT ORDAINED AND ORDERED, this ____th day of _____, 2019, by the Town Council, acting under and by virtue of the authority given it by the Maryland Code and the Town of Glen Echo Charter, the Town Code be and is hereby amended as follows:

* * *

ARTICLE 3 BUILDING CODE

Section 3.0 Definitions

The following terms used in this Article has have the following meanings:

“Accessory dwelling unit” means a second dwelling unit that is located within a main building or an accessory building.

“Detached accessory dwelling unit” means a dwelling unit that is a detached accessory building or part thereof.

“Dwelling unit” means a building or portion of a building providing complete living facilities for not more than one household, including, at a minimum, facilities for cooking, sanitation, and sleeping.

“Height” means the vertical distance measured from the average elevation of the ground along the front of the structure to the highest point of the roof surface or parapet wall for a flat or shed roof, or, for a gable, hip, mansard, or gambrel roof, the mean height between the eaves and ridge of the roof. For the purpose of determining building height, the average front elevation used will be based on either the pre-development grade or the finished grade, whichever is lower. If the structure has no roof, height is measured to the highest point. The height does not include weather vanes, cupolas, or similar ornamental features.

* * *

Section 3.1 Building Permits

A. Building Permit Required.

1. No structure of any kind or description shall be erected or replaced, nor any modification made to the exterior of any portion of an existing structure, within the corporate limits of the Town which requires a building permit from Montgomery County, without first having obtained a permit for same from the Town Clerk or Mayor.

2. No accessory dwelling unit shall be erected or replaced, nor any existing structure modified, converted or renovated, or any part thereof, into an accessory dwelling unit, within the corporate limits of the Town, without first having obtained a permit for same from the Town Clerk or Mayor.

B. Application; Approval. An application for a building permit shall be submitted to the Town Clerk containing the following information. Additional information may be requested by the Mayor. Such application shall be filed with the Town Clerk no later than seven (7) calendar days after issuance of a building permit by Montgomery County for the identical work for which the applicant seeks a permit from the Town of Glen Echo. The Town Council may prepare and require an application form. An application may be denied by the Town Clerk or Mayor for failure to provide the requested information. The Town Clerk or Mayor, upon written request of the applicant, may waive the time period for submitting the application required pursuant to this paragraph. The application shall include:

1. The signature of the owner and/or his authorized agent;
2. The street address, of the lot upon which the proposed work is to be performed;
3. The full name and address of each owner;
4. A brief description of the work to be performed for which the building permit is requested, **and a stormwater drainage plan if the project includes an accessory dwelling unit;**
5. An electronic copy of the building plans and all other documents submitted or anticipated to be submitted to Montgomery County as part of the application for building permit issued by Montgomery County. **No Town building permit for construction related to an accessory dwelling unit shall be issued until a copy of the Montgomery County landlord license for the proposed accessory dwelling unit has been submitted to the Town;**
6. A certification by the applicant that the applicant provided to the owners of adjoining and confronting private properties within the Town of Glen Echo, and to the occupants of said property if the owners are not the occupants (collectively, "neighbors"), a reasonable opportunity to inspect the building permit plans. The certification shall include an explanation of the steps taken to comply with these requirements and to identify those neighbors who have inspected the plans. Unless there are unusual circumstances, initials of those neighbors who have inspected the permit plans are required on the building permit application;
7. An application fee in the amount set forth on the fee schedule approved by the Town Council from time to time; and
8. Photographic proof of the condition of adjoining streets and sidewalks prior to the beginning of construction.

C. Criteria for Issuance of Permit. The Town Clerk or Mayor shall consider, in approving or disapproving an application, such factors as:

1. Whether the application is complete and conforms to the requirements of this Section; and,

2. Whether the proposed work complies with all other applicable Town ordinances, including but not limited to all of the provisions of this Article regarding setbacks, and all of the provisions of Article 17, Streets and Sidewalks, specifically including the provisions of Section 17.2 which require a separate permit. No permit for any building shall be issued by the Clerk or Mayor or Council unless the building complies with the setback requirements of the Montgomery County Zoning Code.

In making its findings, the Town Council may rely upon the findings of the County in the issuance of the County permit. The Town Council may impose conditions on a permit as deemed necessary to assure compliance with the Town Code and/or protect the public health, safety or welfare. Such conditions may include, but are not limited to: (a) prohibiting or limiting the parking of contractors' or other construction-related vehicles in the public right-of-way or on private property; (b) limiting the locations upon public and private property where materials, equipment, and dumpsters may be stored; (c) limiting the locations where portable toilets may be placed or maintained; (d) requiring tree protection measures to protect public and private trees during construction; and (e) limiting the permissible work hours.

At the request of any one of the following: the applicant, the adjoining or confronting property owners, or a member of the Town Council, a public hearing may be held on the application prior to the issuance of a building permit. In such case, the Town Council shall decide whether a building permit should be issued.

D. Permit Contingent on County Permit. The Town of Glen Echo building permit is effective and valid only for the identical work authorized by a valid building permit issued by Montgomery County, as may be modified by the terms and conditions of the Town permit. The Town of Glen Echo building permit is effective and valid only for that time period for which the Montgomery County permit is valid, or such other time as may be specified in the Town permit. The Town Clerk or Mayor may grant a request for an extension, upon such terms and conditions as the Town Clerk or Mayor may find necessary to protect the public health, safety, and welfare, upon a reasonable showing by the permittee that there has been no material change in circumstances since the issuance of the permit and despite due diligence by the permittee, additional time is necessary to accomplish the approved construction. Such a request shall be accompanied by the extension fee in the amount set forth on the fee schedule approved by the Town Council from time to time.

E. Permit Display and Enforcement.

1. Display. Upon issuance, the applicant shall promptly display the Town permit on the property in a manner visible to the public.

2. Enforcement.

3. a. It shall be unlawful to conduct construction except in strict compliance with the applicable Town permit, the approved plans and specifications therefor, and any and all conditions imposed by the Town Council in connection therewith.

a. b. The Town Council may suspend or revoke a building permit, or issue a stop work order, if construction has been undertaken in violation of an applicable Town permit, the approved plans and specifications, therefor, and any and all conditions imposed by the Town Council in connection therewith. A stop work order issued hereunder shall be posted on the property in a conspicuous location and shall be deemed sufficient service upon all persons physically on the property. If a stop work order is issued, it shall be unlawful to continue any construction activity until such time as the stop work order has been lifted by the Mayor, provided however, that any activity ordered to be undertaken by the Mayor in order to abate a violation may proceed as directed by the Mayor.

b. c. It shall be unlawful to remove a posted stop work order except under the express authority of the Mayor.

d. The Town Clerk or Mayor may grant a request for a modification to the approved permit, and the terms and conditions thereof, upon such further terms and conditions as the Town Clerk or Mayor may find necessary to protect the public health, safety, and welfare. Such a request shall be accompanied by the modification fee in the amount set forth on the fee schedule approved by the Town Council from time to time.

F. Judicial Review. Any person aggrieved by a decision of the Town Council with regard to an application for a building permit filed under the provisions of this Section and who appeared before the Town Council in person, by an attorney, or in writing, shall have the right to appeal the decision of the Town Council to the Circuit Court for Montgomery County, Maryland under the provisions of title 7, Chapter 200 of the Maryland Rules of Procedure.

G. Liability for Damage to Town of Glen Echo Property. As a condition for the grant of a permit, the permit holder shall be liable for any damage to Town of Glen Echo property and public rights-of-way and improvements thereon, including sidewalks, curbs, streets and green space. Permit holders shall be subject to the expense necessary to repair such damage as close to the original condition as possible. The Town may, by contract or otherwise and at the violator's expense, cause any necessary repairs to be made. The Town Council, in its discretion, may require as a precondition to issuance of a permit the posting of a bond or other security in a form and amount satisfactory to the Mayor (~~which amount shall not exceed twice the estimated cost of repair of damage caused to Town of Glen Echo property and public rights-of-way and improvements thereon~~) and in such amount as may be established by the Town Council by resolution from time to time, to be applied toward the cost of repair of damage caused to Town of Glen Echo property and public rights-of-way and improvements thereon.

(Ord. No. 04-01, effective 1/12/04; Ord. No. 06-02, effective 11/7/06; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-01, effective 6/3/18)

Section 3.1.1 Setbacks of Houses and Building Requirements

A. Setbacks, Generally.

1. The **front** setback from all street lines for a house **building** on a corner lot shall be at least twenty-five (25) feet. **No exemption is provided for projections, of any kind.**

2. **The front setback from all street lines for a detached accessory dwelling unit on any lot shall be at least twenty-five (25) feet. The rear setback from a rear lot line for a detached accessory dwelling unit on any lot shall be at least twenty (20) feet. The side setback from a side lot line for a detached accessory dwelling unit on any lot shall be at least eight (8) feet. At the time of the erection of any detached accessory dwelling unit, or at the time any accessory structure is modified or renovated to include an accessory dwelling unit, the building must meet the required setback and other requirements of this Article.**

3. **Setbacks are measured from the closest point of the building to the closest point of a lot line. No exemption is provided for projections, of any kind. A corner lot has two or more front lot lines. The interior lot lines can be designated by an owner as either the rear or side lot line so long as no existing structure is rendered non-conforming to the provisions of the Montgomery County Code or the Town Code.**

B. This setback provision shall apply to: (i) a house **building** for which a building permit is required from the Town of Glen Echo or Montgomery County or both and no such valid permit(s) was issued by the Town or the County or both as of January 12, 2004; or (ii) a house **building** for which a building permit is required from the Town of Glen Echo or Montgomery County or both and for which all valid permits have been issued but actual physical commencement of some significant and visible construction has not occurred as of January 12, 2004.

C. **Notwithstanding the provisions above, Any house main building** existing as of January 12, 2004 on the effective date of this section situated closer than twenty-five (25) feet to the street line in accordance with §59-4.4.9.B.2, as amended, of the Montgomery County Zoning Code and which does not meet the setback requirements of this section, is a conforming building. Such a house **main building** may be:

1. Reconstructed after a fire, flood or similar event provided that the footprint of the house **main building** may not be closer to the street line to which this section is applicable than the pre-existing building or structure as of the effective date of this section; and

2. Altered, renovated, or enlarged provided that the location of such house **main building** may not be closer to the street line to which the section is applicable than the pre-existing house as of the effective date of this section.

D. Additional Requirements for Accessory Dwelling Units.

1. Parking. At the time of the erection of any detached accessory dwelling unit, or at the time any accessory structure is modified or renovated to include an accessory dwelling unit, or at the time any accessory dwelling unit is added to a main building, a minimum of two (2) new dedicated on-site parking spaces shall be provided. Existing parking area in a driveway or an existing garage may not serve as the required on-site parking spaces for an accessory dwelling unit. Each automobile parking space provided according to this section shall not be less than 180 square feet and the same shall be connected by an adequate driveway to a paved street.

2. Height. The height for any building containing an accessory dwelling unit, other than a main building, shall not exceed twenty (20) feet.

3. Stormwater Drainage. No attached or detached accessory dwelling unit, including but not limited to the dedicated off-street parking spaces related thereto, shall create any new stormwater runoff to adjacent public or private property. A stormwater drainage plan, approved by the Town, shall be implemented and maintained to prevent any such stormwater runoff.

(1) The drainage plan must specify the design or provisions for the control or conveyance of any increase in runoff, including but not limited to runoff from the dedicated off-street parking spaces.

(2) The design or provisions for the control or conveyance of runoff can be met with dry wells, rain barrels, cisterns, natural topography or buffers, rain gardens, biofilters, storm drains, yard drains, swales, pervious pavers, rooftop gardens, or other measures approved by the Town Council. Conveyance to a public right-of-way shall be allowed only where onsite control is not feasible, as determined by the Town Council.

(3) The development and design of the drainage plan must be consistent with the format and requirements specified in the *Town of Glen Echo Guidelines for Control of Water Runoff*, as amended, or other accepted design criteria approved by the Town Council.

Section 3.1.2. Variances; Judicial Review

A. The Town Council may grant a variance of the ~~setback~~ requirements of this Article, subject to the following limitations:

1. The Town Council finds after a duly noticed public hearing, based on the evidence before it, that good cause has been shown on either of the following grounds:

a. The proposed construction would not unduly interfere with light and air between residences or other structures, would not be unduly incompatible with the scale, massing, and character of the Town or of nearby residences or other structures, and would

otherwise not unduly adversely affect the use, enjoyment or value of nearby properties. In making such finding, the Council may consider such factors as:

- i. Size and location of proposed ~~new building~~ construction;
- ii. Size and location of existing and potential buildings and other structures on nearby lots; and
- iii. Topography and existing or planned vegetation of the lot on which the proposed construction will be located and of nearby lots. Should the Town Council be requested to consider planned vegetation, the applicant for the variance shall submit a landscape plan with the variance application, or

standard case law

b. That the strict and literal application of this Section would result in ~~peculiar or unusual practical difficulties~~ **exceptional or undue hardship** to the owner of the lot on which the proposed new construction is to be located due to ~~longstanding pre-existing buildings on the specific parcel or property~~, exceptional narrowness, shallowness, shape, topographical conditions or other extraordinary situations or conditions peculiar to the specific parcel of property. The following do not constitute practical difficulties for the purposes of this section:

- i. The existence of nearby structures or buildings on other parcels of property which do not comply with this section; or
- ii. The granting of a variance on other lots.

2. The variance must be for the minimum reasonably necessary to avoid the above conditions or situations; and,

3. The Town Council may impose, in granting a variance, such conditions as it deems in the public interest and necessary to effectuate the purposes of this Article.

B. ~~E.~~ If any word, phrase, clause, item, sentence, paragraph, section or part in or of the ~~setback~~ provisions of the this Article shall judicially be declared to be invalid or the applicability thereof to any person or circumstances held invalid, the validity of the remainder of the provisions of this Article and the applicability thereof to other persons and circumstances shall not be affected thereby.

(Ord. No. 04-01, effective 1/12/04; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-01, effective 6/3/18)

* * *

Bold Underline indicates new language

Strikethrough indicates language deleted
Asterisks * * * indicate language unchanged

AND BE IT FURTHER ORDAINED AND ORDERED, by the Town Council, acting under and by virtue of the authority granted to it by the Maryland Code and the Town of Glen Echo Charter, that:

1. If any part or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the Ordinance as a whole or any remaining part thereof; and

2. This Ordinance shall take effect, twenty (20) days after passage by the Council and approval of the Mayor.

Attest:

I hereby attest that the above Ordinance was duly adopted by the Town Council on the ____
th day of _____, 2019, by a vote of ____ in favor and ____ in opposition.

Beth Boa, Clerk-Treasurer
Town of Glen Echo

Approved:

Willem Polak, Mayor
Town of Glen Echo

Date: _____