



Maryland

DEPARTMENT OF PLANNING

Accessory Dwelling Unit Task Force 12.19.2023

Meeting Summary Notes

9:00 – 9:05 Welcome & Overview

- Roll Call:
 - Del. Stewart - no
 - Sec. Flora - yes
 - Theo Williams - yes
 - MACo Laurie Paris - yes
 - MACo Amy Murdock - yes
 - James Gaston MML - yes, late
 - Councilman Hoff - yes
 - David Thaler - yes
 - Tiffany Harris - yes
 - Quinn Griffith - yes
 - Deborah Bulove - yes
 - Priscilla Kenya - yes
 - Mandy Gitt - yes
 - Jennifer Ray - yes, late
 - Chelsea - yes
 - Tim Bourcier - yes
- Meeting Objectives (see slides) - today's topic is lot requirements

9:05 – 9:15 Administrative Updates

- Future Meeting Locations
 - Joe is speaking on the meeting location for future meetings, asking where people are coming from. Is central MD a good location? Looking to explore a new location.
 - Sec. Flora asked the group if the Baltimore location is a big issue for anyone, and some raised their hands saying parking was an issue. Others are too far away but could make it if the start time were adjusted. Task force members who are parents must drop their children off and 9am is difficult to make. Some come from the Eastern Shore, so travel is challenging.
 - Future meetings are now starting at 9:30am, and parking will be worked on in Baltimore to ease issues some are having.
- Survey Distribution
 - Keeping builders and developers survey open until February 2nd, only 13 responses so far so takeaways are not ready to be distributed.
- Focus Groups and Panel Formation
 - Successful so far, one focus group is meeting today. Halfway there on Feb 20 focus group and in the initial workings of the March group.

- Guest Speakers
 - Attempting to secure for future meetings/focus groups
- Glossary of Terms
 - Sent to members

9:15 – 9:30 Draft Zoning Use and Approval Process Recommendations

- Recommendations
 - Broken up by local and state.
 - Overall recommendation of by-right and specific areas that need more oversight should have special exception (historic preservation areas as an example)
 - Councilman Hoff is asking about by-right in concert with sewer and water capacity issues in a place like Westminster. Can we give a broad recommendation for all of Maryland when there are issues like that in some localities? Joe answered that we are building the recommendations in pieces - currently considering by-right in a bubble but will come back to capacity issues before we issue a final recommendation report. Can limit our recommendations based on capacity issues for specific localities.
- Best Practices
 - Gray area between recommendations and best practices
 - Always use objective performance standards
- Local Governments (see slides):
 - Clear preference for by-right
- State Governments (see slides):
 - No state mandates about requiring any of what we spoke about in the last meeting, but there is still a strong role for the state. Recommendation of by-right and providing tools to local governments on how to execute that.

9:30 – 10:30 Planning Director Panel Discussion

PLEASE SEE SEPARATE PANEL DISCUSSION SUMMARY DOCUMENT FOR NOTES

10:30 – 11:30 Lot Requirements

- Defined
 - Looking at lot size, density, unit size, lot coverage, setbacks, height.
- Maryland Inventory of ADU Ordinances (see Maryland Summarized slide for context):
 - Going through Maryland lot size examples slide
 - Going through Maryland density examples slide
 - Now Maryland unit size examples slide
 - Maryland lot coverage examples slide
 - Maryland setbacks examples slide
 - Maryland height examples slide
 - Correction: Frederick County example is actually for Frederick City

- A lot is going on with lot requirements.
- One task force member says that we should not get too into the weeds of these requirements. These requirements are very context dependent so our recommendations should account for that, ensuring localities know that they can still deal with prior zoning requirements.
- Jennifer Ray says that dealing with impervious surface requirements is going to be important for us. Mandy Gitt says that impervious surfaces are already being considered by local jurisdictions.
- Other State Legislation (more info in slides)
 - Lower-Degree lot requirements slides
 - New Hampshire
 - Maine - A municipality shall exempt an accessory dwelling unit from any density requirements or calculations related to the area in which the accessory dwelling unit is constructed.
 - Moder-degree lot requirements state pre-emption
 - Connecticut -
 - Montana
 - Higher-Degree Lot Requirements State Pre-Emption
 - California - Some restrictions on zoning such as an ADU cannot be within 100 ft of a California Resources Zone.
 - One task force member says that 2 ADUs are allowed per property in California, which diverges from virtually all other states.
 - Councilman Huff wants to investigate the recommendation of passing a law that overrides any ADU rules set by HOAs.
 - Going over public comment on ADU lot requirements now
- Scenario Exercise (see slide):
 - Assumption that both the property owner and the jurisdiction want to support ADU development
 - Q: are they trying to expand the garage or simply convert it?
 - A: We don't have that answer, but that is something that local jurisdictions would need to investigate.
 - Need to see if you are allowed to make the garage taller than the principal structure.
 - Another task force member says all they see is dollar signs when we are discussing these requirements. Changing the driveway is a huge cost. Having all these requirements affects the ability to build ADUs at varying incomes.
 - The garage most likely won't have sewer, so taking out the concrete to connect sewer is difficult. Are you allowed to connect to the principal property? There would be a series of hoops to jump through that each individually are not a big deal but can add up to a heavy lift for the property owner if they must check off all of them.
- Discussion Questions
 - What preliminary legislative and policy recommendations, related to lot requirements, should the Task Force include in its final report to the Governor and General Assembly?

- Theo: lots of jurisdictions thread the needle around not being any more restrictive than the principal property, and that should be our baseline for all policy.
 - Councilman Hoff: tie into existing zoning, which some in the room agree with.
 - Some communities that do not have existing ADU zoning, so not everyone is at the same place. All zoning areas already have something regarding accessory use, but the boundaries of accessory use are different across counties so a general recommendation may not mesh well with all localities. May lead to the need for the adoption of new zoning ordinances. Prince George's is very different, for example.
- What preliminary best practices, related to lot requirements, should the Task Force include in its final report to the Governor and General Assembly?
 - What additional research, if any, is needed to address this topic?
 - Should we make ADUs just like all other accessory uses? David Thaler made that recommendation.
 - Importance of everyone having a safe place to live.
 - For accessory use, why are there new setbacks for an ADU in comparison to say a garage?
 - Removing density for ADUs could be great at the state level so that they could be considered as only accessory use instead of having added setbacks.
 - If we are going to make an accommodation for x use, that opens us up to being seen as inequitable when it comes to what we allow land to be used for on other fronts.
 - Another task force member asks why would ADUs not be included in a density conversation? We should assume that there are additional people living within the property. Saying ADUs count against density in some areas would be saying that no ADUs would be allowed at all. When you're talking about density here you need to consider what their considerations apply and what would not apply if the density report is lifted.

11:30 – 11:45 Public Comment

11:45 – 12:00 Summary and Final Thoughts

- Closing Round
 - Theo: should not be more restrictive than the principal unit, also adopting size requirements of 50% or 1,000sqft, whichever is lower.
 - Laurie: echoed a lot of what Theo says. Whatever recommendations we circulate make sure they are applicable to all of Maryland. Shocked that parking in Annapolis is not an issue.
 - Amy: passes
 - James: rental units in Brentwood must be renewed annually. Code enforcement will come to the property annually to make sure it looks good.

- Hoff: not overly obsessed with the idea we have a minimum size. Do need discussion around maximum size, believes it should not be bigger than the principal property.
 - David: everyone's doing great and we are on the right track. Surprised how many jurisdictions have ADUs, how they are all different, and how the feedback has varied.
 - Tiffany: no longer here.
 - Quinn: no surprises and nothing extra to add.
 - Deborah: should be tied into existing zoning around accessory use. Agrees that we should discuss maximum sizes.
 - Priscilla: agree with no minimum and a set maximum. HOAs are a big concern, and we could investigate limiting some of their ADU blocking abilities. Existing ADUs will not come to the Annapolis government for example and ask to be put on the list since they will be asked to be brought up to code.
 - Mandy: let the existing zoning government govern. Updating codes to make sure people are safe within this space.
 - Jennifer: allowing local zoning code to do what it needs to do locally, and there needs to be a maximum from the state level to oversee what that looks like. Interested that many jurisdictions have a consistent 15-20k fee.
 - Sec. Flora: These prices do not make it accessible for most folks. Need to simplify the process to ensure people can get through the construction process and get another housing option available.
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- Next Steps

 - Adjourn