

ACCESSORY DWELLING UNIT POLICY TASK FORCE

December 19, 2023

Maryland Department of Planning Offices
301 W. Preston St. Suite 1101
Olmsted Conference Room

AGENDA

9:00 – 9:05

Welcome & Overview

9:05 – 9:15

Administrative Updates

9:15 – 9:30

Draft Zoning Use and Approval Process Recommendations

9:30 – 10:30

Planning Director Panel Discussion

10:30 – 11:30

Lot Requirements

11:30 -11:45

Public Comment

11:45 – Noon

Summary and Final Thoughts

MEETING OBJECTIVES



Compare, contrast, and measure the ADU ordinance provisions and regulations of Maryland jurisdictions and their impacts on ADU construction



Develop preliminary legislative and policy recommendations related to zoning ordinance lot requirements



Compile a list of best practices for local governments that address the practical issues associated with lot requirements



Receive, review, and discuss public comment

PUBLIC COMMENT


The Task Force will be accepting public comments at the end of each meeting, but only responding to any clarifying questions to ensure adequate time for those present in the room to comment.

Members of the public are encouraged to submit comments for Task Force consideration using [this commenting form](#)

Members of the public joining online can submit comments via the chat function. The Task Force will not unmute those joining online.

ADMINISTRATIVE UPDATES

- Future Meeting Locations
- Survey Distribution
- Focus Group and Panels Update
- Guest Speaker(s)
- Glossary of Terms



Detached New Construction

PROS:

- ✓ Most privacy for homeowners/tenants
- ✓ Most attractive for renters

CONS:

- ✗ Most expensive

AVERAGE COST:
\$100,000+

PRELIMINARY ZONING USE AND APPROVAL PROCESS RECOMMENDATIONS

PRELIMINARY ZONING USE AND APPROVAL RECOMMENDATIONS



[Meeting recordings and materials available on the ADU Task Force webpage.](#) [11/28/23 Meeting Notes](#)

Local Governments

Clear preference for by-right

- Zoning ordinances should define and permit at least one ADU by-right in most single-family residential zones
- Clear and straightforward ADU guidance, policies, and ordinances
- Approval process and standards should be tailored to unique community/neighborhood contexts

State Government

No state mandates

- Reinforce and provide the tools to implement local ADU by-right approval processes
- Clear and straightforward ADU guidance and policy
- Compile and create guidance, including a flow chart, on by-right standards and approval processes for ADUs on properties zoned for single-family residential uses

Best Practices

Context sensitive

- Avoid redundancy
- Limit special exception ADU approval to neighborhood/areas with clear objectives requiring more oversight
- Permit one ADU by-right-on single-family properties. Internal/attached vs detached ADUs
- Objective approval standards over subjective criteria
- Best practices vary by community type



PLANNING DIRECTORS PANEL DISCUSSION

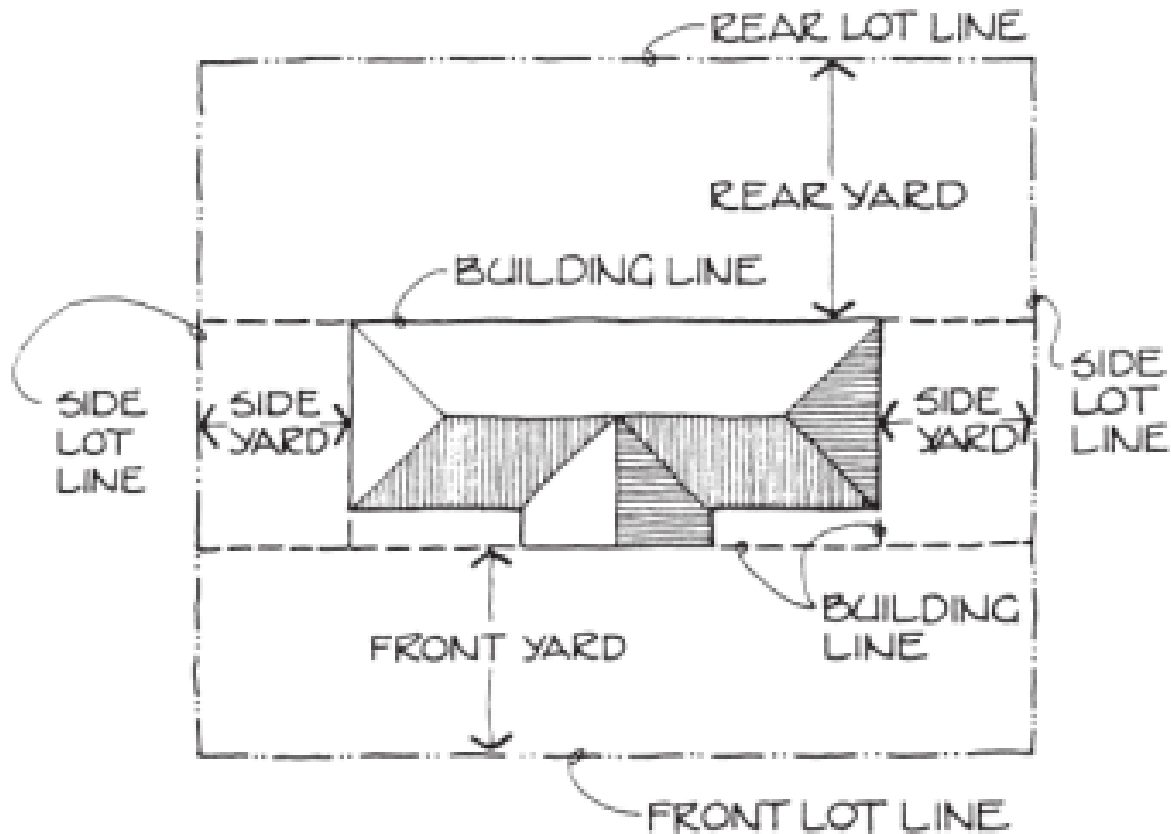
PANEL DISCUSSION

- What has the local government experience taught us about ADUs and the housing market? What prevents them from being a viable housing product? Conversely, what facilitates them as one?
- Follow-Up: Specifically, how have requirements on parking, setbacks, square footage, and height impacted the development of ADUs in your community?
- What is the interplay of policy or ordinance changes and market demand in the proliferation of ADUs? How do they impact each other? Do certain policies or ordinances work better in certain types of communities?
- What practical issues associated with the development of accessory dwelling units on owner-occupied land zoned for single-family residential use must the Task Force address?
- From your experience, how have ADUs impacted neighborhood livability and how can ADU policies and regulations be designed to minimize negative impacts on neighborhood livability?
- What were/are the chief talking points in convincing members of your community to support ADU development? What were the most frequent arguments against ADUs that you heard?



LOT REQUIREMENTS

LOCAL ZONING REGULATIONS - LOT REQUIREMENTS



Chestertown

Lot Size

Density

Unit Size

Lot Coverage

Setbacks

Height

MARYLAND SUMMARIZED



Lot Size

- Typically, same minimum lot size as underlying zoning
- Others vary from 5,000 sq ft – 1 acre

Density

- Typically, governed by underlying zoning district density
- Maximum of 1 ADU
- A few explicit statements about density calculations

Unit Size

- Calculated as either square footage or percentage of principal structure
- Combined
- Local building code requirements also apply

Lot Coverage

- Typically, limited by the total lot coverage limit in the underlying zone
- A few based on rear yard coverage limits

Setbacks

- Typically, detached ADUs must meet same setback and height requirements of underlying zoning district
- Same setbacks as accessory structures
- A few instances of reduced setbacks

Height

- Stories
- Feet
- Percentage of principal structure

[Access Inventory Here](#)

MARYLAND INVENTORY ANALYSIS

MARYLAND LOT SIZE EXAMPLES

Talbot: Detached ADU permitted only on lots 1 acre or larger if on septic, or on lots 1/2 acre or larger if on public sewer

Mardela Springs: Accessory Apartments (internal or in accessory building) only permitted on lots of at least 1 acre

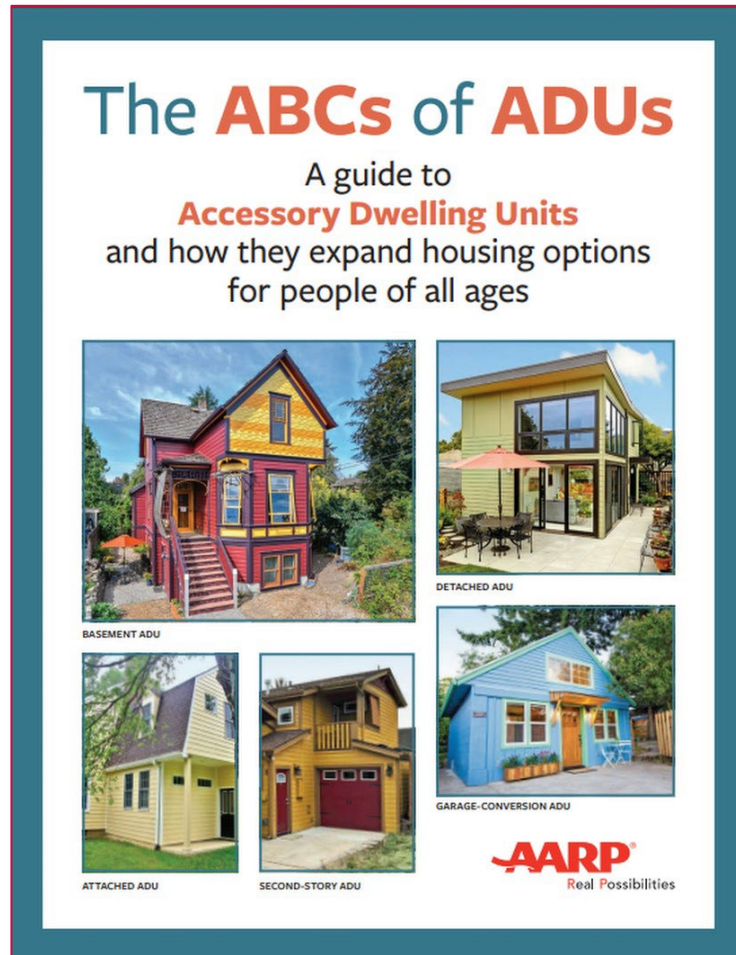
La Plata and Cambridge: An ADU must be located on a lot that is five thousand 5,000 square feet or greater

Cambridge R District Detailed:

Minimum lot area for SFD = 7,500 sq ft

Minimum lot area for SFA = 2,000 sq ft

MARYLAND DENSITY EXAMPLES



Talbot: An accessory dwelling shall not be included in density calculations

Queen Anne's County:

One Accessory Apartment per single family lot, and not calculated against dwelling unit density if:

Within principal dwelling or approved residential accessory structure

1,500 sq ft or less

If on septic, approved by county health department

Property owner lives in principal unit

MARYLAND UNIT SIZE EXAMPLES

Square Footage	Combined with Percentage of Principal Dwelling
Sudlersville: Minimum 750 sq ft. Maximum 1,000 sq ft.	Elkton: Minimum for internal ADU is 300 sq ft but shall not exceed 30% of the gross floor area of the dwelling in which it is located
East New Market: Minimum for internal ADU shall be 500 sq ft.	Charles Co: Minimum for internal ADU is 300 sq ft but shall not exceed 50% of the gross floor area of the dwelling in which it is located.
Baltimore County: 1,200 sq ft on lot greater than 1 acre, 800 sq ft on lot smaller than 1 acre	Snow Hill: The size of an accessory dwelling unit may be no more than 50% of the living area of the principal dwelling or 800 square feet of floor area, whichever is less.

MARYLAND LOT COVERAGE EXAMPLES

Montgomery County: Limited by total lot coverage in underlying zone and maximum unit size

Frederick City: Lot on which ADU is located subject to impervious surface ratio requirements

Rising Sun: The site coverage of the rear yard secondary residence and existing accessory buildings shall not exceed 40% of the rear yard.

MARYLAND SETBACKS EXAMPLES



Anne Arundel: Setbacks for detached ADUs are setbacks specified for accessory structures in each zoning district.

Frostburg: Accessory structures shall be setback at least 3 feet from alley rights-of-way and from lot lines, except: (a) The setback shall be 6 feet in the R-1 district for structures of over 100 sq ft of floor area, (b) A setback is not required along the same lot line along which buildings (such as townhouses) are attached.

Chestertown: No detached accessory building or structure shall be located closer than three feet to a building or property line, except accessory dwelling units, which must comply with all yard setback requirements, height, area and bulk restrictions, and lot coverage regulations for the primary structure.

Laytonsville: Accessory structures may be in a side yard or the rear yard closer than specified in the minimum yard requirements of the R1 Residential zone, but not within 5 feet of an adjoining property line.

MARYLAND HEIGHT EXAMPLES

Union Bridge: No more than 2 stories/20 ft in height

Frederick County: Accessory structures shall not exceed 70% of the maximum height allowed for the principal permitted use

Gaithersburg: Maximum height of an urban cottage shall be 2½ stories or 30 feet

Frederick City: ADU height may not exceed the height of the principal structure on the lot or 25 feet, whichever is less

Baltimore City: An existing carriage house converted into a dwelling unit cannot be enlarged to increase height or footprint by more than 20%

[Access Other State Legislation Table Here](#)

OTHER STATE LEGISLATION ANALYSIS

STATE ENABLING ACTS - ADU



APA
LA
American Planning Association
Louisiana Chapter
Making Great Communities Happen

Lot Size

Density

Unit Size

Lot Coverage

Setbacks

Height

LOWER-DEGREE LOT REQUIREMENTS STATE PRE-EMPTION



[SB 146 \(2016\)](#)

One accessory dwelling unit shall be allowed **without additional requirements for lot size, frontage, space limitations, or other controls beyond what would be required for a single-family dwelling without an accessory dwelling unit.**

A municipality is not required to permit detached accessory dwelling units. But if it does, it **may require an increased lot size.**

LOWER-DEGREE LOT REQUIREMENTS STATE PRE-EMPTION

[HP 1489 \(2022\)](#)

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.

For an accessory dwelling unit located within the same structure as a single-family dwelling unit or attached to or sharing a wall with a single-family dwelling unit, **the setback requirements and dimensional requirements must be the same as the setback requirements and dimensional requirements of the single-family dwelling unit.** A municipality **may establish more permissive** dimensional and set back requirements for an accessory dwelling unit.

An accessory dwelling unit must meet **a minimum size of 190 square feet.** A municipality **may impose a maximum size** for an accessory dwelling unit.



MODERATE-DEGREE LOT REQUIREMENTS STATE PRE-EMPTION

[HB 06107 \(2021\)](#)

Any zoning regulations adopted pursuant to section 8-2 of the general statutes, as amended by this act, shall:

(4) Require setbacks, lot size and building frontage **less than or equal to** that which is required for the principal dwelling, and require **lot coverage greater than or equal** to that which is required for the principal dwelling;

(5) Provide for **height**, landscaping and architectural design standards that **do not exceed any such standards as they are applied to single-family dwellings in the municipality**;



MODERATE-DEGREE LOT REQUIREMENTS STATE PRE-EMPTION

[SB 528 \(2023\)](#)

If the accessory dwelling unit is detached from or attached to the single-family dwelling, **it may not be more than 75% of the gross floor area of the single-family dwelling or 1,000 square feet, whichever is less.**

A municipality **may not:**

(g) set maximum building heights, minimum setback requirements, minimum lot sizes, maximum lot coverages, or minimum building frontages for accessory dwelling units that are more restrictive than those for the single-family dwelling on the lot



HIGHER-DEGREE LOT REQUIREMENTS STATE PRE-EMPTION

[CA Govt Code § 65852.2 \(2022\)](#)

An ADU ordinance shall...

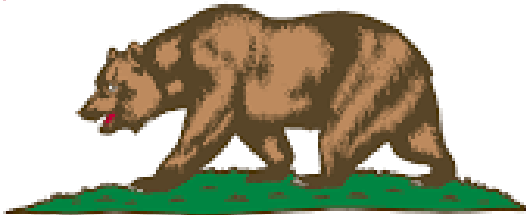
Impose objective standards on accessory dwelling units that include, but are **not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit.** These standards **shall not include requirements on minimum lot size.**

Require ADUs to comply with ...

If there is an **existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.**

The total floor area for a detached accessory dwelling unit **shall not exceed 1,200 square feet.**

No setback shall be required for an existing living area or accessory structure ... that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure



CALIFORNIA REPUBLIC



PUBLIC COMMENT ON ADU LOT REQUIREMENTS

Any decrease in green space is downright harmful in my neighborhood with our poor drainage and inadequate stormwater management. ADUs will significantly increase impermeable surfaces and runoff problems and flooding for nearby homes.

Eliminate any parking or special setback requirements - We are housing people not cars and unless you wish to add parking requirements to all homes it's a red herring.

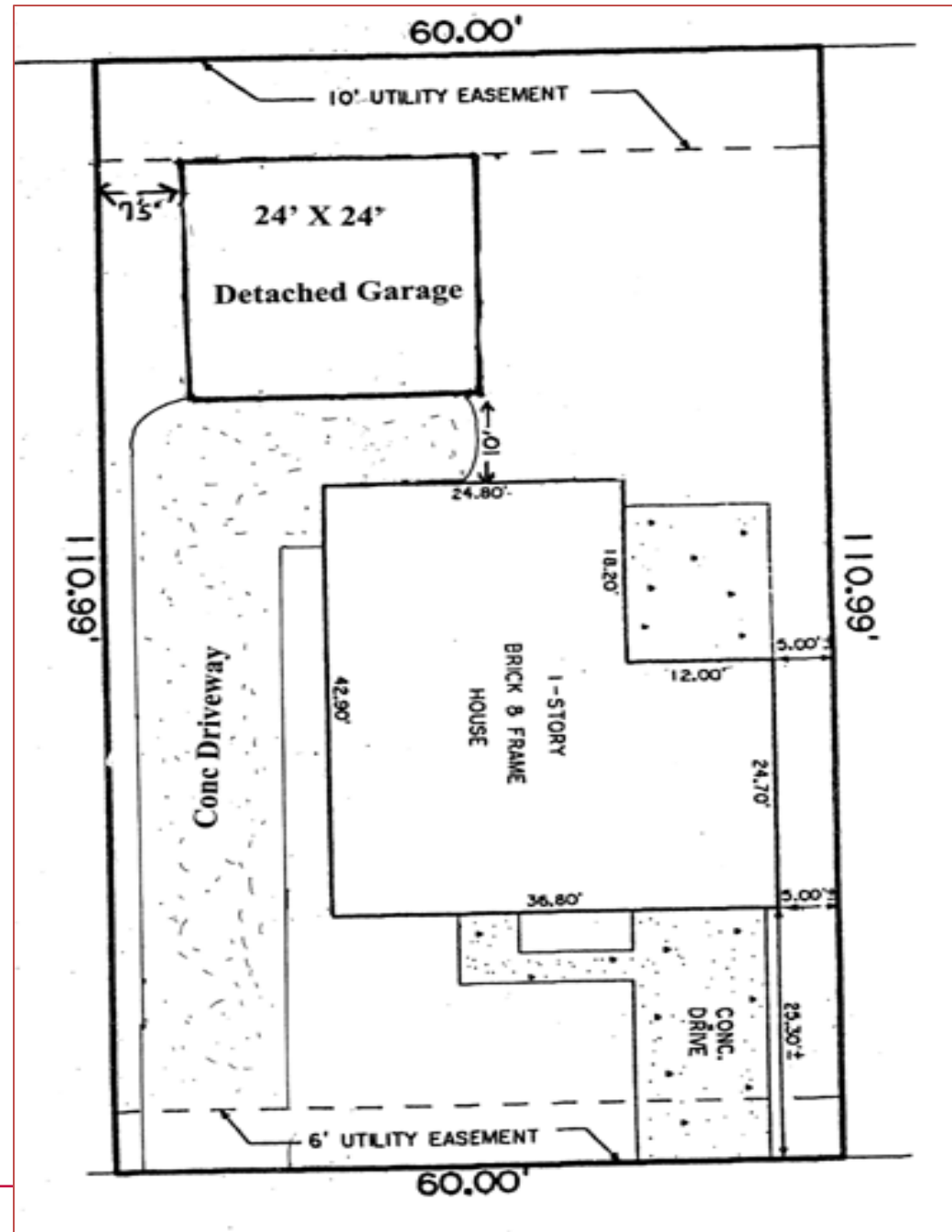
Any requirement for owner occupancy, minimum lot size, parking, and setbacks will kill ADU development. Instead, we need low and no-interest loans, grants, and a navigator office.

Excluding driveways and other yard surfaces covered by permeable pavers from the calculation of impermeable lot coverage will encourage environmentally friendly construction practices while also supporting the viability of ADU construction. 30% lot coverage is a difficult target to meet when attempting to also accommodate off-street parking. Keeping the 30% but excluding permeable surfaces from that % maybe a reasonable way to strike the balance.

There should be a minimum size allowed for an ADU on any lot. California allows 800 sf min. I'd like to see a number at least 600 sf here

SCENARIO

- **Lot Size:** 6,600 sq ft
- **Density:** 7 du/acre
- **ADU Unit Size:** 576 sq ft
- **Lot Coverage:** 29%
- **Setbacks for Principal Structure**
 - Front and Rear – 20 ft
 - Side – 5 ft
- **Height:** 1 story



Source: Longmont Colorado, Accessory Buildings - Plot plan

DISCUSSION

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?

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?


Members of the public are encouraged to submit comments for Task Force consideration using [this commenting form](#)


PUBLIC COMMENT


SUMMARY AND FINAL THOUGHTS

NEXT STEPS


 Continue forming panels and focus groups and conduct January focus group


 Gather and analyze quantitative ADU development data as available. Finalize internship

 Continue developing a glossary of terms

 Practical issues review by topic area

 Craft preliminary legislative and policy recommendations

 Continue adding resources to Microsoft Teams site

 Next meeting: January 16, Location TBD

ADJOURN