

ACCESSORY DWELLING UNIT POLICY TASK FORCE

February 20, 2024

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

AGENDA

9:30 – 10:00

Welcome & Overview

10:00 – 11:00

Panel Discussion: HOAs and Community Associations

11:00 – 11:30

Parking and Community Facilities

11:30 – 11:45

Draft Design and Building Codes Recommendations

11:45 – 11:50

Builder/Developer Survey Results

11:50 – 12:00

Legal Update

12:00 – 12:15

Public Comment

12:15 – 12:30

Summary and Final Thoughts

MEETING OBJECTIVES



Analyze, consider, and discuss the ADU development perspectives of HOAs and community associations



Develop preliminary legislative and policy recommendations related to parking and community facilities requirements



Compile a list of best practices for local governments that address the practical issues associated with parking and community facilities requirements



Receive, review, and discuss public comment



Describe and discuss recent ADU legal challenges and Maryland law regarding restrictive covenants

PUBLIC COMMENT

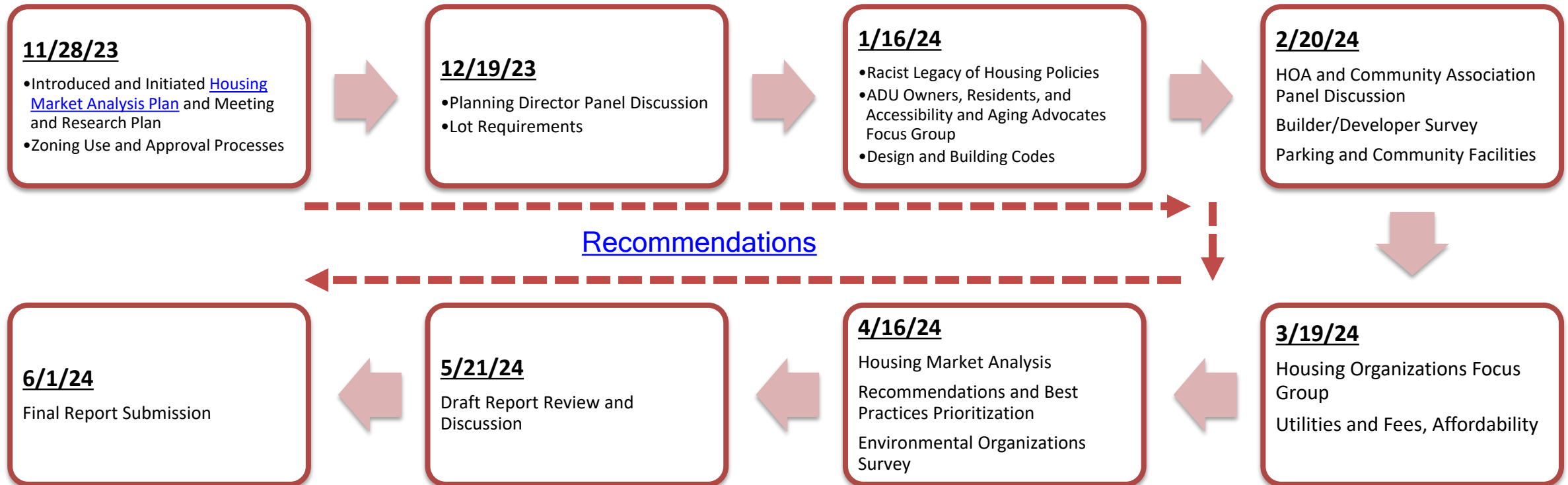
The Task Force will be accepting public comments at the end of each meeting, but only responding to any clarifying questions to ensure adequate time for those present in the room to comment.

Members of the public are encouraged to submit comments for Task Force consideration using [this commenting form](#), **including comments on the [preliminary recommendations](#)**.

Members of the public joining online can submit comments via the chat function. The Task Force will only unmute those joining online time permitting.

PROCESS OVERVIEW AND TIMELINE

Meeting and Research Plan (shared during 11/28 meeting)





PANEL DISCUSSION: HOAs AND COMMUNITY ASSOCIATIONS

PANEL DISCUSSION

What has your experience taught you about ADUs and the housing market? What prevents them from being a viable housing product? Conversely, what facilitates them as one?

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?

How can local government ADU policies and regulations be designed to minimize negative impacts on neighborhood livability?

What benefits, from the perspective of HOAs and/or community/neighborhood organizations, can ADUs provide? Conversely, what are some of the biggest concerns regarding ADUs?

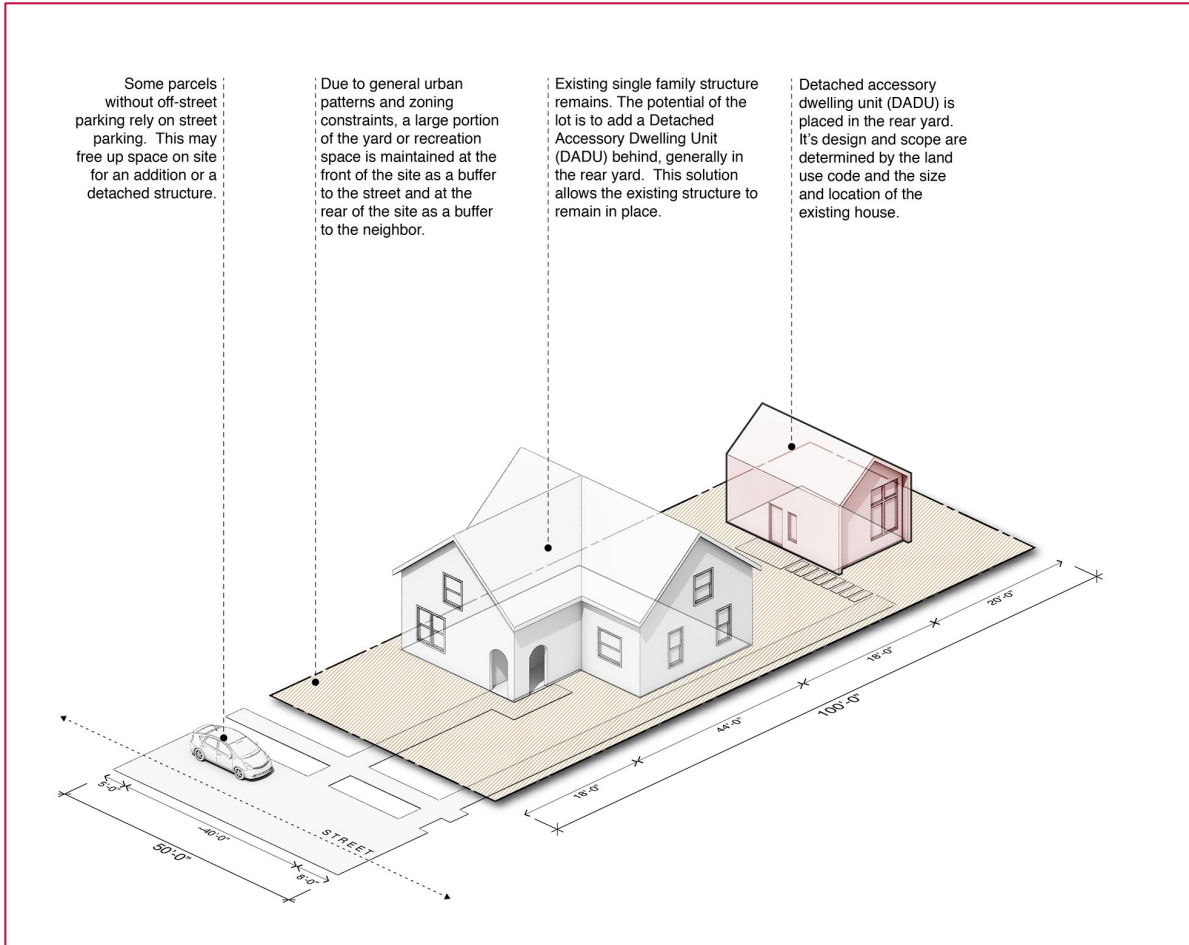
What, related to ADUs, should recorded covenants be able to regulate or prohibit (e.g., design, size, location)? What should they not be able to regulate?

How should ADUs be assessed when it comes to HOA or other community/neighborhood expenses? Should ADUs be subject to a separate additional assessment beyond that of the primary dwelling or should all properties be treated equally regardless of whether there is an ADU or not?



PARKING AND COMMUNITY FACILITIES

RESOURCES AND EXAMPLES



Source: Seattle's New Requirements for ADUs Create a New Configuration for a Classic Solution, b9 Architects

[AARP Model ADU Ordinance \(2021\)](#)

No additional off-street parking

Off-street space replaced if ADU construction removes existing spot

Substitute with on-street is sufficient curb area

[Designing Accessory Dwelling Unit Regulations \(2020\)](#)

Off-street parking undesirable/impossible on many lots

\$3,000 - \$5,000 per off-street space

Burdensome process for homeowners

[California ADU Handbook \(2022\)](#)

ADUs less than 500 square feet not subject to school impact fees

Examples

[Durango, CO](#) & [Portland, OR](#)

[Access Inventory Here](#)

MARYLAND INVENTORY ANALYSIS

MARYLAND SUMMARIZED



One off-street parking space commonly required. Sometimes two

Lots of duplication

Requirements in relation to those of the primary dwelling and condition of parking on the site

Some variability based on transit access

Unit size

Location and screening of parking spaces

MARYLAND PARKING EXAMPLES (APPROVED BY RIGHT)

New Market

“A minimum total of four (4) off-street parking spaces shall be provided for the principal dwelling and the accessory dwelling unit. An exception to this requirement may be approved by the Administrator if written verification is given by the property owner that the occupants of the accessory dwelling unit, due to age or physical disability, will not have vehicles on-site.”

Gaithersburg

Off street parking requirements based on ADU size

- | | |
|---------------------------|---------|
| ▪ 0 to 699 square feet | 1.0/DU |
| ▪ 700 to 899 square feet | 1.75/DU |
| ▪ 900 to 1200 square feet | 2.0/DU |

Montgomery County

“Except for lots located within 1 mile of any Metrorail, Purple Line, or MARC Rail Station: One on-site parking space; if new driveway must be constructed then 2 parking spaces OR the Hearing Examiner finds there is adequate on-street parking”

MARYLAND PARKING EXAMPLES (APPROVED BY SPEX)

Leonardtown

“At least two off-street parking spaces shall be available for each unit, and **parking must be screened or placed appropriately to ensure compatibility with the surrounding neighborhood and to reduce visual impact.**”

Caroline County

“**Adequate parking** for the accessory dwelling and all other uses of the property shall be provided”

Cambridge

“At least one off-street parking space is required per ADU. The Board of Appeals **may permit off-street parking in setback areas or through tandem parking if the off-street parking would not block access by emergency vehicles to the principal dwelling unit or ADU**”

MARYLAND COMMUNITY FACILITIES EXAMPLE

[HoCo By Design](#): Howard County's
Comprehensive Plan, Adopted 2023

Chapter 6, Dynamic Neighborhoods,
Implementing Action:

*Direct the Adequate Public Facilities Ordinance
(APFO) task force to develop recommendations as to
the applicability of APFO to accessory dwelling unit
creation or construction.*



[Access Other State Legislation Table Here](#)

OTHER STATE LEGISLATION ANALYSIS

OTHER STATES SUMMARIZED



Shall not exceed one parking space per ADU

No additional parking requirements beyond those for the single-family dwelling unit on the lot

Context sensitive

- .5 mile of transit
- No more than one parking space for lots smaller than 6,000 sq ft
- No more than two parking spaces for lots larger than 6,000 sq ft

Address off-street parking replacement

Prohibit fees in lieu

Public street improvements

None address schools

LOWER-DEGREE PARKING REQUIREMENTS STATE PRE-EMPTION



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

“Any municipal regulation applicable to single-family dwellings shall also apply to the combination of a principal dwelling unit and an accessory dwelling unit including, but not limited to lot coverage standards and standards for maximum occupancy per bedroom consistent with policy adopted by the United States Department of Housing and Urban Development. **A municipality may require adequate parking to accommodate an accessory dwelling unit.**”

MODERATE-DEGREE PARKING STATE PRE-EMPTION

CA Govt Code § 65852.2 (2022)

Parking requirements generally allowed, but prohibited in certain circumstances (e.g., within 1/2 mile of public transit, when in a historic district).

"Parking requirements for accessory dwelling units **shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less**. These spaces may be provided as tandem parking on a driveway."

Cannot require off-street parking replacement for an ADU that was created through a garage or covered parking structure conversion.



CALIFORNIA REPUBLIC

HIGHER-DEGREE PARKING REQUIREMENTS STATE PRE-EMPTION

[HB 1337 \(2023\)](#)

“A city or county subject to the requirements of this section **may not**

- (i) **Require off-street parking** as a condition of permitting development of accessory dwelling units **within one-half mile walking distance of a major transit stop**
- (ii) **Require more than one off-street parking space** per unit as a condition of permitting development of accessory dwelling units on **lots smaller than 6,000 square feet**
- (iii) **Require more than two off-street parking spaces** per unit as a condition of permitting development of accessory dwelling units on **lots greater than 6,000 square feet”**



STATE LEGISLATION – OTHER FACILITIES



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

“A municipality **may not: require improvements to public streets** as a condition of permitting an accessory dwelling unit, except as necessary to reconstruct or repair a public street that is disturbed as a result of the construction of the accessory dwelling unit”



[HB 1337 \(2023\)](#)

“A city or county **may not require public street improvements** as a condition of permitting accessory dwelling units.”

PUBLIC COMMENT ON PARKING AND COMMUNITY FACILITIES

Our communities were not designed for parking on the street. We do not and will not have significant public transit in most of our communities, and most families own multiple cars. We do not have space to accommodate an increase in parking on existing lots or the streets.

In urban areas, how can we find a balance between bringing in new residents so long-term residents will not feel forced out? **Many incorporated and unincorporated areas in Prince George's County cannot afford more density for several reasons, among them being parking, infrastructure, code violations, etc.**

There's an apparent focus on required parking for ADUs. In many scenarios the ADU occupant will be an elderly familial person w/o a car and the primary dwelling owner cares for and transports that elderly person. So **please allow the required parking discussion to include a way to easily waive that requirement.** Said differently, if a daughter (primary owner) wants her elderly Mom to come live in an ADU ... **and Mom no longer drives ... then don't require the daughter to construct 2 unnecessary parking spaces.**

In many of our rural communities, there is plenty of under-developed land for ADUs in our 1970s + 80s single-family detached housing developments with 1200 sf homes on 1/3 acre lots. But **without reliable public transit, our land is being eaten up by parking requirements and in many cases preventing this type of incremental development.** If the state helped rural counties and regions in expanding local and regional transit, our communities could waive parking requirements and even offer incentives for residents not to own a car. This would open up the market for more housing development along existing infrastructure and in areas that are more walkable.

Concerns about parking and infrastructure are real and have a real impact on the quality of residents' life. Baltimore has an aging infrastructure; its main water lines, for example, are leaking and causing subsidence issues throughout the city. **There needs to be sufficient flexibility in any state policy/legislation of ADUs to allow the local governments to take into consideration their own unique set of circumstances.**


[Compiled Public Comment as of 2/15/24](#)

DISCUSSION

What preliminary legislative and policy recommendations, related to parking and community facilities, should the Task Force include in its final report to the Governor and General Assembly?

What preliminary best practices, related to ADU parking and community facilities, 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?



Detached New Construction

PROS:

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

CONS:

- ✗ Most expensive

AVERAGE COST:
\$100,000+

PRELIMINARY DESIGN AND BUILDING CODE RECOMMENDATIONS

PRELIMINARY DESIGN AND BUILDING CODE RECOMMENDATIONS



[Meeting recordings and materials available on the ADU Task Force webpage. 1/16/24 Meeting Notes](#)

Local Governments

Clear recognition that design, accessibility, and safety objectives should be considered in ADU requirements, but not be so overly restrictive or prescriptive as to hinder construction or unit affordability.

- Design requirements should be approved ministerially
- Zoning ordinances should be simple and...
 - no more restrictive than those for the primary structure.
 - not prescribe building materials or architectural finishing.
 - not so burdensome as to require a property owner to hire an architect.

State Government

Partnership, guidelines, examples, and flexibility

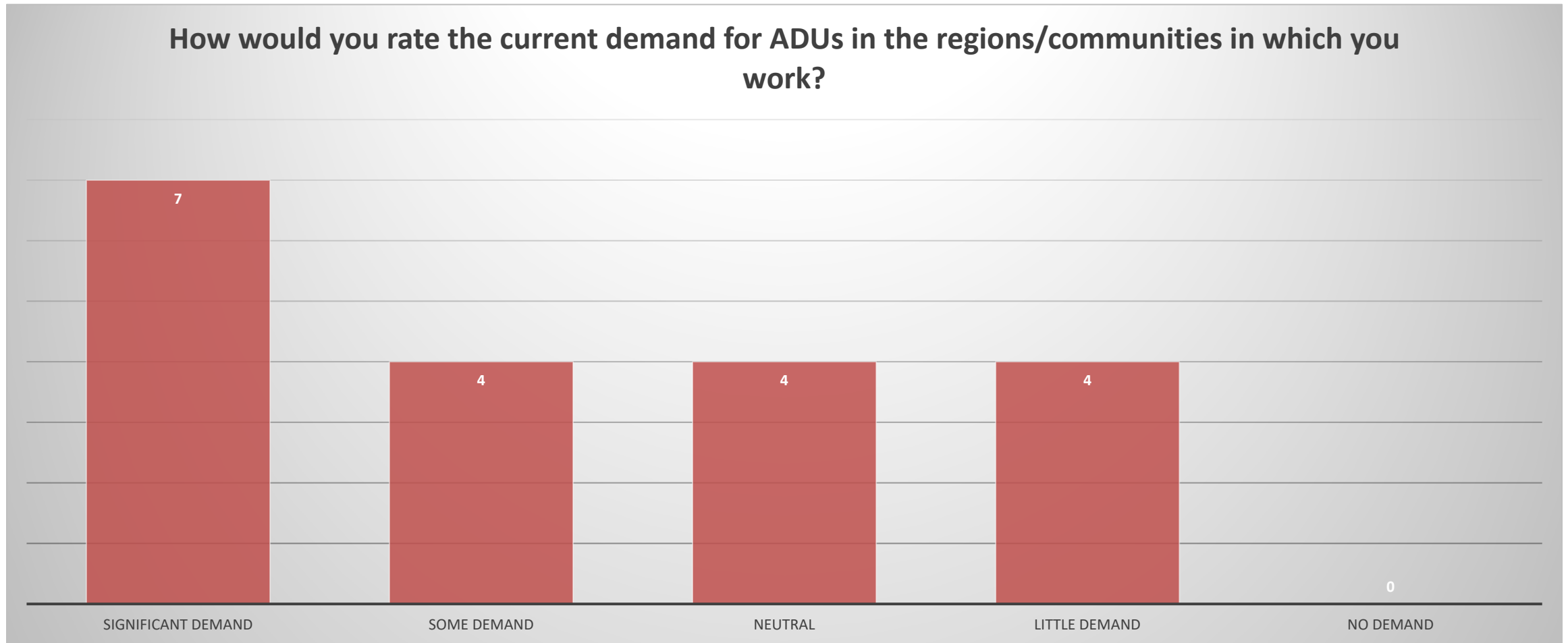
- Craft an approach that balances ADU design and affordability in Maryland's established communities by consulting with the Maryland Historical Trust.
- Encourage flexibility in state mandates, such as sprinkler and accessibility requirements, for ADUs.
- Conduct additional research on and develop resources and guidance for tiny home construction and permitting

Best Practices

Proactive support for ADU development

- Jurisdictions that want to encourage ADUs as a viable and affordable housing product must do more than ease zoning ordinance requirements. Proactive measures include...
 - pre-approved ADU building plans that encourage affordability, accessibility, and energy efficiency.
 - grants or low-interest loans to help homeowners build ADUs.
 - partnerships with non-profits or other housing organizations
 - ADU feasibility and assessment tools
 - Permitting ADU design and construction as eligible expenses in existing home repair loan programs.
 - ADU amnesty programs.

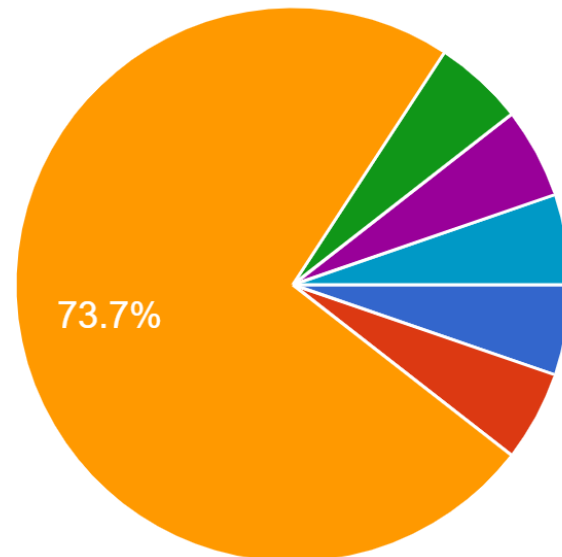
BUILDER/DEVELOPER SURVEY (19 RESPONSES, CLOSED 2/2)



[Complete Survey Results and Summary](#)

BUILDER/DEVELOPER SURVEY

What have you found to be the primary reason a property owner might consider an ADU?



- Long term rental income
- Short term rental income
- Additional living space for family/other
- All of the above plus more (long term rental, short term rental, additional living space, plus age-in-place strategies.)
- Aging in Place and long term rental income when not used for family
- semi-independent living for aging parent

BUILDER/DEVELOPER SURVEY

What are the Primary Barriers to Constructing ADUs?



zoning limitations (83%)



permitting processes (67%)



parking requirements (50%)



insufficient financing options (44%)



construction costs and building codes (39%)



local or neighborhood opposition (28%)



development fees (11%)

BUILDER/DEVELOPER SURVEY

How do ADUs impact Neighborhood Livability?



Support aging in place (100%)

Increase neighborhood housing values (84%)

Increase housing affordability (84%)

Diversify neighborhood demographics (79%)

Support moderate densification (74%)

Strain the transportation network including parking availability (5%)

Create flexible and diverse housing choices for owners and renters (5%)

RECENT HOUSING REFORM LEGAL CHALLENGES

[Alexandria, VA](#)

- In response to loosening zoning rules for single family neighborhoods

[Minneapolis, MN](#)

- Judge blocked implementation of city's abolition of single-family zoning

[Montana](#)

- Portions of [SB 528 \(2023\)](#) put on hold, specifically those related to covenant overrides



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



Form and conduct housing organizations focus group in March



Distribute environmental organizations survey and encourage completion



Housing market analysis



Continue developing a glossary of terms



Craft preliminary legislative and policy recommendations



Next meeting: March 19, Location: MDP Office

ADJOURN