

Accessory Dwelling Unit Topics and Code Applicability

ADU Task Force Working Document

March 19, 2024

The following chart provides a list of the topics addressed thus far by the ADU Task Force relating to the various local codes including zoning ordinances, building codes, subdivision codes, and consideration of finance or cost related issues. This listing is based on many discussions and demonstrates the inter-related and complicated matters associated with the development of Accessory Dwelling Units. This list is intended to provide analysis of the topics and to categorize them to define and limit the subject matter within the final task force report. Some subject matter may relate to more than one code. Please review and provide input to this document in case ideas or thoughts have been missed.

ADU Topic	Zoning Code	Building Code	Subdivision Code	Finance/cost/revenue	Notes
BY-right use for all single-family detached zoning	X				
By-right use for internal alterations in any single-family detached zoning	X				
By-right use for existing accessory structure conversion only	X				
By-right use if near transit (½ mile)	X				
Conditional use or Special Exception	X				
Well and septic			X		X - MDE and Health Department regulations
Stormwater management					X – generally governed under environmental regulations other than zoning or building code
Electrical		X			

Cable and Internet		X			
Site Design standards such as setbacks, privacy fencing, vegetation, setbacks, etc...	X				
W&SP infrastructure availability and capacity		X			Water and Sewer Plans (W&SP) will dictate connection requirements including community and private septic
Fire protection		X			Fire access for units that are not sprinklered should also be considered.
Min and Max Sq. Ft. of ADU	X	X			Generally, a percentage of the primary Dwelling Unit (DU.)
Height of ADU	X				
Proximity to transit	X				
Off-street Parking	X				
On- street Parking	X				Could also affect codes associated with the local transportation department.
Lot coverage or Impervious surface coverage limitations	X				
Subject to primary structure or accessory structure					
Affordability for homeowner		X		X	Pre-approved architectural plans. Public finance incentive programs.
Affordability for renter				X	Tax incentive for landlord
Wealth building			X		For home ownership

Short-term rentals					X – licensing issue
Restrictive Covenants			X		Attached to record plats
Amnesty programs	X	X	X		
Limitations on the number of bedrooms	X	X			
Tiny homes and other mobile homes					X - MDOT
Energy efficiency		X			
Code enforcement					X – zoning enforcement is a post construction process
Impact fees – for community facilities such as schools	X		X		

Zoning

Lot Coverage
Far/lot occupancy
Set Backs (front, side & rear)
Height Restrictions
Parking Requirements
Historical District
Owner Occupation
Impact Fees
Neighborhood Density
Permeable & Impermeable Surfaces
Open Space
Neighborhood Livability
Size restrictions-maximum & minimum
Occupancy

Building Code

Sprinkler/ Fire Suppression
Egress
Life Safety
Room Size
Electrical
Mechanical
Plumbing
Accessibility
Fire Spread
Energy Efficiency
Construction Quality
Occupancy

Architectural, Historical & HOA Review Boards

Character of Exterior Material
Character of Lot
Restrictions
Restrictive Covenants

Other

Groundwater
Critical Area
Infrastructure
Stormwater management (DEP)
Loans & Grants
Property Values/ Assessments
Building Cost
Housing Policies (HUD)
Tiny Houses on Wheels
Insurance