

HARFORD COUNTY BILL NO. 19-029 As Amended

Brief Title (Zoning Accessory Dwelling Units)

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

Mylin A. Dixon
Council Administrator

Date 12/10/19

ENROLLED

Arthur Vincent
Council President

Date 12/10/19

BY THE COUNCIL

Read the third time.

Passed: LSD 19-030

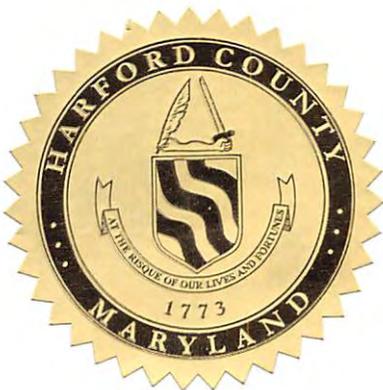
Failed of Passage: _____

By Order

Mylin A. Dixon
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 11th day of December, 2019 at 3:00 p.m.

Mylin A. Dixon
Council Administrator



BY THE EXECUTIVE

COUNTY EXECUTIVE

APPROVED: Date _____

BY THE COUNCIL

This Bill No. 19-029 As Amended having received neither the approval nor disapproval of the Executive within twenty-one (21) days of its presentation, becomes law on January 2, 2020.

EFFECTIVE: January 2, 2020

**BILL NO. 19-029
AS AMENDED**

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 19-029 (As Amended)

Introduced by Council President Vincenti at the request of the County Executive and Council Members Shrodes, Beulah, Wagner, Giangiordano, Woods, Johnson and Council President Vincenti

Legislative Day No. 19-029

Date November 5, 2019

AN EMERGENCY ACT to add the definition of “accessory dwelling unit (ADU)”, to delete the definition of “cottage house”, and to repeal and reenact, with amendments, the definition of “relative”, in Section 267-4, Definitions, of Article I, General Provisions; and to repeal and reenact, with amendments, Subsection B(8) of Section 267-28, Temporary uses, of Article V, Supplementary Regulations, all of Part 1, Standards, of Chapter 267, Zoning, of the Harford County Code, as amended; to define “accessory dwelling unit”; to delete “cottage housing”; to revise the definition of “relative”; to allow a relative to live in an accessory dwelling unit within a family member’s principal dwelling unit; to make this an Emergency Act; and generally relating to zoning.

By the Council, November 5, 2019

Introduced, read first time, ordered posted and public hearing scheduled

on: December 3, 2019

at: 7:00 PM

By Order: *Mylin A. Dixon*, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on December 3, 2019, and concluded on, December 3, 2019.

Mylin A. Dixon, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

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1 Section 1. Be It Enacted By The County Council of Harford County, Maryland that the definition
2 of “accessory dwelling unit (ADU)” be, and it is hereby, added; that the definition of “cottage house”
3 be, and it is hereby, deleted; and that the definition of “relative” be, and it is hereby, repealed and
4 reenacted, with amendments, all in Section 267-4, Definitions, of Article I, General Provisions; and
5 that Subsection B(8) of Section 267-28, Temporary uses, of Article V, Supplementary Regulations, be,
6 and it is hereby, repealed and reenacted, with amendments, all of Part 1, Standards, of Chapter 267,
7 Zoning, of the Harford County Code, as amended, and all to read as follows:

8
9 **Chapter 267. Zoning**

10 **Part 1. Standards**

11 **Article I. General Provisions**

12 **§ 267-4. Definitions.**

13 As used in this Part, the following terms shall have the meanings indicated:

14 ACCESSORY DWELLING UNIT (ADU) -- AN INDEPENDENT, SELF-CONTAINED
15 DWELLING UNIT LOCATED WITHIN A SINGLE-FAMILY DETACHED DWELLING.

16 [COTTAGE HOUSE -- A temporary second dwelling on a single residential lot.]

17 RELATIVE – [A grandparent, grandchild, parent, child, brother, sister, aunt or uncle.] A SPOUSE,
18 FATHER, MOTHER, SON, DAUGHTER, STEP-SON, STEP-DAUGHTER, BROTHER,
19 SISTER, GRANDPARENT, GREAT-GRANDPARENT, ~~GRANDSON—AND~~
20 ~~GRANDDAUGHTER, GRANDCHILD, STEPFATHER, STEPMOTHER, AUNT, UNCLE,~~
21 MOTHER-IN-LAW AND FATHER-IN-LAW, SISTER-IN-LAW AND BROTHER-IN-LAW,
22 WHETHER NATURAL OR ADOPTED.

23
24

1 **Article V. Supplementary Regulations**

2 **§ 267-28. Temporary uses.**

3 Temporary uses shall be permitted, subject to the following:

4 B. Specific temporary uses. The temporary uses described below shall be subject to the following:

5 [(8) Cottage houses.

6 (a) A cottage house is permitted on a single lot in the AG, RR, R1, R2, R3, R4, RO
7 and VR Districts, provided that:

8 [1] On a lot of 2 acres or less, the cottage house is located within a
9 dwelling currently on the lot;

10 [2] On a lot of more than 2 acres, the cottage house may be located within
11 a dwelling currently on the lot or may be a mobile home. If the cottage
12 house is a mobile home:

13 [a] The cottage house must meet the setback requirements for
14 transient housing uses, except that in the AG District, the
15 minimum rear yard setback for a mobile home cottage house is
16 40 feet;

17 [b] Skirting of a compatible material shall be substituted for a
18 foundation;

19 [c] If the cottage house is visible from a residence on an adjacent
20 parcel, the Department may require the lot owner to plant a
21 Type "A" buffer yard, pursuant to § 267-30 (Buffer yards);

22 [3] The cottage house may be located within a new addition to the dwelling

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1 which can be easily converted to general living space once the need for
2 cottage housing no longer exists. The addition must conform to all
3 applicable Zoning Code requirements and approvals;

4 [4] The lot owner shall live in 1 of the 2 dwellings on the lot;

5 [5] A relative of the lot owner shall live in the other dwelling; and

6 [6] Either the lot owner or the relative:

7 [a] Is more than 62 years old; or

8 [b] Has a medical need.

9 (b) Lot owner requirements:

10 [1] The lot owner shall submit a letter of approval from the Health
11 Department, stating that the water and sewer facilities for the cottage
12 house meet Health Department requirements.

13 [2] The lot owner shall submit a copy of the property deed and any
14 homeowners' association declarations and covenants to which the lot is
15 subject.

16 [3] The lot owner shall submit a conversion plan for approval by the
17 Department if the cottage house will be within the dwelling or within a
18 new addition to the dwelling, said plan to be applied once the need for
19 the cottage housing no longer exists. The conversion plan must include
20 a floor plan reflecting how the overall cottage housing area will be
21 converted to another use which will flow easily with unrestricted access
22 into, and be compatible with, the main dwelling.

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- 1 [4] If an application for a cottage house permit is based upon a medical
2 need of the lot owner, or a medical need of a relative of the lot owner,
3 the lot owner shall include a physician's statement.
- 4 [5] If an application for a cottage house permit is based upon age of the lot
5 owner, or age of a relative of the lot owner, the application shall include
6 a copy of the birth certificate or driver's license of the lot owner or
7 relative of the lot owner documenting age.
- 8 [6] The zoning certificate for a cottage house will be deemed null and void
9 if:
- 10 [a] The parcel is transferred or assigned; or
11 [b] The need for the cottage house ends.
- 12 [7] When a zoning certificate is nullified, the lot owner shall remove the
13 mobile home from the lot or incorporate the cottage house into the
14 principal dwelling within 60 calendar days. If the cottage house is
15 located within the dwelling, the overall cottage housing area will be
16 converted with unrestricted access into, and is compatible with, the
17 main dwelling as shown in the approved conversion plan required in
18 Subsection (8)(b)[3]. At no time shall a mobile home or area of the
19 dwelling approved for cottage housing be utilized as a rental unit or
20 second dwelling unit.
- 21 [8] Use of a cottage house under this Subsection B(8) is not grounds for or
22 evidence of a hardship for a variance under § 267-11 (Variances).

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1 (c) If the lot owner satisfies the requirements of this Subsection B(8), the
2 Department shall:

3 [1] Issue a zoning certificate to the lot owner;

4 [2] Within 7 calendar days after the lot owner satisfies the requirements,
5 notify by mail each owner of real property adjacent to the lot:

6 [a] That the lot owner has applied for a cottage house zoning
7 certificate and has satisfied the requirements;

8 [b] That the zoning certificate is temporary;

9 [c] That the cottage house must be removed or incorporated into
10 the principal dwelling when the zoning certificate is nullified;

11 [d] Of the requirements imposed on the lot owner; and

12 [e] Of any other information the Department deems relevant.]

13 (8) ACCESSORY DWELLING UNITS (ADU).

14 (A) PURPOSE. THE PURPOSE OF THE ACCESSORY DWELLING UNIT IS
15 TO ALLOW A RELATIVE TO LIVE IN AN ACCESSORY DWELLING
16 UNIT WITHIN A FAMILY MEMBER'S PRINCIPAL DWELLING UNIT.

17 (B) ONE ADU IS PERMITTED ON A SINGLE LOT IN THE AG, RR, R1, R2,
18 R3, R4, RO AND VR DISTRICTS, PROVIDED THAT:

19 [1] THE ADU SHALL BE PHYSICALLY ATTACHED TO OR
20 LOCATED WITHIN A SINGLE-FAMILY DETACHED DWELLING
21 UNIT ~~CURRENTLY~~ ON THE LOT.

22 [2] IF THE ADU IS LOCATED WITHIN A NEW ADDITION TO THE

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1 EXISTING SINGLE-FAMILY DETACHED DWELLING UNIT,
2 ANY ADDITION SHALL CONFORM TO ALL APPLICABLE
3 ZONING AND BUILDING CODE REQUIREMENTS.

4 [3] IF THE ADU RESULTS IN ANY RENOVATIONS TO THE
5 EXISTING SINGLE-FAMILY DETACHED DWELLING UNIT,
6 ANY RENOVATIONS SHALL CONFORM TO ALL APPLICABLE
7 ZONING AND BUILDING CODE REQUIREMENTS.

8 [4] THE ADU SHALL BE AT LEAST 300 SQUARE FEET IN SIZE
9 BUT SHALL NOT EXCEED THE LESSER OF 1,500 SQUARE
10 FEET OR 50% OF THE TOTAL HABITABLE SPACE OF THE
11 EXISTING SINGLE-FAMILY DETACHED DWELLING UNIT.

12 [5] THE ADU SHALL NOT CONTAIN MORE THAN 2 BEDROOMS.

13 [6] THE ADU SHALL BE SEPARATED FROM THE SINGLE-FAMILY
14 DETACHED DWELLING UNIT BY MEANS OF A WALL OR A
15 FLOOR ~~FLOOR~~, WITH AN INTERIOR DOOR BETWEEN THE
16 ACCESSORY DWELLING UNIT AND THE PRINCIPAL SINGLE-
17 FAMILY DETACHED DWELLING UNIT.

18 [7] THE ADU SHALL CONTAIN COOKING, LIVING, SANITARY
19 AND SLEEPING FACILITIES THAT ARE PHYSICALLY
20 SEPARATED FROM THE PRINCIPAL SINGLE-FAMILY
21 DETACHED DWELLING UNIT.

22 (C) THE PROPERTY OWNER SHALL OCCUPY, AS HIS OR HER LEGAL

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1 PERMANENT RESIDENCE, EITHER THE PRINCIPAL SINGLE-FAMILY
2 DETACHED DWELLING UNIT OR THE ACCESSORY DWELLING
3 UNIT, AND THE OTHER DWELLING UNIT SHALL BE OCCUPIED BY
4 THE RELATIVE.

5 ~~(D) A MINIMUM OF ONE OFF STREET PARKING SPACE SHALL BE~~
6 ~~PROVIDED FOR THE ACCESSORY DWELLING UNIT, IN ADDITION~~
7 ~~TO THE PARKING THAT IS REQUIRED FOR THE PRINCIPAL SINGLE-~~
8 ~~FAMILY DETACHED DWELLING UNIT.~~

9 ~~(E)~~ (D) THE ADU SHALL HAVE THE SAME STREET ADDRESS AS THE
10 PRINCIPAL SINGLE-FAMILY DETACHED DWELLING UNIT.

11 ~~(F)~~ (E) THE PROPERTY OWNER SHALL SUBMIT THE FOLLOWING UPON
12 APPLICATION FOR A ZONING CERTIFICATE:

13 [1] A SIGNED COPY OF THE ADU AGREEMENT OF
14 UNDERSTANDING; AND

15 [2] A COPY OF THE PROPERTY DEED.

16 ~~(G)~~ (F) ~~IF~~ WHEN THE PROPERTY OWNER SATISFIES THE REQUIREMENTS
17 OF THIS SUBSECTION, THE DEPARTMENT SHALL ISSUE A ZONING
18 CERTIFICATE TO THE PROPERTY OWNER.

19 ~~(H)~~ (G) IN THE EVENT OF A CONVEYANCE OF THE PRINCIPAL SINGLE-
20 FAMILY DETACHED DWELLING UNIT TO ANY PERSON OTHER
21 THAN THE CURRENT OWNER, A NEW ZONING CERTIFICATE
22 ISSUED PURSUANT TO THE REQUIREMENTS OF THIS SUBSECTION

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1 IS NECESSARY TO CONTINUE THE USE OF THE ACCESSORY
2 DWELLING UNIT BY THE NEW OWNER AND HIS OR HER
3 RELATIVES.

4 ~~(H)~~ (H) THE ZONING CERTIFICATE FOR THE ADU SHALL BE DEEMED NULL
5 AND VOID IF:

6 [1] THE PROPERTY IS TRANSFERRED, CONVEYED OR
7 ASSIGNED; OR

8 [2] THE ACCESSORY DWELLING UNIT IS NO LONGER BEING
9 OCCUPIED BY AN INDIVIDUAL IDENTIFIED IN THIS
10 SUBSECTION; OR

11 [3] THE PROPERTY OWNER NO LONGER OCCUPIES EITHER THE
12 PRIMARY SINGLE-FAMILY DETACHED DWELLING OR THE
13 ACCESSORY DWELLING ~~UNIT~~. UNIT; OR

14 [4] A VIOLATION OF ANY PROVISION OF THIS SUBSECTION.

15 ~~(H)~~ (I) ISSUANCE OF A ZONING CERTIFICATE FOR AN ACCESSORY
16 DWELLING UNIT UNDER THIS SUBSECTION IS NOT GROUNDS FOR,
17 OR EVIDENCE OF, A HARDSHIP FOR PURPOSES OF A VARIANCE
18 UNDER § 267-11 (VARIANCES) HEREIN.

19 ~~Section 2. And Be It Further Enacted that this Act shall take effect 60 calendar days from the date~~
20 ~~it becomes law.~~

21 Section 2. And Be It Further Enacted, that this Act is declared to be an Emergency Act, necessary
22 to permit the usage of accessory dwelling units without undue delay and to ensure the public's health.

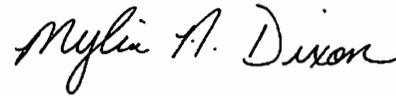
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1 safety and welfare, and shall take effect on the date it becomes law.

2

EFFECTIVE: January 2, 2020

The Council Administrator does hereby certify that seven (7) copies of this Bill are immediately available for distribution to the public and the press.



Council Administrator