



DRAFT PROPOSED AMENDMENTS

Bill: HB 1466/ SB 0891 Land use and Real Property - Accessory Dwelling Units - Requirements and Prohibitions

Position: Support with Amendments

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Dear Chair Marc Korman:

The Maryland-National Capital Park and Planning Commission (“M-NCPPC” or the “Commission”) has voted to support this bill with amendments. The following proposed amendments have been indicated below.

Amendment #1

4-501.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(A)“ACCESSORY DWELLING UNIT” MEANS A SECONDARY DWELLING UNIT ON THE SAME LOT, PARCEL, OR TRACT AS A SINGLE-FAMILY DWELLING UNIT (WHICH IS THE PRIMARY DWELLING UNIT) THAT IS SUBORDINATE TO THE PRIMARY SINGLE-FAMILY DWELLING UNIT. AN ACCESSORY DWELLING UNIT MAY BE FREE-STANDING OR ATTACHED AS AN ADDITION TO THE PRIMARY DWELLING UNIT. CONSTRUCTED: (1)ATTACHED TO OR THROUGH THE CONVERSION OF A PORTION OF THE PRIMARY DWELLING UNIT; (2)ATTACHED TO OR THROUGH THE FULL OR PARTIAL CONVERSION OF AN ACCESSORY STRUCTURE LOCATED ON THE SAME LOT, PARCEL, OR TRACT AS THE PRIMARY DWELLING UNIT; OR (3) AS A NEW BUILDING, DETACHED FROM THE PRIMARY DWELLING UNIT AND ANY EXISTING ACCESSORY STRUCTURES.

**Amendment #2
4-501.**

(C)(1) “DWELLING UNIT” MEANS A SINGLE UNIT PROVIDING COMPLETE, INDEPENDENT LIVING FACILITIES FOR AT LEAST ONE INDIVIDUAL, INCLUDING AT A MINIMUM PERMANENT PROVISIONS FOR SANITATION, COOKING, EATING, AND SLEEPING, AND OTHER ACTIVITIES ROUTINELY ASSOCIATED WITH DAILY LIFE.

**Amendment #3
4-502.**

THIS SUBTITLE APPLIES ONLY TO THE DEVELOPMENT OF ACCESSORY DWELLING UNITS ON LAND WITH A SINGLE-FAMILY DWELLING UNIT AS THE PRIMARY DWELLING UNIT. ZONED FOR SINGLE-FAMILY RESIDENTIAL USE.

**Amendment #4
4-503.**

(A) IT IS THE POLICY OF THE STATE TO PROMOTE AND ENCOURAGE THE CREATION OF ACCESSORY DWELLING UNITS ON LAND ZONED FOR SINGLE-FAMILY RESIDENTIAL USE IN ORDER TO MEET THE HOUSING NEEDS OF THE CITIZENS OF MARYLAND.

**Amendment #5
4-504.**

(A) ON OR BEFORE OCTOBER 1, 2026, EACH LEGISLATIVE BODY SHALL ADOPT A LOCAL LAW AUTHORIZING THE DEVELOPMENT OF ACCESSORY DWELLING UNITS ON LAND ZONED FOR SINGLE-FAMILY RESIDENTIAL USE IN ACCORDANCE WITH THIS SECTION.

(B) A LOCAL LAW ADOPTED UNDER THIS SECTION SHALL PROVIDE FOR CONSTRUCTION OF ACCESSORY DWELLING UNITS THAT MEET PUBLIC HEALTH, SAFETY AND WELFARE STANDARDS, INCLUDING RELEVANT BUILDING CODES AND THE PROVISION OF ADEQUATE PUBLIC FACILITIES. ~~APPLY TO ALL LAND IN THE LOCAL JURISDICTION ZONED FOR SINGLE-FAMILY RESIDENTIAL USE, PROVIDED THAT:~~

~~(1) — THE PARTY DEVELOPING THE ACCESSORY DWELLING UNIT OWNS AND HAS THE EXCLUSIVE RIGHT TO USE THE LOT, PARCEL, OR TRACT ON WHICH THE ACCESSORY DWELLING UNIT IS TO BE DEVELOPED; AND (2) THE DEVELOPMENT OF NEW DWELLING UNITS ON THE LOT, TRACT, OR PARCEL IS NOT OTHERWISE PROHIBITED DUE TO:~~

- ~~(I) LIMITATIONS ON AVAILABLE SAFE DRINKING WATER;~~
- ~~(II) THE EXISTENCE OF PUBLIC HEALTH RISKS DUE TO LIMITATIONS ON SEWAGE DISPOSAL; OR (III) RISKS ASSOCIATED WITH FIRES, FLOODS, OR LANDSLIDES.~~

**Amendment #6
4-504.**

(C) A LOCAL LAW ADOPTED UNDER THIS SECTION SHALL:-

~~(2) REQUIRE THAT THE TOTAL SQUARE FOOTAGE OF THE ACCESSORY DWELLING UNIT BE LESS THAN THE TOTAL SQUARE FOOTAGE OF THE PRIMARY DWELLING UNIT; (2) REQUIRE THAT THE FINAL DESIGN FOR THE ACCESSORY DWELLING UNIT SATISFY ALL RELEVANT BUILDING CODE REQUIREMENTS; (3) AUTHORIZE CONSTRUCTION OF AN ACCESSORY DWELLING UNIT BEFORE OR DURING THE CONSTRUCTION OF THE PRIMARY DWELLING UNIT, UNLESS THE CONSTRUCTION OF THE ACCESSORY DWELLING UNIT WOULD RESULT IN THE NEED FOR A VARIANCE FROM THE ZONING LAW OF THE LOCAL JURISDICTION IN ORDER TO CONSTRUCT THE PRIMARY DWELLING UNIT;~~

**Amendment #5
4-504.**

~~(4) (1) EXCLUDE THE DEVELOPMENT OF AN ACCESSORY DWELLING UNIT FROM THE CALCULATION OF DENSITY AND THE APPLICATION OF ANY MEASURES LIMITING RESIDENTIAL GROWTH THAT PERTAIN TO THE LOT, PARCEL, OR TRACT PROPOSED FOR THE DEVELOPMENT OF THE ACCESSORY DWELLING UNIT; (2) PROVIDE FOR A WAIVER OF PARKING REQUIREMENTS FOR ACCESSORY DWELLING UNITS; ; AND (5) SET CONDITIONS FOR APPROVAL OF A ZONING USE PERMIT FOR AN ACCESSORY DWELLING UNIT UNDER § 4-505 OF THIS SUBTITLE THAT ADDRESS OBJECTIVE AND MEASURABLE REQUIREMENTS, INCLUDING:~~

- ~~(I) MASSING;~~
- ~~(II) LOCATIONS OF ENTRANCES;~~
- ~~(III) SQUARE FOOTAGE; AND~~
- ~~(IV) SUBJECT TO § 4-507 OF THIS SUBTITLE, CONNECTIONS TO A UTILITY.~~

**Amendment #6
4.504.**

(D) A LOCAL LAW ADOPTED UNDER THIS SECTION MAY

NOT: (1) REQUIRE, AS A CONDITION TO DEVELOPING AN ACCESSORY DWELLING UNIT, THAT THE LOT, PARCEL, OR TRACT EXCEED THE MINIMUM SIZE REQUIRED FOR A PRIMARY DWELLING UNIT IN THE ZONE OR DISTRICT;

(2) ESTABLISH SETBACK REQUIREMENTS FROM THE SIDE AND REAR LOT LINES FOR AN FREE-STANDING ACCESSORY DWELLING UNIT THAT EXCEED THE SIDE AND REAR SETBACKS FOR ACCESSORY STRUCTURES IN THE ZONE; ~~IS CONVERTED FROM AN EXISTING ACCESSORY STRUCTURE IF:~~

(3) ~~FOR AN ACCESSORY DWELLING UNIT OTHER THAN A UNIT THAT MEETS THE REQUIREMENTS OF ITEM (2) OF THIS SUBSECTION, ESTABLISH~~

~~SETBACK REQUIREMENTS THAT EXCEED 4 FEET FROM THE SIDE AND REAR LOT LINES EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, REQUIRE: (I) IF THE DEVELOPMENT OF THE ACCESSORY DWELLING UNIT IS LOCATED WITHIN A 0.75 MILE RADIUS OF A MASS TRANSIT FACILITY, THE CREATION OF NEW OFF-STREET PARKING AS A CONDITION TO DEVELOPING THE ACCESSORY DWELLING UNIT; AND (II) IF THE DEVELOPMENT OF THE ACCESSORY DWELLING UNIT IS LOCATED OUTSIDE A 0.75 MILE RADIUS OF A MASS TRANSIT FACILITY, THE CREATION OF MORE THAN ONE OFF-STREET PARKING SPACE;~~

Amendment #7

4.504.

~~(35) SET CONDITIONS FOR APPROVAL OF A ZONING USE PERMIT FOR AN ACCESSORY DWELLING UNIT UNDER § 4-505~~

~~OF THIS SUBTITLE BASED ON SUBJECTIVE CRITERIA, INCLUDING:~~

- ~~(I) NEIGHBORHOOD COMPATIBILITY, SUCH AS DESIGN OR AESTHETICS; OR~~
- ~~(II) ADVERSE IMPACTS.'~~

~~(C) (1) (I) SUBJECT TO SUBSECTION (D)(4) OF THIS SECTION, A LOCAL LAW ADOPTED UNDER THIS SECTION MAY ESTABLISH ADDITIONAL OFF-STREET PARKING REQUIREMENTS THAT CONSIDER:~~

- ~~1. THE COST TO CONSTRUCT OFF-STREET PARKING SPACES;~~
- ~~2. WHETHER SUFFICIENT CURB AREA EXISTS ALONG THE FRONT LINE OF THE PROPERTY TO ACCOMMODATE ON-STREET PARKING;~~
- ~~3. THE INCREASE IN IMPERVIOUS SURFACE DUE TO THE CREATION OF NEW OFF-STREET PARKING AND THE RELATION TO ANY APPLICABLE STORMWATER MANAGEMENT PLANS; AND~~
- ~~4. VARIABILITY DUE TO THE SIZE OF THE LOT, PARCEL, OR TRACT ON WHICH THE ACCESSORY DWELLING UNIT OR PRIMARY DWELLING IS LOCATED.~~

~~(H) A LOCAL LAW ADOPTED UNDER THIS PARAGRAPH SHALL PROVIDE FOR A WAIVER PROCESS FROM THE PARKING REQUIREMENTS.~~

~~(2) BEFORE ADOPTING A LOCAL LAW UNDER PARAGRAPH (1) OF THIS SUBSECTION, A LEGISLATIVE BODY SHALL COMPLETE A PARKING STUDY TO DETERMINE THE APPLICABLE NEEDS AND RESTRICTIONS IN THE JURISDICTION.~~

Amendment #8

4-505.

~~(A) A LOCAL JURISDICTION SHALL APPROVE OR DENY A COMPLETE APPLICATION FOR A ZONING USE PERMIT FOR AN ACCESSORY DWELLING UNIT WITHIN 90 DAYS AFTER RECEIPT BY THE AGENCY RESPONSIBLE FOR MAKING ZONING DECISIONS.~~

~~(B) APPROVAL OF A COMPLETE APPLICATION UNDER THIS SECTION SHALL BE PERFORMED IN A MINISTERIAL MANNER.~~

~~(C) IF AN APPLICANT REQUESTS A DELAY IN THE REVIEW OF AN~~

~~APPLICATION, THE 90 DAY REVIEW PERIOD REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE TOLLED FOR THE DURATION OF THE DELAY.~~

~~(D) THIS SECTION MAY NOT BE CONSTRUED TO ALTER THE APPELLATE OR JUDICIAL REVIEW PROCESSES FOR A ZONING USE PERMIT APPLICATION FOR AN ACCESSORY DWELLING UNIT.~~

Amendment #9
4-507.

~~(A) (1) THIS SUBSECTION DOES NOT APPLY TO AN ACCESSORY DWELLING UNIT THAT IS DEVELOPED IN CONJUNCTION WITH A NEW OR SUBSTANTIALLY RENOVATED PRIMARY DWELLING UNIT.~~

~~(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A UTILITY MAY NOT REQUIRE THE USE OF A SEPARATE CONNECTION BETWEEN AN ACCESSORY DWELLING UNIT AND THE WATER OR SEWER MAIN IF THE EXISTING CONNECTION BETWEEN THE PRIMARY DWELLING UNIT AND THE WATER OR SEWER MAIN IS DETERMINED TO BE SUFFICIENT TO SUPPORT THE ADDITION OF THE ACCESSORY DWELLING UNIT.~~

~~(3) A LOCAL JURISDICTION MAY ESTABLISH CRITERIA UNDER WHICH A UTILITY IS AUTHORIZED TO REQUIRE THE USE OF A SEPARATE CONNECTION BETWEEN AN ACCESSORY DWELLING UNIT AND THE WATER OR SEWER MAIN.~~

~~(B) IF AN ACCESSORY DWELLING UNIT IS INTEGRATED INTO THE EXISTING CONNECTION BETWEEN THE PRIMARY DWELLING UNIT AND THE WATER OR SEWER MAIN, A UTILITY MAY NOT CHARGE A CONNECTION FEE ASSOCIATED WITH THE 16 INTEGRATION OF THE ACCESSORY DWELLING UNIT.~~

~~(C) A PERSON DEVELOPING AN ACCESSORY DWELLING UNIT MAY ELECT TO USE A METER THAT IS SHARED WITH THE PRIMARY DWELLING UNIT TO TRACK THE DELIVERY OF WATER FROM A UTILITY.~~

Amendment #10
2-123.

~~THE TRANSFER OR SALE OF REAL PROPERTY; OR ANY OTHER INTEREST IN REAL PROPERTY. (B)(1) IF A PROPERTY OWNER HAS THE EXCLUSIVE RIGHT TO USE THE PROPERTY AND ABIDES BY ALL APPLICABLE LAWS AND REGULATIONS, A RESTRICTION ON USE REGARDING LAND USE MAY NOT IMPOSE OR ACT TO IMPOSE AN UNREASONABLE LIMITATION ON THE ABILITY OF THE PROPERTY OWNER TO DEVELOP AN ACCESSORY DWELLING UNIT **ON A PROPERTY ZONED FOR SINGLE FAMILY RESIDENTIAL USE.**~~