



Maryland DEPARTMENT OF PLANNING

ADU Policy Task Force: Draft Recommendations

[SB 382](#) assigns the following tasks and deliverables to the Task Force. All recommendations should reflect these requirements.

1. Study available best practices for streamlining or standardizing the application process for permits necessary to build or operate an accessory dwelling unit.
2. Make **legislative or other policy recommendations**, including a **list of best practices** for local governments in the State, that holistically address:
 - a. the **practical issues** associated with the development of accessory dwelling units on owner-occupied land zoned for single-family residential use; and
 - b. the **impacts on local housing markets, neighborhood livability**, and other policies and projects related to accessory dwelling units.

Meeting Date	Topic Area	Draft Recommendations/Best Practices	Notes
11/28/23	Zoning Use and Approval Processes	<p>Note: Clear preference for by-right use allowances across the Task Force</p> <p>Recommendations For Local Governments</p> <ul style="list-style-type: none">• Zoning ordinances should define and permit at least one ADU by-right (ministerial objective standards and process) in most single-family residential zones. In addition, they should...<ul style="list-style-type: none">○ contain clear definitions of ADUs and include them as a residential rather than accessory use.○ treat ADUs as a reasonable and accessible accessory use to a residential dwelling.	

- have clear and objective standards or conditions for approval, which should also be as permissible as possible and not onerous.
- include clear timeframes (counted in days) for ADU approval.
- Local ADU guidance, policy, and ordinances should be clear and straightforward for homeowners. Simpler is better.
- By-right versus SPEX standards, as well as approval processes, should be tailored to the unique demands and needs of urban vs suburban vs rural communities and neighborhoods.

Recommendations For State Government

- State agency educational resources and guidance should reinforce and provide the tools to implement ADU by-right approval processes at the county and municipal levels.
- State ADU guidance and policy should be clear and straightforward for homeowners. Simpler is better.
- The Task Force and/or state agencies should 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 that is sensitive to the community and neighborhood context.

Best Practices

- Where other zoning regulations already apply, such as in Critical Areas and historic preservation districts, SPEX criteria are not necessary because ADU by-right uses must still conform with those requirements. Policy and ordinances should not overregulate and create unnecessary redundancies.
- SPEX approval of ADUs is best limited to neighborhoods or zoning districts in which a jurisdiction has a clear objective, as detailed in and consistent with a master or subarea plan, for neighborhood preservation and/or environmental preservation. Examples include historic districts or those with documented and measurable constraints such as steep slopes or natural resources.

		<ul style="list-style-type: none">• To encourage ADU development, jurisdictions should, at a minimum...<ul style="list-style-type: none">○ Permit one internal or attached ADU by-right on any lot in which a single-family residential unit is similarly permitted by-right.○ Permit detached ADUs by-right on any lot in which a single-family residential unit is similarly permitted by-right, but with additional conditions to ensure that the massing of ADU is subordinate to that of the primary dwelling unit.• Objective conditions for local approval of ADUs should address measurable requirements such as massing, entrance locations, connections to public utilities, and square footage. They should not include subjective criteria such as neighborhood compatibility, adverse impacts, or consistency with a comprehensive plan.• In urban communities with insufficient access to transit, ordinances should only permit internal or attached ADUs by-right and have the strictest conditions of approval governing the provision of public facilities and maximum unit size. Off-street parking requirements should be determined based on a local parking study.• In Transit Oriented Development (TOD) communities, ordinances should only permit internal or attached ADUs by-right and have the strictest standards/conditions of approval governing the provision of public facilities and maximum unit size. Off-street parking should not be required.• In suburban communities, ordinances should permit all ADU types by-right and have zoning district/context sensitive standards/conditions of approval governing the provision of public facilities and maximum unit size. Off-street parking requirements should be determined based on a local parking study.• In rural communities, ordinances should permit all ADU types by-right and have the least strict standards/conditions of approval governing the provision of public facilities and maximum unit size. Off-street parking should not be required.	
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12/19/23	Lot requirements		
1/16/24	ADU Design, Building Codes		
2/20/24	Parking, Community Facilities, Code Enforcement		
3/19/24	Utilities and Fees, Affordability		
4/16/24	Housing Market Analysis		

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