



COUNTY COUNCIL OF ANNE ARUNDEL COUNTY

Legislative Summary

To: Members, Anne Arundel County Council

From: Matthew Bennett, Legislative Counsel to the County Council

Date: January 23, 2023

Subject: Bill No. 6-23 – Subdivision and Development – Zoning – Accessory Dwelling Units

This summary was prepared for use by members of the Anne Arundel County Council during consideration of Bill No. 6-23.

Background – existing law

An accessory dwelling unit (ADU) is a second dwelling unit in an owner occupied, single-family detached dwelling that occupies the lesser of a maximum of 1,000 square feet of floor area or one-third of the floor area of the dwelling. An ADU is allowed as a conditional use in all residential districts with the exception of the R22 District. An ADU requires 1 additional parking space. An ADU must be located in a principal dwelling unit that is located on a lot of at least 14,000 square feet. No more than one ADU is allowed. An ADU may not be separated from the principal dwelling by an attached garage or by a breezeway (the ADU must be attached to or within the principal structure).

Purpose

The purpose of Bill No. 6-23 is to exempt ADUs from development impact fees and alter the conditions that an ADU must comply with.

Bill No. 6-23

SECTION 1.

Section 17-11-203(c) adds ADUs to the list of facilities that are exempt from development impact fees.

Note: This Legislative Summary provides a synopsis of the bill as introduced. It does not address subsequent amendments to the bill.

Section 18-1-101(44) alters the definition of density. For purposes of calculating density an ADU and farm tenant may not be included in the number of dwelling units for each acre of gross area unless they are located within the Resource Conservation Area.

Section 18-1-101(47)(vi) alters the definition of ADU to be a smaller dwelling unit located on the same lot as a principal single-family detached dwelling.

In § **18-3-104**, the requirement that 1 additional parking space be provided for an ADU is repealed.

Current § **18-10-121(1)**, which requires that an ADU be located in a principal dwelling unit that is located on a lot of at least 14,000 square feet, is repealed. New section (1) provides that only one ADU *per lot* is allowed.

Section **18-10-121(2)** is new and provides that an ADU may not be in a mobile home or manufactured home.

Section 18-10-121(3) repeals that prohibition on an ADU being separated from the principal dwelling and instead requires that the ADU be located:

- in a separate dwelling unit in a principal single-family detached dwelling, or connected by a breezeway, open or enclosed, to a principal single-family detached dwelling;
- in an attached or detached garage; or
- in a detached structure.

Section 18-10-121(4) provides that an ADU in a detached structure may not exceed the lesser of 800 square feet or 50% of the floor area of the principal single-family detached dwelling. In addition, an ADU, or the conversion of all or part of an existing structure into an ADU, must be constructed pursuant to any permits required by the Code.

Section 18-10-121(5) requires that an ADU have a separate entrance.

Section 18-10-121(6) requires that an ADU use the same street address as the principal single-family detached dwelling and be designated as “Unit B”.

Section 18-10-121(7) requires that either the principal single family detached dwelling or the ADU be owner-occupied. The property owner is required to record notice of the requirement in the land records of the County.

Section 18-10-121(8) prohibits the individual short-term rental of the principal single-family detached dwelling or ADU but allows the short-term rental of the property as a whole.

Section 18-10-121(9) exempts an ADU in use and in compliance with the provisions of Section 18-10-121 before the effective date of Bill No. 6-23 from the requirements of **Section 18-10-121(4), (5), (6), or (8)**, unless the ADU is altered or expanded after the effective date of Bill No. 6-23.

SECTION 2.

This section requires that 90 days after the effective of Bill No. 6-23, and on or before January 31 of each year, the Department of Inspections and Permits provide a report to the County Executive and the County Council indicating the number of ADU permit applications filed during the preceding year and the number of occupancy certificates issued for ADUs during the preceding year. If possible the report should include GIS location mapping.

SECTION 3.

This section provides that all references in Bill No. 6-23 to “the effective date of Bill No. 6-23”, or words to that effect, shall, upon codification, be replaced with the actual date on which Bill No. 6-23 takes effect under Section 307 of the County Charter as certified by the Administrative Officer to the County Council.

SECTION 4.

This section provides that the bill takes effect 45 days after it becomes law.