

# **Accessory Dwelling Units (ADU's) & Two-Family Dwellings CB 3 – 2026 (ZRA-218)**

January 12, 2026



# **What I will cover -**

- **Basics of HB 1466**
- **HOMP and HoCo by Design**
- **What the County currently allows for ADUs**
- **What is Proposed with the CB3 – 2026 Vs the State Bill**
- **Interactive Myth Busting Poll**
- **Submitted Questions**
- **Questions from the Chat**

# **Maryland House Bill 1466 (2025)**

**MD General Assembly Bill passed in April of 2025- Land Use and Real Property – Accessory Dwelling Units – Requirements and Prohibitions**

**Requires jurisdictions to enact legislation by October 1, 2026, to:**

- Define Accessory Dwelling Units
- Is for the local governments adopt a local law authorizing development of ADUs on land with an existing single-family detached dwelling unit
- Sets a size cap of 75% of the primary structure
- Allows them to be separate from the primary single-family dwelling unit

# **Maryland House Bill 1466 (2025)**

## **Continued...**

- Provide for construction of ADUs that meet public health, safety, and welfare standards
- Exempt ADU's from density calculations and residential growth limits
- Overrides other restrictions on ADU's and may not establish setback requirements that exceed the zoning districts accessory limits in which the ADU would reside in
- HOAs and other Deeds, Declarations or Contracts cannot prohibit their development or offer to rent, not including short-term rental
- Requires the local jurisdiction to consider off-street parking

# Maryland House Bill 1466 (2025)

## Resources

- <https://mgaleg.maryland.gov/2025RS/bills/hb/hb1466T.pdf>
- [ADU FAQ for Local Governments \(HB 1466\)](#)

# Guiding Plans on Housing Policies

## Housing Opportunities Master Plan (2021)

- Identifies the growing problem of housing affordability
- Suggests zoning changes to support “Missing Middle” housing



## HoCo By Design – The County's General Plan (2023)

- Identifies a need for affordable “Missing Middle” housing options
- Recommends policies for where to locate and develop diverse housing types within infill
- Encourages attached and detached ADUs

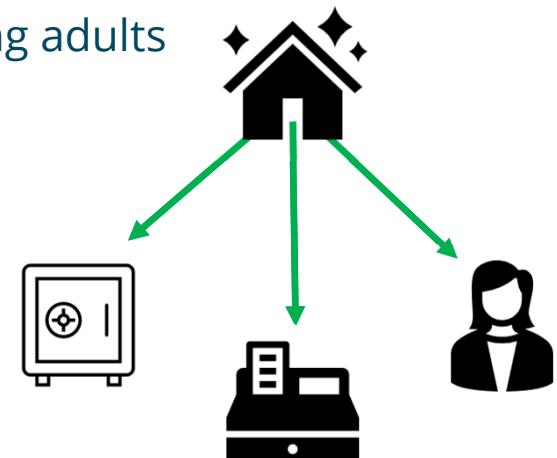
# Who Benefits from ADU's

## Primary:

- **Homeowners** – To house a family member (e.g. senior or young adult) or a source of rental income
- **Middle-to-lower income tenants** – More units at an affordable price point
- **Older adults** – In-law suites for aging in place
- **Entry-level professionals** – Flexible living arrangement for young adults

## Secondary:

- **Local businesses** – Employee housing
- **Real estate firms** – Adds rental stock
- **Residential contractors** – Remodeling
- **Lending institutions** – Home improvement loans



# ADU's in Howard County Today

HoCo only permits two forms of ADU's presently

- **Accessory Apartments**
  - Within or attached to primary dwelling (by a common wall)
  - Allowed by-right (in certain districts)
- **Temporary Accessory Family Dwellings**
  - Detached as either a removable modular dwelling or converted existing accessory structure
  - **Conditional Use petition**
    - Petition Cost: \$2,550

Accessory Apartments Since  
2015: 244

**LE1**      **updates**

Eisenberg, Lynda, 2026-01-09T00:09:45.376

# ADU's Today

## Accessory Apartments (By-right):

- Only permitted on **owner occupied** lots
- Max size can be **1/3<sup>rd</sup> of the net floor area** of a dwelling or up to **1,500 SF.**
- Limited to no more than **2 bedrooms**
- **1 parking space**

## Accessory Apartment (Conditional Use):

- Lot under 12,000 SF



# ADU's Today

## Temporary Accessory Family Dwellings:

- Permitted only by **Conditional Use** if meeting these criteria:
  1. Minimum of **2 acres** in certain zones
  2. Must be a **removable modular structure or an existing accessory structure**; can not be a new constructed building
  3. Max size of **1,000 square feet**
  4. Must be inhabited by
    - A person who is **62 or older**; or
    - 18 years old and determined to have a **physical, mental, or developmental impairments**

# ADU's in Howard County Today

## Typical Conditional Use Processing Costs:

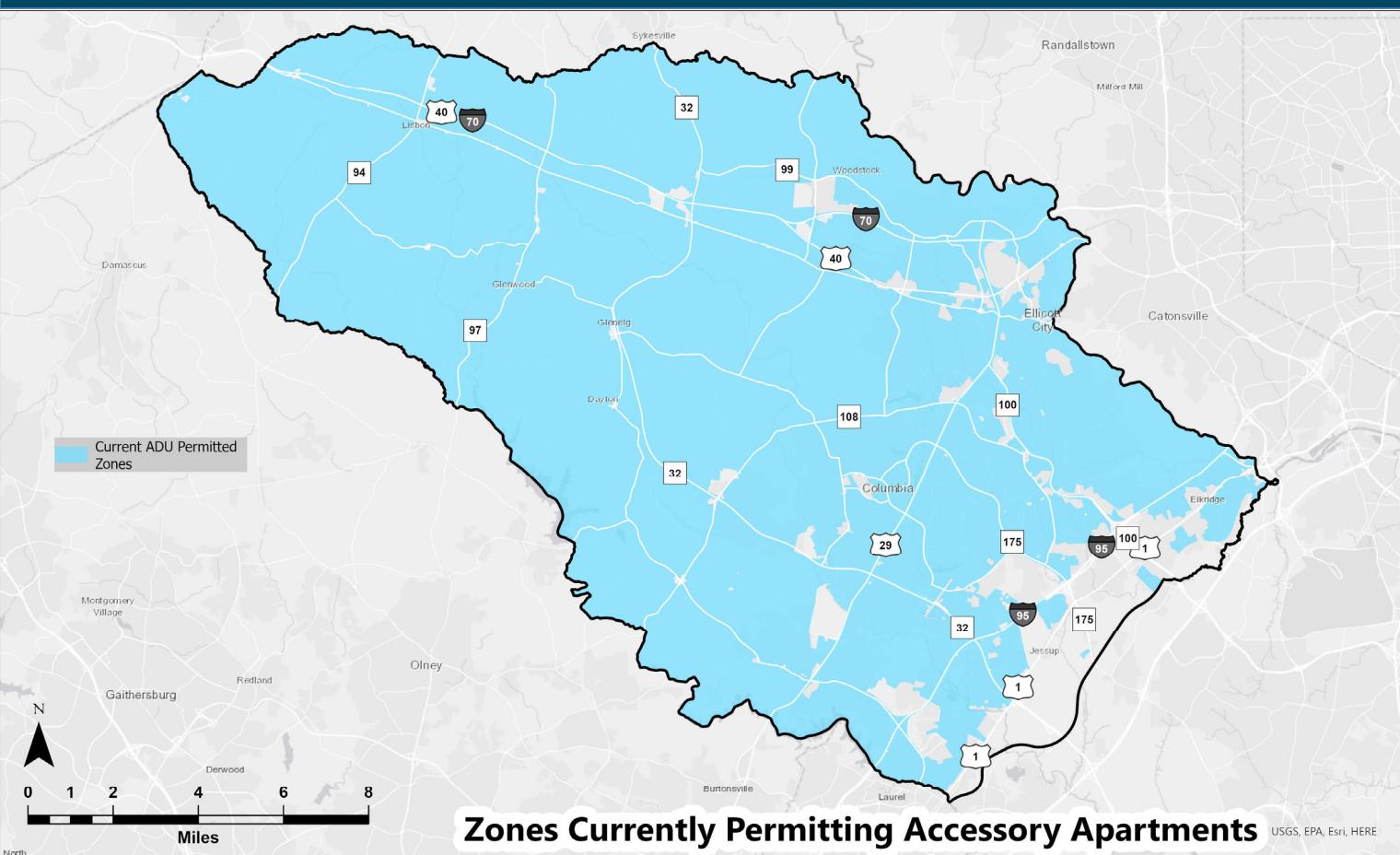
- Petition- \$2,500
- Petition Signs- \$50 per poster
- Advertising- \$398 (Baltimore Sun) and \$770 (Washington Post)
- Attorney fees – TBD
- Engineering fees – TBD
- Time – 3-5 months (Priceless)

# ADU's Today

## Adequate Public Facilities Ordinance

- Testing for APFO occurs during the Subdivision and Site Plans Process
- **Accessory Apartments**- Do not require either, so APFO is not tested currently
  - Additions or accessory structures are subject to building permit requirements under **5,000sqft** and are not subject to plan **redline** requirements.

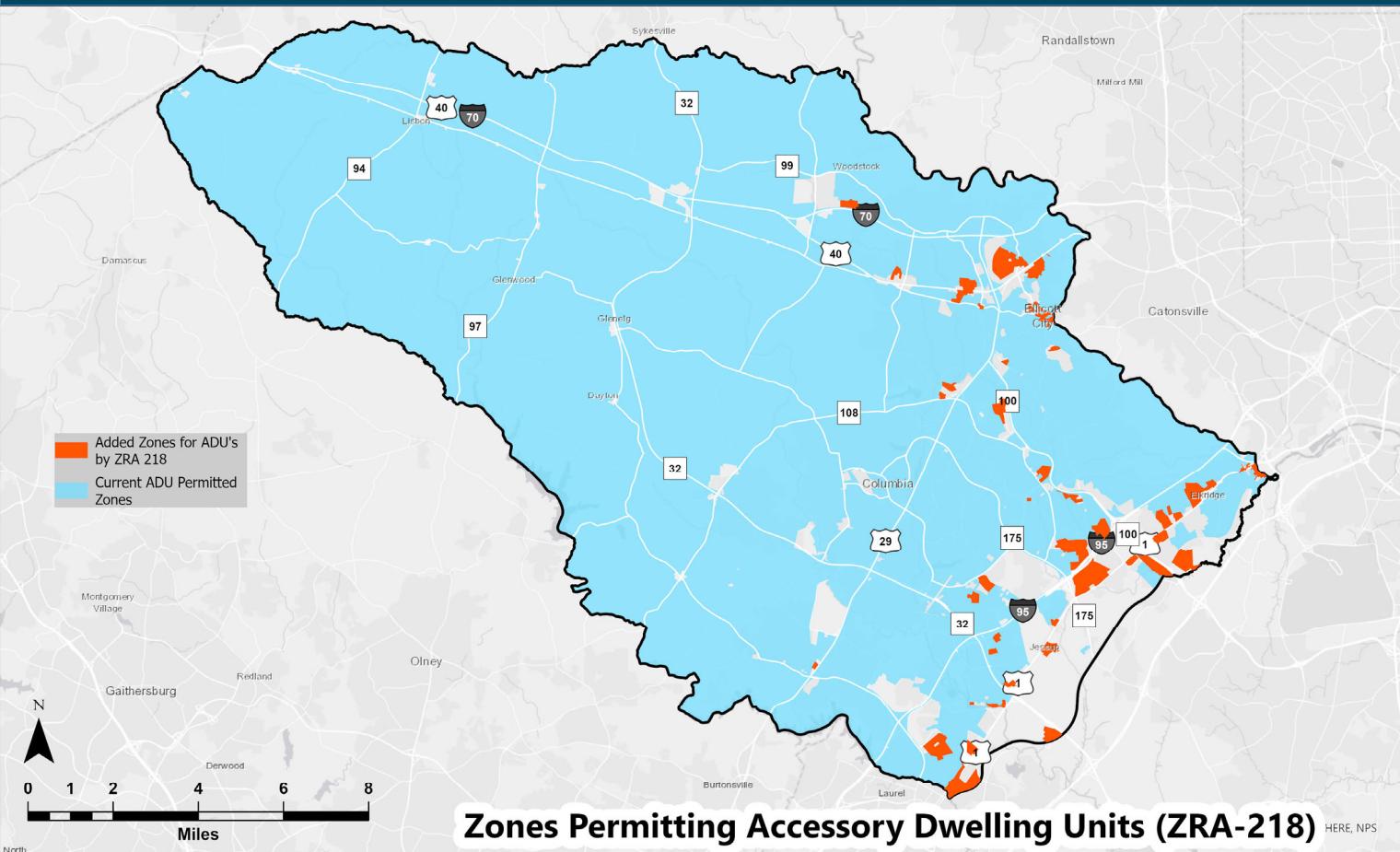
# Where are ADU's currently allowed?



**Attached Accessory Apartments** are currently permitted by-right in the following zoning districts:

- **Permitted Zoning Districts:** RC, RR, R-20, R-12, R-ED, R-SC, NT, R-SA-8, PGCC (9-Districts)

# Where would CB 3 – 2026 (ZRA-218) allow ADU's?



**Attached and detached ADU's** would be permitted in the following zones:

- **Prior Zoning Districts:** RC, RR, R-20, R-12, R-ED, R-SC, NT, R-SA-8, PGCC
- **Added Zoning Districts:** R-H-ED, R-A-15, R-APT, R-MH, R-VH, TOD, CAC, HO, HC, TNC (Additional 11-Districts)
- **2,626 acres added** (Orange)

# Two-Family Dwellings Today

## Definition

- Dwelling, Two-family: A building which contains two dwelling units, of which neither is an accessory apartment, and which is arranged, designed or used for occupancy by two families. The dwelling units in a two-family dwelling are not separated by an attached garage or by an open or enclosed breezeway.

From 2015 to 2025 - Only 9  
Approved in the County

# Two-Family Dwellings Today

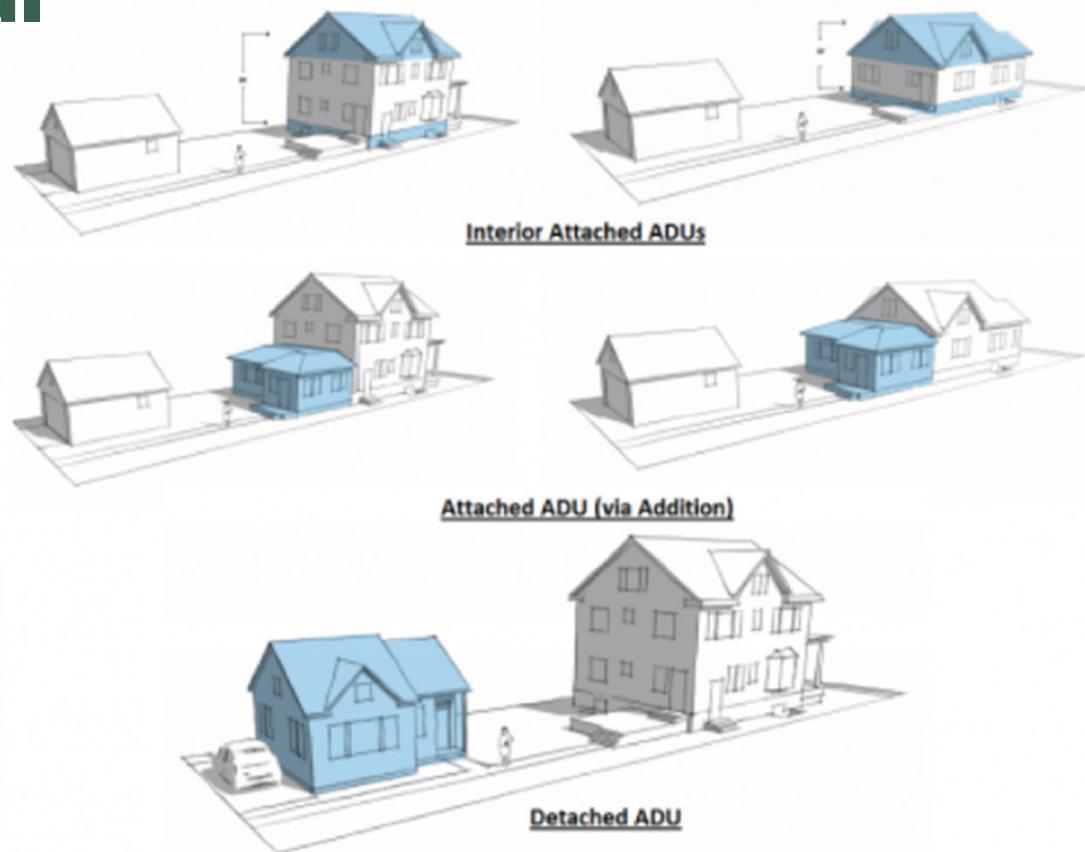
## SECTION 131.0: N- Conditional Uses

### 54. Two-family Dwellings and Accessory Apartments

- A Conditional Use may be granted for two-family dwellings or accessory apartments in the following districts, provided that any new structures or additions will be designed to be compatible in scale and character with the surrounding residential neighborhood. Compatibility of character may be in architectural style, materials or details. Compatibility shall be demonstrated by architectural elevations or renderings submitted with the petition.
- a. Two-family dwellings: in the **RC and RR** Districts, on properties that are not ALPP purchased or dedicated easement properties, and in the **R-ED, R-20 or R-12** Districts, provided that the two-family dwelling is on an individual lot, with only one two-family dwelling permitted on one lot, and the lot is an existing recorded lot at the time of the Conditional Use application. The minimum lot size shall be at least **16,000** square-feet for two-family dwelling structures in the **R-ED and R-12** Districts

# CB 3 - 2026 Proposal

- ADU's can be **attached, detached, or within** an existing primary dwelling
- ADU's have a **maximum size equivalent to 75% of the lot coverage** of the primary dwelling (this is less than the state max)
- **Owner** must **occupy** the Primary or Accessory Structure (*Different from PB proposal*) PG 2 of the Bill Line 7
- **2 bedroom maximum** (*Different from PB proposal*)



# **CB 3 – 2026 (ZRA- 218) Proposal**

- **Permits ADU's as an Accessory Use in any district that allow:**
  - Single-family detached
  - Single-family attached
  - Single-family semi-detached
  - Two-family dwelling (per lot not structure)
- **Removes the Conditional Use categories:**
  - Two-Family Dwellings
  - Accessory Apartments (under 12,000 SF)
  - Temporary Accessory Family Dwellings

# CB 3 – 2026 (ZRA- 218) Proposal

- ADU's will be **exempt from lot coverage restrictions**
- ADU's will **not be included in density calculations** (*state requirement*)
- ADU's shall be approved through a **DPZ permit process** similar to current Accessory Apartment Permits
  - **Required documentation for permit:**
    - Floorplans
    - Plot plan with size of ADU and available parking
    - On-site water conveyance
    - Elevation drawing demonstrating compatibility with primary dwelling (i.e. siding, window placement, roof pitch)

DJ1

DJ2

**DJ1**      Verbiage to come from Jim Witmer  
DelMonico, Jeffrey, 2025-09-26T14:40:10.647

**DJ2**      Added per our conversation about what will be included on the permit.  
DelMonico, Jeffrey, 2025-09-26T16:23:46.817

## Accessory Dwelling Unit (ADU)

This information is being provided in regard to your interest in installing an accessory dwelling unit on a property developed with a single-family detached dwelling, single-family attached, single-family semi-detached and two-family dwelling. Because rental licenses are now being reviewed for compliance with the Zoning Regulations, additional information is needed before the license issued. New rental license applications must obtain zoning approval from the Department of Planning and Zoning prior to being submitted to the Department of Inspections, Licenses and Permits. Renewals may be submitted directly to the Department of Inspections, Licenses and Permits. Accessory apartments that will not be rented must also comply with this requirement.

Amendments to the Zoning Regulations adopted in 1992, 1993, 2006, 2013, and 2026 allow one Accessory Dwelling Unit attached, detached or within houses in residential zoning districts, subject to the following requirements:

- Only 1 accessory dwelling unit is permitted per lot, tract or parcel that is developed with a single-family detached, single-family attached, single-family semi-detached, and two-family dwelling units.
- The property owner must reside in either the Accessory Dwelling Unit or within the principal dwelling.
- Accessory dwelling units can be separate from the principal single-family detached, single-family attached, single-family semi-detached and two-family dwelling units, attached as an addition to the principal single-family detached, single-family attached, single-family semi-detached and two-family dwelling units, or within an existing single-family detached, single-family attached, single-family semi-detached and two-family dwelling units.
- Accessory dwelling units shall have a maximum of 2 bedrooms, and shall have a maximum size limitation equal to 75% of the size of the principal single-family detached, single-family attached, and single-family semi-detached and two-family dwelling units. For the purpose of this regulation, size shall be calculated based on the lot coverage of the principal dwelling.
- At least three parking space must be provided on the property.
- If an accessory dwelling unit is detached from the principal dwelling, it shall comply with the accessory structure side and rear setbacks of the underlying zoning district.
- If an accessory dwelling unit is detached from the principal dwelling, it shall comply with the front setback requirements of the underlying zoning district and may be located in front of the principal single-family, single-family attached, and single-family semi-detached dwelling units if it is within an existing detached structure.

Please contact this Division if you need information on either process. To determine whether the proposed accessory dwelling unit complies with the applicable Zoning Regulations, the following information is required:

1. The completed accessory dwelling unit application.
2. A copy of the plot plan clearly showing all existing and proposed structures with dimensional data and all off-street parking. If an ADU will be separate from the principal dwelling, the plans shall provide a demonstration of on-site water conveyance.

Please return the completed application, a \$25.00 fee (check payable to the Director of Finance) and all applicable information to the Division of Public Service and Zoning Administration, 3430 Court House Drive, Ellicott City, MD 21043. If you have any questions, please call this Division at (410) 313-2350.

## Accessory Dwelling Unit Permit Application

Applicant's Name (please print):

Address of property containing ADU:

Phone No. (W)

(H)

Email Address:

Size of the principal dwelling:

(Size is based on the footprint of the principal dwelling)

Size of accessory dwelling unit:

(The ADU shall occupy no more than 75% of the lot coverage/footprint of the principal dwelling)

Number of parking spaces on-site:

(A minimum of two spaces must be provided for the principal dwelling and one space for the ADU. All parking must be provided on-site. Street parking may not be used to meet minimum requirement.)

The applicant must demonstrate that impervious runoff from the ADU site improvements will be properly conveyed and/or managed to avoid downslope flooding. Potential downslope runoff impacts shall be identified and addressed by the applicant prior to approval.

Will the ADU be attached, detached or within the principal dwelling:

Number of dwelling structures on the Property:

Square footage/acreage of lot:

Property owner's name (please print)

Property owner's signature

Please return this application and \$25.00 fee to:

Department of Planning & Zoning | 3430 Courthouse Drive | Ellicott City, MD 21043-4350

Application received:

Zoning District:

Reviewed by:

(Date)

Approved Date:

Denied Date:

## Application and Review Process for ADUs

- What is the process? Submit and complete an application at:  
[Accessory Apartment Permit Application | Howard County](#)
- What is the expected time review period? **1-2 weeks**
- Is there an appeal process-by applicant or residents? ***Not as the current legislation is presented.***
- What are the costs/fees to County? ***\$25 application review fee***
- Where is it permitted and where is it not permitted, if anywhere?  
***As it is currently purposed ADUs are allowed in all districts where Single-Family detached zoning is allowed.***

## Application and Review Process for ADUs

- What factors come into play regarding parking? **Off-Street parking is 1 space per ADU. SECTION 133.0: - Off-Street Parking and Loading Facilities**
- What factors come into play for well & septic? **When building permits are issued. Depending on the lots size, distance from primary structures septic, and other factors set by the Howard County Health Department will make the determination.**
- What factors come into play Storm Water Management? **For detached ADUs - SWM is required for disturbances over 5,000 sqft, however water conveyance onsite will need to be demonstrated on the plot plan for disturbances under this amount.**

# CB 3 – 2026 (ZRA- 218) Proposal

## A quick comparison

ADU Regulations	Current Zoning Regs	CB 3 (ZRA-218)
<b>Must be owner occupied:</b>	YES	YES
<b>Maximum number of bedrooms:</b>	2	2
<b>Maximum size of ADU:</b>	1/3 <sup>rd</sup> the net or up to 1,500sf	75% of the primary structure building footprint (less than the state permitted max)
<b>Number of required parking spaces:</b>	1	1 (county and state)
<b>Common wall attachment:</b>	Yes, 50% overlap	Not required (detached allowed)
<b>Separation from primary dwelling:</b>	Cannot be separated by attached garage or breezeway	Can be detached, attached, or within primary dwelling (state and county)
<b>Permit Required:</b>	Yes	Yes (county)

# Zoning Districts for Two-Family Dwellings

Current Regulations:	RC	RR	R-ED	R-20	R-12
Two-Family Dwelling Units	C	C	C	C	C
CB 3 (ZRA-218) Updates	RC	RR	R-ED	R-20	R-12
Two-Family Dwelling Units	P	P		P	
Two-Family Dwelling Units (lots greater than 16,000 sq.ft.)			P		P

C = "Conditional Use"

P = "Primary Use" permitted by-right

# Examples of ADUs and Two-Family Dwellings



Source: <https://futureofhousing.aarp.org/>



**GARAGE-CONVERSION ADU**  
Source: <https://www.aarp.org/>



Source: <https://accessorydwellings.org/>



Stacked Duplex, Two Story, One Unit per Floor,  
Entrance on Front and Side of Building



Side-by-Side Duplex, Two Story, One Unit per Side,  
Two Entrances on Front of Building



Side-by-Side Duplex, One Story, One Unit per Side,  
Two Entrances on Front of Building

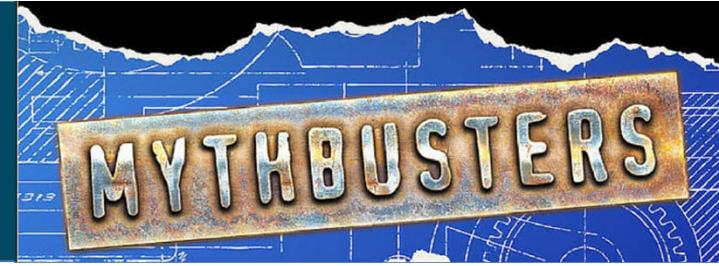
# Zoning Districts Updates for ADU's

Current Regulations:	RC	RR	R-ED	R-H-ED	R-20	R-12	R-SC*	R-SA-8	R-A-15	R-APT	R-MH	R-VH	TOD	CAC	PGCC	HO	HC	TNC
<b>Attached Accessory Apartments (Lots over 12,000 sq.ft.)</b>	A	A	A		A	A	A	A							A			
<b>Attached Accessory Apartments (Lots less than 12,000 sq.ft.)</b>	C	C	C		C	C	C											
<b>Detached Temporary Accessory Family Dwellings</b>	C	C	C		C	C												
<b>CB 3 (ZRA 218) Updates</b>	RC	RR	R-ED	R-H-ED	R-20	R-12	R-SC*	R-SA-8	R-A-15	R-APT	R-MH	R-VH	TOD	CAC	PGCC	HO	HC	TNC
<b>Attached and Detached ADU's (any lot size)</b>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A

A = "Accessory Use" permitted by-right

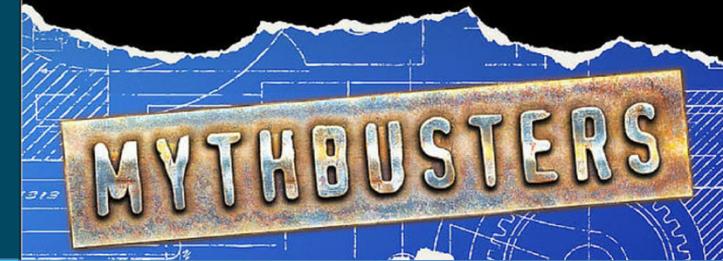
C = "Conditional Use"

**\*R-SC:** Columbia's New Town (NT) zoning is governed by R-SC for all residential uses unless the FDP specifies otherwise including but not limited accessory uses.



## Frequently Heard Concerns

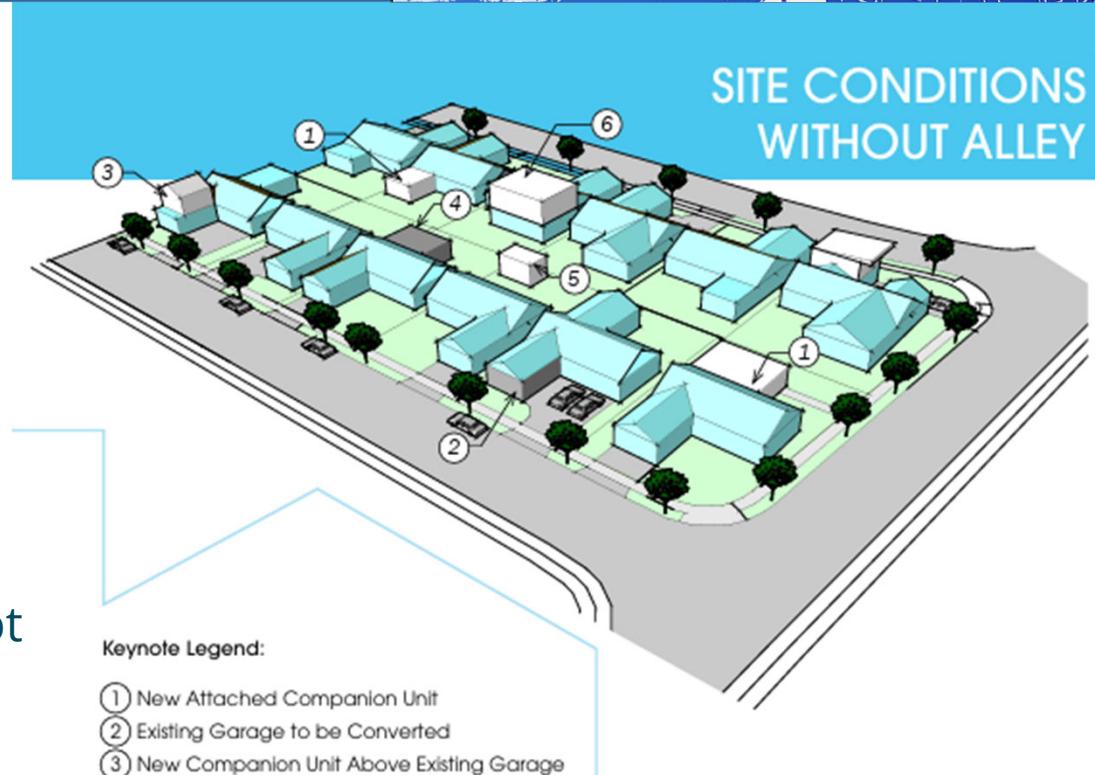
# Frequently Heard Concerns



- ADU's are only suitable for large properties



ADU's can be designed to fit a variety of lot sizes. Many communities have embraced ADU construction on smaller lots to maximize space and address housing shortages.

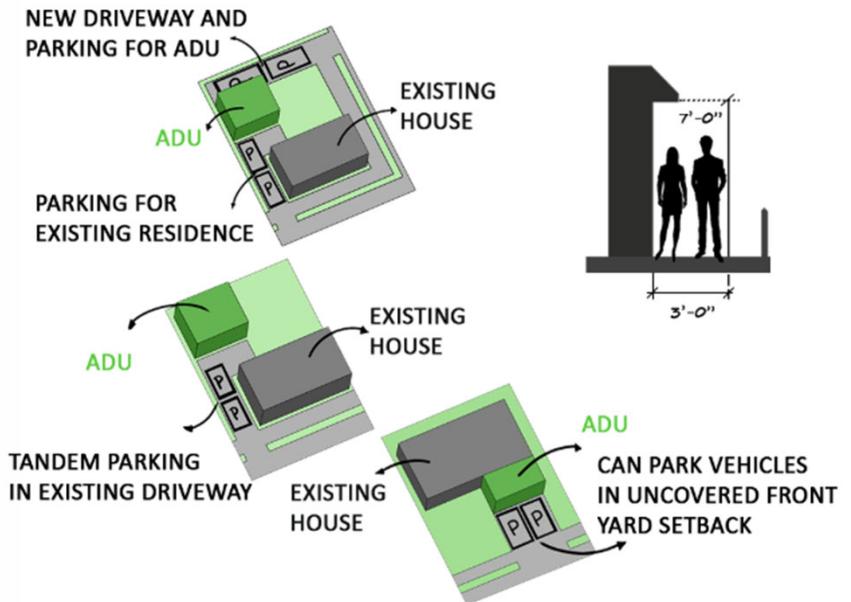
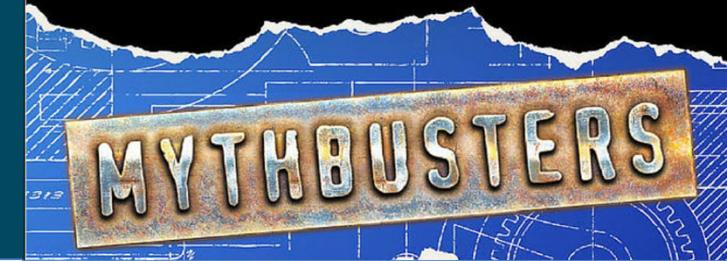


Source: *Housing Supply Accelerator* | National League of Cities and American Planning Association  
San Diego

# Frequently Heard Concerns

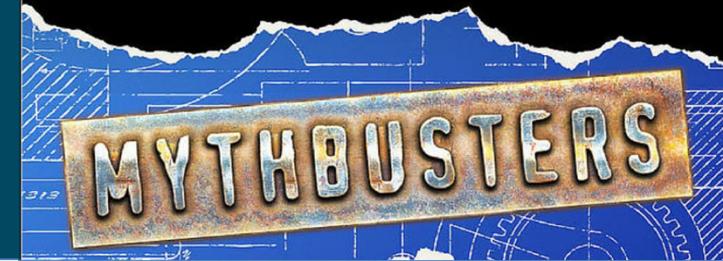
- There won't be enough parking for ADU's

MYTHS  
**BUSTED**



ADU's require the same additional parking space as Accessory Apartments currently do in today's Regs.

## Frequently Heard Concerns



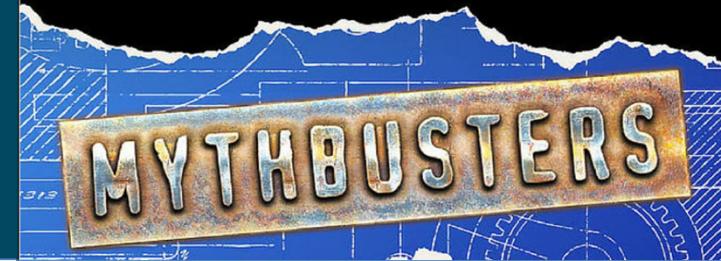
- ADU's are only for rental income

MYTHS  
**BUSTED**



ADU's can serve as a home office, a guest house, or living space for family members. This flexibility makes ADU's a valuable addition to any property.

## Frequently Heard Concerns



- ADU laws make it impossible to build



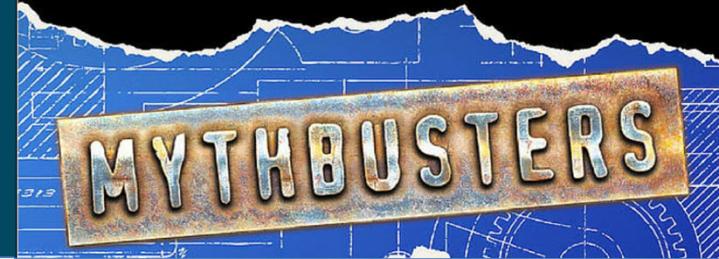
This may have been true in the past, but new State legislation has made it easier for homeowners to build ADU's.

## Frequently Heard Concerns

- ADU's ruin the character of the neighborhood

Most ADU's will not be visible; however, regulations can help minimize visual impact which will maintain neighborhood character. The proposed law requires an application process to help detached ADUs remain in the character of the community.

MYTHS  
**BUSTED**



# Frequently Heard Concerns

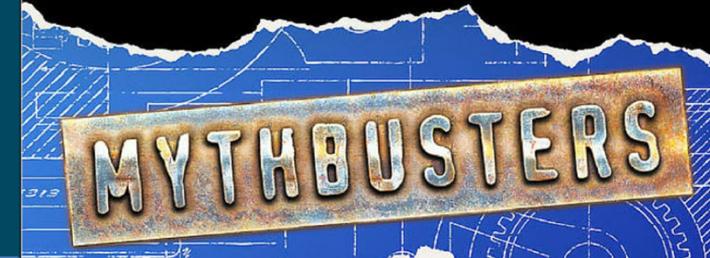
- ADU's will overcrowd schools, therefore a APFO test is necessary

"Adequate Public Facilities testing of ADUs for schools has proven to be unnecessary in Montgomery County, as the units are generally occupied by empty nesters. This may be a function of the size and number of bedrooms in the ADU."

**Maryland ADU Task Force – Meeting #4 Summary**

**Date:** December 19, 2023

**Recording:** <https://planning.maryland.gov/Documents/Our-Engagement/ADUPTF/2024-0116-ADU-Planning-Directors-Panel-Discussion-Summary-from-2023-1219.pdf>



# Resources

Link to Zoning Regulation Amendment (ZRA):

<https://www.howardcountymd.gov/planning-zoning/zoning-regulation-amendment>

Link to HB 1466:

<https://mgaleg.maryland.gov/2025RS/bills/hb/hb1466T.pdf>

Link to HB 1466 FAQs:

[ADU FAQ for Local Governments \(HB 1466\)](#)



# Next Steps

**Council Hearing – Tuesday January 20, 2026,  
7pm**

**Council Work Session – Monday January 26,  
2026, 10am**

**Council Action – Monday February 2, 2026,  
7pm**



# Submitted Questions



# Questions

1. Will the ADU rules apply to Columbia residents as well?

**Yes. The ADU would be subject to setbacks/lot coverage outlined in the Final Development Plan (FDP).**  
<https://www.howardcountymd.gov/planning-zoning/resource/adu-frequently-asked-questions>

2. Please explain the ramifications for those living under an HOA - will ADU be allowed or will HOA be allowed to prohibit them?

**No. Under the new Maryland Law, HOA's may not prohibit an ADU. However, HOAs may be able to control architectural review etc. Each HOA will need to confirm with their legal council.**

3. Are there any specific restrictions for western Howard County such as on lots serviced by well and septic outside of the "Planned Service Area"?

**You will need to work with the Health Department to see where the ADU can be located on the site and whether the existing system can handle the addition.**

4. Will there be a lot minimum size? **No, not as the current legislation stands.**

# Questions Continued...

5. Will there be a primary residence restriction?

**Yes. The Property Owner must reside either within the primary dwelling or within the ADU.**

6. How will resales be regulated? Stipulations? **ADU goes with the residence. Cannot be subdivided or resold separate from the Primary Dwelling Unit.**

7. The planning board added the owner-occupancy for ADUs back into its recommendations. Will this requirement stand for all zones? And how does the county plan to enforce this? **Yes, this currently applies to all zoning districts that permit accessory apartments and all zoning districts that would allow ADU's. The Property Owner must reside either within the primary dwelling or within the ADU. Enforcement is through rental agreements/rental licensing.**

8. Will there be a lot minimum size? **No, not as the current legislation stands for ADUs but there is for 2-family dwelling. These are the minimum lot sizes for the RC, RR, and R-20, and lots greater than 16,000 sq.ft R-ED and R-12.**

# Application and Review Process for ADUs

9. Is there an appeal process-by applicant or residents? If so, what is it? **Any decision by the department can be appealed to HE within 30 days of the decision.**
10. Is there a distinction between attached vs. detached ADU? **Yes. Attached ADUs are within or attached to primary dwelling (by a common wall). Detached are separate from the primary structure and within the accessory setback and bulk requirements of the zoning district.**
11. Is a variance permitted for adjustments to structure size or setback requirements? **Yes. Just as they are in the current code depending if an administrative adjustment or a variance is needed.**
12. When will the new law be applicable? **61 days after signed into law.**
13. What grandfathering language is in the new code or proposed (if it is still pending) related to ADUs? **Existing ADUs will be grandfathered in via current non-confirming use standards if necessary.**

# Application and Review Process for ADUs

13. Director Eisenberg has stated that ADUs are not subject to APFO. The state bill specifically allows infrastructure regulation while ruling out an ADU's effect on density calculations. I believe the two are separate things and ADUs ARE subject to APFO. Can Director Eisenberg state why this is not true? For example, school waiting bins are based on predictions of school capacity for a specific school's entire attendance area, not density.

**Though the state law does allow for APFO to be considered for ADUs, Howard County does not currently apply APFO tests for Accessory Apartments.**

**In Howard County APFO is tested at:**

***Subdivision and Site Plan Process***

**Accessory Apartments- Do not require either, so APFO is not tested currently**

**Additions or accessory structures are subject to building permit requirements under 5,000sqft and are not subject to plan redline requirements.**

## Application and Review Process for ADUs

14. Are ADU's over 800 sq feet subject to school impact fees? The law doesn't seem to treat ADU's >800 square feet as anything different than what is required from all housing units.

**As with any housing building permit fees they are calculated and assessed at the time of plan review and paid before the permit can be issued.**

**Current permit fee rate for residential is \$0.25/ft<sup>2</sup> (a quarter, 25¢). Excise tax is \$1.91 per sqft and school facilities is \$8.35/ft<sup>2</sup>, but the first 2,000 ft<sup>2</sup> of additions is assessed at \$1.32/ft<sup>2</sup>.**

**For example, an attached (not internal) or detached ADU at 2,000sqft would pay approximately \$6,960 in fees and a 2,500 sqft ADU would pay \$12,215.**

**Submit Additional Questions by 1/14/2026**

**To**

**[planning@howardcountymd.gov](mailto:planning@howardcountymd.gov)**

**They will be posted Tuesday 1/21/2026**