

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

Webinar Questions

*These answers are based upon the currently proposed legislation, which is subject to change during the legislative process.

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.**

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

14. 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

15. 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/ft² (a quarter, 25¢). Excise tax is \$1.91 per sq.ft. and school facilities is \$8.35/ft², but the first 2,000 ft² of additions is assessed at \$1.32/ft².

**For example, an attached or detached ADU at 1,000sqft would pay approximately \$6,960 in fees
And a 2,000 sq.ft. ADU would pay \$12,215.**

Questions Continued...

16. How does this create affordable homeownership? It would drive UP the price of property.
This ADU legislation is proposed to address the extreme housing shortage we are having in Howard County and in Maryland in general. Allowing for a second source of income will make housing more affordable for some families while offering lowering rent for others.
17. Owner must live in the unit (does that apply to a trust, meaning a trust owns the property and the owner of the trust must live on the property?) **Yes, this would apply to a trust. The applicant of the ADU permit would need to provide the applicable information verifying this criterion is met.**
18. Do these have to be sprinklered if the existing home is not sprinklered? **The building code regulates the requirements for buildings to be sprinklered. This bill does not impact the current building code requirements.**
19. Do you pay property taxes on an ADU? **The State Department of Assessments and Taxation (SDAT) determines the taxable assessment of your real property. ADUs could increase your property's assessed value, which could impact property taxes.**

Questions Continued...

20. Can you have a shed, an ADU and house? **Yes**
21. Will the proposed changes apply equally to ADUs in New Town zones (Columbia Association)? **Yes, the ADU legislation will apply to New Town zoning. Currently, New Town zoning allows the same accessory uses as R-SC which will continue. Since ADU's are permitted accessory use in R-SC, New Town will be included in allowing ADU's, unless ADU's are expressly prohibited on the New Town Final Development Plan.**
22. Does that mean a lot that is less than 12,000 sq ft in New Town must go through public hearing and Planning Board approval? **There are no longer any minimum size limits. Planning Board may need to approve the ADU if the ADU does not meet setback or size limits.**
23. How do ADU apply to Howard County farmland preservation property? ***The ADU would only be considered on the primary residence and for detached will be limited to the curtilage area of that unit. ADUs will not be allowed as accessory to farm tenant houses.***

Questions Continued...

- 24. Can the ADU be attached to the tenant house and/or primary residence? **Primary residence only**
- 25. What is the parking requirements for an ADU? **ADU's will require 1 off-street parking space. This is similar to the existing off-street parking requirement for Accessory Apartments.**
- 26. Does a two-family dwellings need to be referenced and shown on site plans or only at building permit? **Two family dwellings should be shown and indicated on site plans.**
- 27. What are the ownership requirements of the two-family dwellings. Is it the same as the ADU? **Two-Family dwellings can be occupied by two different families.**
- 28. Will there be changes to Health Department regulations to make it more feasible and affordable for ADU's to be permitted and built? **DPZ does not have authority of Health Dept Regs. The Health Department has its own regulations for properties on well and septic. They will provide review comments during the permitting process.**

Questions Continued...

- 29. Can we build a larger home on our land and have it become the primary structure, and turn our small, existing home into the ADU? **If it can meet the proposed ADU Regs (setbacks, 128.0.A. ADU regs). Must do ADU permit first prior to building permit.**
- 30. The planning board recommended that owner-occupancy be a requirement for the listing. Will that listing requirement be held? **This is not enforceable by zoning, however, the ADU must be sold with the primary dwelling not as its own individual dwelling unit.**
- 31. Please clarify the size limitations for an ADU? **The proposed legislation states that ADU's will have a max size of 75% of the footprint of the primary dwelling. Current Accessory apartments follow the 1/3 net sf of the primary up to 1,500sf.**
- 32. Will there be any sort of school fee paid to the county? **School fees are paid as part of the permitting process based on the square footage.**

Questions Continued...

- 33. Can you please clarify the property line set-back requirements? **ADU's will need to follow the accessory structure setbacks outlined by the underlying zoning district. These setbacks vary by zoning district.**
- 34. What is the purpose of putting the 2-bedroom limitation? **Current accessory apartment regulations only permit a max of 2 bedrooms. This will act as a mechanism to limit the size of ADU's.**
- 35. Does the ADU go away if, as part of a resale, the next owner does not occupy either structure? **The ADU goes with the residence. Cannot be subdivided or resold separate from the Primary Dwelling Unit. The proposed legislation requires the owner to reside in either the primary dwelling or within the ADU.**
- 36. If an owner Occupant needs to rent the property due to job relocation but doesn't sell the property, how will this be handled? **As part of the proposed legislation and DPZ ADU application, the proposed legislation requires the owner to reside in either the primary dwelling or within the ADU. Rental licensing is handled by DILP.**

Questions Continued...

37. Please go through each step in the process for a detached ADU in NT and PGCC zoning district.

Within NT

Step 1: DPZ planner will research the property to see if the FDP permits ADU's. If the FDP is silent on ADU's, then check Sec. 110.0 (R-SC Accessory Use Regs.) for permitted accessory uses. If the FDP prohibits ADU's, then the FDP would need to be amended.

Step 2: A property owner may propose amendments to the FDP. The petitioner must submit the complete FDP with amendments to DPZ with an explanation of the request.

Step 3: A public hearing will be scheduled to allow the Planning Board to consider the petition request.

Step 4: The Planning Board will make a determination of the request (approved, approved with modifications, denied) and provide reasoning for the decision.

Step 5: If approved, the Planning Board may provide subsequent approval of an SDP, and the property owner will revise the text for the FDP indicating the additional allowed use of the property. The FDP will be recorded in Land Records.

Step 6: The applicant will apply for an ADU permit through DPZ.

Step 7: If ADU permit is approved by DPZ, apply through DILP for building permit along with DPZ approval.

Questions Continued...

37. Please go through each step in the process for a detached ADU in NT and PGCC zoning district.

Within PGCC

Only the developer of a PGCC development may propose revisions to a previously approved FDP*

Step 1: DPZ planner will research the property to see if the FDP permits ADU's. If ADUs are not listed as a permitted use, then the FDP would need to be amended.

Step 2: Petition to amend the FDP to Planning Board. The PB will approve, approve with modifications, or deny the proposed amendments at a public meeting

Step 3: The Planning Board may require subsequent approval of an SDP.

Step 4: Once the FDP is approved and recorded in Land Records of Howard County, the applicant will apply for an ADU permit through DPZ.

Step 5: If ADU permit is approved by DPZ, apply through DILP for building permit along with DPZ approval.