

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND
BILL NO. 24-001

Introduced by Council Members Penman, Boyle-Tsottles and Guthrie

Legislative Day No. 24-001 Date January 2, 2024

AN ACT to repeal and reenact, with amendments, the definition of “accessory dwelling unit (ADU)”, in Section 267-4, Definitions, of Article I, General Provisions; and to repeal and reenact, with amendments, Subsection B(8) of Section 267-28, Temporary uses, of Article V, Supplementary Regulations, all of Part 1, Standards, of Chapter 267, Zoning, of the Harford County Code, as amended; to revise the definition of “accessory dwelling unit”; to allow an accessory dwelling unit to be either attached to or detached from the primary single detached dwelling unit; to remove the requirement that only a relative may occupy an accessory dwelling unit; and generally relating to zoning.

By the Council, January 2, 2024

Introduced, read first time, ordered posted and public hearing scheduled:

on: February 6, 2024

at: 6:45 PM

By Order: *Mylia A. Dixon*, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on _____, and concluded on _____.

_____, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

1 Section 1. Be It Enacted By The County Council of Harford County, Maryland that the definition
2 of “accessory dwelling unit (ADU)” in Section 267-4, Definitions, of Article I, General Provisions,
3 be, and it is hereby, repealed and reenacted, with amendments, and that Subsection B(8) of Section
4 267-28, Temporary uses, of Article V, Supplementary Regulations, be, and it is hereby, repealed and
5 reenacted, with amendments, all of Part 1, Standards, of Chapter 267, Zoning, of the Harford County
6 Code, as amended, and all to read as follows:

7

8 **Chapter 267. Zoning**

9 **Part 1. Standards**

10 **Article I. General Provisions**

11 **§ 267-4. Definitions.**

12 As used in this Part, the following terms shall have the meanings indicated:

13 ACCESSORY DWELLING UNIT (ADU) -- An independent, self-contained dwelling unit located
14 [within a] WITHIN, DIRECTLY ATTACHED TO, OR ON THE LOT OF A single-family
15 detached dwelling.

16

17 **Article V. Supplementary Regulations**

18 **§ 267-28. Temporary uses.**

19 Temporary uses shall be permitted, subject to the following:

20 B. Specific temporary uses. The temporary uses described below shall be subject to the
21 following:

22 (8) Accessory dwelling units (ADU).

23 [(a) Purpose. The purpose of the accessory dwelling unit is to allow a relative to
24 live in an accessory dwelling unit within a family member's principal dwelling
25 unit.]

1 [b)] (A) One ADU is permitted on a single lot in the AG, RR, R1, R2, R3, R4,
2 RO and VR Districts, provided that:

3 (1) The ADU shall be physically attached to, [or] located within, OR ON
4 THE LOT OF a single-family detached dwelling unit [on the lot].

5 (2) If the ADU is located within a new addition to the existing single-
6 family detached dwelling unit, any addition shall conform to all
7 applicable Zoning and Building Code requirements.

8 (3) IF THE ADU IS LOCATED ON THE LOT IN A BUILDING
9 SEPARATE FROM THE EXISTING SINGLE-FAMILY
10 DETACHED DWELLING UNIT, IT SHALL CONFORM TO ALL
11 APPLICABLE ZONING AND BUILDING CODE
12 REQUIREMENTS.

13 [(3)] (4) If the ADU results in any renovations to the existing single-
14 family detached dwelling unit, any renovations shall conform to all
15 applicable Zoning and Building Code requirements.

16 [(4)] (5) The ADU shall be at least 300 square feet in size but shall not
17 exceed the lesser of 1,500 square feet or 50% of the total habitable
18 space of the existing single-family detached dwelling unit.

19 [(5)] (6) The ADU shall not contain more than 2 bedrooms.

20 [(6)] (7) IF THE ADU IS EITHER LOCATED IN OR ATTACHED
21 TO THE SINGLE-FAMILY DETACHED DWELLING UNIT, IT
22 [The ADU] shall be separated from the single-family detached
23 dwelling unit by means of a wall or a floor, with an interior door

1 between the accessory dwelling unit and the principal single-family
2 detached dwelling unit.

3 [(7)] (8) The ADU shall contain cooking, living, sanitary and sleeping facilities
4 that are physically separated from the principal single-family detached
5 dwelling unit.

6 [(c)] (B) The property owner shall occupy, as his or her legal permanent
7 residence, either the principal single-family detached dwelling unit or
8 the accessory dwelling unit [, and the other dwelling unit shall be
9 occupied by the relative.] .

10 [(d)] (C) The ADU shall have the same street address as the principal single-
11 family detached dwelling unit.

12 [(e)] (D) The property owner shall submit the following upon application for a
13 zoning certificate:

- 14 (1) A signed copy of the ADU agreement of understanding; and
- 15 (2) A copy of the property deed.

16 [(f)] (E) When the property owner satisfies the requirements of this subsection,
17 the Department shall issue a zoning certificate to the property owner.

18 [(g)] (F) In the event of a conveyance of the principal single-family detached
19 dwelling unit to any person other than the current owner, a new zoning
20 certificate issued pursuant to the requirements of this subsection is
21 necessary to continue the use of the accessory dwelling unit [by the
22 new owner and his or her relatives].

23 [(h)] (G) The zoning certificate for the ADU shall be deemed null and void if:

- 1 (1) The property is transferred, conveyed or assigned; or
- 2 [(2) The accessory dwelling unit is no longer being occupied by an
- 3 individual identified in this subsection; or]
- 4 [(3)] (2) The property owner no longer occupies either the
- 5 primary single-family detached dwelling or the accessory dwelling
- 6 unit; or
- 7 [(4)] (3) A violation of any provision of this subsection.
- 8 (i) Issuance of a zoning certificate for an accessory dwelling unit
- 9 under this subsection is not grounds for, or evidence of, a
- 10 hardship for purposes of a variance under § 267-11 (Variances)
- 11 herein.

12 Section 2. And Be It Further Enacted that this Act shall take effect 60 calendar days from the date
 13 it becomes law.

14
 EFFECTIVE:

The Council Administrator does hereby certify that seven (7) copies of this Bill are immediately available for distribution to the public and the press.

Mylia A. Dixon

 Council Administrator