

Model Local ADU Ordinance

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Section 1: About This Model Ordinance

The Maryland Department of Planning (MDP) designed this model ordinance as guidance to assist local governments in complying with the [Land Use Article and Real Property – Accessory Dwelling Units – Requirements and Prohibitions act of 2025 \(the ADU Act\)](#). Sections 2-4 include annotations and guidance language for a local ordinance. Appendix A includes only the language MDP recommends for incorporation into local law without any annotations. Although the guidance is designed to identify certain measures that local governments can adopt to comply with the ADU Act’s requirements, each local government’s laws and regulations are unique and might affect how, and the extent to which, these measures may be adopted. Local governments should consult with their legal counsel regarding local laws.

Guidance text, like this paragraph, is presented in italics to differentiate it from bold text recommended for incorporation into local law. This italicized text is used to provide an explanation or discussion of the recommended provisions.

For additional information on ADUs in Maryland, see [MDP’s ADU webpage](#) and the [ADU Policy Task Force Final Report](#). Jurisdictions may also want to consider referencing [AARP’s Accessory Dwelling Units: Model State Act and Local Ordinance](#) for additional model language that could be considered in a local ordinance. MDP notes, however, that the AARP model ordinance is not informed by Maryland law, and jurisdictions should consult legal counsel before including it in local ordinances.

MDP prepared this guidance for Maryland's current ADU law as of February 25, 2026. If the Maryland General Assembly enacts legislation altering provisions related to ADUs, aspects of this guidance may no longer apply. MDP will update this guidance as soon as is practicable if the law changes. Direct any questions regarding this model ordinance to Carter Reitman, Lead Housing Planner at MDP, at carter.reitman2@maryland.gov.

Section 2: Minimum-Compliance Language

*MDP recommends using the **bold** language in this section as a basis for writing local ordinances that meet the minimum requirements of state law. MDP encourages local governments to expand on these requirements where appropriate to meet local needs, but MDP notes that locally adopted ordinances cannot be more restrictive of ADUs than Subtitle 5 of the Land Use Article. As it is the policy of the State of Maryland to promote and encourage ADUs on land with a single-family detached dwelling unit, MDP also encourages jurisdictions to design their local ordinances to be more permissive of ADUs and is available to assist on request. Sections 3 and 4 of this document detail technical issues that local laws will likely need to address in implementation, practical considerations for implementation, and best-practice recommendations.*

Purpose

In this section of a local ordinance, a local legislative body states its purposes in adopting the ordinance. This information may help in defending the ordinance or informing residents about the ordinance's benefits.

If a local legislative body has no purposes that differ from those of the ADU Act, it may choose to reference that act's policy to promote ADUs on land with single-family detached dwelling units.

If a local legislative body has public purposes that are different from or expand upon those in the ADU Act, those purposes should be specified in the ordinance (after consulting legal counsel on whether they are consistent with the ADU Act). These statements could be reintegrated in local law or adjusted for local context.

1. The [legislative body] finds and declares:

- a. It is the policy of the State of Maryland to promote and encourage the creation of accessory dwelling units on land with a single-family detached dwelling unit as the primary dwelling unit to meet the housing needs of the citizens of Maryland.**
- b. State law requires that local jurisdictions establish policies that further the intent of this state law.**
- c. All legislative bodies with planning and zoning authority are required by Maryland law to adopt a local ordinance authorizing development of ADUs by October 1, 2026.**

Definitions

The ADU Act defines “accessory dwelling unit” and “dwelling unit.” MDP recommends incorporating those definitions into local law for convenience and consistency. While not explicitly defined in the ADU Act, jurisdictions may also permit ADUs that are wholly enclosed within the existing single-family dwelling. Please note that existing zoning ordinances may already have definitions for “Accessory Dwelling Units” and “Dwelling Units.” In such cases, jurisdictions should review those definitions for compliance with the definitions established in the ADU Act and modify them if necessary.

1. **“Accessory dwelling unit” means a secondary dwelling unit that is on the same lot, parcel, or tract as a primary single-family detached dwelling unit and not greater than 75% of the size of and subordinate in use to the primary single-family detached dwelling unit. “Accessory dwelling unit” includes a structure that is separate from the primary single-family detached dwelling unit or attached as an addition to the primary single-family detached dwelling unit.**
2. **“Dwelling unit” means a single unit providing complete living facilities for at least one individual, including, at a minimum, provisions for sanitation, cooking, eating, and sleeping.**

Standards

Accessory Structures

The ADU Act requires that local governments adopt local laws authorizing development of ADUs on land with a single-family detached dwelling unit. For simplicity, MDP recommends that local governments incorporate the language below into their accessory structure standards rather than revise allowed uses for each zone individually to permit ADUs. Revising a local ordinance so that every single-family detached zone allows ADUs, by comparison, would require more extensive revision of local zoning codes and may not be fully consistent with the ADU Act. Jurisdictions should discuss this approach with their legal counsel.

An accessory dwelling unit is permitted on any lot with an existing single-family detached dwelling unit, provided it meets all other standards for accessory structures.

Density and Limits on Residential Growth

Maryland law requires that local laws governing ADUs exclude them from the calculation of density and the application of any measures limiting residential growth that pertain to the lot, parcel, or tract proposed for the development of the accessory dwelling unit. MDP recommends using the following language in a local zoning code’s definition of “density,” if any, or any provision that requires the calculation of density for the purposes of limiting residential growth.

An accessory dwelling unit is exempt from the calculation of density for the lot, parcel, or tract upon which it is located. The construction of accessory dwelling units is not restricted by any [locality name] ordinance, policy, or program intended to limit residential growth.

Setbacks for ADUs

The ADU Act prohibits local legislative bodies from establishing setback requirements that exceed the existing accessory structure (such as garages or sheds) setback requirements from the side and rear lot lines.

The rear and side lot line setback requirements for accessory dwelling units are the same as other accessory structures for the zoning district in which the lot, parcel, or tract is located.

Technical and Practical Considerations

The ADU Act gives local governments tremendous flexibility to design local ADU laws that meet their needs. In addition to its minimum requirements, there are several technical and practical items that local governments will likely need to consider when designing their local laws even though the ADU Act does not require local laws to address them. To assist in design, this section describes some of those technical and practical considerations for reference.

Parking Requirements

The ADU Act permits a local legislative body to require off-street parking spaces for ADUs only if the local jurisdiction completes a parking study first to determine its parking needs and restrictions. Additionally, the legislative body must provide for a waiver process from any such parking requirements.

If a legislative body elects to adopt or maintain a local law that imposes off-street parking requirements on ADUs and conducts a parking study as required, the ADU Act provides that such laws may consider the cost to construct off-street parking spaces, whether sufficient curb area exists along the front line of a property to accommodate on-street parking, the increase in impervious surface due to the creation of new off-street parking and the relation to any applicable stormwater management plans, and variability due to the size of the lot, parcel, or tract on which the ADU or primary dwelling unit is located.

Adequate Public Facilities Provisions and Building Codes

The ADU Act requires that local legislative bodies design building codes and adequate public facilities provisions to provide for construction of ADUs that meet public health, safety, and welfare standards.

Adequate Public Facilities Provisions (APFOs)

The ADU Act requires that local laws governing ADUs “provide for construction of accessory dwelling units that meet public health, safety, and welfare standards, including relevant building codes and adequate public facilities provisions.” The [Accessory Dwelling Unit Policy Task Force](#) (Task Force) discussed APFOs, and while it recommended against state legislation preventing the application of APFO tests to ADUs, it did recommend that “APFOs governing school tests should not unreasonably restrict ADU development.”

Building Codes

In its guidance on ADUs, AARP advises that, since many older garages and basements weren’t built to today’s earthquake or frost line standards, requiring that a structure meet current code may effectively require demolition and new construction, thereby eliminating a realistic or

feasible option for a structural conversion into an ADU. MDP defers to local jurisdictions on how their building codes apply in such circumstances.

AARP also advises that permitted, nonconforming structures should be allowed to change their use from an uninhabitable use to a habitable use without a conditional use permit or special exception from the building code, even if the structure does not meet current structural standards. MDP defers to local jurisdictions on how their building codes apply in such circumstances.

ADU Short-Term Rentals

The ADU Act imposes no requirements on legislative bodies regarding ADU rentals. It does, however, amend the Real Property Article to prohibit deeds, HOA bylaws, contracts, and other such instruments from imposing unreasonable limitations on the ability of property owners to develop or offer ADUs for long-term rent.

Legalizing ADUs

Some ADUs existed prior to the enactment of an ordinance specifically authorizing them. A structure could have been built prior to zoning, or the zoning standards—such as setbacks, building height, or other bulk requirements—may have changed since the ADU was constructed. Other ADUs may have been constructed illegally without obtaining a permit.

Maryland's jurisdictions should consider developing guidance documents or amnesty programs to assist homeowners, on their own or with the assistance of their agents, in identifying any nonconformity on their properties. The Task Force recommended as a best practice that jurisdictions establish amnesty programs, through which participating owners agree to address building code violations in exchange for a license, permit, or some other means of validating an existing ADU.

Ownership, Owner Occupancy, and Familial Relationship Requirements

The ADU Act imposes no requirements on legislative bodies regarding owner occupancy of either the primary dwelling unit or the ADU. There are pros and cons to requiring that an owner occupy either the primary dwelling units or the ADU. This may limit construction of ADUs and could be difficult to monitor. Requiring the ADU to be occupied by a family member could likewise be difficult to monitor and may create resale challenges. See the Task Force report for discussion of the pros and cons, which are detailed in the three "Context Sensitive Best Practices" bullets on page 24.

Best-Practice Recommendations

This section of the model ordinance includes MDP's best-practice recommendations for design of ADU laws. MDP includes these recommendations in support of the state's policy to promote and encourage the creation of accessory dwelling units to meet Maryland's housing needs.

Clear and Objective Standards – By-Right Approval

A by-right approval use qualifies for a permit without requiring a discretionary board or hearing examiner review to analyze the fulfillment of subjective criteria. Vaguely worded or subjective standards contribute to the difficulty of securing ADU permits and may even dissuade homeowners from applying for a permit. Standards that leave a great deal of discretion to the zoning administrator or require extensive interpretation discourage ADU development. Even an apparently objective standard such as a 25-foot height limit requires the exercise of considerable discretion if the ADU roof has different elevations and/or the ground is uneven around the base of the structure.

Special exception approval increases the time and costs for homeowners who want to develop ADUs on their property. MDP recommends, consistent with the Task Force's Final Report, that local governments allow by-right permitting of ADUs and adopt, to the extent possible, only simple, quantifiable standards in ordinances.

ADU size

Because the ADU Act defines and limits the maximum size of an ADU to 75% of the primary dwelling unit, local jurisdictions are not free to set their own maximum size standards. The act does not identify how to measure the size of the primary dwelling for purposes of the 75% limitation, but MDP recommends using the square footage of the finished living area above grade. The Act also does not set a minimum size requirement for ADUs, and MDP recommends that local governments not do so. Instead, the building codes for livable dwelling units and the housing market will, in effect, create contextually appropriate minimum unit sizes.

Lot Coverage Limits and Setbacks from Adjoining Properties

Maryland law imposes no requirements regarding lot coverage for ADUs. MDP recommends that any such lot coverage limits not impose an undue restriction on ADU construction. MDP also reminds jurisdictions that the ADU Act prohibits local legislative bodies from establishing setback requirements that exceed the existing accessory structure setback requirements from the side and rear lot lines.

Floor Area Ratios

Maryland law imposes no requirements regarding floor area ratios for ADUs. Instead, it limits the size of ADUs relative to the size of their primary dwelling units, not relative to lot size.

ADU Height Limit

Maryland law imposes no requirements regarding height limits for accessory dwelling units. MDP recommends that legislative bodies structure their local laws such that accessory dwelling units are subordinate to their primary dwelling units consistent with the state definition of ADUs.

Architectural Consistency, Design Review, and Neighborhood Compatibility

Maryland law imposes no requirements regarding consistency, design, or compatibility. MDP recommends that local legislative bodies impose no such requirements that they don't already impose on single-family detached units to avoid undue restrictions on ADU development.

Utilities

While utility connection requirements may or may not be addressed in a zoning code, the Task Force's Final Report recommends against requiring new, dedicated lateral services from the utility/right-of-way to the property. These utilities include water, sewer, electric, and gas connections. Commonly, water and sewer services are provided in part by governmental agencies, whereas electric and gas utilities are commonly provided by private energy providers. Ideally, energy providers would not require a dedicated lateral service connection from the right-of-way to an ADU, as new connections often cost several thousand dollars. MDP encourages jurisdictions to consider, in partnership with utility providers, how they can best balance the needs of health and safety for utility workers with the desire to promote cost effective ADU development.

Appendix A: Short-Form Model Ordinance

This appendix includes only the language MDP recommends incorporating into local law to comply with the ADU Act. Although this guidance is designed to identify certain measures that local governments can adopt to comply with the ADU Act's requirements, each local government's laws and regulations are unique and might affect how, and the extent to which, these measures may be adopted. Local governments should consult with their legal counsel regarding local laws. This short-form model does not address topics that local governments are not required to address under the ADU Act such as amnesty for informal ADUs, height limits, parking, etc.

AN ORDINANCE OF THE [NAME OF LEGISLATIVE BODY] OF THE [NAME OF JURISDICTION], MARYLAND, AMENDING AND SUPPLEMENTING THE ZONING CODE OF TO INCLUDE AND DESIGNATE ACCESSORY DWELLING UNITS AS A PERMITTED USE ON ANY LOT WITH AN EXISTING SINGLE-FAMILY DETACHED DWELLING UNIT.

WHEREAS, it is the policy of the State of Maryland to promote and encourage the creation of accessory dwelling units on land with a single-family detached dwelling unit as the primary dwelling unit in order to meet the housing needs of the citizens of Maryland;

WHEREAS, state law requires that local jurisdictions establish policies that further the intent of this state law;

WHEREAS, all legislative bodies with planning and zoning authority are required by Maryland law to adopt a local ordinance authorizing development of ADUs by October 1, 2026;

WHEREAS, our community faces a severe housing crisis, with home prices and rents unaffordable by families and households of middle and moderate incomes;

WHEREAS, the community is falling short of meeting current and future housing demand with serious consequences for the state's economy and the well-being of our residents, particularly lower-income and middle-income households;

WHEREAS, [NAME OF JURISDICTION] can play an important role in reducing the barriers that prevent homeowners from building accessory dwellings; and

WHEREAS, there are many benefits associated with the creation of legal accessory dwelling units on lots in single-family zones and in other zoning districts. These include:

- increasing the supply of a more affordable type of housing not requiring government subsidies; and

- helping older homeowners, single parents, young home buyers, and renters seeking a wider range of homes, prices, rents and locations; and
- increasing housing diversity and supply, providing opportunities to reduce the segregation of people by race, ethnicity and income that resulted from decades of exclusionary zoning; and
- providing homeowners with extra income to help meet rising homeownership costs; and
- creating a convenient living arrangement that allows family members or other persons to provide care and support for someone in a semi-independent living situation without the latter leaving his or her community;
- providing an opportunity for increased security, home care and companionship for older and other homeowners;
- reducing burdens on taxpayers while enhancing the local property tax base by providing a cost-effective means of accommodating development without the cost of building, operating and maintaining new infrastructure;
- promoting more compact urban and suburban growth, a pattern that reduces the loss of farm and forest lands and natural areas and resources and limits increases in pollution that contributes to climate instability; and
- enhancing job opportunities for individuals by providing housing nearer to employment centers and public transportation.

AN AMENDMENT to the [NAME OF JURISDICTION] zoning ordinance to:

1. add definitions of accessory dwelling units and dwelling units;
2. permit an accessory dwelling unit on any lot with an existing single-family detached primary dwelling unit;
3. establish mandatory standards as set forth by the State of Maryland for accessory dwelling units; and
4. [IF APPLICABLE] establish parking requirements for accessory dwelling units.

Section X-XXX: Definitions

- a. “Accessory dwelling unit” means a secondary dwelling unit that is on the same lot, parcel, or tract as a primary single-family detached dwelling unit and not greater than 75% of the size of and subordinate in use to the primary single-family detached dwelling unit. “Accessory dwelling unit” includes a structure that is separate from the primary single-family detached dwelling unit or attached as an addition to the primary single-family detached dwelling unit.

- b. “Dwelling unit” means a single unit providing complete living facilities for at least one individual, including, at a minimum, provisions for sanitation, cooking, eating, and sleeping.

Section X-XXX: Standards

- a) An accessory dwelling unit is permitted on any lot with an existing single-family detached dwelling unit, provided it meets all other standards for accessory structures.
- b) An accessory dwelling unit is exempt from the calculation of density for the lot, parcel, or tract upon which it is located. The construction of accessory dwelling units is not restricted by any [locality name] ordinance, policy, or program intended to limit residential growth.
- c) The rear and side lot line setback requirements for accessory dwelling units are the same as other accessory structures for the zoning district in which the lot, parcel, or tract is located.

EFFECTIVE DATE. This ordinance shall take effect [No later than October 1, 2026]