

FROM	NAME & TITLE	Eric W. Tiso,  Director of Development Oversight and Project Support	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Planning 8 th Floor, 417 East Fayette Street		
	SUBJECT	City Council Bill #26-0195 / Zoning – Accessory Dwelling Units		

TO

The Honorable President and
Members of the City Council
City Hall, Room 400
100 North Holliday Street

DATE: August 10, 2026

At its regular meeting of August 6, 2026, the Planning Commission considered City Council Bill #26-0195, for the purpose of permitting an accessory dwelling unit on a property with a principal dwelling unit; defining accessory dwelling unit; establishing certain bulk and yard requirements for an accessory dwelling unit; allowing an accessory dwelling unit as a permitted encroachment to a required rear yard; and generally relating to accessory dwelling units.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #26-0195 and adopted the following resolution:

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, adopts the findings and equity analysis outlined in the staff report, with consideration for testimony and facts presented in the meeting, and recommends that City Council Bill #26-0195 be **amended and approved** by the City Council.

RESOLVED, That the Planning Commission's question on whether the bill intended to apply to multi-family properties was addressed by the lead sponsor, who clarified that it is his intention to allow ADUs on multi-family properties, and that the bill is drafted to that effect.

If you have any questions, please contact me at eric.tiso@baltimorecity.gov or by phone at 410-396-8358.

attachment

cc: Ms. Nina Themelis, Mayor's Office
The Honorable John Bullock, Council Rep. to Planning Commission
The Honorable Ryan Dorsey, 3rd District
Mr. Justin Williams, BMZA
Mr. Geoffrey Veale, Zoning Administrator
Ms. Stephanie Murdock, DHCD
Ms. Hilary Ruley, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Luciano Diaz, DOT
Ms. Nancy Mead, Council Services



Brandon M. Scott
Mayor

PLANNING COMMISSION

Jon Laria, Chair; Eric Stephenson, Vice Chair

STAFF REPORT



Renata Southard
Acting Director

August 6, 2026

LEGISLATION: City Council Bill #26-0195/ Zoning - Accessory Dwelling Units

For the purpose of permitting an accessory dwelling unit on a property with a principal dwelling unit; defining accessory dwelling unit; establishing certain bulk and yard requirements for an accessory dwelling unit; allowing an accessory dwelling unit as a permitted encroachment to a required rear yard; and generally relating to accessory dwelling units.

SUMMARY OF REQUEST: This bill will create and define accessory dwelling units (ADUs) within the zoning code as required by Maryland General Assembly bills HB1466 and SB891. ADUs will be defined under subsection 1-302, the bulk and yard requirements will be laid out in §15-501.1., and ADUs will be added to the permitted encroachment in table 15-601. As written, the bill will allow ADUs as permitted encroachments into required rear yards.

STAFF: Justin Walker

PETITIONER: Introduced by: Councilmember Dorsey Cosponsored by: President Cohen and Councilmembers Parker, Conway, Bullock, Blanchard, Jones, Glover, and Ramos

COUNCIL DISTRICT: Citywide

SITE/GENERAL AREA: Citywide

RECOMMENDATION: Approve with following amendments:

- Strike §15-504 of the current Zoning Code, and renumber §15-505 to §15-518 to be §15-504 to §15-517 respectively. This section currently allows for carriage houses to be converted into a second single-family detached dwelling. This conversion is allowed under more restrictive standards than the currently proposed ADU requirements.

~~§ 15-504. Carriage house.~~

- ~~(a) An accessory carriage house existing on June 5, 2017, in a Residential District or in an OR District may be converted into a single family detached dwelling, if:

 - ~~(1) the building contains at least 350 square feet of gross floor area; and~~
 - ~~(2) all other requirements of this Code are met. In addition, if an existing carriage house is converted into a dwelling unit, it cannot be enlarged by any alteration that would increase the building height or footprint by more than 20%.~~~~
- ~~(b) In addition, if an existing carriage house is converted into a dwelling unit, it cannot be enlarged by any alteration that would increase the building height or footprint by more than 20%.~~

- Add language to Section 2 of the bill, which creates the new §15-501.1. to ensure that no other provision of the Code prevents accessory dwelling units from encroaching into required rear yards, and to exempt accessory dwelling units from density calculations, as prescribed by State legislation. The updated bill text will read as follows:

§ 15-501.1. ACCESSORY DWELLING UNIT.

(A) MAXIMUM HEIGHT.

THE MAXIMUM HEIGHT OF AN ACCESSORY DWELLING UNIT IS THE LESSER OF:

- (1) THE MAXIMUM BUILDING HEIGHT ALLOWED BY THE ZONING DISTRICT OF THE LOT; OR
- (2) THE ACTUAL HEIGHT OF THE PRINCIPAL DWELLING ON THE LOT.

(B) OTHER BULK AND YARD REQUIREMENTS.

(1) **NOTWITHSTANDING ANY OTHER PROVISION OF THIS CODE**, AN ACCESSORY DWELLING UNIT, **ATTACHED OR DETACHED**, MAY OCCUPY THE AREA OF REAR YARD AND PERVIOUS SURFACE REQUIRED IN THE ZONING DISTRICT.

(2) **FOR PURPOSES OF § 15-302, AN ACCESSORY DWELLING UNIT IS NOT COUNTED AS A DWELLING UNIT IN DETERMINING THE MAXIMUM NUMBER OF DWELLING UNITS PERMITTED ON A LOT.**

HISTORY:

- In May 2025, CCB#25-0066 was introduced in the City Council. The bill would have permitted up to four units on all residentially zoned lots by-right and likely satisfied the requirements of the State ADU legislation. On October 30, 2025, the bill was presented to the Planning Commission and received a favorable recommendation with a proposed amendment for the Department of Planning to study and review the effectiveness of the bill every three years. Since that time, the bill has remained in the Land Use and Transportation committee. The last action on the item was a work session on February 12, 2026.

STATE POLICY FOR ACCESSORY DWELLING UNITS:

The Maryland General Assembly passed House Bill 1466 and Senate Bill 891 in April 2025. The bills, named “Land Use and Real Property – Accessory Dwelling Units – Requirements and Prohibitions”, require that jurisdictions adopt local laws that allow ADUs on land that otherwise permit single-family detached dwellings. The relevant portions are as follows:

**SUBTITLE 5. ACCESSORY DWELLING UNITS.
4-501.**

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) (1) “ACCESSORY DWELLING UNIT” MEANS A SECONDARY DWELLING UNIT THAT IS:

- (I) ON THE SAME LOT, PARCEL, OR TRACT AS A PRIMARY SINGLE-FAMILY DETACHED DWELLING UNIT;
AND
- (II) NOT GREATER THAN 75% OF THE SIZE OF AND SUBORDINATE IN USE TO THE PRIMARY SINGLE-FAMILY DETACHED DWELLING UNIT.

(2) “ACCESSORY DWELLING UNIT” INCLUDES A STRUCTURE THAT IS:

- (I) SEPARATE FROM THE PRIMARY SINGLE-FAMILY DETACHED DWELLING UNIT; OR
- (II) ATTACHED AS AN ADDITION TO THE PRIMARY SINGLE-FAMILY DETACHED DWELLING UNIT.

- (C) (1) “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.
- (2) “DWELLING UNIT” DOES NOT INCLUDE A UNIT IN A MULTIFAMILY RESIDENTIAL BUILDING.
- ...

4-502.

THIS SUBTITLE APPLIES ONLY TO THE DEVELOPMENT OF ACCESSORY DWELLING UNITS ON LAND WITH A SINGLE-FAMILY DETACHED DWELLING UNIT AS THE PRIMARY DWELLING UNIT.

4-503.

- (A) IT IS THE POLICY OF THE STATE 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.
- (B) (1) EXCEPT AS PROVIDED IN THIS SUBTITLE AND SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THIS SUBTITLE DOES NOT ALTER OR ABROGATE ANY ZONING POWER OR RELATED AUTHORITY GRANTED TO A LOCAL JURISDICTION UNDER THIS TITLE.
- (2) LOCAL JURISDICTIONS SHALL ESTABLISH POLICIES THAT FURTHER THE INTENT OF THIS SUBTITLE.

4-504.

- (A) (1) ON OR BEFORE OCTOBER 1, 2026, EACH LEGISLATIVE BODY SHALL ADOPT A LOCAL LAW AUTHORIZING THE DEVELOPMENT OF ACCESSORY DWELLING UNITS IN ACCORDANCE WITH THIS SECTION.
- (2) A LEGISLATIVE BODY MAY ADOPT A LOCAL LAW THAT:
- (I) ESTABLISHES STANDARDS FOR ACCESSORY DWELLING UNIT SAFETY; AND
 - (II) PROHIBITS THE FULL OR PARTIAL CONVERSION OF AN ACCESSORY STRUCTURE AS AN ACCESSORY DWELLING UNIT IF THE ONLY VEHICULAR ACCESS TO THE ACCESSORY STRUCTURE IS FROM AN ALLEY.

PROPOSED CODE CHANGES:

This bill creates and defines a new accessory use of “Accessory Dwelling Unit” by inserting § 1-302.b. The new definition as proposed reads:

§ 1-302. “Abut” to “Awning”.

(B)ACCESSORY DWELLING UNIT.

(1) IN GENERAL.

“ACCESSORY DWELLING UNIT” MEANS A DWELLING UNIT THAT IS:

- (I) LOCATED ON THE SAME LOT AS A PRINCIPAL DWELLING;
- (II) SUBORDINATE IN USE TO THE PRINCIPAL DWELLING; AND
- (III) NO GREATER THAN 75% OF THE FLOOR AREA OF THE PRINCIPAL DWELLING.

(2) INCLUSIONS.

“ACCESSORY DWELLING UNIT” INCLUDES A DWELLING UNIT THAT IS:

- (I) A SEPARATE STRUCTURE FROM THE PRINCIPAL DWELLING; OR
- (II) ATTACHED TO THE PRINCIPAL DWELLING.

The bill updates the reference in § 3-202, regarding the powers of the Board of Municipal and Zoning Appeals, to reflect the change in section for the definition for “accessory use” from §1-302(c) to 1-302(D)

§ 3-202. Board of Municipal and Zoning Appeals.

(b) Powers and duties.

In addition to the powers and duties specified in City Charter Article VII, §§ 83 through 89 and in State law, the Board of Municipal and Zoning Appeals has the

following powers and duties under this Code:

- (6) To authorize accessory uses as long as they meet the standards for “accessory use”, as defined in § [1-302(c)] 1-302(D) of this article;

The bill updates § 15-501 to note that the maximum rear yard lot coverage for an accessory structure may be changed from the 50% requirements by other portions of the subsections.

§ 15-501. General regulations.

- (b) Maximum coverage of required rear yard.

[The] UNLESS OTHERWISE PERMITTED OR RESTRICTED BY THIS SUBTITLE, THE total area of all accessory structures may not occupy more than 50% of the area of a required rear yard.

The bill adds § 15-501.1 to set the regulations for ADUs under the accessory structures and uses subtitle.

§ 15-501.1. ACCESSORY DWELLING UNIT.

- (A) MAXIMUM HEIGHT.

THE MAXIMUM HEIGHT OF AN ACCESSORY DWELLING UNIT IS THE LESSER OF:

- (1) THE MAXIMUM BUILDING HEIGHT ALLOWED BY THE ZONING DISTRICT OF THE LOT; OR
(2) THE ACTUAL HEIGHT OF THE PRINCIPAL DWELLING ON THE LOT.

- (B) OTHER BULK AND YARD REQUIREMENTS.

AN ACCESSORY DWELLING UNIT MAY OCCUPY THE AREA OF REAR YARD AND PVIOUS SURFACE REQUIRED IN THE ZONING DISTRICT.

The bill adds Accessory dwelling units to Table 15-601 to allow them as permitted encroachments into required rear yards.

Table 15-601: Permitted Encroachments into Required Yards			
Permitted Encroachments	Front Yard/ Corner-side Yard	Interior-side Yard	Rear Yard
Accessibility ramp	x	x	x
ACCESSORY DWELLING UNIT			x
Alternative energy system, solar, ground-mounted – As in § 15-518	x	x	x
...			

ANALYSIS OF BILL:

As proposed, the bill will meet the standards of the State legislation requiring jurisdictions to adopt language on Accessory Dwelling Units. ADUs shall be permitted on any lot currently containing a single-family dwelling, provided the lot meets the minimum lot area requirements for the single-family dwelling.

IMPACT ON RESIDENTIAL CONVERSIONS

Under § 9-701 of the current Zoning Code, conversions from a single-family dwelling to a multi-family dwelling are permitted only in the R-7, R-8, R-9, and R-10 zoning districts. In the R-7 and R-8 districts, such conversions also require approval by ordinance of the Mayor and City Council. CCB#26-0196 would eliminate the ordinance requirement in certain circumstances.

As defined in the bill, an Accessory Dwelling Unit (ADU) may be located either within a structure attached to the primary dwelling or in a separate accessory structure on the same lot. In either case, the principal use of the lot remains the primary dwelling, whether detached, semi-detached, or attached. Because the additional dwelling unit is classified as an accessory use, the property retains its existing single-family classification and is therefore not subject to the conversion standards of § 9-701.

In practice, the resulting development may function similarly to a traditional conversion to a two-unit dwelling. However, it would not be subject to the conversion requirements, provided only one additional dwelling unit is created and the ADU complies with all applicable standards, including the requirement that it not exceed 75% of the floor area of the primary dwelling unit.

CONFORMITY TO PLANS

The Comprehensive Plan specifically mentions allowing and encouraging Accessory Dwelling Units (ADUs) as a policy goal. The Plan lays out four guiding principles, including Livable Places. One of the policy goals under this principle is Affordable Housing. In Appendix 1, which lists policy recommendations for each of the document's guiding principles, Recommendation 3.15 reads: "Allow, promote, and incentivize ADUs to increase affordable housing options."

Under the Livable Places principle, Equitable Neighborhood Development is another goal. For this goal, Policy Recommendation 2.17 states the following: "Allow one additional dwelling unit by right and up to four units conditional to the BMZA in low density residential zoning categories, provided building type is compatible with surrounding neighborhood." The legislation, as proposed, helps meet this recommendation.

APPLICANT'S PROPOSAL AND CODE CONTEXT:

The sponsor introduced this bill to expand housing options in Baltimore by allowing Accessory Dwelling Units (ADUs) on lots with single-family detached dwellings and to align the City's Zoning Code with recent State requirements related to ADUs. The bill establishes standards for ADUs within the Zoning Code, including regulations related to size, height, and bulk requirements. As proposed, ADUs may be constructed either as a detached structure or as an addition to the principal dwelling. The proposed legislation creates a path for an additional dwelling unit on eligible properties without requiring conversion of the principal dwelling to a multi-family use.

EQUITY:

This legislation may advance housing options by expanding access to smaller and potentially lower-cost housing units within existing residential neighborhoods. Accessory Dwelling Units can support aging in place, provide housing opportunities for family members or caregivers, and create additional rental options in areas that have traditionally been limited to single-family detached housing. The bill also aligns with recent State legislation requiring local jurisdictions to allow ADUs and supports adopted City planning efforts found in the Our Baltimore Comprehensive Plan, which specifically recommends allowing, promoting, and incentivizing ADUs to increase affordable housing options.

NOTIFICATION: Staff sent out notice of this action to approximately 17,000 subscribers via the GovDelivery app.



Renata Southard
Acting Director