

SUMMARY OF SENATE BILL NO. 304

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Local Government)
(Patron Prior to Substitute--Senator Salim)
February 7, 2024

Definition: An accessory dwelling unit (ADU) is an independent dwelling on a residential lot with its own living, bathroom, and kitchen space.

Key Elements of the Proposed Bill

- Zoning ordinances for residential zoning districts shall be deemed to include as a permitted accessory use internal, attached, and detached accessory dwelling units. No locality shall require a special use permit for an ADU or compliance with any other requirements except as provided in this bill.
- An administrative permit will be issued for no more than \$250 if the requirements of this bill are met.

Localities may require:

- (1) Only one ADU per residential lot with a single family dwelling;
- (2) A rental period of 30 days or longer;
- (3) Replacement of the primary dwelling's required parking if the ADU eliminates such parking;
- (4) Dedicated parking for ADU;
- (5) The square footage of the ADU to not exceed 1,500 square feet or 50% that of the primary dwelling, whichever is less;
- (6) Compliance with building codes, water/sewer/septic/stormwater/emergency access requirements, and historic and architectural districts and corridor protections;
- (7) Owner occupancy of the ADU or the primary dwelling, but not both; and
- (8) That the ADU be no more than 500 feet from the primary dwelling.

Localities shall not require:

- (1) Rear or side setbacks greater than required for the primary dwelling or for accessory structures, whichever is less; and
- (2) Blood or marriage relationship between occupants of the ADU and the primary dwelling.

These requirements:

- Do not supersede or limit covenants or declarations for condos, cooperatives, common interest communities, or property owners associations or apply to existing ADU permits approved prior to July 1, 2025;
- Do not restrict passage prior to July 1, 2025, of an ADU ordinance that substantially complies with these requirements or the bill's regulation of short-term rentals;
- Do not apply to an ADU ordinance adopted prior to July 1, 2024, if it does not deem an attached or detached ADU as special use.
- Shall become effective on July 1, 2025.