

Town of New Market



June 23, 2026

TO: New Market Planning Commission and New Market Town Council
FROM: Pat Faux, Zoning Administrator
RE: State Required LDO Zoning Text Amendment regarding Accessory Dwelling Units (ADUs)

Dear All,

Maryland State House Bill 1466 requires the town to adopt an amendment to the Land Development Ordinance (LDO) by October 1, 2026, that more broadly accommodates Accessory Dwelling Units. To meet this deadline, I propose the following schedule:

- July 2nd Formal Introduction to the Planning Commission
- August 6th- Public Hearing by Planning Commission & formal recommendation for adoption
- August 13th - Formal introduction of ordinance at Town Council
- September 10th - Public hearing and adoption by Town Council

A first draft ordinance is attached for your consideration. I offer the following to aid in your review:

HB1466, was written to promote and encourage ADUs as a comparatively low impact means to help overcome the state's housing shortage. HB1466 requires local jurisdictions to authorize development of Accessory Dwelling Units (ADUs) on land with an existing single-family detached dwelling unit and prohibit documents such as deeds, bylaws of homeowner associations, and contracts from imposing unreasonable limitations on a property owner's ability to develop an ADU or offer an ADU for rent. The Maryland Department of Planning has published [an FAQ for local governments regarding Maryland's Accessory Dwelling Unit \(ADU\) Bill of 2025 \(HB 1466\)](#) to assist in preparation of compliant regulations. They have also offered model ordinance. The bill and model ordinance are posted online at: <https://planning.maryland.gov/Pages/OurWork/PBP/ADUTF/ADU.aspx>

The current Town Master Plan incorporates a state smart growth vision for *"a range of housing densities, types and sizes that provide opportunities for citizens of all ages and incomes"*. The new draft Master Plan incorporates the state's revised housing vision. *"Enable a mix of quality housing types and affordability options to accommodate all who want to live in the state."* The draft plan adds a new housing section that assesses current housing supply and recommends LDO changes to allow small scale infill of individual accessory units, especially in areas within walking distance of the town center.

Currently LDO Article IV sections 1.11.13 and 14 permits two types of accessory living spaces:

"Accessory Apartment" a by-right accessory use permitted within (internal to) a single-family dwelling located in the R1 and RM zones. These apartment areas may be no larger than 800 sf or 33% of the size of the primary unit. They are permitted in both detached and attached single family dwelling units meaning they can added with a duplex or townhome.

"Guest House" a by-right accessory use permitted in the R1, R2 and RM zones. "Guest house living quarters may be located within a detached accessory building on the same premises with the main building and used by temporary guests of the occupants of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling". No size limitation or parking requirements are stated in the LDO for guest houses.

To meet the requirements of HB 1466 the following LDO revisions are required:

- Permit one ADU on any lot, parcel, or tract with an existing or approved single-family detached (SFD) dwelling unit in all town zoning districts that allow SFD units. *This would be the AG, R-1, R-2 RM, MRS, PDD, TRC.*
- Allow ADUs to be located in a detached accessory structure, an addition to, or within an existing primary unit.
- Allow ADUs to be no greater than 75% of the size of the primary single-family dwelling unit.
- Provide for construction of ADUs that meet public health, safety, and welfare standards (such as building codes and the WSSA agreement)
- Exclude ADUs from density calculations.
- Exclude the development of an ADU from any measures that limit residential growth on the property on which the unit is proposed.

The act states that a local law governing ADUs may not:

- Impose additional parking requirements on ADUs without first completing a parking study to determine the jurisdiction's parking needs
- Establish side and rear setback requirements that exceed existing accessory structure setback requirements
- Limit the size of the lot on which an ADU can be located.
- Adopt laws that are more restrictive than the state – laws that are more permissive are ok.

The act states that a local law governing ADUs may:

- Establish a process that allows ADUs by right, or by special exception to confirm local requirements have been met.
- Establish standards for ADU safety
- Prohibit conversion of an accessory structure as an ADU if the only access to the structure by car is from an alley

Maryland Department of Planning (MDP) & Maryland ADU Policy Task Force recommends that a local law governing ADUs:

- Use the square footage of the finished living area above grade as the means to measure the size of the primary dwelling for purposes of the 75% limitation.
- Set ADU sizes that are "subordinate to the principal dwelling to support affordability and limit the impact on community facilities

STAFF RECOMMENDED FEATURES OF LDO AMMENDMENT

- Add a third accessory use category for an Accessory Dwelling Unit. That applies to single family detached units and duplexes only.
- Continue to allow internal accessory apartments and clarify their parking requirements.
- Allow Guest houses to be rented
- Add a third accessory use category for an Accessory Dwelling Unit. That permits by Special Exception.
- Permit ADUs in the RM, MRS, R1 R2 PDD and TRC zones by special exception to allow consideration of traffic access management and parking.
 - ADU on lots that front onto a minor arterial (Main St). and have no other vehicular access point, should be prohibited unless an alternative access point on an alley or side street is provided.
- Retain existing setback requirements for primary and accessory structures
- Modify current ADU parking requirements. (*LDO Article V section 9 requires 1 parking space per bedroom in an ADU unless a variance is approved by the BOA per 9.3.11 or an alternative parking solution is approved by the PC per 9.3.11 and 9.5.1*)