

ORDINANCE NO. 2026-05

THE MAYOR AND COUNCIL OF
THE TOWN OF NEW MARKET

FOR THE PURPOSE OF AMENDING

ARTICLE IV: DISTRICT REGULATIONS 1.11 ACCESSORY USES, 2.0 TABLE OF USES, 15.4&5 PDD ACCESSORY USES, 16.4&5 TRC ACCESSORY USES; ARTICLE XII DEFINITIONS: AND ARTICLE V, DEVELOPMENT STANDARDS OF THE LAND DEVELOPMENT ORDINANCE TO ADD ACCESSORY DWELLING UNITS AS A LAND USE:

WHEREAS, per Article III Section 3.1 of Ordinance 2009-01 states that "The Town Council may from time to time amend, supplement, change, modify, or repeal by ordinance the regulations of this Ordinance and any amendment may be initiated by resolution of the Town Council; and

WHEREAS, It is the policy of the State of Maryland to promote and encourage the creation of accessory dwelling units (ADUs) on land with a single-family detached dwelling unit as the primary dwelling unit to meet the housing needs of the citizens of Maryland. State law HB1466 requires that local jurisdictions establish policies that further the intent of this state law. 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; and

WHEREAS, per Article III Section 3.4 Before taking any action on any proposed amendment, supplement, change, modification, or repeal, the Town Council shall submit the proposal to the Planning Commission for review and recommendation. The Planning Commission may hold a hearing on any proposed amendment, supplement, or change before submitting its recommendation to the Town Council; and

WHEREAS, the Planning Commission voted on ____, ____, 2026 to recommend approval of this proposal and had confirmed both that there is a public need for the proposed amendment and that the proposed amendment is consistent with the Comprehensive Plan as required by per Article III Section 3.4; and

WHEREAS, per Article III Section 3.5 the Town Council held a public hearing on ____, ____, 2026 to hear public comment on this amendment and has published notice of the time and place of the

public hearing, together with a summary of the proposed regulation in at least one newspaper of general circulation within the Town, once a week for two successive weeks, with the first notice to be published at least 14 days before the hearing and the notices have indicated where the proposed amendment and documents relating to the amendment may be reviewed, which may include a reference to internet publication of documentation by the Town.

NOW, THEREFORE, The Mayor and Council of The Town of New Market ordain as follows:

ARTICLE IV, DISTRICT REGULATIONS SECTION

1.11 Accessory Uses.

1.11.1 Accessory Apartment. An accessory apartment shall be permitted within a single-family dwelling, provided the following conditions are met that insure the use is consistent with such a unit:

- a. The accessory dwelling unit is within the principal single-family dwelling located on its own lot;
- b. The accessory dwelling unit shall not exceed the lesser of 33% of the gross livable floor area of the dwelling, or more than 800 square feet and shall include a toilet and bathing facilities;
- c. Any entrance to the accessory dwelling unit from the outside shall not be on the front wall of the principal structure;
- d. Home occupations shall be prohibited within an accessory apartment; and
- e. A minimum total of four (4) off-street parking spaces shall be provided for the principal dwelling and the accessory dwelling unit. Unless otherwise approved by the Planning Commission per Article V 9.5.1 parking alternatives ~~An exception to this requirement may be approved by the Administrator if written verification is given by the property owner that the occupants of the accessory dwelling unit, due to age or physical disability, will not have vehicles on-site. No more than two vehicles owned by the occupants of the accessory dwelling unit will be permitted and must be parked off-street.~~

AG	OS	R-1	R-2	RM in d.u.	RM not in d.u.	MRS	MC	MCI	AP	I	EDF
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(d.u means dwelling unit)

1.11.4 Guesthouse. Guesthouse 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 unit.

AG	OS	R-1	R-2	RM in d.u.	RM not in d.u.	MRS	MC	MCI	AP	I	EDF
		P		P							

(d.u means dwelling unit)

1.11.16 Accessory Dwelling Unit. One accessory dwelling unit shall be permitted as a special exception on a lot, parcel or tract where the primary use is a single-family dwelling unit, and may be located within the principal dwelling unit, attached to it or located within a detached accessory building provided the following conditions are met:

a. A lot, parcel or tract that fronts onto a minor arterial shall have vehicular access to a local road or alley.

b. The accessory dwelling unit shall be subordinate to the primary structure and shall not exceed 75% of the gross livable floor area of the primary dwelling unit as measured above grade.

c. The accessory dwelling unit shall comply with applicable yard and building setbacks and meet public health, safety and welfare standards, and obtain required utility service approvals;

d. The accessory dwelling unit shall include a toilet, bathing facilities and cooking facilities;

f. An accessory dwelling unit shall be exempt from the calculation of density for the lot, parcel, or tract upon which it is located; and

h. Unless otherwise approved by the Planning Commission per Article V 9.5.1 parking alternatives, a minimum total of four (4) off-street parking spaces shall be provided for the principal dwelling and the accessory dwelling unit.

<u>AG</u>	<u>OS</u>	<u>R-1</u>	<u>R-2</u>	<u>RM in</u> <u>d.u.</u>	<u>RM not</u> <u>in d.u.</u>	<u>MRS</u>	<u>MC</u>	<u>MCI</u>	<u>AP</u>	<u>I</u>	<u>EDF</u>
		<u>SE</u>	<u>SE</u>	<u>SE</u>		<u>SE</u>					

(d.u means dwelling unit)

2.0 TABLE OF USES

Accessory Dwelling Unit

<u>AG</u>	<u>OS</u>	<u>R-1</u>	<u>R-2</u>	<u>RM in</u> <u>d.u.</u>	<u>RM not</u> <u>in d.u.</u>	<u>MRS</u>	<u>MC</u>	<u>MCI</u>	<u>AP</u>	<u>I</u>	<u>EDF</u>
		<u>SE</u>	<u>SE</u>	<u>SE</u>		<u>SE</u>					

(d.u means dwelling unit)

15.0 PLANNED DEVELOPMENT DISTRICT

15.3 Principal Permitted Uses

15.3.1 Single-Family Detached Dwelling, Two-Family Dwelling, Attached Dwelling, Townhouse, Multi-family Dwelling, and zero lot line dwellings.

15.4 Accessory Uses

Accessory uses customarily incidental and subordinate to the permitted uses are ~~permitted~~ allowed. Accessory dwelling units are permitted by Special Exception.

~~15.5 Special Exceptions: There are no special exceptions in the PDD District.~~

16.0 TRC TOWN RESIDENTIAL/COMMERCIAL MIXED USE DISTRICT (FLOATING ZONE)

16.3 Principal Permitted Uses

16.3.1 A building or land shall be used only for the following purposes: a. Single-family Detached, Duplex, and Townhouse residential uses

16.4 Accessory Uses and Structures 16.4.1 The following accessory uses are permitted on all properties in the TRC District. a. Any use normally and customarily incidental to any uses permitted as a matter of right in the district. except as follows:

a) Accessory dwelling units are permitted as a special exception

~~16.5 Special Exception Uses:~~

~~There are no special exceptions in the TRC District.~~

ARTICLE XII DEFINITIONS:

ACCESSORY STRUCTURE: A detached structure on the same parcel of property as the principal structure, the use of which is customary, incidental, and subordinate to the principal structure, e.g., a shed or detached garage.

DWELLING UNIT: A building or portion thereof arranged or designed for occupancy by least one(1) person and not more than one (1) family for living purposes and having sanitation, eating sleeping and cooking facilities.

DWELLING UNIT, ACCESSORY: A secondary dwelling unit on the same lot, parcel or tract as a primary single-family dwelling unit.

BUILDING, ACCESSORY: A building subordinate to, and located on the same lot with a main building, the use of which is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or common roof to the main building. An accessory building containing an accessory dwelling unit shall be subordinate to the primary structure by not exceeding 75% of the gross livable floor area of the primary dwelling unit as measured above grade. All other ~~accessory buildings~~ shall be considered subordinate in size to the primary structure main building only if the area of the footprint of the foundation of the accessory building, as measured by the lengths and widths thereof, shall be less than the area of the footprint of the foundation of the principal building.

ARTICLE IV, DEVELOPMENT STANDARDS

9.4 Required Off-Street Parking Spaces. Unless otherwise expressly stated in this Ordinance, off-street parking spaces shall be provided in accordance with Schedule A. For uses classified as commercial, the number of spaces shown on the table shall be considered the maximum allowed for such uses.

Off-Street Parking Schedule A

~~Accessory dwelling unit 1 per bedroom~~

AND, IT IS FURTHER ORDAINED, that this Ordinance shall become effective on the _____ day of _____, 2026.

ATTEST:

BY ORDER OF THE
MAYOR AND COUNCIL OF
THE TOWN OF NEW MARKET

Mayor Winslow F. Burhans, III

Michaela Mueller, Vice President of Council

Kevin DeLany, Councilmember

Nicole Moravy, Councilmember

Kristina Trunnell, Councilmember

Howard Wilson, Councilmember

ATTEST:
Michelle Mitchell, Clerk

INTRODUCED: _____, 2026

ENACTED: _____, 2026

EFFECTIVE: _____, 2026