

# *The Town of New Market*



TO: New Market Planning Commission and New Market Town Council

FROM: Pat Faux, Zoning Administrator

July 3rd, 2026

**RE: REVISED State Required LDO Zoning Text Amendment regarding Accessory Dwelling Units (ADUs)**

Attached is a reformatted and revised LDO Text Amendment for the Planning Commission's consideration. Per the Commission's discussions at the last meeting, I recommend that the Planning Commission vote to forward this draft document to the Town Council for introduction at their August meeting and followed by a public hearing at their September meeting. This schedule will allow the town to meet the States Adoption deadline of October 1<sup>st</sup>. The reformatted and revised LDO Text Amendment was prepared in response to commission member comments and questions and advise from the Town Attorney

Per commission member comments and questions:

1. The revised ordinance allows an ADU on any lot parcel or tract with a detached single-family home in any zone in town.
2. The final text of the State's HB1466 does not allow discretionary review by the Board of Appeals or the Planning Commission. The town may require an ADU specific site plan in addition to a building permit. These applications must be approved administrability if all requirements are met. The state defined the permitted requirements. The revised draft includes these requirements and requires:
  - a. ARC/HDC approval if applicable.
  - b. County approval of a building permit and site plans that conform to code.
  - c. County determination of adequacy of county provided public facilities.
3. The revised ordinance requires no new parking on site for an ADU unless the town has done a parking study to access availability of offsite public parking nearby that determines insufficient parking is available off site.
4. After adoption, Staff will send out a notice making residents aware of the current and new opportunities to add accessory dwelling units, accessory apartments and guest houses in town. Staff will also post a homeowner-friendly guide on the website.
5. On the question of HB1466's prohibition on documents such as deeds, homeowner association bylaws, and contracts that "impose unreasonable limitations on a property owner's ability to develop an ADU or offer an ADU for rent"- The state has clarified that is not the town's responsibility to enforce this state law.
6. The amendment states that the County shall determine what is needed for water and sewer connections capacity allocation, impact fees, and county utility approvals. This is consistent with the town's WSSA Agreement with the County
7. Yes, current building code and HDC and ARC design codes will apply to ADUs, including height, setbacks from neighbors, lighting, windows/privacy, and compatibility with the principal home
8. Yes, County code requirement for stormwater will apply
9. The ordinance does not speak to owner occupancy of the primary dwelling. The ADU may not be offered for short- term rental.

Per advice and input from the Town Attorney, the revised draft is more consistent state requirements in the final HB1466 language, anticipates added state legislation and it:

1. Adds a new article to the LDO rather than embedding state requirements into Article IV. This revision anticipates that other state housing legislation may be adopted in the next legislative session that was discussed by not passed. With a separate Article, these added requirements can be more easily incorporated.
2. Makes no changes to existing Article IV text regarding accessory uses, structures, accessory apartments and guest houses.

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3. Permits ADUs on any lot parcel or tract with a detached single-family home in any zone upon zoning administrator approval of an ADU site plan found to meet the stated requirements. Requirements include ARC/HDC approval, county approval of a building permit and county determination of adequacy of county provided public facilities.
4. Adds a requirement for separation for existing homes per building code in addition to existing setback requirements for primary and accessory structures.
5. Requires no new parking on site unless the town has done a parking study to assess availability of offsite public parking nearby that determines insufficient parking is available off site.
6. Requires the Town staff to do a focused parking study upon adoption of this Ordinance for use in site plan review.