

The Town of New Market



September 9th, 2026

TO: The Mayor and Town Council
FROM: Town Staff - Pat Faux, Zoning Administrator/ Town Planner
RE: Questions on LDO text amendment ordinance 2026-05 for Accessory Dwelling Units

Council Members,

The New Market Planning Commission has recommended approval of a text amendment to the Land Development Ordinance regarding Accessory Dwelling Units. This change is required before by Maryland House Bill HB 1455 to be approved prior to October 1st, 2026.

Staff offers the following responses to questions raised during introduction of this draft ordinance:

1. Staff Report 5 references deeds. I am assuming the ADU goes with the land and cannot be sold as a separate property. *It is possible that a property owner could build a detached ADU and file later for a property subdivision that meets LDO requirements. If the subdivision is approved, the ADU would become the primary residence on the new lot. The residence would need a separate water and sewer service connection. Further subdivisions like this are possible for some properties the older areas of Town. In the RM zone for instance, the LDO requires a new lot to have frontage on North Alley, South Alley, Federal Street or Eighth Alley. Frontage on Main St. is not required or sufficient by itself.*
2. Staff Report 7/Ordinance 3.6, how does this ordinance give the Town some control over ADU's? *The ordinance's requirements for an ADU site plan, a town parking study and county review of water and sewer service availability/capacity all help to regulate ADUs in Town.*
3. Staff report 7. ADU's must comply with all setbacks in our current ordinance as well as reasonable setbacks from existing structures? *Yes, current building fire safety codes require certain separations from existing buildings based on window and door openings and types of construction.*
4. Staff report 9 mentions "short term" rentals. Is there a difference between short term and long-term rentals? *Yes, rentals that are shorter than 30 days would not be permitted. LDO Article IV section 1.3.1 defines Residential Use as follows:*
"This use category is characterized by residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis (lodging where tenancy may be arranged for a period of less than 30 days is classified under the Public Accommodation category). Common accessory uses include recreational activities, raising of domestic pets, gardens, personal storage buildings, hobbies, and parking of the occupants' vehicles."

5. Ordinance 3.2 references Annexation Agreements. Does this mean that (using Calumet as an example) that total units (density) is strictly limited to that allowed in the Annexation Agreement. For example, Calumet is limited to 925 units. This would suggest that they cannot put ADU's on their properties. Yes, The Maryland Land Use Article allows municipal governments to regulate uses and densities in an annexation agreement:

"(b) A municipal corporation may include in an annexation agreement conditions and limitations on the use of land and density of development otherwise allowed in the zoning district where the land is located." Md. Code Ann., Land Use § 4-103

6. Ordinance 3.3 references public facilities. This seems to imply that we are giving the County APFO authority over ADU's (and only ADU's). The Town does not have an APFO for two reasons. First, development driven annexations have public facility regulation (specifically schools) written into the annexation agreements. The County APFO ordinance does not apply to the Town. This pertains to the requirements that the County's DWSU confirm availability and capacity for water and sewer service before the Town approves an ADU site plan.

Secondly, infill developments are generally so small as not to have a significant impact on schools. I would not anticipate that a single ADU on an existing lot would be of interest to the County. True, the County considers school seat impacts for subdivisions with 5 lots or more.

7. Ordinance 3.4 Parking. I am making the inference that this ordinance will require the Town to fund and complete a parking study? Yes, but it can be a simple one that the Town Planner can prepare with input from the Town Attorney. The draft master plan already recommends that an analysis of public parking supply and demand be done for other reasons.
8. Further Revision – As was noted during the Town Council discussion last month, when the Town starts the upcoming overall review of the LDO, there will be an opportunity to further refine this ordinance if needed.