THE TOWN OF GALENA
ORDINANCE NO. 2026-09

AN ORDINANCE OF THE TOWN OF GALENA AMENDING THE TOWN OF GALENA ZONING ORDINANCE TO ADD DEFINITIONS AND STANDARDS FOR ACCESSORY DWELLING UNITS IN COMPLIANCE WITH THE MARYLAND ACCESSORY DWELLING UNITS ACT OF 2025 (HB 1466/SB 891) AND TO AUTHORIZE THE DEVELOPMENT OF ACCESSORY DWELLING UNITS ON LOTS WITH SINGLE-FAMILY DETACHED DWELLING UNITS.

WHEREAS, it is the policy of the State of Maryland, as set forth in the Land Use Article of the Annotated Code of Maryland and the Real Property Article, as amended by the Maryland Accessory Dwelling Units Act of 2025 (HB 1466/SB 891), effective October 1, 2025, 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 in order to meet the housing needs of the citizens of Maryland; and

WHEREAS, state law requires that all legislative bodies with planning and zoning authority adopt a local ordinance authorizing the development of ADUs on land with a single-family detached dwelling unit no later than October 1, 2026; and

WHEREAS, the Town of Galena Zoning Ordinance, adopted June 17, 2020 (Ord. 2020-01) as amended, currently provides for limited "Accessory Apartments" only in the C-1 and C-2 Commercial Districts as accessory to principal commercial uses, and permits limited "accessory guest quarters" within single-family dwellings that lack full cooking facilities and separate metering, but does not authorize full accessory dwelling units (with complete living facilities including cooking) on lots with single-family detached dwellings in the R-1 or R-2 Residential Districts in a manner fully consistent with the minimum requirements and intent of state law; and

WHEREAS, the Mayor and Council find it necessary and appropriate to amend the Zoning Ordinance to bring it into full compliance with state law by adding the required definitions, authorizing ADUs as permitted accessory uses subject to objective conditions in the Town's single-family residential districts, exempting ADUs from density calculations and residential growth limits, establishing that ADU setbacks shall be no greater than those for other accessory structures, limiting each lot to one ADU, requiring a separate water allocation and a separate sewer allocation for each ADU, limiting new detached ADUs to lots of one-third (1/3) acre or larger while continuing to authorize internal and attached ADUs on lots that meet the district minimum for a single-family detached dwelling, and requiring rented ADUs to comply with the Town's rental registration ordinance; and

WHEREAS, the Mayor and Council met in workshop session in August 2026 to consider the form of a local ADU ordinance, and the consensus of that discussion was to authorize ADUs as a permitted use subject to administratively applied objective conditions rather than as a special

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[~~Brackets~~]	:	Indicate matter deleted from existing law
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exception, in order to avoid a discretionary hearing process that would add cost without providing the Town additional lawful grounds of denial; and

WHEREAS, the Mayor and Council are authorized by § 4-204 of the Land Use Article of the Annotated Code of Maryland to amend, supplement, modify, or repeal sections of the Town zoning ordinance; and

WHEREAS, Section 119 of the Zoning Ordinance and § 4-203 of the Land Use Article require that no amendment shall be made until after the Mayor and Council hold a public hearing, with notice published in a newspaper of general circulation once each week for two (2) successive weeks, the first notice at least fourteen (14) days before the hearing; and

WHEREAS, Section 120 of the Zoning Ordinance provides that proposed amendments may be originated by the Mayor and Council, and after submittal to the Zoning Coordinator, shall be submitted for review by the Planning Commission which shall submit its recommendations to the Mayor and Council after holding a public hearing; and

WHEREAS, the Town Charter, Section 308, provides that no ordinance shall be passed at the meeting at which it is introduced, and at any regular or special meeting of the Council held not less than six (6) nor more than sixty (60) days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred; that a fair summary of each ordinance shall be published at least twice in a newspaper or newspapers having general circulation in the municipality; and that every ordinance, unless passed as an emergency ordinance, shall become effective at the expiration of twenty (20) calendar days following approval by the Mayor or passage by the Council over the Mayor's veto; and

WHEREAS, the Mayor and Council held a duly noticed public hearing on this Zoning Amendment on October 5, 2026, at which parties in interest and citizens had an opportunity to be heard.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Galena, Maryland, that the Zoning Ordinance of the Town of Galena, adopted June 17, 2020 (Ord. 2020-01) as amended, is hereby further amended as set forth below:

SECTION 1.

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ARTICLE V. DISTRICT REGULATIONS

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ARTICLE V. DISTRICT REGULATIONS (cont.)
PART I. ZONING DISTRICTS

CAPITALS	:	Indicate matter added to existing law
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SECTION 12. R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

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12.3 R-1 Permitted Accessory Uses

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The following accessory uses are allowed in the R-1 Single-Family Residential District:

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13. "ACCESSORY DWELLING UNIT" AS A PERMITTED ACCESSORY USE, SUBJECT TO CONDITIONS (PC), ON A LOT WITH A SINGLE-FAMILY DETACHED DWELLING UNIT AS THE PRIMARY DWELLING UNIT, SUBJECT TO THE STANDARDS AND CONDITIONS SET FORTH IN SECTION 27 OF THIS ORDINANCE.

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13.3 R-2 Permitted Accessory Uses

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10. "ACCESSORY DWELLING UNIT" AS A PERMITTED ACCESSORY USE, SUBJECT TO CONDITIONS (PC), ON A LOT WITH A SINGLE-FAMILY DETACHED DWELLING UNIT AS THE PRIMARY DWELLING UNIT, SUBJECT TO THE STANDARDS AND CONDITIONS SET FORTH IN SECTION 27 OF THIS ORDINANCE. AN ACCESSORY DWELLING UNIT IS NOT AUTHORIZED ON A LOT WHOSE PRIMARY USE IS A DUPLEX, APARTMENT, OR TOWNHOUSE.

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PART II. PERMITTED USES IN ZONING DISTRICTS

SECTION 17. PERMITTED USE TABLE 17.1

Permitted Uses in Table 17.1 lists the Zoning Districts and Uses which are permitted. If a Use is not listed or does not fall within any of the general use categories, it is not a permitted use in any district. If a Use is specifically listed in Table 17.1, it takes precedence over general use listings.

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PERMITTED USES TABLE 17.1
BY ZONING DISTRICT

P: Permitted - Apply for Permit is required
PC: Permitted with Conditions - Apply for Permit is required

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SE: Special Exception reviewed by Board of Appeals with Conditions

*MDIA Fees: Any structure, electrical, mechanical, plumbing changes requires approval and inspections.

** "DWELLING – ACCESSORY DWELLING UNIT" IS SUBJECT TO THE STANDARDS AND CONDITIONS SET FORTH IN SECTION 27 OF ARTICLE V, PART III, SUPPLEMENTARY USE REGULATIONS. PERMITTED AS AN ACCESSORY USE ON ANY LOT WITH AN EXISTING SINGLE-FAMILY DETACHED PRIMARY DWELLING UNIT IN THE R-1 AND R-2 DISTRICTS.

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SECTION	**Land Use**	**ZONING DISTRICTS**				
		R1	**R2**	**C1**	**C2**	[illegible]
10.00	**RESIDENTIAL**					
10.10	*Dwelling - Single-Family detached*	P	P			
10.20	Dwelling – Duplex (See ADAPTED REUSE)	* SE	P			
10.30	Dwelling – Apartment		P			
10.40	Dwelling – Accessory Apartment			*PC	*PC	
10.45	**DWELLING – ACCESSORY DWELLING UNIT**	****PC**	****PC**			
10.50	Dwelling – Townhouse		*PC			
10.60	Home Occupation	*PC	*PC			

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PART III. SUPPLEMENTARY USE REGULATIONS

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SECTION 27. RESIDENTIAL USES – 10.00, 11.00, 12.00, and 13.00

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10.45 ACCESSORY DWELLING UNITS (ADU'S). ACCESSORY DWELLING UNITS SHALL BE PERMITTED WITH CONDITIONS (PC) IN THE R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT AND THE R-2 MULTI-FAMILY DISTRICT, SUBJECT TO THE FOLLOWING STANDARDS AND CONDITIONS:

CAPITALS : Indicate matter added to existing law
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1. AUTHORIZATION AND SCOPE. AN ACCESSORY DWELLING UNIT IS PERMITTED ON ANY LOT, PARCEL, OR TRACT WITH A SINGLE-FAMILY DETACHED DWELLING UNIT AS THE PRIMARY DWELLING UNIT. ADU'S MAY BE LOCATED IN A STRUCTURE SEPARATE FROM THE PRIMARY DWELLING (A DETACHED ADU), ATTACHED AS AN ADDITION TO THE PRIMARY DWELLING (AN ATTACHED ADU), OR CREATED WHOLLY WITHIN THE PRIMARY DWELLING (AN INTERNAL ADU, INCLUDING A BASEMENT OR ATTIC CONVERSION PROVIDING COMPLETE LIVING FACILITIES). ADU'S SHALL BE SUBORDINATE IN USE AND SIZE TO THE PRIMARY DWELLING UNIT.

2. NUMBER. NOT MORE THAN ONE (1) ACCESSORY DWELLING UNIT SHALL BE PERMITTED ON ANY LOT, PARCEL, OR TRACT. A GUEST QUARTER THAT LACKS FULL COOKING FACILITIES AND IS NOT A SEPARATE DWELLING UNIT UNDER SECTION 126 DOES NOT COUNT TOWARD THIS LIMIT.

3. LOCATION BY CONFIGURATION AND LOT AREA.

A. INTERNAL AND ATTACHED ADU'S. AN INTERNAL ADU OR AN ATTACHED ADU IS PERMITTED ON ANY LOT THAT MEETS THE MINIMUM LOT AREA REQUIRED FOR A SINGLE-FAMILY DETACHED DWELLING IN THE ZONING DISTRICT IN WHICH THE LOT IS LOCATED.

B. NEW DETACHED ADU'S. A NEWLY CONSTRUCTED DETACHED ADU IS PERMITTED ONLY ON A LOT CONTAINING NOT LESS THAN ONE-THIRD (1/3) ACRE (14,520 SQUARE FEET) OF LOT AREA. THIS LOT-AREA STANDARD APPLIES ONLY TO NEW DETACHED ADU'S AND SHALL NOT BE APPLIED TO DENY AN INTERNAL OR ATTACHED ADU ON A SMALLER LOT THAT OTHERWISE COMPLIES WITH THIS SECTION.

C. CONVERSION OF AN EXISTING ACCESSORY STRUCTURE. CONVERSION OF A LEGALLY EXISTING ACCESSORY STRUCTURE (INCLUDING A GARAGE OR SIMILAR BUILDING) TO A DETACHED ADU, WITHOUT ANY INCREASE IN FOOTPRINT, HEIGHT, OR LOCATION, IS PERMITTED ON ANY LOT THAT MEETS THE MINIMUM LOT AREA REQUIRED FOR A SINGLE-FAMILY DETACHED DWELLING IN THE DISTRICT, PROVIDED ALL OTHER STANDARDS OF THIS SECTION AND THE ADOPTED BUILDING CODE ARE MET.

4. SIZE LIMITATION. THE GROSS FLOOR AREA OF AN ACCESSORY DWELLING UNIT SHALL NOT EXCEED SEVENTY-FIVE PERCENT (75%) OF THE FINISHED LIVING AREA (ABOVE GRADE) OF THE PRIMARY SINGLE-FAMILY DETACHED DWELLING UNIT. THERE IS NO MINIMUM SIZE REQUIREMENT FOR AN ADU BEYOND COMPLIANCE WITH THE APPLICABLE BUILDING CODE FOR HABITABLE DWELLING UNITS. THE TOWN SHALL USE THE SQUARE FOOTAGE OF FINISHED LIVING AREA ABOVE GRADE OF THE PRIMARY DWELLING FOR PURPOSES OF CALCULATING THE 75% LIMITATION.

5. DENSITY AND RESIDENTIAL GROWTH LIMITS. AN ACCESSORY DWELLING UNIT IS EXEMPT FROM THE CALCULATION OF RESIDENTIAL DENSITY FOR THE LOT,

PARCEL, OR TRACT UPON WHICH IT IS LOCATED. THE CONSTRUCTION OR CONVERSION OF AN ACCESSORY DWELLING UNIT SHALL NOT BE RESTRICTED BY ANY TOWN OF GALENA ORDINANCE, POLICY, COMPREHENSIVE PLAN PROVISION, OR PROGRAM INTENDED TO LIMIT RESIDENTIAL GROWTH OR DENSITY ON THE PROPERTY. THE WATER AND SEWER ALLOCATION REQUIRED BY SUBSECTION 11 OF THIS SECTION IS AN ADEQUATE-PUBLIC-FACILITIES AND CAPACITY REQUIREMENT AND IS NOT A RESIDENTIAL-GROWTH LIMITATION WITHIN THE MEANING OF THIS SUBSECTION OR LAND USE ARTICLE § 4-504(C).

6. SETBACKS. THE REAR AND SIDE LOT LINE SETBACK REQUIREMENTS FOR ACCESSORY DWELLING UNITS SHALL BE IDENTICAL TO THE SETBACK REQUIREMENTS APPLICABLE TO OTHER ACCESSORY STRUCTURES (SUCH AS GARAGES, SHEDS, OR STORAGE BUILDINGS) IN THE ZONING DISTRICT IN WHICH THE LOT IS LOCATED. CONVERSION OF AN EXISTING LEGALLY CONSTRUCTED ACCESSORY STRUCTURE TO AN ADU, WITHOUT ANY INCREASE IN FOOTPRINT, HEIGHT, OR LOCATION, SHALL NOT TRIGGER ANY NEW OR ADDITIONAL SETBACK REQUIREMENTS. A DETACHED ADU SHALL NOT BE LOCATED IN THE REQUIRED FRONT YARD OF THE PRIMARY DWELLING.

7. PARKING REQUIREMENTS. NO OFF-STREET PARKING SPACES SHALL BE REQUIRED FOR AN ACCESSORY DWELLING UNIT UNLESS THE TOWN FIRST COMPLETES A FORMAL PARKING STUDY IN ACCORDANCE WITH LAND USE ARTICLE § 4-504(E) TO DETERMINE LOCAL PARKING NEEDS AND RESTRICTIONS. IF THE TOWN IMPOSES OFF-STREET PARKING REQUIREMENTS FOLLOWING SUCH A STUDY, THE ORDINANCE OR APPROVAL PROCESS SHALL INCLUDE A WAIVER PROCEDURE. ANY PARKING REQUIREMENTS ULTIMATELY IMPOSED SHALL CONSIDER THE COST OF CONSTRUCTION, CURB AVAILABILITY FOR ON-STREET PARKING, STORMWATER IMPACTS, AND LOT-SIZE VARIABILITY, CONSISTENT WITH STATE LAW.

8. BUILDING CODES, HEALTH, SAFETY, AND ADEQUATE PUBLIC FACILITIES. ALL ACCESSORY DWELLING UNITS SHALL BE CONSTRUCTED OR CONVERTED IN COMPLIANCE WITH THE TOWN'S ADOPTED BUILDING CODES, ELECTRICAL AND PLUMBING CODES, AND ANY APPLICABLE ADEQUATE PUBLIC FACILITIES PROVISIONS, TO ENSURE PUBLIC HEALTH, SAFETY, AND WELFARE.

9. ADMINISTRATIVE REVIEW; OBJECTIVE STANDARDS. ACCESSORY DWELLING UNITS ARE AUTHORIZED AS PERMITTED USES SUBJECT TO THE CONDITIONS OF THIS SECTION. APPLICATIONS FOR ZONING PERMITS, BUILDING PERMITS, OR CERTIFICATES OF OCCUPANCY FOR ADU'S SHALL BE REVIEWED AND DECIDED ADMINISTRATIVELY BY THE ZONING COORDINATOR BASED ON COMPLIANCE WITH THE OBJECTIVE, QUANTIFIABLE STANDARDS SET FORTH IN THIS ORDINANCE AND APPLICABLE CODES. NO SPECIAL EXCEPTION, CONDITIONAL USE APPROVAL, VARIANCE (UNLESS FOR A SPECIFIC BULK STANDARD), OR DISCRETIONARY PUBLIC

HEARING BEFORE THE BOARD OF APPEALS OR PLANNING COMMISSION SHALL BE REQUIRED FOR AN ADU THAT MEETS THESE STANDARDS. THE ZONING COORDINATOR SHALL APPROVE OR DENY A COMPLETE APPLICATION WITHIN A REASONABLE TIME AFTER THE APPLICATION IS DETERMINED TO BE COMPLETE.

10. DESIGN, ARCHITECTURAL COMPATIBILITY, AND NEIGHBORHOOD CHARACTER. THE TOWN SHALL NOT IMPOSE DESIGN REVIEW, ARCHITECTURAL STANDARDS, OR NEIGHBORHOOD COMPATIBILITY REQUIREMENTS ON ADU'S THAT ARE MORE RESTRICTIVE THAN THOSE APPLICABLE TO SINGLE-FAMILY DETACHED DWELLINGS OR OTHER ACCESSORY STRUCTURES IN THE SAME ZONING DISTRICT. OBJECTIVE STANDARDS SUCH AS HEIGHT (SUBORDINATE TO THE PRIMARY DWELLING), MASSING, AND EXTERIOR MATERIALS MAY BE APPLIED IF ALREADY CODIFIED FOR ACCESSORY STRUCTURES OR SINGLE-FAMILY HOMES.

11. WATER AND SEWER ALLOCATION; UTILITY CONNECTIONS.

A. SEPARATE ALLOCATION REQUIRED. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR AN ACCESSORY DWELLING UNIT, THE OWNER SHALL OBTAIN A SEPARATE WATER ALLOCATION AND A SEPARATE SEWER ALLOCATION FOR THE ADU IN ACCORDANCE WITH THE TOWN'S ADOPTED WATER AND SEWER ALLOCATION PROCEDURES (INCLUDING THE THREE-PART REQUEST / ALLOCATION / CONNECTION PROCESS) AND THE ADOPTED SCHEDULE OF FEES. AN ADU SHALL BE TREATED AS A SEPARATE DWELLING UNIT FOR ALLOCATION PURPOSES. THE TOWN MAY, BY RESOLUTION ADOPTING OR AMENDING THE FEE SCHEDULE, ESTABLISH AN ADU-SPECIFIC EQUIVALENT DWELLING UNIT FACTOR OR REDUCED ALLOCATION FEE THAT IS LESS THAN THE FEE APPLICABLE TO A PRIMARY SINGLE-FAMILY DWELLING.

B. AVAILABILITY OF CAPACITY. AN ALLOCATION SHALL BE ISSUED WHEN WATER AND SEWER CAPACITY IS AVAILABLE UNDER THE TOWN'S ADOPTED ALLOCATION POLICIES. DENIAL OF AN ALLOCATION SOLELY AS A MEANS OF LIMITING RESIDENTIAL GROWTH ON THE SUBJECT LOT, WITHOUT REGARD TO ACTUAL AVAILABLE CAPACITY, IS NOT AUTHORIZED.

C. PHYSICAL CONNECTIONS. AN ADU MAY USE THE EXISTING WATER AND SEWER SERVICE CONNECTIONS SERVING THE PRIMARY DWELLING IF THOSE CONNECTIONS ARE DETERMINED BY THE TOWN TO BE SUFFICIENT TO SUPPORT THE ADU. THE TOWN MAY REQUIRE A SEPARATE PHYSICAL CONNECTION TO THE WATER OR SEWER MAIN ONLY IF THE EXISTING CONNECTION IS DETERMINED TO BE INSUFFICIENT TO PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE, OR IF THE OWNER ELECTS A SEPARATE CONNECTION. IF THE ADU IS INTEGRATED INTO THE EXISTING CONNECTION, THE TOWN SHALL NOT CHARGE A SEPARATE TAP OR CONNECTION FEE SOLELY FOR THAT INTEGRATION, PROVIDED THE REQUIRED ALLOCATION UNDER SUBSECTION (A) HAS BEEN OBTAINED. METERING MAY BE SHARED

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WITH THE PRIMARY DWELLING OR SEPARATELY PROVIDED AT THE OWNER'S ELECTION, SUBJECT TO THE ADOPTED METER SPECIFICATIONS AND FEES.

D. BUILDING PERMIT AND INSPECTION FEES. ORDINARY ZONING-PERMIT, BUILDING-PERMIT, MDIA, AND CERTIFICATE-OF-OCCUPANCY FEES APPLICABLE TO THE WORK PROPOSED MAY BE CHARGED. THE TOWN DOES NOT PRESENTLY LEVY A DEVELOPMENT IMPACT FEE OR BUILDING EXCISE TAX; IF SUCH A FEE IS LATER ADOPTED, IT SHALL BE CONSISTENT WITH APPLICABLE STATE LAW.

12. RENTAL REGISTRATION. IF AN ACCESSORY DWELLING UNIT IS USED AS A RENTAL DWELLING UNIT, THE OWNER SHALL REGISTER THE UNIT AND OBTAIN A RENTAL DWELLING UNIT OWNER'S LICENSE IN ACCORDANCE WITH ORDINANCE NO. 2024-02 (TOWN OF GALENA RENTAL ORDINANCE / HOUSING CODE), AS AMENDED OR RECODIFIED, AND SHALL THEREAFTER MAINTAIN THAT REGISTRATION AND LICENSE WHILE THE UNIT IS RENTED. COMPLIANCE WITH ORDINANCE NO. 2024-02 IS REQUIRED UPON COMMENCEMENT OF RENTAL USE. IT IS NOT A CONDITION OF THE ZONING PERMIT OR BUILDING PERMIT TO CONSTRUCT OR CONVERT AN ADU THAT WILL NOT BE OFFERED FOR RENT. NOTHING IN THIS SUBSECTION AUTHORIZES THE TOWN TO PROHIBIT THE LONG-TERM RENTAL OF A LAWFULLY ESTABLISHED ADU.

13. EXISTING ADU'S, ACCESSORY APARTMENTS, AND GUEST QUARTERS. ANY ACCESSORY APARTMENT, GUEST QUARTERS, OR SIMILAR HABITABLE SPACE THAT WAS LEGALLY ESTABLISHED PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE AND THAT DOES NOT FULLY CONFORM TO THE DEFINITION OR STANDARDS OF AN "ACCESSORY DWELLING UNIT" MAY CONTINUE AS A LEGAL NONCONFORMING USE OR STRUCTURE IN ACCORDANCE WITH ARTICLE XII OF THIS ORDINANCE. OWNERS OF SUCH PRE-EXISTING UNITS ARE ENCOURAGED TO BRING THEM INTO COMPLIANCE WITH CURRENT BUILDING CODES AND, TO THE MAXIMUM EXTENT FEASIBLE, THE STANDARDS OF THIS SECTION 27. APPLICATIONS TO LEGALIZE OR CONVERT SUCH UNITS TO A CONFORMING ACCESSORY DWELLING UNIT SHALL BE PROCESSED THROUGH THE ZONING PERMIT PROCEDURES ADMINISTERED BY THE ZONING COORDINATOR. ANY REQUEST FOR VARIANCE RELIEF FROM THE SEVENTY-FIVE PERCENT (75%) SIZE LIMITATION OR OTHER BULK OR DIMENSIONAL STANDARDS SHALL BE HEARD AND DECIDED BY THE BOARD OF APPEALS IN ACCORDANCE WITH ARTICLE XV OF THIS ORDINANCE.

14. SHORT-TERM RENTALS. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE TOWN'S AUTHORITY TO REGULATE SHORT-TERM RENTALS OF ADU'S UNDER ORDINANCE NO. 2024-02 OR ANY OTHER ORDINANCE. STATE LAW PROHIBITS UNREASONABLE PRIVATE RESTRICTIONS (FOR EXAMPLE, HOA BYLAWS OR DEEDS) ON LONG-TERM RENTAL OF ADU'S BUT EXPRESSLY PERMITS LIMITATIONS ON SHORT-TERM RENTALS.

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ARTICLE XVII. DEFINITIONS

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SECTION 126. DEFINITIONS
For the purpose of this Ordinance, certain terms and words are hereby defined:

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1.B. ACCESSORY DWELLING UNIT – A SECONDARY DWELLING UNIT THAT IS ON THE SAME LOT, PARCEL, OR TRACT AS A PRIMARY SINGLE-FAMILY DETACHED DWELLING UNIT AND NOT GREATER THAN 75% OF THE SIZE OF AND SUBORDINATE IN USE TO THE PRIMARY SINGLE-FAMILY DETACHED DWELLING UNIT. "ACCESSORY DWELLING UNIT" INCLUDES A STRUCTURE THAT IS SEPARATE FROM THE PRIMARY SINGLE-FAMILY DETACHED DWELLING UNIT OR ATTACHED AS AN ADDITION TO THE PRIMARY SINGLE-FAMILY DETACHED DWELLING UNIT. AN ACCESSORY DWELLING UNIT MAY ALSO BE CREATED WHOLLY WITHIN THE EXISTING FOOTPRINT OF THE PRIMARY SINGLE-FAMILY DETACHED DWELLING UNIT (AN INTERNAL ADU). NOT MORE THAN ONE (1) ACCESSORY DWELLING UNIT SHALL BE COUNTED OR PERMITTED ON ANY LOT, PARCEL, OR TRACT.

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50. Dwelling, Single-Family – A building designed for or occupied exclusively by one family and may include accessory guest quarters not rented or otherwise used as a separate dwelling and having no cooking facilities or separate utility meter. A "DWELLING, SINGLE-FAMILY" PERMITS ACCESSORY GUEST QUARTERS LACKING FULL COOKING FACILITIES AND SEPARATE UTILITY METERING AS PART OF THE PRIMARY DWELLING, BUT SUCH QUARTERS DO NOT CONSTITUTE A SEPARATE "ACCESSORY DWELLING UNIT" UNDER THIS ORDINANCE.

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53. Dwelling Unit – [~~A room or group of rooms occupied are intended to be occupied as separate living quarters by a single family.~~] MEANS A SINGLE UNIT PROVIDING COMPLETE LIVING FACILITIES FOR AT LEAST ONE INDIVIDUAL, INCLUDING, AT A MINIMUM, PROVISIONS FOR SANITATION, COOKING, EATING, AND SLEEPING. "DWELLING UNIT" DOES NOT INCLUDE A UNIT IN A MULTIFAMILY RESIDENTIAL BUILDING.

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SECTION 2. All provisions of the Zoning Ordinance of the Town of Galena not expressly amended by this Ordinance shall remain in full force and effect. In the event of any conflict between the provisions of this Ordinance and any other provision of the Zoning Ordinance or Comprehensive Plan, the provisions of this Ordinance and state law promoting and facilitating ADU development shall control to the fullest extent permitted by law.

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SECTION 3. Within thirty (30) days after the effective date of this Ordinance, the Zoning Coordinator shall prepare and make available to the public administrative guidance, including a checklist and application materials, to assist property owners in applying for Accessory Dwelling Units. That guidance shall include the water and sewer allocation request forms and a statement that rented ADUs must be registered under Ordinance No. 2024-02.

SECTION 4. Effective Date. This Ordinance shall take effect at the expiration of twenty (20) calendar days following approval by the Mayor or passage by the Council over the Mayor's veto.

AND BE IT FURTHER ORDAINED AND ENACTED, that a fair summary of this Ordinance shall be published at least twice (2) after the date of passage in a newspaper or newspapers having general circulation in the Town of Galena.

HAVING BEEN DULY ADOPTED on the 5 day of October, 2026, to be effective at the expiration of twenty (20) calendar days following approval on the 5 day of October, 2026, we hereby affix our signatures.

THE TOWN OF GALENA

Tyler J. Carpenter, Mayor

Sarah E. Merrell, Council Member

Cheryl A. Richwine, Council Member

John T. Carroll, Jr., Council Member

John W. Duhamell, Jr., Council Member

ATTEST:

Marisa R. Pisapia, Town Administrator

APPROVED AS TO FORM:

Kevin J. Best, Esq., Town Attorney

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