ORDINANCE 2-2026

Introduced by: Comm. Potter

AN ORDINANCE OF THE TOWN OF TRAPPE TO AMEND SECTIONS 54 AND 12 OF THE TRAPPE ZONING ORDINANCE TO ADDRESS REQUIREMENTS OF MARYLAND HOUSE BILL 1466 REGARDING ACCESORY DWELLING UNITS

WHEREAS, the Town of Trappe is authorized by the Maryland Code Ann. Local Government Article § 5-202 to adopt such ordinances not contrary to the Constitution of Maryland, public general law, or public local law as it deems necessary to assure the good government of the municipality, to preserve peace and order, to secure persons and property from damage and destruction, and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, the Council of Trappe has the power to amend the Trappe Zoning Ordinance pursuant to § 11 of the Trappe Zoning Ordinance; and

WHEREAS, pursuant to House Bill 1466 approved by the Governor of Maryland on April 22, 2025, the Commissioners are required to adopt a local ordinance authorizing the development of Accessory Dwelling Units (ADUs) on land with a single-family detached dwelling unit as the primary dwelling unit subject to certain restrictions adopted by the Council; and

WHEREAS, House Bill 1466 further requires the Council to create policies that facilitate ADU development while ensuring public health, safety, and welfare standards are met; and

WHEREAS, for the reasons stated herein, the Council of Trappe deems it is in the interest of the public health, safety and welfare of the citizens of the Town, and for good of the government of the Town, to enact this ordinance to permit ADUs within the Town of Trappe provided that they meet certain restrictions.

NOW THEREFORE, the Council of the Town of Trappe hereby ordains as follows:

Section 1. Article VIII, Section 54 titled, "Accessory dwelling units", is hereby amended as follows:

§ 54. Accessory dwelling units (ADUs).

A. Where permitted, there shall be no more than one accessory dwelling unit per lot, provided such accessory dwelling unit shall comply with the following standards. **An accessory dwelling unit is excluded from any calculation of allowable residential density and from any measure limiting the number or rate of residential dwelling units under this Ordinance or the Comprehensive Plan.**

B. Location. An accessory dwelling unit may only be on the same lot as a detached single-family dwelling.

C. Design Standards

(1) Purpose. Standards for creating accessory dwelling units address the following purposes:

(a) Ensure that accessory dwelling units **meet objective, measurable standards for scale and location that further orderly residential development within the District** ~~are compatible with the desired character and livability of residential districts~~;

(b) Respect the general building scale and placement of structures to allow sharing of common space on the lot, such as driveways and yards; and

(c) Ensure accessory dwelling units are smaller than the main residential unit.

(2) Creation. An accessory dwelling unit may only be created through the following methods:

(a) Converting existing living area, attic, or basement;

(b) Adding floor area to an existing dwelling;

(c) Construction of a stand-alone unit; or

(d) **Full or partial conversion of an existing accessory structure, with or without an addition of floor area (e.g., converting an existing garage into an accessory dwelling unit, whether or not the garage is also expanded)**. ~~Adding onto an existing accessory building (e.g., an apartment in an existing garage).~~

(e) **Timing: an accessory dwelling unit may be constructed concurrently with, or before completion of, the principal dwelling on the same lot, provided a building permit for the principal dwelling has been issued and, if the accessory dwelling unit requires a variance that the principal dwelling would not independently require, such variance has first been obtained.**

(3) Location of Entrances. Only one entry may be located on the front facade of the principal dwelling facing the street unless the principal dwelling contained additional front facade entrances before the accessory dwelling unit was created.

(4) Parking.

(a) No additional parking space is required for the accessory dwelling unit if on-street parking is permitted and adequate.

(b) One additional parking space located on or within one hundred (100) feet of the lot is required for the accessory dwelling unit: (1) when none of the roadways in abutting streets can accommodate on-street parking or (2) when the accessory dwelling unit is created at the same time as the principal dwelling.

(5) Maximum Size. The size of an accessory dwelling unit may be no more than sixty (60) percent of the living area of the principal dwelling or one thousand (1,000) square feet of floor area, whichever is less.

~~(6) Accessory dwelling units created through the addition of floor area must meet the following standards:~~

~~(a) The exterior finish material must be the same or visually match the type, size, and placement of the principal dwelling's exterior finish materials.~~

~~(b) The roof pitch must be the same as the predominant roof pitch of the principal dwelling. However, the Board of Appeals may permit a different roof pitch if needed due to the shape of the roof on the existing principal dwelling if it determines that the proposed roof pitch will maintain a compatible appearance.~~

~~(c) Trim on the edges of elements on the addition must visually match the type, size, and location of the trim used on the rest of the principal dwelling.~~

~~(d) Windows must match the proportion and orientation of those in the principal dwelling.~~

~~(e) Eaves must project from the building walls the same distance as the eaves on the rest of the principal dwelling.~~

D. Setbacks.

(1) Applicability. This subsection establishes setback standards for an accessory dwelling unit created as a stand-alone structure under § 54.C(2)(c), or through full or partial conversion of an existing accessory structure under § 54.C(2)(d). An accessory dwelling unit created by adding floor area to the principal dwelling under § 54.C(2)(b) is not subject to this subsection. It shall instead comply with the yard and setback requirements applicable to the principal structure under Article VII of this Ordinance, in the same manner as any other addition to the principal dwelling. An accessory dwelling unit created by converting existing living area, attic, or basement space under § 54.C(2)(a) does not alter the footprint of the principal structure. It is not subject to a separate setback standard under this subsection.

(2) Setback standards.

Category	Min. Side Yard Setback	Min. Rear Yard Setback
Converted from an existing accessory structure, at the structure's existing location, and at dimensions identical to or smaller than the existing structure	Same as the existing accessory structure	Same as the existing accessory structure
All other accessory dwelling units within the scope of this subsection, including new stand-alone construction and any conversion not meeting the criteria above	4 feet	4 feet

E. Height. The maximum height of an accessory dwelling unit shall be the lesser of twenty-eight (28) feet or the height of the principal dwelling on the lot.

F. Ministerial Review; Timeline. Review of a complete application for an accessory dwelling unit shall be ministerial. The Town shall approve or deny the application within ninety (90) days of the date it is determined, or deemed, to be substantially complete under § 12.G of this Ordinance.

G. Fees; Utility Connections.

(1) Impact fee or building excise tax.

Accessory Dwelling Unit Size	Min. Side Yard Setback
Under 750 square feet of gross floor area	Not permitted
750 square feet of gross floor area or greater	Permitted only if assessed proportionately to the size of the accessory dwelling unit relative to the principal dwelling, and only if the fee does not have the effect of prohibiting development of the accessory dwelling unit

(2) Utility connections. A separate water or sewer connection, or a separate connection fee, shall not be required for an accessory dwelling unit where the existing connection serving the principal dwelling is adequate to serve it.

Section 2. Article I, Section 12 titled, "Building permits, site plans, ad zoning certificates", is hereby amended as follows:

§ 12. Building permits, site plans, and zoning certificates.

. . .

B. Building Permits.

(1) The land owner or owner's agent shall make all applications for building permits.

(2) Application for building permits shall be made to the Zoning Administrator and shall be accompanied by plans in triplicate showing the actual dimensions and shape of the parcel to be built upon; the exact size and locations on the parcel of buildings already existing, if any; and the location and dimensions of the proposed building, structure, or information as lawfully may be required by the Planning Commission including information on existing or proposed construction or alteration; existing or proposed uses of buildings, structures, or land; the number of families, housekeeping units, or rental units which the building or buildings are designed to accommodate; natural features existing to determine conformance with, and provide for the enforcement of, this Ordinance.

(3) Applications shall be reviewed by the Planning Commission or person or persons designated by the Planning Commission, after which one (1) copy of the application and one (1) copy of the plans shall be returned to the applicant by the Planning Commission after such copy shall have been marked approved or disapproved and attested to same by the signature of the chairperson of the Planning Commission or a person designated by the Planning Commission to review applications for building permits. **Review of an application for a building permit that constitutes a housing development project application shall be conducted in accordance with the timeline, completeness-determination, and vesting procedures outlined in Subsection G of this Section.**

C. Expiration of Building Permits.

(1) If the work described in any building permit has not begun within one (1) year from the date of issuance, said permit shall expire. The Planning Commission may extend the building permit period up to six (6) months upon a showing of good faith.

(2) If the work described in any building permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire, and further work as described in the canceled permit shall not proceed unless a new building permit has been obtained.

D. Site Plan Review and Approval.

(1) Site plan and review shall be as provided in Article VII, Section 62 of the Trappe Subdivision Regulations, which requires a site plan for the following:

(a) Any residential development involving more than detached single-family residential units.

(b) Commercial, manufacturing, or industrial structures or uses, or redevelopment or changes in uses of property or building in connection with such use.

(c) Uses are subject to approval as a special exception by the Board of Appeals.

(d) Educational and religious institutions or facilities, private and public or quasi-public clubs, and incidental accessory structures. **A site plan application that constitutes a housing development project application is subject to Subsection G of this Section.**

G. Housing Development Project Applications — Vesting and Review Timeline.

(1) Applicability. This subsection applies to any housing development project application, as that term is used in Title 12 of the Land Use Article, Annotated Code of Maryland, including an application for a building permit under Subsection B, a site plan approval under Subsection D, a subdivision approval under the Trappe Subdivision Regulations, or a conceptual or concept plan approval, relating to the new construction or substantial renovation of a residential real estate project.

(2) Substantial completeness determination.

Requirement	Standard
Completeness determination	30 days after receipt of the application, with prompt written notice to the application of the determination
Deficiency notice, if application is incomplete	A specific list of the deficiencies and a reasonable time frame to cure them
Deemed-complete deadline	35 days after receipt; if no determination has been issued by then, the application is deemed substantially complete by operation of law

(3) Governing law. A housing development project application shall be reviewed. It shall be approved, conditionally approved, or denied, only under the laws, ordinances, and regulations in effect on the date the application was determined, or deemed, to be substantially complete under paragraph (2).

(4) Vested rights period. The vested rights period is five (5) years from the date of final approval.

(5) Fee/tax collection timing. Where the Town imposes a development impact fee, surcharge, or development excise tax on a residential real estate project, it shall not be collected until construction is complete and all certificate-of-occupancy requirements are satisfied; the Town may require payment as a precondition to final inspection, provided payment is not required more than thirty (30) days before the scheduled inspection date.

(6) Nothing in this subsection limits the Town's authority to enforce applicable building, fire, or public health and safety codes, or to execute a Development Rights and Responsibilities Agreement under Title 7, Subtitle 3 of the Land Use Article.

Section 3. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council of Trappe hereby declare that they would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4: This Ordinance shall become effective on the 25th day of November, 2026.

Jeremy Newnam

Walter Chase

Rose Potter

Daniel Deakins

Michael Sullivan

I hereby certify that the foregoing Ordinance Number 2-2026 of the Town of Trappe was duly read and enacted in accordance with the applicable provisions of the Charter of the Town of Trappe.

Attest: Erin Braband
Erin Braband, Town Administrator

Deleted text reflected as ~~stricken~~
New language reflected in **underlined and bold text**