

TOWN OF MANCHESTER

ORDINANCE NO. 276

**AN ORDINANCE TO AMEND CHAPTER 250, AMENDING THE ZONING CODE TO
INCLUDE AND REGULATE ACCESSORY DWELLING UNITS (ADU)**

WHEREAS, by virtue of the authority contained in Section 5-213 of the Local Government Article of the Maryland Annotated Code and Article IV of the Charter of the Town of Manchester, the Mayor and Council have the authority to create, and from time to time amend regulations relating to the use of real property within the Town; and

WHEREAS, all legislative bodies with planning and zoning authority are required by Maryland law to adopt a local ordinance authorizing development of ADUs; and

WHEREAS these amendments are intended to allow and regulate Accessory Dwelling Units within the Town of Manchester; and

WHEREAS, this Ordinance has been reviewed by the Planning and Zoning Commission and voted to recommend that the Mayor and Council approve and adopt the proposed ordinance; and

WHEREAS, the Mayor and Council held a public hearing on these amendments on the ____ day of _____, 2026;

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE
TOWN OF MANCHESTER:**

ARTICLE 1. That § 250-26 be created as follows :

§ 250-26.1 ACCESSORY DWELLING UNIT

- A. An Accessory Dwelling Unit (“ADU”) is a conditional use in any residential zoning district where a single family detached dwelling exists and is a principle permitted use. An accessory dwelling unit may not be located on the same lot as a two-family dwelling, townhouse, or multifamily dwelling. Such an accessory dwelling unit shall comply with the following standards. An Accessory Dwelling Unit will be equated to an Equivalent Dwelling Unit (“EDU”) for all code purposes.
- B. The single-family detached dwelling shall be located on a lot of at least 7,500 square feet served by public water.
- C. Only one accessory dwelling unit is permitted on a lot.
- D. The property owner must occupy one of the two dwelling units on the property.
- E. Detached accessory dwelling units can only be located behind the rear building line of the principal dwelling unit.
- F. The setbacks for the access dwelling unit shall be the setbacks for accessory structures in the zoning district in which the accessory dwelling unit is located.
- G. The accessory dwelling unit shall have a floor area not greater than 800 square feet, or 75 percent of the total floor area of the principal dwelling unit (excluding garages and decks), whichever is less.
- H. For purposes of administering the Accessory Dwelling Unit regulations of this chapter, the living area (above grade) of the primary dwelling shall be the living area reported by the Maryland State Department of Assessments and Taxation (SDAT), unless the property owner submits approved building plans, a certified survey, or other documentation acceptable to the Town demonstrating a different living area.
- I. The maximum total area of all accessory buildings or structures shall not cover more than 75% of the total yard.
- J. Accessory dwelling units shall not be located closer to an existing primary dwelling on an adjacent lot than it is to the primary dwelling on the subject property.
- K. The height of the accessory unit shall conform to the height restrictions of the zoning district in which the accessory unit is located. The accessory unit may not exceed the height of any principal building.

- L. The accessory unit must have complete bathroom facilities, complete sleeping facilities, and a complete kitchen with a sink with running water, range or cookstove, and refrigerator located in the same room.
- M. An accessory dwelling unit will require two off-street parking spaces in addition to those required for the principal dwelling. A request for a variance of fewer or more than two off-street parking spaces must be submitted to and approved by the Board of Appeals and be supported by a parking study at the sole cost of the owner/applicant.
- N. A site plan is required for the construction of an accessory dwelling unit.
- O. Accessory dwellings must be architecturally compatible with the style, composition, materials, colors and details of the principle building and its vicinity and contribute to the character of the surrounding neighborhood.
- P. An Accessory Dwelling Unit shall remain subordinate and accessory to the primary dwelling unit and shall not constitute a separate lot or parcel. Approval of an accessory dwelling unit shall not create additional subdivision, density, or development rights. An accessory dwelling unit may not be subdivided, sold, or otherwise conveyed separately from the primary dwelling unit unless the property is lawfully subdivided in compliance with all applicable zoning and subdivision regulations.
- Q. For Accessory Dwelling Units Subject to Homeowners Association regulations:
 - (1) Approval of an accessory dwelling unit under this Ordinance does not eliminate or modify any applicable private covenant, deed restriction, or homeowner association requirement, except as otherwise provided under Maryland Law
 - (2) Issuance of a zoning permit or building permit for an accessory dwelling unit does not constitute verification of compliance with any private covenant or homeowner association restriction.
- R. The accessory dwelling unit (attached or detached) shall meet all applicable local, state and federal laws and ordinances, including building construction and Maryland Department of Health and Maryland Department of the Environment Codes.
- S. It shall be unlawful to own a property containing an Accessory Dwelling unit and neither dwelling unit is owner occupied. Ownership of a property as described above shall be a municipal infraction subject to a fine as stated in 250-115. Each day and each living unit shall constitute a separate occurrence.

ARTICLE 2. That Section §250-31 of the Code of the Town of Manchester be amended as follows:

L. Accessory Dwelling Units, subject to § 250-26.1 of the Town Code.

ARTICLE 3. That Section §250-37 of the Code of the Town of Manchester be amended as follows:

K. Accessory Dwelling Units, subject to § 250-26.1 of the Town Code.

ARTICLE 4. That Section §250-43 of the Code of the Town of Manchester be amended as follows:

M. Accessory Dwelling Units, subject to § 250-26.1 of the Town Code.

ARTICLE 5. That Section §250-49 of the Code of the Town of Manchester be amended as follows:

M. Accessory Dwelling Units, subject to § 250-26.1 of the Town Code.

ARTICLE 6. That Section §250-55 of the Code of the Town of Manchester be amended as follows:

N. Accessory Dwelling Units, subject to § 250-26.1 of the Town Code.

ARTICLE 7. That Section §250-61 of the Code of the Town of Manchester be amended as follows:

N. Accessory Dwelling Units, subject to § 250-26.1 of the Town Code.

ARTICLE 8. That Section § 250-125 of the Code of the Town of Manchester be amended to add the following definitions in the appropriate alphabetical order.

ACCESSORY DWELLING UNIT

A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the principal dwelling, for use as a complete, independent living facility with provision within the accessory unit for cooking, eating, sanitation, and sleeping. Such a dwelling is clearly accessory to the use of the main or principal dwelling. An attached accessory unit has direct access from the outside or through a common hall which has direct outside access.

- (1) ACCESSORY DWELLING UNIT, ATTACHED. An accessory dwelling unit that shares one or more walls with the primary dwelling and is located wholly or partially within an addition to the primary dwelling or within a converted portion of an attached structure that is outside the existing livable floor area of the primary dwelling unit.
- (2) ACCESSORY DWELLING UNIT, DETACHED. An accessory dwelling unit located in a new stand-alone accessory structure or within converted portion of an existing stand-alone accessory structure.
- (3) ACCESSORY DWELLING UNIT, INTERNAL. An accessory dwelling unit is located entirely within the existing floor area of a primary single-family detached dwelling unit and created through conversion of existing interior space, including a basement, attic, or other interior area.

BUILDING FOOTPRINT. The total horizontal area measured from the outside of all exterior walls and supporting columns. It does not include any detached structures, such as garages or carport, accessory structures, trellises, patios, or ramps and stairways required for access.

ARTICLE 13. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this chapter, it being the intent of the Town that this chapter shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion thereof.

ARTICLE 14. Section Headings, Chapter Headings, Titles.

Section headings, chapter headings, titles, etc., are for the purpose of description or ease of use and do not for a part of the test of this Ordinance or any Code or test adopted hereby.

ARTICLE 15. Interpretation.

In interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This Ordinance shall be construed broadly in favor of the Town of Manchester for the purpose to promote the purpose for which it was adopted.

ARTICLE 16. Abrogation and Greater Restrictions.

1. Public Provisions. This Ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulations, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

2. Private Provisions. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement impose duties and obligations more restrictive than these regulations, and the private provisions are not consistent with these regulations, then the private provisions shall be operative and supplemental.

ARTICLE 7. Effective Date.

This Ordinance shall take effect on the ____ day of _____, 2026.

Introduced this 8th day of September, 2026.

Kelly Baldwin
Director of Finance

Passed this ____ day of _____, 2026, by a vote of ____ Council members in favor, and ____ members opposed, and ____ abstentions.

Delivered to the Mayor for his approval or disapproval this ____ day of _____, 2026.

ATTEST:

Kelly Baldwin
Director of Finance

Melinda Smith
Mayor

Effective this ____ day of _____, 2026.

Approved as to form and legal
sufficiency this ____ day of
_____, 2026.

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By: _____
Thomas McCarron, Town Attorney

---Matter in [brackets] is to be deleted from the ordinance
Matter underlined is new material to be added to the Ordinance