

CITY COUNCIL

READ FILE COVER SHEET

Subject: **Ordinance 1232 concerning Amending Chapter 205 Zoning as it relates to Accessory Dwelling Units (ADUs)**
(Public Hearing)

Date: **9/9/2026**

Notice: Any comments made after 5:00 p.m. on the Thursday before the Council Meeting will not be seen in the agenda packet.

Purpose:

- ☐ FYI
- ☒ **Read and Comment as Needed**
- ☒ **Action Required by September 21, 2026**
- ☐ In Confidential File Drawer

Approve:

Johnny Boker ☐ Yes ☐ No ☐ No Comment
Comment: _____

Casi Boyer ☐ Yes ☐ No ☐ No Comment
Comment: _____

Lizz Clarke ☐ Yes ☐ No ☐ No Comment
Comment: _____

Matthew Ellis ☐ Yes ☐ No ☐ No Comment
Comment: _____

David Glenn ☐ Yes ☐ No ☐ No Comment
Comment: _____

Vicki Jones ☐ Yes ☐ No ☐ No Comment
Comment: _____

Note: Legislative summary attached.



CITY OF HAVRE DE GRACE

OFFICE OF THE MAYOR

William T. Martin

MEMORANDUM

TO: The Honorable Council President Casi Boyer and
The Honorable Members of the City Council

FROM: Adam Rybczynski, Senior Aide to the Mayor

DATE: September 4, 2026

SUBJECT: Introduction of Ordinance - Chapter 205 (Zoning) Regarding Accessory Dwelling Units (ADUs)

1. Administrative and Legal Review

At the direction of Mayor Martin, the City Attorney and the Director of Planning Geoff Goins, have drafted the attached ordinance.

2. Executive Summary

On behalf of Mayor Martin, the administration requests the introduction and passage of the attached ordinance amending City Code Chapter 205 to modernize regulations governing Accessory Dwelling Units (ADUs).

The proposed ordinance updates existing zoning rules by establishing clear, objective development standards for ADUs and streamlining approval into a ministerial conditional-use process. The primary reason for this ordinance is to bring Havre de Grace into compliance with mandatory state housing legislation (Chapter 197 of the Acts of 2025 / Maryland Code, Land Use Article § 4-504) prior to the state-mandated deadline of October 1, 2026, while simultaneously expanding safe, predictable, and diverse housing choices across the city.

3. Existing City Code or Legislation

- **Code Citation:** City Code Chapter 205 (Zoning), specifically § 205-9H and § 205-13.
- **Current Process:** Under current city law, ADUs are authorized as conditional uses only within specified residential districts (R, R-1, R-2, RO, and RB). Applicants face a discretionary review process through the Board of Appeals that lacks unified, purely objective approval standards.

4. Proposed Changes to the City Code

Specific Amendments & Citations

- **Definitions (§ 205-13):** Repeals and replaces the definition of "Accessory Dwelling Unit" to define it as a subordinate secondary dwelling unit capped at 75% of the primary dwelling's total floor area. Adds formal definitions for *Complete Application*, *Mass-Transit Facility*, *Primary Dwelling*, and *Total Floor Area*.
- **Authorization & Applicability (Proposed § 205-9H(1)):** Authorizes one ADU per qualifying lot in every district where single-family detached homes are permitted or exist. Establishes that if an application meets all objective criteria, approval must be granted ministerially without subjective judgments (e.g., neighborhood compatibility or aesthetics).
- **Subdivision & Ownership Restrictions (Proposed § 205-9H(2)):** Prohibits the separate subdivision, fee-simple conveyance, or condominium conversion of an ADU from the primary residence.
- **Building Size, Form & Setbacks (Proposed § 205-9H(3)–(4)):** Limits ADU floor area to under 75% of the primary structure. Pre-existing accessory structure envelopes meet compliance, and new detached units inherit standard accessory setbacks without extra bulk/scale findings.
- **Entrances & Parking Rules (Proposed § 205-9H(5)–(6)):** Mandates side or rear exterior entrances. Eliminates additional parking requirements for ADUs located within 0.75 miles of mass transit and caps required parking to no more than 1 space elsewhere.
- **Utilities & Impact Fees (Proposed § 205-9H(7)–(8)):** Prohibits mandatory separate utility connections or connection fees if existing lines are sufficient. Waives impact fees and excise taxes for ADUs under 755 square feet.
- **Density & Review Timeline (Proposed § 205-9H(10), (12)):** Excludes ADUs from density or growth-management calculations. Establishes a mandatory 15-day completeness review by the Planning Director and a strict 90-day maximum window for final action by the Board of Appeals.
- **Board of Appeals Role:** Acts as the decision-making body for conditional-use permits. However, its authority is strictly bound to ministerial verification of objective standards within a 90-day window. ADUs proposed within the city's designated Historic District must undergo HPC review prior to final action by the Board of Appeals. Recommendations from the HPC may only be imposed as conditions if they stem from objective, published historic standards and do not disrupt the mandatory 90-day approval deadline. Before a use-and-occupancy permit is issued, property owners must record a confirmatory instrument in Harford County Land Records restricting separate conveyance and reinforcing compliance conditions.

CITY COUNCIL
OF
HAVRE DE GRACE, MARYLAND

ORDINANCE NO. 1232

Introduced by _____ Council Member Jones _____

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY OF ARTICLE XI-E OF THE MARYLAND CONSTITUTION, AND THE LAND USE ARTICLE AND THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND SECTIONS 33 AND 34 OF THE HAVRE DE GRACE CITY CHARTER TO AMEND CITY CODE CHAPTER 205 ZONING REGARDING ACCESSORY DWELLING UNITS (ADUs)

On: September 8, 2026
at: 7:00 p.m.

Ordinance introduced, read first time, ordered posted and public hearing scheduled.

PUBLIC HEARING

Public Hearing is scheduled for September 21, 2026 at 7:00 p.m.

EXPLANATION

Underlining indicates matter added to existing law.

[Bold Brackets] indicate matter deleted from existing law.

Amendments proposed prior to final adoption will be noted on a separate page with line references or by handwritten changes on the draft legislation.

WHEREAS, the Mayor and City Council of Havre de Grace (the “City”) have authority to adopt and amend zoning regulations to promote the health, safety, and general welfare of the community and to implement the City’s Comprehensive Plan; and

WHEREAS, Chapter 197 of the Acts of 2025, codified principally at Maryland Code, Land Use Article, Title 4, Subtitle 5, establishes a State policy to promote and encourage accessory dwelling units to meet the housing needs of Maryland residents; and

WHEREAS, Maryland Code, Land Use Article § 4-504(a)(1) requires the legislative body of each covered municipal corporation, on or before October 1, 2026, to adopt a local law authorizing development of accessory dwelling units in accordance with State law; and

WHEREAS, Maryland Code, Land Use Article §§ 4-504 and 4-505 require objective and measurable approval standards, ministerial approval of a complete application that satisfies those standards, and approval or denial within 90 days after receipt of a complete application by the agency responsible for making zoning decisions; and

WHEREAS, City Code § 205-9H currently authorizes accessory dwelling units as conditional uses in the R, R-1, R-2, RO, and RB Districts, and City Code § 205-13 defines “Accessory Dwelling Unit”; and

WHEREAS, the Mayor and City Council desire to amend those provisions to authorize one accessory dwelling unit on each qualifying property in every applicable zoning district, establish objective and measurable development standards, and retain Board of Appeals review in a manner consistent with State law;

NOW, THEREFORE, it is determined, decided, and ordained by the City Council of Havre de Grace that Chapter 205 of the City Code is amended as follows:

1. AMENDMENT TO CITY CODE § 205-13—DEFINITIONS

The definition of **ACCESSORY DWELLING UNIT (ADU)** in City Code § 205-13 is repealed and replaced, and the following definitions are added in alphabetical order:

ACCESSORY DWELLING UNIT (ADU)

A secondary dwelling unit that:

A. Is located on the same lot, parcel, or tract as a primary dwelling;

B. Is subordinate in use to the primary dwelling;

C. Has a total floor area that is less than the total floor area of, and does not exceed 75% of the total floor area of, the primary dwelling;

D. Provides complete, independent living facilities for at least one individual, including permanent provisions for sanitation, cooking, eating, and sleeping; and

E. Is created:

(1) Within, or as an addition to, the primary dwelling;

- (2) Within, or as an addition to, an accessory structure located on the same lot, parcel, or tract as the primary dwelling; or
- (3) As a new detached structure located on the same lot, parcel, or tract as the primary dwelling.

Accessory dwelling units are shown below by way of example only, and shall not conflict with written descriptions:

COMPLETE APPLICATION

An application for a zoning use permit and conditional-use approval for an accessory dwelling unit that has been submitted in the form required by the City and includes all plans, documents, certifications, and fees identified on the City's published accessory dwelling unit application checklist as necessary to determine compliance with the objective requirements of this chapter. An application shall be deemed complete when the Director of Planning provides written notice of completeness or fails to provide written notice identifying each missing item within 15 calendar days after receipt of the application or a resubmission addressing the identified missing items.

MASS-TRANSIT FACILITY

A rail station, bus station, ferry terminal, or other fixed facility at which passengers may board or exit regularly scheduled public transportation service. For purposes of § 205-9H, distance from a mass-transit facility shall be measured as a straight-line horizontal radius from the nearest boundary of the lot, parcel, or tract containing the mass-transit facility to the nearest boundary of the lot, parcel, or tract proposed for the accessory dwelling unit, using the City's geographic information system or another objectively verifiable survey or mapping method accepted by the Director of Planning.

PRIMARY DWELLING

The single-family detached dwelling unit that is, or will be, the principal residential use on the same lot, parcel, or tract as an accessory dwelling unit. The term does not include an attached dwelling or a dwelling unit in a multifamily residential building.

TOTAL FLOOR AREA

The sum of the horizontal areas of all stories of a dwelling unit, measured from the exterior faces of the exterior walls, including all enclosed areas used or capable of being used for habitation, sanitation, cooking, eating, sleeping, storage, or mechanical equipment serving the dwelling unit. Total floor area does not include an unenclosed porch, deck, patio, exterior stair, carport, or an attached or detached garage area that is not converted to habitable space. The total floor area of the accessory dwelling unit and the primary dwelling shall be calculated using the same measurement method.

2. REPEAL AND REPLACEMENT OF CITY CODE § 205-9H

City Code § 205-9H is repealed in its entirety and replaced with the following:

H. Accessory dwelling unit requirements.

(1) Authorization and applicability.

(a) One accessory dwelling unit may be permitted by the Board of Appeals as a conditional use on a qualifying lot, parcel, or tract in every zoning district in which a single-family detached dwelling is permitted as a principal use or lawfully exists as the primary dwelling, including the R, R-1, R-2, RO, and RB Districts.

(b) The party developing the accessory dwelling unit shall own and have the exclusive right to use the lot, parcel, or tract on which the accessory dwelling unit is proposed.

(c) An accessory dwelling unit shall not be authorized where development of a new dwelling unit is prohibited because of:

[1] Limitations on available safe drinking water;

[2] Public health risks caused by limitations on sewage disposal; or

[3] Documented risks associated with fire, flood, or landslide that prohibit development of a new dwelling unit under otherwise applicable law.

(d) An accessory dwelling unit shall comply with applicable public health, safety, and welfare requirements, including the building, fire, floodplain, critical area, and adequate public facilities requirements that lawfully apply to the property, except where State law expressly provides otherwise.

(e) An accessory dwelling unit may be constructed before or during construction of the primary dwelling unless construction of the accessory dwelling unit would require a variance from this chapter to construct the primary dwelling.

(f) Approval shall be based solely on the objective and measurable standards stated in this subsection. If a complete application demonstrates compliance with those standards, the Board of Appeals shall approve the application. The Board may not deny an application or impose a condition based on subjective criteria, including neighborhood compatibility, architectural style or aesthetics, generalized adverse impacts, or the personal characteristics or identity of an anticipated occupant.

(2) Number and property status.

(a) Not more than one accessory dwelling unit is permitted on a qualifying lot, parcel, or tract.

(b) The accessory dwelling unit and primary dwelling shall remain on the same lot, parcel, or tract.

(c) An accessory dwelling unit shall not be subdivided from the primary dwelling, conveyed in fee simple separately, converted to a condominium unit separate from the primary dwelling, or otherwise transferred as a separate ownership interest.

(d) Development of an accessory dwelling unit may not be conditioned on the lot, parcel, or tract exceeding the minimum lot area required for the primary dwelling in the applicable zoning district.

(3) Building Size and Form.

(a) The total floor area of the accessory dwelling unit shall be less than the total floor area of the primary dwelling and shall not exceed 75% of the total floor area of the primary dwelling.

(b) The accessory dwelling unit shall be subordinate to the primary dwelling in use.

(c) An accessory dwelling unit shall comply with the maximum building height and lot-coverage requirements applicable to the structure in which it is located, except that no standard may be applied in a manner inconsistent with Subsection H(4).

(d) For an accessory dwelling unit created wholly within an existing primary dwelling or existing accessory structure, the existing building envelope shall constitute compliance with the building size and form standard.

(e) For a new detached accessory dwelling unit or an addition containing an accessory dwelling unit, building size and form compliance shall be determined solely by total floor area, building height, lot coverage, and setbacks expressly required by this subsection and Table I. No separate compatibility, scale, bulk, or aesthetic finding is required.

(4) Setbacks and location.

(a) No new or increased side or rear yard setback shall apply when an existing accessory structure is fully or partially converted to an accessory dwelling unit if:

[1] The location of the proposed accessory dwelling unit is identical to the location of the existing accessory structure; and

[2] The exterior dimensions of the proposed accessory dwelling unit are identical to or smaller than the exterior dimensions of the existing accessory structure.

(b) For an accessory dwelling unit not qualifying under Subsection H(4)(a), the required side and rear yard setbacks shall not exceed the side and rear yard setbacks otherwise applicable to an accessory structure of the same height in the applicable district.

(c) A new detached accessory dwelling unit shall be located to the side or rear of the primary dwelling. This requirement does not apply if the physical dimensions of the lot make side or rear placement impossible while satisfying all other objective requirements of this subsection.

(5) Entrances.

(a) An exterior entrance serving only the accessory dwelling unit shall be located on the side or rear of the structure, unless:

[1] The existing principal entrance is shared by the primary dwelling and accessory dwelling unit;

[2] A different entrance location is required by an applicable building, fire, life-safety, accessibility, floodplain, or objective historic-preservation requirement; or

[3] The accessory dwelling unit is located in a detached structure whose principal entrance does not face a public street abutting the front lot line.

(b) Entrance review is limited to the measurable location requirements in this subsection and may not include an architectural-style, compatibility, or aesthetic determination.

(6) Parking.

(a) No new off-street parking space shall be required for an accessory dwelling unit located within a 0.75-mile radius of a mass-transit facility.

(b) For an accessory dwelling unit outside a 0.75-mile radius of a mass-transit facility, not more than one additional off-street parking space may be required. The additional space

may be located in a driveway and may be arranged in tandem if the space satisfies applicable dimensional and surface requirements.

- (c) No additional parking requirement may be imposed unless the Mayor and City Council first complete the parking study required by Maryland Code, Land Use Article § 4-504(e), adopt the requirement by ordinance, and provide an objective waiver process.

(7) Utilities.

- (a) The applicant shall submit written confirmation from the Department of Public Works or other applicable utility that the proposed water and sewer arrangement complies with objective capacity and safety criteria adopted by the City.

- (b) Except for an accessory dwelling unit developed in conjunction with a new or substantially renovated primary dwelling, a separate connection between the accessory dwelling unit and a water or sewer main shall not be required when the existing connection serving the primary dwelling is determined to have sufficient capacity to serve both dwelling units.

- (c) A separate water or sewer connection may be required only under objective capacity, condition, pressure, flow, backflow-prevention, or public-health criteria adopted and published by the City.

- (d) If an accessory dwelling unit is integrated into the existing connection serving the primary dwelling, no connection fee associated with that integration shall be charged.

- (e) The person developing the accessory dwelling unit may elect to use a water meter shared with the primary dwelling.

(8) Fees.

- (a) No development impact fee or building excise tax shall be imposed on an accessory dwelling unit having a total floor area of less than 750 square feet.

- (b) For an accessory dwelling unit having a total floor area of at least 750 square feet, any development impact fee or building excise tax shall be assessed proportionately in relation to the total floor area of the primary dwelling and shall not be set at an amount that creates a de facto prohibition on development of the accessory dwelling unit.

- (c) Any capital cost recovery fee imposed under Chapter 196 shall comply with this subsection and with Maryland Code, Land Use Article §§ 4-506 and 4-507.

(9) Rental and occupancy.

- (a) An accessory dwelling unit may be occupied by the property owner, a tenant, or another lawful occupant and may be rented for a term permitted by applicable law.

- (b) An accessory dwelling unit offered or used as a short-term rental shall comply with Chapter 147 and all other generally applicable short-term-rental requirements.

- (c) Occupancy shall comply with objective building, fire, property-maintenance, rental-licensing, and maximum-occupancy requirements applicable to dwelling units.

(10) Density and residential-growth measures.

Development of an accessory dwelling unit shall be excluded from:

- (a) Calculations of maximum residential density, including dwelling units per acre;
- (b) Residential allocation or growth-management limits applicable to the lot, parcel, or tract; and
- (c) Any other measure limiting residential growth that pertains to the lot, parcel, or tract.

(11) Historic District review.

- (a) An accessory dwelling unit located in the City's designated Historic District shall be submitted to the Havre de Grace Historic Preservation Commission for review before final action by the Board of Appeals, if Historic Preservation Commission review is otherwise required by Chapter 97 or applicable law.
- (b) Historic Preservation Commission review shall be completed under objective standards adopted in Chapter 97 or other applicable law and shall be coordinated with the review schedule in Subsection H(12).
- (c) A Historic Preservation Commission recommendation may be incorporated as a condition of approval only if the condition:
 - [1] Is required by an objective, published standard applicable to the property;
 - [2] Is stated with sufficient specificity to permit ministerial determination of compliance;
 - and
 - [3] Does not prevent the Board of Appeals from acting within the period required by Subsection H(12).

(12) Application and Board of Appeals procedure.

- (a) An application for an accessory dwelling unit shall be filed with the Department of Planning on the form and complete-application checklist published by the City.
- (b) Within 15 calendar days after receipt, the Director of Planning shall provide written notice that the application is complete or provide one written list identifying each item required by the published checklist that is missing. The Director may identify a subsequently discovered omission only if the omitted information was required by the checklist in effect when the application was filed and is necessary to determine compliance with an objective requirement of this subsection.
- (c) The Department of Planning shall transmit a complete application to the Board of Appeals and schedule any required hearing sufficiently in advance to permit final action within 90 days after receipt of the complete application by the agency responsible for making the zoning decision.
- (d) The Board of Appeals shall approve or deny a complete application within 90 days after receipt of the complete application by the agency responsible for making the zoning decision.
- (e) Approval of a complete application shall be ministerial. The Board of Appeals shall approve the application if the record demonstrates compliance with the objective and measurable requirements of this subsection. A denial shall identify each unmet

requirement, cite the specific Code provision, and state the record evidence supporting the determination.

(f) The Board may impose only a condition that is:

- [1] Expressly authorized by this subsection or another objective and measurable provision of applicable law;
- [2] Necessary to bring the application into compliance with the cited provision; and
- [3] Stated in objective and measurable terms.

(g) If the applicant requests a delay in writing, the 90-day review period shall be tolled for the duration of the requested delay.

(h) Nothing in this subsection alters an applicable administrative appeal or judicial-review process.

(13) Permits, inspections, and continuing compliance.

(a) Conditional-use approval does not excuse the applicant from obtaining a building permit, zoning use permit, rental license, certificate of occupancy, or other permit required by generally applicable law.

(b) Before issuance of a use-and-occupancy permit, the owner shall record among the Land Records of Harford County a City-approved confirmatory instrument stating that:

- [1] The accessory dwelling unit and primary dwelling shall remain on the same lot, parcel, or tract;
- [2] The accessory dwelling unit may not be separately conveyed or converted to a separate condominium unit; and
- [3] The accessory dwelling unit remains subject to the objective conditions of approval and applicable rental requirements.

(c) The confirmatory instrument may not include a restriction that the City could not lawfully impose under this chapter or State law.

(d) The City may assign an address, subaddress, or unit designation to the accessory dwelling unit when required for emergency response, utility administration, permitting, or postal purposes.

3. CONFORMING APPLICATION TO ZONING DISTRICTS

Notwithstanding any inconsistent use table, district regulation, or other provision of Chapter 205, one accessory dwelling unit meeting § 205-9H is authorized as a conditional use on a qualifying lot, parcel, or tract in each zoning district in which a single-family detached dwelling is permitted as a principal use or lawfully exists as the primary dwelling. The Director of Administration and Code publisher are authorized to add a conforming cross-reference to § 205-9H in the conditional-use provisions for each applicable district, including the R, R-1, R-2, RO, and RB Districts.

4. CONSTRUCTION AND PREEMPTION

A. This Ordinance shall be interpreted to comply with Maryland Code, Land Use Article, Title 4, Subtitle 5. If a provision of this Ordinance conflicts with a mandatory provision of that subtitle, the mandatory State provision controls to the extent of the conflict.

B. Nothing in this Ordinance exempts an accessory dwelling unit from an otherwise

applicable public health, building, fire, floodplain, environmental, critical area, property-maintenance, or adequate public facilities requirement, except to the extent State law expressly requires different treatment.

- C. No provision of this Ordinance shall be interpreted to authorize more than one accessory dwelling unit on a lot, parcel, or tract.

5. SEVERABILITY

If any section, subsection, paragraph, sentence, clause, phrase, or application of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, the invalidity shall not affect any other provision or application that can be given effect without the invalid provision or application, and to that end the provisions of this Ordinance are severable.

6. CODIFICATION

The Director of Administration and the Code publisher are authorized to correct section numbering, subsection lettering, capitalization, punctuation, cross-references, and nonsubstantive formatting necessary to codify this Ordinance, provided that no substantive change is made.

ADOPTED by the City Council of Havre de Grace, Maryland this ____ day of ____, 2026.

SIGNED by the Mayor and attested by the Director of Administration this ____ day of ____, 2026.

ATTEST:

MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE

Christopher Ricci
Director of Administration

William T. Martin
Mayor

Introduced/First Reading: 9/8/2026

Public Hearing:

Second Reading/Adopted:

Effective Date:

In accordance with the provisions of the Maryland Ann. Code, Land Use Article, §4-203 and the City Charter requirements, this ordinance shall become effective no earlier than ten days after the close of the public hearing on the Zoning Code amendments set forth herein.