

Ordinance No. 2026-02

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF KEEDYSVILLE, MARYLAND AMENDING THE *TOWN OF KEEDYSVILLE ZONING ORDINANCE* AND ENACTING *ARTICLE 3, ZONING DISTRICTS AND USE REGULATIONS, SEC. 306, ACCESSORY DWELLING UNITS* TO AUTHORIZE AND REGULATE ACCESSORY DWELLING UNITS IN ACCORDANCE WITH *TITLE 4, SUBTITLE 5 OF THE LAND USE ARTICLE OF THE ANNOTATED CODE OF MARYLAND*.

PREAMBLE

WHEREAS, *Article XI-E of the Maryland Constitution* and *Title 4 of the Land Use Article of the Annotated Code of Maryland* authorize the Mayor and Council to enact and administer zoning regulations for the Town of Keedysville of; and

WHEREAS, the General Assembly of Maryland, by Chapters 196 and 197 of the Acts of 2025, enacted *Title 4, Subtitle 5 of the Land Use Article*, effective October 1, 2025, declaring it the policy of the State to promote and encourage the creation of Accessory Dwelling Units on land with a single-family detached dwelling unit as the primary dwelling in order to meet the housing needs of the citizens of Maryland (**Md. Code Ann., Land Use § 4-503**); and

WHEREAS, *Md. Code Ann., Land Use § 4-504(a)* requires each local legislative body, on or before October 1, 2026, to adopt a local law authorizing the development of Accessory Dwelling Units in accordance with that section (**Md. Code Ann., Land Use § 4-504**); and

WHEREAS, the Mayor and Council finds that Accessory Dwelling Units expand the supply of moderately priced housing, allow older and disabled residents and their families to age in place, provide homeowners a source of rental income, and make efficient use of existing residential infrastructure while preserving the established character of single-family neighborhoods; and

WHEREAS, the Mayor and Council intends by this Ordinance to authorize and regulate Accessory Dwelling Units in a manner that is consistent with, and no more restrictive than permitted by, *Title 4, Subtitle 5 of the Land Use Article*;

ORDINANCE

NOW, THEREFORE, IT IS HEREBY RESOLVED, ENACTED AND ORDAINED THAT ARTICLE 3, ZONING DISTRICTS AND USE REGULATIONS, SEC. 306, ACCESSORY DWELLING UNITS is hereby added to the *Town of Keedysville Zoning Ordinance* as a new Section, thereby amending and modifying same to read as follows:

§ 306-1. Purpose and Findings

(a) Purpose. The purpose of this Article is to authorize and regulate the establishment of Accessory Dwelling Units ("ADUs") on lots occupied by single-family detached dwellings, consistent with the State policy declared in *Md. Code Ann., Land Use § 4-503* and the requirements of *§ 4-504. (Md. Code Ann., Land Use § 4-503 ; Md. Code Ann., Land Use § 4-504)* This Article is intended to:

- (1) increase the supply and variety of housing, including moderately priced rental housing, to meet the needs of smaller and moderate-income households;
- (2) enable older homeowners and persons with disabilities to remain in their homes and neighborhoods by providing rental income, companionship, and proximity to caregivers;
- (3) make efficient use of existing housing stock, public infrastructure, and residential land; and
- (4) accomplish the foregoing while protecting the stability, property values, and single-family residential character of the municipality's neighborhoods.

(b) Findings. The Mayor and Council find that:

- (1) it is the declared policy of the State of Maryland to promote and encourage the creation of Accessory Dwelling Units on land with a single-family detached primary dwelling in order to meet the housing needs of Maryland's citizens (*Md. Code Ann., Land Use § 4-503*);
 - (2) State law requires the municipality to adopt a local law authorizing Accessory Dwelling Units on or before October 1, 2026 (*Md. Code Ann., Land Use § 4-504*); and
 - (3) the standards adopted in this Article are reasonably necessary to protect the public health, safety, and welfare and are consistent with the limitations that State law places on local regulation of Accessory Dwelling Units.
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§ 306-2. Definitions/Interpretation

For purposes of this Article, the following terms have the meanings indicated. Terms not defined here have the meanings given in *Article 2, Definitions* of the *Zoning Ordinance* or, if not defined there, their ordinary meaning. If any conflict arises by virtue of the adoption and passage of this enactment, the definitions and provisions set forth herein shall control.

Accessory Dwelling Unit (ADU) means a secondary dwelling unit that is (1) located on the same lot, parcel, or tract as a primary single-family detached dwelling unit, and (2) not greater than seventy-five percent (75%) of the size of, and subordinate in use to, the primary single-

family detached dwelling unit. An Accessory Dwelling Unit may be either a structure separate from the primary single-family detached dwelling unit or a unit attached as an addition to that dwelling. (Md. Code Ann., Land Use § 4-501).

Attached ADU means an Accessory Dwelling Unit that is created within, or attached as an addition to, the primary single-family detached dwelling unit, including a unit created by converting existing living area, an attic, a basement, or an attached garage.

Detached ADU means an Accessory Dwelling Unit located in a structure that is physically separate from the primary single-family detached dwelling unit.

Dwelling unit means a single unit providing complete, independent living facilities for at least one individual, including, at a minimum, permanent provisions for sanitation, cooking, eating, and sleeping. "Dwelling unit" does not include a unit in a multifamily residential building. (Md. Code Ann., Land Use § 4-501).

Gross floor area means the total floor area, measured to the exterior faces of the walls, of all floors of a dwelling unit that meet applicable building-code standards for habitable space, excluding unfinished basements, attics, and attached garages.

Owner means one or more natural persons who hold legal or equitable title to the lot, directly or through a trust, life estate, or similar instrument in which the person is a beneficiary, and for whom the property is eligible to serve as a primary residence.

Owner-occupancy means occupancy of either the primary dwelling unit or the Accessory Dwelling Unit by an owner of the lot as the owner's permanent, primary place of residence, subject to bona fide temporary absences.

Primary Dwelling Unit means the single-family detached dwelling unit on a lot that is the principal permitted use of the lot and to which an Accessory Dwelling Unit is subordinate.

Short-term rental means the rental of a dwelling unit, or any portion of it, for a period of fewer than thirty (30) consecutive days.

§ 306-3. Applicability and Permitted Locations

(a) **Applicability.** This Article applies only to the development of an Accessory Dwelling Unit on a lot on which a single-family detached dwelling unit is the primary dwelling unit. (Md. Code Ann., Land Use § 4-502). This Article does not authorize an Accessory Dwelling Unit on a lot whose primary use is a multifamily building, a duplex, a townhouse, or any use other than a single-family detached dwelling.

(b) **Permitted locations.** An Accessory Dwelling Unit that complies with this Article is a permitted accessory use, allowed by right subject to the administrative approval required by §306-7, in every zoning district in which a single-family detached dwelling is a permitted primary use.

(c) **Number.** No more than one (1) Accessory Dwelling Unit is permitted on a lot.

(d) **Relationship to primary dwelling.** An Accessory Dwelling Unit may be established only in conjunction with a lawfully existing or concurrently permitted primary single-family detached

dwelling unit. An Accessory Dwelling Unit may not exist on a lot without a primary dwelling unit.

§ 306-4. Dimensional and Design Standards

An Accessory Dwelling Unit shall comply with the following standards. Except as this Article provides, an Accessory Dwelling Unit is also subject to the dimensional standards applicable to Accessory Structures, Buildings and Uses in the district in which it is located.

(a) Maximum size. The gross floor area of an Accessory Dwelling Unit shall not exceed seventy-five percent (75%) of the gross floor area of the primary dwelling unit, or one thousand (1,000) square feet, whichever is less. (Md. Code Ann., Land Use § 4-501).

(b) Density. An Accessory Dwelling Unit shall be excluded from the calculation of density and from the application of any measure limiting residential growth that pertains to the lot, parcel, or tract on which the Accessory Dwelling Unit is developed. (Md. Code Ann., Land Use § 4-504).

(c) Setbacks. An Accessory Dwelling Unit shall only be permitted in the side and rear yard and shall comply with the side and rear setbacks applicable to accessory structures in the district. No portion of the front wall of the Accessory Dwelling Unit shall extend or protrude beyond that part of the front wall of the Primary Dwelling Unit which is closest to the street which abuts the property. The setback requirements imposed on an Accessory Dwelling Unit under this Article shall not exceed the existing accessory-structure setback requirements from the side and rear lot lines. (Md. Code Ann., Land Use § 4-504).

(d) Height. The height of an Accessory Dwelling Unit shall not exceed the height of the primary dwelling unit or twenty (20) feet, whichever is less.

(e) Lot coverage. An Accessory Dwelling Unit is subject to the maximum lot-coverage and impervious-surface standards applicable to accessory structures in the district, except that compliance with those standards may not be applied so as to exclude the Accessory Dwelling Unit from the density exclusion required by subsection (b). (Md. Code Ann., Land Use § 4-504).

(f) Design and appearance. An Accessory Dwelling Unit shall:

- (1) be a complete, separate dwelling unit containing its own kitchen and bathroom facilities;
- (2) for an attached ADU, be designed so that the structure retains the general exterior appearance of a single-family dwelling, and locate any new exterior entrance serving the Accessory Dwelling Unit on the side or rear of the building; and
- (3) use exterior materials, roof pitch, and design features generally compatible with the primary dwelling unit.

(g) Minimum lot size. An Accessory Dwelling Unit may be established only on a lot that meets the minimum lot area required for a single-family detached dwelling in the district. No additional minimum lot area is required for an Accessory Dwelling Unit.

§ 306-5. Use and Occupancy Restrictions

- (a) **Residential use only.** An Accessory Dwelling Unit shall be used only for residential occupancy and for no other use.
- (b) **Subordinate use.** An Accessory Dwelling Unit shall remain subordinate in use to the primary single-family detached dwelling unit. (**Md. Code Ann., Land Use § 4-501**).
- (c) **No separate conveyance.** An Accessory Dwelling Unit shall not be sold, conveyed, or otherwise transferred separately from the primary dwelling unit or the lot on which it is located, and shall not be established as a separate lot or condominium unit.
- (d) **Occupancy.** The total number of persons residing in the primary dwelling unit and the Accessory Dwelling Unit combined shall not exceed the number permitted for a household or dwelling under the applicable provisions of the *Zoning Ordinance*.
- (e) **Short-term rental.** An Accessory Dwelling Unit shall not be used as a short-term rental.
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§ 306-6. Owner-Occupancy

- (a) **Requirement.** An owner of the lot shall occupy either the primary dwelling unit or the Accessory Dwelling Unit as the owner's permanent, primary residence, except for bona fide temporary absences not exceeding twelve (12) months.
- (b) **Recorded acknowledgment.** Before an Accessory Dwelling Unit may be occupied, the owner shall record, in the land records of Washington County in the chain of title to the property, a declaration in a form approved by the Zoning Administrator acknowledging the owner-occupancy requirement and the other conditions of this Article and shall provide proof of recording to the Zoning Administrator.
- (c) **Transfer.** Upon sale or transfer of the lot, a new owner who wishes to continue the Accessory Dwelling Unit shall, within thirty (30) days of the transfer, file with the Zoning Administrator a signed statement affirming that the owner will occupy one of the dwelling units as the owner's primary residence.
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§ 306-7. Application and Approval Procedures

- (a) **Administrative approval.** An Accessory Dwelling Unit that complies with this Article shall be approved administratively by the Zoning Administrator through issuance of a zoning permit, without a public hearing and without discretionary review, upon the Administrator's confirmation that the application meets the objective standards of this Article and any other applicable provisions of the *Zoning Ordinance*.
- (b) **Application.** An application for an Accessory Dwelling Unit zoning permit shall be filed with the Zoning Administrator on a form provided by the municipality and shall include:
- (1) the name and address of the owner and, if different, the applicant;
 - (2) a site plan showing the location, dimensions, and setbacks of the primary dwelling unit and the proposed Accessory Dwelling Unit, and the location of parking and utility connections;

(3) floor plans and elevations of the proposed Accessory Dwelling Unit sufficient to show compliance with the size, design, and building-code standards of this Article;

(4) evidence of adequate water and sewer service as required by § 306-9; and

(5) any recorded declaration required under § 306-6.

(c) Review and decision. The Zoning Administrator shall approve, approve with conditions necessary to secure compliance with this Article, or deny the application in writing within forty-five (45) days after a complete application is filed. A denial shall state the specific standards not met.

(d) Building permit. Approval of a zoning permit under this section does not relieve the applicant of the obligation to obtain a building permit and all other permits required by law before construction or occupancy.

(e) Appeals. An applicant aggrieved by a decision of the Zoning Administrator under this Article may appeal to the BOARD OF ZONING APPEALS in accordance with the applicable provisions of the *Zoning Ordinance*.

(f) Pre-existing Accessory Dwelling Units. An Accessory Dwelling Unit lawfully established before the effective date of this Article, or established without required approvals before that date, may be registered and brought into compliance under procedures that the Zoning Administrator is authorized to establish.

§ 306-8. Off-Street Parking

(a) Default rule. No off-street parking space is required for an Accessory Dwelling Unit in addition to the parking required for the primary dwelling unit. Any off-street parking required for the primary dwelling unit shall be maintained or replaced on-site. No special provisions for on street parking shall be made by the Town of Keedysville to accommodate Accessory Dwelling Units.

§ 306-9. Utilities and Infrastructure

(a) Adequate public facilities. An Accessory Dwelling Unit shall be constructed to meet public health, safety, and welfare standards, including all relevant building, plumbing, electrical, and fire codes and applicable adequate-public-facilities requirements. (**Md. Code Ann., Land Use § 4-504**).

(b) Water and sewer. An Accessory Dwelling Unit shall be connected to public water and public sanitary sewer service where such service is available and as required by the Town's Ordinances regulating and controlling connection to public water and public sanitary sewer service. Where public service is not available, the Accessory Dwelling Unit shall be served by a well and on-site sewage disposal system approved by the Washington County Health Department and the Maryland Department of the Environment as adequate to serve both the primary and Accessory Dwelling Unit.

(c) Connections. Water and sewer service to an Accessory Dwelling Unit may be provided through the primary dwelling unit's connections or through separate connections, as approved by the Town. The owner is responsible for all costs of connection, capacity, and any required system upgrades which shall be treated as new connections under the Town's Ordinances unless otherwise specified by Ordinance. Whether the ADU is connected to water and sewer through the primary dwelling unit's connections or separately, the same water and sewer connection fees and other expenses charged to other users connecting to the systems shall be charged, assessed and paid for service to an Accessory Dwelling Unit. Non-payment of those Connection Fees shall constitute a lien on the Property where the ADU is located and may be used as a basis to terminate service. All Accessory Dwelling Units shall be separately metered and billed for water service, sewer service, electricity and refuse.

(d) Stormwater. New impervious surface associated with an Accessory Dwelling Unit shall comply with the municipality's stormwater management requirements. (**Md. Code Ann., Land Use § 4-504**)

§ 306-10. Alley Access

The full or partial conversion of an accessory structure into an Accessory Dwelling Unit is prohibited where the only vehicular access to the accessory structure is from an alley. (**Md. Code Ann., Land Use § 4-504**).

§ 306-11. Enforcement and Penalties

(a) Compliance. It is unlawful to establish, construct, occupy, or maintain an Accessory Dwelling Unit except in compliance with this Article.

(b) Violations. A violation of this Article is a municipal infraction (zoning violation) punishable by a fine as specified in the Penalty Section of the *Zoning Ordinance*. Each day a violation continues constitutes a separate offense.

(c) Remedies. In addition to any fine, the municipality may pursue all remedies available at law or in equity, including revocation of the zoning permit, an order requiring correction or removal of the Accessory Dwelling Unit or the unlawful use, denial or withholding of permits or certificates of occupancy, and injunctive relief.

(d) Enforcement authority. The Zoning Administrator and/or the Code Enforcement Officer is authorized to administer and enforce this Article, including inspection of an Accessory Dwelling Unit upon consent of the occupant or pursuant to an administrative warrant to verify compliance.

§ 306-12. Severability

If any provision of this Article, or its application to any person or circumstance, is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions or applications of this Article that can be given effect without the invalid provision or application, and to this end the provisions of this Article are severable

§ 306-13. Relationship to Other Law; Savings

This Article shall be construed consistently with *Title 4, Subtitle 5 of the Land Use Article (Md. Code Ann., Land Use § 4-503)*. Except as expressly provided in this Article, nothing in this Article alters or abrogates any other requirement of the *Zoning Ordinance, the Town's Code of Ordinance*, or other applicable law. Nothing in this Article limits the protections of *Md. Code Ann., Real Prop. § 2-126* governing private restrictions on the development or rental of Accessory Dwelling Units.

BE IT FUTHER RESOLVED, ENACTED AND ORDAINED that this Ordinance is hereby Introduced and Passed as an Emergency Ordinance with the Effective Date being October 7, 2026, the Date of Passage.

MAYOR AND COUNCIL

TOWN OF KEEDYSVILLE, MARYLAND

Witness and Attest as to

Corporate Seal

By: 

Kenneth Lord, Mayor



Lisa Riner, Town Administrator

Date of Introduction: October 7, 2026

Date of Passage: October 7, 2026

Effective Date: October 7, 2026

Record and Return to:

Ms. Lisa Riner
Town Administrator
Town of Keedysville
P.O. Box 359
Keedysville, MD 21756

Send Certification to:

Ms. Lisa Riner, Town Administrator
Town of Keedysville
Town Hall
P. O. Box 359
Keedysville, MD 21756

OCT 19 2026

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Washington County

Agency Name : KEEDYSVILLE TOWN
Instrument List : Other
Describe Other :
Ref :
Government Instrument Amount :
\$0.00
Total Amount : \$0.00
Transaction Amount : \$0.00
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Washington County, Maryland
Kevin R. Tucker, Clerk
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Hagerstown, MD 21740
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Recording Fee _____

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AFFIDAVIT OF PUBLICATION

Lisa Riner
Town Of Keedysville
PO BOX 359
KEEDYSVILLE MD 21756

STATE OF MARYLAND, COUNTY OF WASHINGTON

The Herald-Mail is a daily newspaper of general circulation, printed in the English language and published in the City of Hagerstown in said County and State, and that annexed hereto is a copy of a certain order taken from said newspaper in which the order was published.

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NOTICE

Notice is hereby given by the Mayor and Council of the **Town of Keedysville**, as its duly constituted legislative body, that a Public Hearing will be held in Council Chambers, Town Hall, on **October 7, 2026, starting at 6:45 P.M.** The hearing is being scheduled pursuant to the provisions of the *Annotated Code of Maryland and the Charter of the Town*, to consider whether or not to introduce, pass and make effective an amendment to the Town's *Zoning Ordinance* to permit and regulate Accessory Dwelling Units in accordance with *Title 4, Subtitle 5 of the Land Use Article of the Annotated Code of Maryland*. A complete copy of said proposed Ordinance is on file in the Office of the Town Administrator, Town Hall, Keedysville, Maryland. Same may be copied or inspected in that office and it is incorporated herein by reference and made a part hereof for convenience and economy. Pursuant to the *Maryland Open Meetings Act*, notice is hereby given that the deliberations of the Mayor and Council are open to the public. The intent is that the determination will be made at the Regular Meeting to be held on the date of the Public Hearing or a later date. Individuals requiring special accommodation are requested to contact Lisa Riner at (301) 432-5795. Any person desiring a stenographic transcript shall be responsible for supplying a competent stenographer at their expense.

Town of Keedysville,
Maryland

By: Mayor and Council

Edward L. Kuczynski
Town Attorney

9/18, 9/30/26 #12635475

USA TODAY CO.



PO Box 630519 Cincinnati, OH 45263-0519

AFFIDAVIT OF PUBLICATION

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STATE OF MARYLAND, COUNTY OF WASHINGTON

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Sworn to and subscribed before on 10/13/2026

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State of Wisconsin

Notice

Notice is hereby given by the Mayor and Council of the Town of Keedysville, Maryland, a municipal corporation, existing under and by virtue of the laws of the State of Maryland, that pursuant to the powers granted to it by the Annotated Code of Maryland, and the Charter of the Town of Keedysville, that on **October 7, 2026**, an Ordinance 2026-02 entitled **An Ordinance of the Mayor & Council of the Town of Keedysville, Maryland, Amending the Town of Keedysville Zoning Regulations, Section 306 Accessory Dwelling Units in accordance with Title 4, Subtitle 5 of the Land Use Article of the Annotated Code of Maryland** was introduced. Said Ordinance was passed as an emergency ordinance on October 7, 2026 with an effective date of October 7, 2026. The entire text of the Ordinance is on file with the Town clerk, Town Hall, Keedysville, Maryland, and is incorporated herein and made a part hereof by reference.
MAYOR AND COUNCIL
THE TOWN OF
KEEDYSVILLE, MARYLAND
Edward L. Kuczynski
Kuczynski & Kuczynski, P.A.
Town Attorney
October 13, 2026

