

ORDINANCE NO. 193/26

AN ORDINANCE OF THE COMMISSIONERS OF THE TOWN OF CHURCH HILL, MARYLAND AMENDING THE CODE OF THE TOWN OF CHURCH HILL, CHAPTER 75 “ZONING,” § 75-50 LAND USES BY DISTRICT, § 75-61 SPECIFIC CONDITIONS FOR CERTAIN USES,” § 75-97 “OFF-STREET PARKING AREAS REQUIRED,” AND § 75-187 “DEFINITIONS” TO DEFINE AND AUTHORIZE ACCESSORY DWELLING UNITS IN THOSE ZONES THAT PERMIT SINGLE FAMILY DWELLING UNITS SUBJECT TO THE RESTRICTIONS SET FORTH IN THE TOWN ZONING ORDINANCE AS REQUIRED BY STATE LAW, AND ALL THINGS GENERALLY RELATING TO ACCESSORY DWELLING UNITS

WHEREAS, MD Code, Local Government, § 5-213 “Legislative authority--Zoning regulations” authorizes a municipality to adopt zoning regulations; and

WHEREAS, pursuant to this authority, the Commissioners of the Town of Church Hill adopted Town Code, Chapter 75 “Zoning;” and

WHEREAS, the Maryland General Assembly adopted HB 1466 requiring local jurisdictions, such as the Town of Church Hill, to adopt zoning regulations to allow accessory dwelling units in the Town of Church Hill in accordance with the provisions of HB 1466 prior to October 1, 2026; and

WHEREAS, Town Code, Chapter 75, § 75-32 requires that proposed amendments to Chapter 75 originated by the Town Commissions be referred to the Planning Commission; and

WHEREAS, as required by § 75-32 of the Town Code, the Town Commissioners referred this matter to the Planning Commission and the Planning Commission submitted to the Town Commissioners a report containing its recommendation to approve the accessory dwelling unit provisions contained in this Ordinance; and

WHEREAS, as required by § 75-33 of the Town Code, the Town Commissioners conducted a public hearing regarding this Ordinance on the 31st day of August, 2026, at which parties of interest and citizens had the opportunity to be heard; and

WHEREAS, the Commissioners of the Town of Church Hill, as it is required by State law to adopt accessory dwelling unit regulations as part of its zoning ordinance, desires to adopt the recommendation of the Planning Commission and to adopt this ordinance authorizing accessory dwelling units in the Town of Church Hill as set forth herein; and

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WHEREAS, Town Charter, Sec. 209 further provides that every ordinance shall become effective at the expiration of twenty (20) calendar days following its passage by the Commission.

Section 1. NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Commissioners of the Town of Church Hill, Maryland, that Town Code, Chapter 75 “Zoning”, Art. 3 Permitted Uses by Zoning District, Part 1 General Zoning Districts, § 75-50 Land Uses by District is hereby amended to read as follows:

§ 75-50 Land Uses by District

* * *

TABLE 1: PERMITTED USES BY ZONING DISTRICT

LAND USE CLASSIFICATIONS	P: Permitted Use C: Permitted Use, subject to conditions SE: Special Exception Use SC: Special Exception Use, subject to conditions					
	Zoning Districts					
Use	R-SF	TR	OP	C	EC	RC
Residential						
* * *						
Apartment DWELLING UNIT Over Commercial				P		
Semi-detached Dwellings						
Accessory DWELLING UNIT Apartment	P	P	P	P		
* * *						

Section 2. NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Commissioners of the Town of Church Hill, Maryland, that Town Code, Chapter 75 “Zoning”, Art. 3 Permitted

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Uses by Zoning District, § 75-61 Specific Conditions for Certain Uses is hereby amended to read as follows:

§ 75-61 Specific Conditions for Certain Uses

A. Accessory DWELLING UNIT ~~apartment~~. An accessory DWELLING UNIT ~~apartment~~ shall be PERMITTED IN THE R-SF, TR, OP, AND C DISTRICTS ~~a Conditional Use (C) in the TR district~~ and subject to the requirements of that district and the following conditions:

1. The principal dwelling shall be a single-family detached dwelling ~~and shall be located on a lot of at least 10,000 sq. Ft.~~
2. Only one (1) accessory DWELLING UNIT ~~apartment~~ will be allowed on a lot.
3. IN ADDITION TO LIVING SPACE, THE ACCESSORY DWELLING UNIT SHALL HAVE NO MORE THAN ONE BEDROOM, ONE BATHROOM, AND ONE KITCHEN.
4. At least one (1) off street parking space must be provided for each 650 sq. Ft. of gross floor area for the DWELLING UNIT ~~apartment~~. Each additional 650 sq. Ft. or portion thereof will require one (1) additional off street parking space.
 1. A WAIVER FROM THESE PARKING REQUIREMENTS FOR ONE OR BOTH SPACES MAY BE GRANTED IF THE PROPERTY OWNER CAN DEMONSTRATE THE FOLLOWING:
 1. ACCESS TO THE ADU IS FROM A ROAD THAT MEETS THE CHURCH HILL'S ROAD DESIGN STANDARDS FOR ON-STREET PARKING, AND:
 - a. THERE IS ENOUGH ON-SITE PARKING FOR ALL OTHER USES ON THE LOT, AND;
 - b. NO OTHER VEHICLES FROM THE LOT PARK ON THE CURB AREA IN FRONT OF THE LOT, AND;
 - c. IS NOT A STATE HIGHWAY.
5. If the accessory DWELLING UNIT ~~apartment~~ is leased, the owner shall reside YEAR-ROUND ~~in either in the principal dwelling or in the accessory DWELLING UNIT apartment on the property.~~
6. ~~The accessory apartment shall contain no more than 800 sq. Ft. of gross floor area.~~
7. ~~All design and lot dimension requirements for the underlying zoning district shall be met.~~
- 8 7. The exterior appearance of the DWELLING UNIT ~~apartment~~ must be compatible with the principal structure.
- 9-8. THE REAR AND SIDE LOT LINE SETBACK REQUIREMENTS FOR ACCESSORY DWELLING UNITS ARE THE SAME AS OTHER ACCESSORY STRUCTURES FOR THE ZONING DISTRICT IN WHICH THE LOT, PARCEL, OR TRACT IS LOCATED.

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- 9.** AN ACCESSORY DWELLING UNIT IS EXEMPT FROM THE CALCULATION OF DENSITY FOR THE LOT, PARCEL, OR TRACT UPON WHICH IT IS LOCATED.
- a. THE SIZE OF THE ACCESSORY DWELLING SHALL BE DETERMINED BY
- A. THE SQUARE FOOTAGE FOR THE ABOVE GRADE LIVING AREA OF THE PRIMARY DWELLING AS RECORDED WITH THE MARYLAND STATE DEPARTMENT OF ASSESSMENTS AND TAXATION (SDAT).
- 10.** ACCESSORY DWELLINGS SHALL:
- A. HAVE SEPARATE INGRESS AND EGRESS FROM THE PRIMARY DWELLING.
- B. HAVE A SAFE AND ADA COMPLIANT WALKWAY TO THIS SEPARATE INGRESS/EGRESS.
- 11.** A DETACHED ADU MUST
- A. BE SETBACK TEN FEET FROM THE PRINCIPAL STRUCTURE.
- B. HAVE A SEPARATE SEWER CONNECTION FROM THE MAIN STRUCTURE.
- C. HAVE DIRECT VEHICULAR ACCESS FROM A ROAD, WHERE PARKING IS REQUIRED.
- 12.** ON A LOT WITH A DETACHED ADU, THE PRINCIPAL STRUCTURE MUST BE SET BACK A MINIMUM OF 10 FEET FROM ONE OF THE SIDE PROPERTY LINES TO ALLOW EMERGENCY ACCESS.
- A. THE SIDE SETBACK OF THE PRINCIPAL STRUCTURE MUST BE KEPT FREE FROM OBSTRUCTION.
- 13.** ACCESSORY DWELLING CONVERSIONS OF EXISTING STRUCTURES MUST HAVE VEHICULAR ACCESS FROM A ROAD, NOT AN ALLEYWAY.

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Section 3. NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Commissioners of the Town of Church Hill, Maryland, that Town Code, Chapter 75 “Zoning”, § 75-97 Off-Street Parking Areas Required is hereby amended to read as follows:

§ 75-97. Off-street Parking Areas Required.

TABLE 2: SCHEDULE OF MINIMUM OFF-STREET PARKING REQUIREMENTS BY LAND USE

Use	Minimum Required Parking Spaces
Residential	

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* * *	
Accessory DWELLING UNIT apartment	1/650 SQUARE FEET dwelling unit
* * *	

Section 4. NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Commissioners of the Town of Church Hill, Maryland, that Town Code, Chapter 75 “Zoning”, § 75-187 “Definitions” is hereby amended to read as follows:

§ 75-187. Definitions.

As used in this Chapter the following terms shall have the meaning indicated.

* * *

3. Accessory **DWELLING UNIT** ~~apartment~~.

~~A separate dwelling unit in the principal dwelling on a lot or in an accessory building on the same lot as the principal dwelling approved for occupancy of no more than two persons, provided the owner lives in the principal unit on the premises.~~ **A DWELLING SECONDARY TO THE PRIMARY DWELLING UNIT WHICH 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. THIS 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.**

* * *

8. ~~Apartment.~~ **[RESERVED]**

~~A part of a building, consisting of a room or suite of rooms intended, designed, and used as a residence by an individual or a single family and containing cooking and housekeeping facilities.~~

* * *

25. Density.

Number of dwelling units per acre within a defined and measurable area. **ACCESSORY DWELLING UNITS ARE NOT PART OF DENSITY.**

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36. Dwelling Unit.

~~A room or group of rooms occupied or intended to be occupied as separate living quarters by a single family or other group of persons living together as a household or by a person living alone.~~

MEANS A SINGLE UNIT PROVIDING COMPLETE LIVING FACILITIES FOR AT LEAST ONE INDIVIDUAL, INCLUDING, AT A MINIMUM, PROVISIONS FOR SANITATION, COOKING, EATING, AND SLEEPING. A DWELLING UNIT DOES NOT INCLUDE MOBILE HOMES, HABITABLE TRAVEL TRAILERS, OR ROOMING, BOARDING-, OR LODGING HOUSES, OR HOTELS, MOTELS, TOURIST HOMES, OR OTHER SIMILAR PLACES OFFERING TEMPORARY OVERNIGHT ACCOMMODATIONS.

* * *

106. Story, Half.

A space under a sloping roof which has the line of intersection or roof decking and wall face not more than three feet above the top floor level, and in which space, not more than two-thirds of the floor area is finished for use. A half-story containing independent **DWELLING UNIT** ~~apartments~~ for living quarters shall be counted as a full story.

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Section 5. **BE IT FURTHER ORDAINED AND ENACTED** that, upon introduction of this Ordinance, the Town Administrator is directed to schedule a public hearing for the Ordinance on the 31st day of August, 2026 and to advertise the time and place of the public hearing, together with a summary of the proposed Ordinance in a newspaper of general circulation in the Town of Church Hill once each week for two successive weeks. The first notice of the hearing must be at least 14 days before the hearing.

Section 6. **BE IT FURTHER ORDAINED AND ENACTED** that if any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the Town that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

Section 7. **BE IT FURTHER ORDAINED AND ENACTED** that upon adoption, a copy of this Ordinance shall be posted on the Town bulletin board for a period not less than one week after it becomes effective.

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INTRODUCED by the Commissioners of the Town of Church Hill, Maryland at a regular meeting on _____, 2026.

PASSED by the Commissioners of the Town of Church Hill, Maryland at a regular meeting of the Commissioners on _____, 2026 after a duly advertised public hearing.

EFFECTIVE: the ____ day of _____, 2026, which shall be twenty (20) calendar days after its date of adoption.

ATTEST:

THE COMMISSIONERS OF THE TOWN
OF CHURCH HILL

Kyle P. Ambrose, Town Administrator

Charles M. Rhodes, Jr., President

John P. Griffin, Jr., Commissioner

Matthew Tuma, Commissioner

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