

Town of Charlestown, Maryland

Ordinance Number 2026-001

Land Use and Real Property- Accessory Dwelling Units

This ordinance is concerning Land Use and Real Property- Accessory Dwelling Units.

For the purpose of exempting certain accessory dwelling units from capital connection charge and impact fee; amending the definitions of density and dwelling units; repealing certain parking requirements for accessory dwelling units; amending the conditional use requirements for accessory dwelling units; following Code 150 and 175.

Definitions

1. Density: Only one accessory dwellings unit can be built on a lot of record of a single-family dwelling.
2. Dwelling Unit: is a single unit, including attached garages and decks, proving complete, independent living facilities for at least one person, including permanent provisions for sanitation, cooking, eating, sleeping, and other activities routinely associated with daily life. The following variations of dwelling have the meaning indicated:
 - a) Dwelling unit, accessory means a second dwelling unit in an owner occupied, single family detached dwelling that occupies the lesser of a maximum of 1000 square feet of floor area or 75% of the floor area of the primary residence. A smaller dwelling unit is located on the same lot of record as the primary principal single family detached dwelling. Must conform the lot coverage of Zoning Codes 150 and 175.
 - i. Lot of Record Zoned R-1 has a 30% lot coverage
 - ii. Lot of Record Zoned R-2 has a 50% lot coverage
 - iii. Lot of Record Zoned R-3 has a 50% lot coverage
 - iv. Non-conforming Lot of Record follow Zoning Code 175.
 - b) Accessory Dwelling Unit means a secondary dwelling unit.
 - c) Dwelling Unit does not include a unit in a multifamily residential building.

Water and Wastewater Systems Connection Charges and Assessments

1. For accessory dwelling units a new meter and connection is not needed. All water and wastewater connections can be connected into the existing primary connection as long as there is only one bathroom added.

Construction of the Accessory Dwelling Unit

1. Must be in compliance of Code 150 and 175.
2. Must comply with Critical Area Codes.
3. Must be built on a permanent foundation that complies with all building codes for a dwelling.
4. Must comply with storm water plans that do not contribute to flooding of neighboring properties.

5. Can only be constructed on lots of record of single-family dwellings.
6. The accessory dwelling unit can be attached or detached from the primary residence.
7. Sprinkler systems:
 - a. The Town of Charlestown enacted a sprinkler system ordinance in 2006 An accessory dwelling unit will follow this ordinance
 - b. If attached to the primary single family dwelling a sprinkler system will be added to the accessory dwelling and primary single-family unit if the total renovation is 40% of the assessed value of the primary single-family dwelling.
 - (1) This includes being attached by a breezeway.
 - c. If detached from the primary single family dwelling a sprinkler system will need to be installed in the accessory dwelling unit only.

Parking

The minimum on-site parking requirements are listed in the chart below. They may be increased based on site development plan review or special exception approval, reduces, or superseded by a parking program allowed by this code and Zoning Codes 150 and 175. The zoning officer may determine reasonable and appropriate onsite parking requirements for the structure and land use that are not listed on the chart based on the requirements for similar uses, comments from reviewing agencies, and the parking needs of the proposed use. The increase in impervious surface due to the creation of new off-street parking and the relation to any applicable stormwater management plans and the variability due to the size of the Lot of Record of which the accessory dwelling unit and primary single-family dwelling is located.

Unit	Parking
Primary Single Family	1 space
Accessory Dwelling Unit	1 space

Requirements for Conditional Uses

An accessory dwelling unit shall comply with all the following requirements. Provide for construction of accessory dwelling unit that meets public health, safety, and welfare standards, including relevant building codes and adequate public facilities.

1. An accessory dwelling unit shall be located either in a principal single-family dwelling, attached to or detached from a principal single-family dwelling based on lot coverage.
 - a. Lot of Record Zoned R-1 has a 30% lot coverage.
 - b. Lot of Record Zoned R-2 has a 50% lot coverage.
 - c. Lot of Record Zoned R-3 has a 50% lot coverage.
 - d. Non-conforming Lot of Record follow Zoning Code 175.
2. No more than one accessory dwelling unit per Lot of Record.
3. An accessory dwelling unit shall be located
 - a. In a separate dwelling unit in a principal single family detached dwelling or connected by a breezeway, open or enclosed, to the principal single-family detached dwelling;
 - b. In an attached or detached garage;
 - c. In a detached structure.
4. An accessory dwelling unit located in a detached structure may not exceed the maximum of 1000 square feet or 75% of the floor are of the primary single-family residence and the

land use of the appropriate lot coverage of the Lot of Record. An accessory dwelling unit, or the conversion of all or part of the existing structure into an accessory dwelling unit, shall be constructed pursuant to any permits required by this code.

5. An accessory dwelling unit shall have a separate entrance.
6. An accessory dwelling unit shall have the same street address as the principal single-family dwelling and shall be identified by unit number. The primary single-family dwelling will be Unit A and the accessory dwelling unit shall be Unit B. This shall be registered with the Town of Charlestown, Cecil County, and the U.S. Postal Service.
7. Either the primary single-family dwelling or the accessory dwelling unit shall be owner occupied.
8. The principal single-family dwelling or the accessory dwelling unit may be used for short-term rentals, as defined in Zoning Code 175 or long-term rental as long as one is owner occupied.
9. An accessory dwelling unit in use and in compliance with the provisions of this section prior to the effective date of this ordinance is not subject to (need to add the verbiage to this) unless the accessory dwelling unit is altered or expanded after the effective date of this ordinance.
10. Except as provided, a variance may not be granted to reduce the minimum setback required to an adjacent Lot of Record.
11. A variance to reduce the minimum setback requirements to an adjacent Lot of Record may be granted for a structure that was in existence before the effective date of this ordinance and the structure is being converted into an accessory dwelling unit.
12. Maryland Historic Trust, and Critical area may be exempt from this ordinance.
13. The Town of Charlestown may treat the accessory dwelling unit as a separate lot for the purpose of levying assessments.

For Reference for Home Owners Association within The Town of Charlestown

This section is for reference per the State of Maryland for Homeowners Association within the Town of Charlestown.

1. Notwithstanding any other provision of the law or any provision in the declaration, bylaws, rules, deeds, agreements, recorded covenants or restrictions of a homeowner's association, the Governing body of a homeowner's association has the authority to treat an accessory dwelling unit as a separate lot for purposes of voting on homeowners' association matters.
2. The homeowner's association may treat the accessory dwelling unit as a separate lot for the purposes of levying assessments.

And be further enacted, this ordinance shall take effect 45 days from the date it becomes law.

Read and passed of this (Date): September 8th 2026.