



MEMORANDUM

TO: EASTON PLANNING & ZONING COMMISSION

FROM: LYNN B. THOMAS, JR., AICP, TOWN PLANNER

DATE: JUNE 9, 2026

SUBJECT: ACCESSORY DWELLING UNITS - ZONING CODE CHANGES REQUIRED

REVISED AND UPDATED (JUNE 16, 2026)

The following will update the memorandum dated May 11, 2026 and included in your packet for the May meeting. I have simply added staff comments (**indicated in red font**) to the optional suggested revisions you may consider. The bulk of the document is copied in full from last month, although I have dropped all the supportive material that was included in that memo.

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Since initially drafting this memorandum, we have discovered that a number of the ZoneCo recommendations (and thus, by extension, Staff recommendations) are based on inaccurate understanding of what was included in the final approved version of the Law. I believe this is primarily due to last minute changes by the Legislature to the Bills that had been widely circulated for two years. In any case, as a result of a (hopefully) better understanding of what was actually signed into law, Staff has updated this memo in a handful of places to point out discrepancies. Such revisions are highlighted in the cyan color used on this paragraph.

The Commission may recall that over the course of the past couple of years, the State of Maryland has been looking into the issue of Accessory Dwelling Units with an eye towards facilitating their use as one means to address the housing affordability issue in the State. This culminated with the passage of HB 1466 in the 2025 Legislative Session which imposes new requirements on local governments in terms of how ADUs are regulated.

You may also recall that about a month ago, I shared an email with you from Susie Hayward, that included as an attachment (and following this memo), an assessment prepared by ZoneCo, on behalf of the Maryland Association of Realtors, of the degree to which the local jurisdiction's ADU regulations satisfied the new law. ZoneCo apparently prepared such an assessment for every local jurisdiction in MD. The attachment below is just Easton's assessment.

HB1466 requires local governments to amend their Zoning regulations to be consistent with the State Law by October 1, 2026. Hence, this memo. Based on the assessment provided, it would appear that we are largely compliant with the law, with a few exceptions. Those exceptions, that will need to be addressed through a Zoning Text Amendment, are as follows:

- (1) ADUs must be permitted by right in every zoning district in which Single Family Detached homes are permitted by right. Our Zoning Code currently requires a Special Exception for ADUs in the A-1, R-7A, R-10A, and CB Zoning Districts. Single Family detached units are permitted by right in those same districts plus the R-10M. Thus, in order to comply with this provision we will need to amend the Table of Permissible Uses (Table 2.1) as follows:

**TABLE 2.1
TABLE OF PERMISSIBLE USES**

USE	A-1	R-7A	R-10A	R-10M	CB	CG	CL	BC	I	G/I	NOTES
1. RESIDENTIAL USES											
Household Living											
101	Accessory Dwelling Unit *	~~SE~~ P	~~SE~~ P	~~SE~~ P	- P	~~SE~~ P	--	--	--	--	
106	Single Family Detached*	P	P	P	P	P	--	--	--	--	

This is the first major inaccuracy. While this was consistently represented as what was included in the law when it was still widing its way through the approval process as a bill, it is not, in fact, what is in the adopted legislation. This merely requires local governments to establish a process whereby ADUs are permitted in any zone in which SFD is permitted, including as a Special Exception or Conditional Use. Nevertheless, in this case Staff still recommends the revision above to make ADUs permitted by right where indicated. We are trying to facilitate them as a more affordable housing option. In addition, as of 2021, we now permit duplexes by right in the residential zoning districts, so why not ADUs which also represent a second unit and, presumably one with less impact than a duplex.

- (2) The analysis by ZoneCo suggests that our definition of ADU “partially” complies with State law. They suggest that “The accessory dwelling unit is also referred to as a “granny flat” in the ordinance. The size of detached ADU’s is limited to 900 sq. ft. in the Supplemental Use Standards. *Recommend eliminating the term “granny flat” as adult children, distant relatives, friends, or anyone is eligible to occupy the ADU.*”

The reference to Granny Flat is actually in the Supplemental Standards for the use. The necessary amendment would simply be the following:

1. ~~Granny Flat~~/Accessory Dwelling Unit (ADU)

- a. Applicant shall have or obtain a Town of Easton Rental Housing License for the rental unit.
- b. One additional off-street parking space shall be provided for the ADU ~~granny flat~~.
- c. No more than one ~~granny flat~~ ADU may be created on any one lot under the terms of these provisions.
- d. The principal residence associated with the application for an ADU ~~granny flat~~ must be occupied by the owner of the property.

The ZoneCo analysis of our regulations did not address our actual definition of ADUs. It probably makes sense to do so and to simply replicate State Law. If so, our new definition would become:

Accessory Dwelling Unit (ADU) - A secondary dwelling unit that 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.

The analysis by ZoneCo suggests that these are the only revisions necessary to comply with the requirements of the legislation; however, they offer the following additional **recommended** changes (See Section B of the Assessment) to, presumably, be more accommodating of the use:

(3) **Owner Occupancy**

- (a) **Recommendation:** Owner-occupancy should not be required for either the primary dwelling or the accessory dwelling.
- (b) **Easton Ordinance:** The owner is required to occupy the primary

dwelling unit per the ordinance Supplemental Use Standards. *Prefer no owner occupancy requirement, but if owner occupancy must be required, recommend allowing the owner to occupy either the primary dwelling or the ADU.*

Staff Comment - Strongly agree with the recommendation that the owner can occupy either dwelling. We are supportive of dropping the ownership requirement altogether. Given that the intent of the law is to do so, and it would presumably assist in needed lower-priced units, it may be worth considering.

(4) Parking

(a) Recommendation: Because of common space constraints and the additional cost, additional parking should not be required if the principal dwelling unit has sufficient off-street parking, or adequate additional on-street parking is available within walking distance (500 feet) of the lot containing the accessory dwelling. Also recommend staff-level authority to approve parking sufficiency.

(b) Easton Ordinance: One off-street parking space is required for an ADU in the Supplemental Use Standards. *Recommend that no parking be required for an ADU if there is adequate on street parking.*

Staff Comment - Agree in theory with the recommendation, but concerned about who determines what is “adequate” and what that means, particularly since given other required changes, this will become an administrative determination.

(5) Maximum Floor Area

(a) Required per State Law: The ADU floor area should not be greater than 75% of the gross floor area of the primary dwelling unit.

(b) Easton Ordinance: The maximum floor area is limited to 900 square feet. *Recommend increasing the minimum floor area to slightly larger – 1,200 sq. ft. for more flexible layout and room sizes, or changing the maximum floor area to comply with the State law for both attached and detached ADU’s.*

Staff Comment - No issue with limiting to a maximum of either 75% of the gfa of the primary unit or 1,200 sq. ft., whichever is less. If we also allow for a Junior ADU (see below) there would be a second, smaller limit on the second ADU.

As this standard is actually part of the State definition of ADU, we do not have the flexibility to vary from it and should either not address via a Supplemental Standard at all, or revise our Standard to replicate State law and our (proposed) definition of the use.

(6) # Bedrooms

- (a) Recommendation:** No more than 2 bedrooms are permitted in an ADU. Limiting to no more than 2 bedrooms is appropriate given the recommendation to waive other requirements, such as off-street parking, impact fees, APFO compliance, separate water and sewer taps.
- (b) Easton Ordinance:** No maximum number of bedrooms specified.
Revise per the above recommendation.

Staff comment - No issue with making this a supplemental standard for this use.

(7) Front Door Access

- (a) Recommendation:** An ADU should have a direct exterior access that is separate from the existing primary dwelling. Recommend that administrator has discretion to waive this requirement if the entrance does not go into or through the primary dwelling unit
- (b) Easton Ordinance:** Exterior access is not mentioned. *Recommend adding a provision regarding Front Door Access.*

Staff Comment - Again, no issue adding this as a supplemental standard for ADUs.

That is the list of required and recommended changes in order to comply with the new ADU law. That does not necessarily preclude you from going further if you so desire. For example, the Attainable Housing Task Force made suggestions relative to ADUs. In particular, the Final Report recommends the creation of “Junior ADUs” among the following suggestions in the Recommendation section of their Report:

Amend the Accessory Dwelling Unit requirements in the zoning ordinance to encourage more affordable housing units, aging-in-place, and caregiving.

An Accessory Dwelling Unit (ADU) as defined in Easton zoning code is a second dwelling unit either within, or added to, an existing single-family detached dwelling or in a separate accessory structure on the same lot as the principal dwelling. An ADU is a complete, independent living facility with provisions for cooking, eating, sanitation, and sleeping. An ADU is permitted in the R-7A, R-10A, and CB zoning districts by Special Exception.

The Task Force recommended permitting a second Junior ADU unit on a property within single-family detached homes located in the R-7A and R-10A zoning districts. A Junior ADU would be no larger than 500 sq. ft. and located within the existing footprint of a home or attached garage with a separate entrance. No additional parking would be required for the

Junior ADU. There would also be a reduced impact fee payment and an occupancy limit. A Junior ADU must have a sink, counter, and smaller appliances, but the bathroom could be shared within the main home; the owner must reside in the home. The Task Force did suggest working with Easton's Building Inspection Division on building code requirements and to assess whether it would be cost prohibitive for the homeowner based on those requirements.

The Task Force also recommended limiting the maximum size of a detached ADU to 800 sq. ft. and an attached ADU to 50% of the primary dwelling.

Lastly, the Task Force recommended permitting ADUs in non-residential spaces.

Staff notes that Junior ADUs offer the simplest and most affordable housing option that may require no fire separation, can have shared utilities, and includes a basic kitchen which reduces development costs. Oftentimes spare bedrooms can be converted or repurposed to a Junior ADU which in theory does not expand the primary home's planned occupancy.

Staff Comment - Staff supports the Attainable Housing Task Force's recommendations r.e. Junior ADUs subject to consultation with Easton Utilities and the Town's Building Inspection Department. To effectuate this change, we should take the following actions:

1. Define Junior ADU. A suggestion is:

Junior ADU - a small, semi-independent living space created entirely within the walls of a proposed or existing primary single-family residence or an attached garage with a separate entrance for the unit. Junior ADUs are only allowed on lots with one single-family detached home.

2. Amend the Table of Permissible uses to add Junior ADUs and indicate that they are Permitted by right in the R-10A and R-7A Zoning Districts.

3. Add the following Supplemental Standards for Junior ADU:

- Only one Junior ADUs is permitted per lot and shall be limited to a maximum size of 500 square feet of gross floor area.
- A Junior ADU must have an efficiency kitchen with a sink, food preparation counter, and a cooking facility for smaller appliances, food

preparation counter, and storage cabinets. The bathroom may be shared within the main home provided there is interior access.

- In order to have a Junior ADU, the owner of the property must reside in either the primary structure or the primary ADU.
- The Junior ADU must have an entrance to the outside from the Junior ADU.
- No new parking is required for a Junior ADU.
- If converting a garage to a Junior ADU, replacement parking is required for the main home.
- Short-term rentals are prohibited for Junior ADUs.

Finally, the AHTF also recommended allowing ADUs in non-residential zoning districts. This would very simply be accomplished by further amending the Table of Permissible Uses to indicate this use is Permitted by right in whichever of the non-residential districts you think is appropriate. Because ADUs are, by definition, associated with a dwelling unit, the impact would be limited to the likely handful of non-conforming single-family homes located in commercial or industrial zoning districts. Given the greater intensity of uses in such districts, allowing ADUs in those situations where the single family homes already exist, makes sense.

Because State Law treats all ADUs the same, we may not be able to make some of the revisions for Junior ADUs above (e.g. limiting them to 500 sq. ft., when the State definition states that ADUs may be up 75% of the gfa of the principal dwelling). If we want to pursue the Junior ADU option now, we will have to do further research and present options at your next meeting.

Any or all of these recommendations could be considered as part of the package of proposed ADU amendments to send to the Council. Alternatively, you could simply make the minimum revisions required to comply with the State Law now, and subsequently forward additional recommendations to the Council.