

Town of Glen Echo
Ordinance to Amend Article 3
(ADU's and other Accessory Buildings)

Ordinance No.: 26-02
Introduced: June 8, 2026
Adopted: August 24, 2026 (tbd)
Effective Date: September 8, 2026

SUBJECT: AN ORDINANCE TO AMEND ARTICLE 3 (BUILDING CODE) TO REVISE THE REQUIREMENTS APPLICABLE TO ACCESSORY DWELLING UNITS, IN RESPONSE TO NEWLY-ENACTED STATE LAW, AND TO ADD SETBACK REQUIREMENTS FOR ACCESSORY BUILDINGS, GENERALLY.

WHEREAS, Maryland Code, Local Government Article, Section 5-202, as amended, grants to the legislative body of every incorporated municipality in Maryland, including the Town of Glen Echo, general power to pass such ordinances not contrary to the Constitution of Maryland, or the public general law, as deemed necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality;

WHEREAS, Maryland Code, Local Government Article, Section 5-211, as amended, authorizes the legislative body of each municipal corporation in the State of Maryland to make reasonable regulations concerning buildings to be erected within the limits of the municipality, including a building code and the requirement for building permits;

WHEREAS, Maryland Code, Land Use Article, Section 20-509 grants to the legislative body of incorporated municipalities in the Maryland-Washington Regional District general power to adopt building regulations for the protection of the public health, safety, and welfare; the preservation, improvement, and protection of lands, water, and improvements in the municipal corporation; and to regulate the construction, repair, or remodeling of residential buildings with four or fewer dwelling units, and their accessory structures, as it relates to fences, walls, hedges, and similar barriers; signs; residential parking; residential storage; the location of buildings and structures, including setback requirements; the dimensions of structures, including height, bulk, massing, and design; and lot coverage, including impervious surfaces;

WHEREAS, House Bill 1466 / Senate Bill 891, enacted as Chapter 196 of the Laws of Maryland (2025), and codified at Maryland Code, Land Use Article, Section 4-501, *et seq.*, effective October 1, 2025, requires each local legislative body to adopt a local law, on or before October 1, 2026, authorizing the development of accessory dwelling units in accordance with the provisions of said law;

WHEREAS, said law further provides that a local law may not establish setback requirements for an accessory dwelling unit that exceed the existing accessory structure setback requirements from the side and rear lot lines;

WHEREAS, said law defines an “accessory dwelling unit” as “a secondary dwelling unit that is: (i) on the same lot, parcel, or tract as a primary single-family detached dwelling unit; and (ii) not greater than 75% of the size of and subordinate in use to the primary single-family detached dwelling unit.”

WHEREAS, Sections 413 and 415 of the Charter of the Town of Glen Echo authorize the Town Council to pass ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter of the Town of Glen Echo (the “Town”);

WHEREAS, after proper notice to the public, the Town Council introduced the following Ordinance in an open meeting conducted on the 8th day of June, 2026;

WHEREAS, to comply with Maryland Code, Land Use Article, Section 20-509, on the 11th day of June, 2026, a copy of following Ordinance was submitted to the Montgomery County Council for its comments;

WHEREAS, the Montgomery County Council indicated receipt of the draft on the __th day of _____, 2026 and provided no comments;

WHEREAS, after proper notice to the public, and after at least thirty days from the date a copy of the following Ordinance was transmitted to the Montgomery County Council, the Town Council considered the following Ordinance in public session assembled on the 13th day of July, 2026 and the 24th day of August, 2026;

WHEREAS, the Town Council finds that the ordinance as hereinafter set forth is necessary in order to assure the good government of the municipality, to protect and preserve the municipality’s rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the Town, and otherwise advantageous and beneficial to the Town.

NOW, THEREFORE, the Town Council does hereby adopt the foregoing Ordinance.

BE IT ORDAINED AND ORDERED, this 24th day of August, 2026, by the Town Council, acting under and by virtue of the authority given it by the Maryland Code and the Town of Glen Echo Charter, the Town Code be and is hereby amended as follows:

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ARTICLE 3 BUILDING CODE

Section 3.0 Definitions

The following terms used in this Article have the following meanings:

“Accessory building” means a building subordinate to, and located on the same lot or lots with, a main building, the use of which is clearly incidental to that of the main building or to the use of the land and which is not attached by any part of a common wall or common roof to the main building including, but not limited to, a detached accessory dwelling unit, shed, or detached garage.

“Accessory dwelling unit”, or “ADU”, means a second dwelling unit that is located within a main building or an accessory building.

“Building line” means a line extending from lot line to lot line at the point of the wall of a building closest to the subject lot line.

“Detached accessory dwelling unit” means a dwelling unit that is a detached accessory building or part thereof.

“Height”, for a main building, means the vertical distance measured from the average elevation of the ground along the front of the structure to the highest point of the roof surface or parapet wall for a flat or shed roof, or, for a gable, hip, mansard, or gambrel roof, the mean height between the eaves and ridge of the roof. “Height”, for an accessory building, means the vertical distance measured from the average elevation of the ground along the front, rear, or any side of the structure, whichever is lowest, to the highest point of the roof surface or parapet wall for a flat or shed roof, or, for a gable, hip, mansard, or gambrel roof, the mean height between the eaves and ridge of the roof. For the purpose of determining building height, the average front-elevation used will be based on either the pre-development grade or the finished grade, whichever is lower. If the structure has no roof, height is measured to the highest point. The height does not include weather vanes, cupolas, or similar ornamental features.

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“Rear yard” means the area defined by the rear lot line, the rear building line of the main building, and the side lot lines. If the lot comes to a point in the rear, the rear yard shall be the area defined by the rear point, the rear building line of the main building, and the side lot lines. For a corner lot, the rear yard is the area that is behind both front building lines and is behind at least one of the rear or side building lines. For new construction on a corner lot the property owner may choose which yard, not adjoining a street, is the rear yard, provided no building encroaches into a required setback. A through lot has no rear yard.

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“Through lot” means a lot within the interior of a block that has frontage on two opposite boundaries on streets that are parallel or approximately parallel.

Section 3.1.1 Setbacks and Building Requirements

A. Setbacks, Generally.

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2. ~~The front setback from all street lines for a detached accessory dwelling unit on any lot shall be at least twenty-five (25) feet.~~ (a) The rear setback from a rear lot line for a detached accessory **building** dwelling unit on any lot shall be at least ~~twenty (20)~~ **five (5)** feet **if the accessory building is under twelve (12) feet in height, and shall be a minimum of at least seven (7) feet if the accessory building is twelve (12) feet or greater in height.**

(b) The side setback from a side lot line for a ~~detached accessory building~~ dwelling unit on any lot shall be at least ~~eight (8)~~ **five (5)** feet **if the accessory building is under twelve (12) feet in height, and shall be a minimum of at least seven (7) feet if the accessory building is twelve (12) feet or greater in height.**

(c) Increased setback based on height. Both the required side and rear setbacks for an accessory building must be increased from the requirements of this section at a ratio of one and one-half (1½) feet of additional setback for each foot of height, or portion thereof, in excess of twelve (12) feet for a flat roof or fifteen (15) feet for any other type of roof. The increased setbacks shall apply to the entire accessory building.

(d) Increased setback based on length. Both the required side and rear setbacks for an accessory building must be increased from the requirements of this section at a ratio of one and one-half (1½) feet of additional setback for each foot of the linear dimension, or portion thereof, of any side or façade of an accessory building that exceeds twenty-four (24) feet. The increased setbacks shall apply to the entire accessory building.

(e) **The increased setbacks required by this section based on height and length shall apply cumulatively and shall be added to the minimum rear and side setbacks of five (5) or seven (7) feet required by this section, as the case may be.**

(f) No exemption from setbacks is provided for projections, of any kind, **for accessory buildings.**

(f) At the time of the erection of any detached accessory dwelling unit, or at the time any accessory structure is modified or renovated to include an accessory dwelling unit, the building must meet the required setbacks and other requirements of this Article.

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D. Additional Requirements for Accessory ~~Dwelling Units~~ **Buildings**.

1. ~~Parking. At the time of the erection of any detached accessory dwelling unit, or at the time any accessory structure is modified or renovated to include an accessory dwelling unit, or at the time any accessory dwelling unit is added to a main building, a minimum of one (1) new dedicated on-site parking space shall be provided; provided, however, that no new space is required if a minimum of four (4) parking spaces exist on the property. Existing parking area in a driveway or an existing garage may not serve as the required on-site parking spaces for an accessory dwelling unit. Each automobile parking space provided according to this section shall not be less than one hundred eighty (180) square feet and the same shall be connected by an adequate driveway to a paved street.~~ 2. ~~Height. The height for any building containing an accessory dwelling unit, other than a main building, shall not exceed twenty (20) feet.~~ **Size of detached ADU. A detached accessory dwelling unit may not be greater than seventy-five percent (75%) of the size of the main building and must be subordinate in use to the main building.**

2. Height. The height for any **accessory** building ~~containing an accessory dwelling unit, other than a main building,~~ shall not exceed twenty (20) feet.

3. Rear yard. An accessory building shall be located in the rear yard, only.

(Ord. No. 04-01, effective 1/12/04; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-01, effective 6/3/18; Ord. No. 19-06, effective 2/5/20; **Ord. No. 26-02, effective x/xx/26**)

* * *

Bold Underline indicates new language

~~Strikethrough~~ indicates language deleted

Asterisks * * * indicate language unchanged

AND BE IT FURTHER ORDAINED AND ORDERED, by the Town Council, acting under and by virtue of the authority granted to it by the Maryland Code and the Town of Glen Echo Charter, that:

1. If any part or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the Ordinance as a whole or any remaining part thereof; and

2. This Ordinance shall take effect twenty (20) days after adoption.

Attest:

I hereby attest that the above Ordinance was duly adopted by the Town Council on the 24th day of August, 2026, by a vote of ____ in favor and ____ in opposition.

Susan Theis, Town Manager/Clerk-Treasurer
Town of Glen Echo

Approved:

Dia Costello, Mayor
Town of Glen Echo

Date: _____