



### BOARD OF COUNTY COMMISSIONERS' (BOCC) CONCURRENCE FORM

This form must be completed for all staff reports being prepared for BOCC meetings/public hearings and is the cover sheet for the staff report. The original (single-sided) staff report needs to be submitted to the County Manager's Office one (1) week in advance of the scheduled presentation date. For Closed Sessions please submit the original (single-sided) and 8 (double-sided copies) of the staff report.

**To: Office of the County Manager**

**From (Name & Division):** Larry W. Smith, Community Dev. Division *LWS/ebc* **Phone #:** x12028

**Requested Meeting Date (mm/dd/yr):** 02/20/14 **Est. Presentation Time:** 20 min

**Staff Report Topic:**  
*(The text provided here will also be reflected on the meeting agenda and county's website.)*

Proposed Zoning Ordinance Text Amendment- Accessory Structures

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**County Funds Requested/Required:** \$ n/a

**Type of Meeting:**  
*(Click to place a check mark in the following appropriate boxes.)*

Administrative Business *(The Consent Agenda Committee determines which items are eligible for the consent agenda.)*

Worksession       Closed Session       Public Hearing (a.m.  or p.m.  BOCC/BOE Mtg.       County/Municipalities Mtg.

Power Point Presentation

**Board Action Desired:**     Decision     Guidance     Information

**Staff Report Review:**

This staff report has been thoroughly reviewed first by the appropriate divisions/agencies noted on Page 2 followed by those outlined below :

	<u>Initials</u>	<u>Date</u>	<u>Comments Y/N</u> <i>(Page 2)</i>
<input type="checkbox"/> Budget Officer	_____	_____	_____
<input type="checkbox"/> Finance Director	_____	_____	_____
<input checked="" type="checkbox"/> County Attorney's Office	<u>Kam</u>	<u>2/4/14</u>	<u>N</u>
<input checked="" type="checkbox"/> County Manager	<u>ld</u>	<u>2/10/14</u>	<u>N</u>

**Other Reviewing Divisions/Agencies:**

(Click to place a check mark in the following appropriate spaces.)

	<u>Initials</u>	<u>Date</u>	<u>Comments Y/N</u> <i>(noted below)</i>
<input type="checkbox"/> Animal Control			
<input type="checkbox"/> Business Development & Retention			
<input type="checkbox"/> Citizens Services			
<input checked="" type="checkbox"/> Community Development	<i>CMJ</i>	<i>2-10-14</i>	<i>N</i>
<input type="checkbox"/> Emergency Management			
<input type="checkbox"/> Fire & Rescue Services			
<input type="checkbox"/> Health Services			
<input type="checkbox"/> Human Resources			
<input type="checkbox"/> Interagency Information Technologies			
<input type="checkbox"/> Internal Audit			
<input type="checkbox"/> Parks & Recreation			
<input type="checkbox"/> Public Works			
<input type="checkbox"/> Transit Services			
<input type="checkbox"/> Utilities & Solid Waste Management			
Other: _____			
Other: _____			
Other: _____			

**Elected Officials or Independent Agencies:**

	<u>Initials</u>	<u>Date</u>	<u>Comments Y/N</u> <i>(noted below)</i>
<input type="checkbox"/> Board of Education			
<input type="checkbox"/> Board of Elections			
<input type="checkbox"/> Board of License Commissioners			
<input type="checkbox"/> Citizens Care & Rehabilitation Center/ Montevue Assisted Living			
<input type="checkbox"/> Frederick Community College			
<input type="checkbox"/> Frederick County Public Libraries			
<input type="checkbox"/> Sheriff's Office			
<input type="checkbox"/> Social Services			
<input type="checkbox"/> State's Attorney's Office			

**Comments:**

1. From: \_\_\_\_\_ Date: \_\_\_\_\_
2. From: \_\_\_\_\_ Date: \_\_\_\_\_
3. From: \_\_\_\_\_ Date: \_\_\_\_\_
4. From: \_\_\_\_\_ Date: \_\_\_\_\_
5. From: \_\_\_\_\_ Date: \_\_\_\_\_



**COMMUNITY DEVELOPMENT DIVISION  
FREDERICK COUNTY, MARYLAND**

*30 North Market Street Frederick, Maryland 21701 (301) 600-1138*

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To: Board of County Commissioners  
FROM: Larry Smith, Zoning Administrator  
DATE: February 20, 2014  
SUBJECT: Zoning Ordinance Text Amendments – Accessory Structures

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**ISSUE**

The Board of County Commissioners (BOCC) has received a request for review of specific sections of the Zoning Ordinance for possible revision. Staff requests direction as to whether further research, initiation of a text amendment, or no action should be taken on this text amendment.

**BACKGROUND**

Staff has received a request for a text amendment in regard to the maximum size of accessory structures, along with the setback requirements for the accessory structures within the Residential zoning districts. The items are presented as a summary for BOCC review and direction.

**RECOMMENDATION**

Staff requests direction whether further research, initiation of a text amendment, or no action should be taken on the items proposed as the Draft Text Amendments.

**ATTACHMENTS**

Attachment 1 – Draft Ordinance

**FUNDING INFORMATION**

Financial Implication: NO

## **OVERVIEW**

The overview section below provides a summary of the issue including background information and possible amendments to address the issue.

### **Accessory Structures on Residential Property**

A request has been received for consideration of amendments to § 1-19-8.240 (B) to allow one (1) accessory structure located on a residentially zoned property to exceed the existing footprint limits of ½ of the principal dwelling footprint or 600 square feet, whichever is greater, provided that the footprint of the oversize accessory structure does not exceed 2,000 square feet.

In addition, this text amendment proposes also delete section 1-19-8.240(B)(5) that currently requires accessory structures over 12 feet in height to be set back 1 additional foot from the minimum setback for each foot of height over 12 feet. Staff feels that the current 6' setback requirement for accessory structures found in § 1-19-4.300(1) (A) is a sufficient restriction on the distance accessory structures must be from any lot line.

### **STAFF RECOMMENDATION**

Staff requests direction whether further research, initiation of a text amendment, or no action should be taken on the attached Draft Ordinance.

ATTACHMENT 1

THE EFFECTIVE DATE OF THIS ORDINANCE IS \_\_\_\_\_, 2014

ORDINANCE NO. \_\_\_\_\_

**Re: An Ordinance by the Board of County Commissioners of Frederick County  
to Amend Chapter 1-19 of the Frederick County Code Regarding  
Accessory Structures on Residential Properties**

**Background**

Section 1-19-8.240 of the Zoning Ordinance addresses accessory uses on residential properties. Section 1-19-8.240(B)(2) provides that the footprint of the accessory structure may not exceed the greater of: (a) One-half (½) of the footprint of the principal dwelling; or (b) Six hundred (600) square feet. The BOCC desires to amend and revise paragraph 1-19-8.240(B)(2) to provide more flexibility regarding the size of accessory structures.

Paragraph 1-19-8.240(B)(5) provides that accessory structures over twelve feet (12') feet in height shall be set back at least one (1) additional foot from the minimum setback for each foot of height over twelve (12) feet. The BOCC desires to repeal paragraph 1-19-8.240(B)(5). The BOCC believes the otherwise applicable six foot (6') setback requirement for accessory structures found in §1-19-4.300.1.A is a sufficient restriction on the distance accessory structures must be from any lot line.

At its meeting on February 20, 2014, the BOCC initiated this Ordinance. Pursuant to §1-19-3.100.3(A)(1)(Review and Approval Procedures), this Ordinance was referred to the Planning Commission for a recommendation. Notices of the Planning Commission and BOCC public hearings, along with a summary of this Ordinance, were published in a newspaper of general circulation in Frederick County in accordance with the provisions of §1-19-3.100.3(E).

The Planning Commission held its duly advertised public hearing on this Ordinance on the \_\_\_\_ day of March, 2014, at which time the public had a reasonable opportunity to comment on the proposed revisions and amendments.

The BOCC held its duly advertised public hearing on the proposed revisions and amendments on the \_\_\_\_ day of \_\_\_\_\_, 2014, at which time the public had a reasonable opportunity to comment on the proposed revisions and amendments.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR FREDERICK COUNTY, MARYLAND THAT §1-19-8.240(B) is hereby amended and revised to read as follows:

- (B) An accessory structure shall be limited in size when located on a residentially zoned property to the following:

(1) The total square footage of all floors of the accessory structure shall not exceed that of the dwelling;

(2) EXCEPT AS PROVIDED IN SUBSECTION (B)(3) BELOW, The footprint of ~~AN~~~~the~~ accessory structure may not exceed the greater of:

- (a) One-half of the footprint of the principal dwelling; or
- (b) Six hundred square feet.~~]; and]~~

(3) ONE (1) ACCESSORY STRUCTURE LOCATED ON A RESIDENTIALLY ZONED PROPERTY MAY EXCEED THE FOOTPRINT LIMITS OF SUBSECTION (B)(2) ABOVE, PROVIDED THAT THE FOOTPRINT OF THAT ACCESSORY STRUCTURE DOES NOT EXCEED 2000 SQUARE FEET.

~~[(3]4)~~ The square footage allowed for business purposes in an accessory structure shall be 600 square feet.

~~[(4]5)~~ Accessory structures shall not exceed 70% of the maximum height allowed for the principal permitted use, except as otherwise provided within this chapter.

~~[(5) Accessory structures over 12 feet in height shall be set back at least 1 additional foot from the minimum setback for each foot of height over 12 feet.]~~

AND BE IT FURTHER ENACTED AND ORDAINED THAT this Ordinance shall be effective on the \_\_\_\_ day of \_\_\_\_\_, 2014.

The undersigned hereby certify that the Board of County Commissioners for Frederick County, Maryland approved and adopted the foregoing Ordinance on the \_\_ day of \_\_\_\_\_, 2014.

Text [~~within brackets and stricken through~~] represents matter deleted from the existing Ordinance. CAPITALIZED AND/OR UNDERLINED TEXT represents matter added to the existing Ordinance.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
FOR FREDERICK COUNTY, MARYLAND

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\_\_\_\_\_  
Lorie A. Depies, CPA  
County Manager

By: \_\_\_\_\_  
Blaine R. Young  
President

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