



Bill No. 20-10

Concerning: Revisions to Requirements for Accessory Dwelling Units (ADUs)

Introduced: June 16, 2020

Revised: \_\_\_\_\_ Draft No. \_\_\_\_\_

Enacted: July 21, 2020

Effective: September 19, 2020

Expires: September 14, 2020

Frederick County Code, Chapter 1-19

Section(s) 8.212, 8.321 & 11.100

## COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council President M. C. Keegan-Ayer on behalf of County Executive Jan Gardner

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**AN ACT** to: Revise and clarify the requirements for approval and construction of Accessory Dwelling Units (ADUs).

Executive: Jan Gardner

Date Received: July 30, 2020

Approved: ✓

Date: 7/30/2020

Vetoed: \_\_\_\_\_

Date: \_\_\_\_\_

By amending:

Frederick County Code, Chapter, 1-19

Section(s) 8.212, 8.321, & 11.100

Other: \_\_\_\_\_

**Boldface**

Underlining

[Single boldface brackets]

\* \* \*

*Heading or defined term.*

*Added to existing law.*

*Deleted from existing law.*

*Existing law unaffected by bill.*

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3           The County Council of Frederick County, Maryland, finds it necessary and appropriate to  
4   amend the Frederick County Code to revise and clarify the requirements for approval and  
5   construction of Accessory Dwelling Units.

6 Revisions are proposed to increase the square footage threshold for an Accessory  
7 Dwelling Unit requiring approved as a Special Exception by the Board of Appeals.

8           Further refinements are proposed that specify those areas to be included in the calculation  
9           of the size of the Accessory Dwelling Unit.

10 NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF  
11 FREDERICK COUNTY, MARYLAND, that the Frederick County Code be, and it is hereby,  
12 amended as shown on the attached Exhibit 1.

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M. C. Keegan-Ayer  
M. C. Keegan-Ayer, President  
County Council of Frederick County,  
Maryland B3

2 **§ 1-19-8.212 LIMITED ACCESSORY DWELLING UNITS IN THE RC, A, R1, R3, R5,**  
3 **R8, R12, R16, VC, MXD, PUD, AND MX DISTRICTS.**4  
5 The following provisions shall apply to limited accessory dwelling units in the RC, A, R1, R3,  
6 R5, R8, R12, R16, VC, MXD, PUD, and MX districts.7 (A) Only 1 limited accessory dwelling unit ("ADU") may be created on a lot.  
8 (B) A limited accessory dwelling unit shall be allowed within single-family dwellings, in an  
9 accessory structure, or built as a separate accessory structure on a single-family lot.  
10 (C) The owner of the property must reside in the principal dwelling or in the accessory dwelling  
11 unit.12 (D) There must be at least 1 additional parking space provided for the limited accessory  
13 dwelling unit. On-street parking may be utilized to meet this requirement.14 (E) The limited accessory dwelling unit shall not exceed 1000[800] square feet in size,  
15 excluding decks, porches, patios or other items that are not part of the primary footprint of the  
16 accessory dwelling unit. An accessory dwelling unit greater than 1000[800] square feet shall be  
17 reviewed as a special exception under § 1-19-8.321.18 (F) A limited accessory dwelling unit located in an accessory structure or built as a separate  
19 accessory structure must comply with the accessory structure requirements of § 1-19-8.240(B).20 (G) ADUs are intended to serve ongoing housing needs of county residents. Short term rental  
21 of ADUs in the nature of extended stay hotels, Airbnb's, or seasonal temporary housing is not  
22 permitted.23 (H) The owner of the principal residence shall file an annual statement with the Zoning  
24 Administrator verifying that conditions [remain the same] under which the limited accessory  
25 dwelling unit was granted remain the same.26 (I) If the ownership of the lot changes, the subsequent owner must provide a statement as to the  
27 continued use and eligibility of the accessory dwelling unit.

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Underlining indicates matter added to existing law.

[Single boldface brackets] with strikethrough indicates matter deleted from existing law.

\*\*\* - indicates existing law unaffected by bill.

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1 (J) If the Zoning Administrator, after consultation with appropriate County staff, determines  
2 that the limited accessory dwelling unit is not in compliance with the above provisions as well as  
3 all safety, health, and environmental standards, approval of the accessory dwelling unit may be  
4 revoked pursuant to § 1-19-2.210.

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6   § 1-19-8.321. ACCESSORY DWELLING UNITS GREATER THAN 1000[800] SQUARE  
7   FEET.

8 The following provisions shall apply to all accessory dwelling units greater than 1000[800]  
9 square feet in the RC, A, R1, R3, R5, R8, R12, R16, VC, MXD, PUD and MX districts.

10 (A) Only 1 accessory dwelling unit ("ADU") may be created on a lot.

11 (B) Accessory dwelling units greater than 1000[800] square feet shall be allowed in single-  
12 family dwellings, in an accessory structure, or built as a separate accessory structure, on a single-  
13 family lot.

14 (C) The owner of the property must reside in the principal dwelling or in the accessory dwelling  
15 unit.

16 (D) There must be at least 1 additional parking space provided for the accessory dwelling unit.  
17 On-street parking may be utilized to meet this requirement.

18 (E) An accessory dwelling unit located in an accessory structure or built as a separate accessory  
19 structure must comply with the accessory structure requirements of § 1-19-8.240(B).

20 (F) ADUs are intended to serve ongoing housing needs of county residents. Short term rental  
21 of ADUs in the nature of extended stay hotels, Airbnb's, or seasonal temporary housing is not  
22 permitted.

23 (G) The owner of the principal residence shall file an annual statement with the Zoning  
24 Administrator verifying that the conditions under which the special exception was granted remain  
25 the same.

26 (H) If the ownership of the lot changes, the subsequent owner must provide a statement to the  
27 Zoning Administrator as to the continuing use and eligibility of the accessory dwelling unit.

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1       (I) Due to the nature of this use, site plan approval can be granted by the Zoning Administrator  
2       in lieu of the Planning Commission.

3 (J) An accessory dwelling unit meeting the provisions of § 1-19-8.212 shall be considered a  
4 permitted accessory use and therefore not subject to this section.

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6     § 1-19-11.100. DEFINITIONS.

\* \* \* \* \*

8 **ACCESSORY DWELLING UNIT.** An independent, self-contained dwelling unit located within  
9 a single-family dwelling, or within an accessory structure, or built as a separate accessory structure,  
10 and located on the same lot as a single- family dwelling. An accessory dwelling unit greater than  
11 1000~~[800]~~ square feet must be approved in accordance with § 1-19-8.321 of this chapter. An  
12 accessory dwelling unit that does not exceed 1000~~[800]~~ square feet must be approved in  
13 accordance with § 1-19-8.212 of this chapter. (See also CARETAKER RESIDENCE.)

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