

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

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

Executive: *Jan H 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: _____

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|----------------------------|---|
| Boldface | <i>Heading or defined term.</i> |
| <u>Underlining</u> | <i>Added to existing law.</i> |
| [Single boldface brackets] | <i>Deleted from existing law.</i> |
| *** | <i>Existing law unaffected by bill.</i> |


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

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

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

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


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

§ 1-19-8.212 LIMITED ACCESSORY DWELLING UNITS IN THE RC, A, R1, R3, R5, R8, R12, R16, VC, MXD, PUD, AND MX DISTRICTS.

The following provisions shall apply to limited accessory dwelling units in the RC, A, R1, R3, R5, R8, R12, R16, VC, MXD, PUD, and MX districts.

(A) Only 1 limited accessory dwelling unit (“ADU”) may be created on a lot.

(B) A limited accessory dwelling unit shall be allowed within single-family dwellings, in an accessory structure, or built as a separate accessory structure on a single-family lot.

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

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

(E) The limited accessory dwelling unit shall not exceed 1000~~[800]~~ square feet in size, excluding decks, porches, patios or other items that are not part of the primary footprint of the accessory dwelling unit. An accessory dwelling unit greater than 1000~~[800]~~ square feet shall be reviewed as a special exception under § 1-19-8.321.

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

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

(H) The owner of the principal residence shall file an annual statement with the Zoning Administrator verifying that conditions [~~remain the same~~] under which the limited accessory dwelling unit was granted remain the same.

(I) If the ownership of the lot changes, the subsequent owner must provide a statement as to the continued use and eligibility of the accessory dwelling unit.

*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.

5 *****

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.

5 *****

6 **§ 1-19-11.100. DEFINITIONS.**

7 *****

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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