



## DIVISION OF PLANNING AND PERMITTING FREDERICK COUNTY, MARYLAND

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

### **Accessory Dwelling Unit (ADU) Process and Procedures**

The following information is provided in order to assist citizens and builders in making an application for Special Exception to construct an Accessory Dwelling Unit (ADU) greater than 1,000 sq.ft.

#### **Accessory Dwelling Unit (ADU)**

- An independent, self-contained dwelling unit located within a single-family dwelling, or within an accessory structure, or built as a separate accessory structure, and located on the same lot as a single-family dwelling.
- An accessory dwelling unit greater than 1,000 square feet must be approved in accordance with § [1-19-8.321](#) of the Frederick County zoning ordinance.
- An accessory dwelling unit determined to be less than 1,000 sq. ft. does not require approval by the Frederick County Board of Appeals. It does require the applicant to submit a building permit through the Frederick County permit portal. Link provided below.

<https://planningandpermitting.frederickcountymd.gov/>

#### **Summary of ADU Size Limitations**

- The ADUs are limited in size to:
  1. ***one-half the size of the primary residence, and***
  2. ***no larger than one-half the size of the primary dwelling's footprint.***
- The size of all ADUs and principal dwellings includes everything under the roof. If the deck or porch is not covered, do not count that area(s) when determining the size of an ADU or Principal Dwelling.
- There is no variance or exception available to adjust the size requirements for an ADU. These standards are applicable to all zoning districts in which an ADU is allowed.

## Example ADU Floor Plan



**FIRST FLOOR PLAN** 1,000 sq. ft.



**SECOND FLOOR PLAN** 900 sq. ft.



### **Accessory Dwelling Unit**

TOTAL ADU SIZE - 1,900 sq. ft.

TOTAL FOOTPRINT SIZE – 1000 sq. ft.

### **Primary Residence**

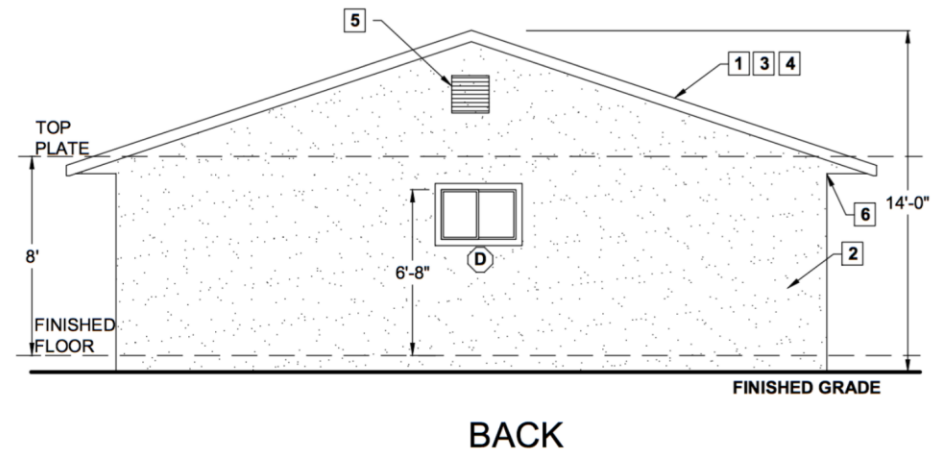
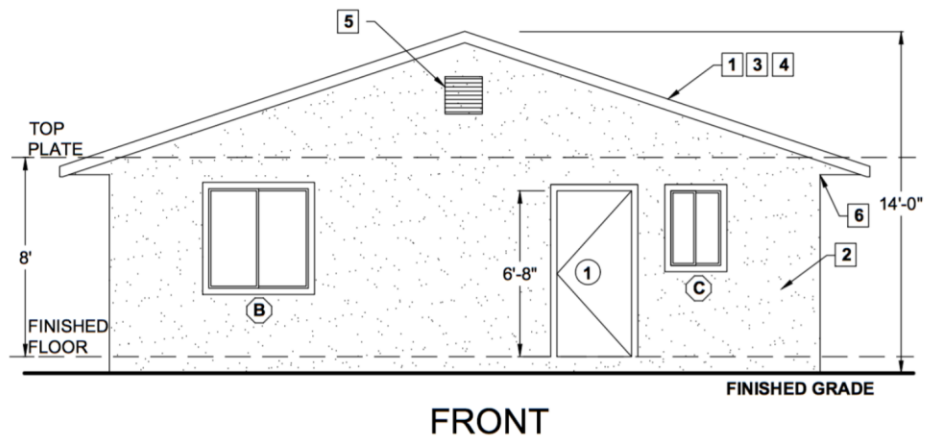
TOTAL PRIMARY RESIDENCE SIZE – 4,000 sq. ft.

TOTAL FOOTPRINT SIZE – 2,000 sq. ft.

**The proposed ADU meets the ADU size requirements referenced in this document.**

### **Example of ADU Elevation Drawings**

A drawing like the example below is needed for the Board of Appeals to see the size and scale of the proposed ADU.



The following information is from the Frederick County zoning ordinance. It provides important information regarding ADU's and it is recommended you and your contractor read the sections below before submitting your Special Exception Application - Accessory Dwelling Unit. The Applicant must respond to all questions and statements below.

**Note: Applicants must respond to all questions below**

**§ 1-19-8.321. ACCESSORY DWELLING UNITS GREATER THAN 1,000 SQUARE FEET.**

The following provisions shall apply to all accessory dwelling units greater than 1,000 square feet in the RC, A, R1, R3, R5, R8, R12, R16, VC, MXD, PUD and MX districts.

- (A) Only 1 accessory dwelling unit ("ADU") may be created on a lot.
- (B) Accessory dwelling units greater than 1,000 square feet shall be allowed in single-family dwellings, in an accessory structure, or built as a separate accessory structure, on a single-family lot.
  - 1. The footprint of the ADU may not exceed one half of the footprint of the principal dwelling.
  - 2. The size of the ADU may not exceed one-half of the total size of the primary dwelling on the same property.
- (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 accessory dwelling unit. On-street parking may be utilized to meet this requirement.
- (E) An accessory dwelling unit located in an accessory structure or built as a separate accessory structure must comply with accessory structure requirements, § [1-19-8.240\(B\)](#)
- (F) 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.
- (G) The owner of the principal residence shall file an annual statement with the Zoning Administrator verifying that the conditions under which the special exception was granted remain the same.
- (H) If the ownership of the lot changes, the subsequent owner must provide a statement to the Zoning Administrator as to the continuing use and eligibility of the accessory dwelling unit.
- (I) Due to the nature of this use, site plan approval can be granted by the Zoning Administrator in lieu of the Planning Commission.
- (J) An accessory dwelling unit meeting the provisions of § [1-19-8.212](#) shall be considered a permitted accessory use and therefore not subject to this section.

### **§ 1-19-3.210. SPECIAL EXCEPTIONS - GENERAL CRITERIA**

**The following questions and statements are required to be addressed with your Board of Appeals (BOA) Special Exception Application. You must respond to all questions and statements. Failure to do so, may result in a delay of your application.**

- (A) An application for a special exception may be made only by persons with a financial, contractual, or proprietary interest in the property for which a special exception is requested.
- (B) A grant of a special exception is basically a matter of development policy, rather than an appeal based on administrative error or on hardship in a particular case. The Board of Appeals should consider the relation of the proposed use to the existing and future development patterns. A special exception shall be granted when the Board finds that:
  - (1) The proposed use is consistent with the purpose and intent of the Comprehensive Development Plan and of this chapter; and
  - (2) The nature and intensity of the operations involved in or conducted in connection with it and the size of the site in relation to it are such that the proposed use will be in harmony with the appropriate and orderly development of the neighborhood in which it is located; and
  - (3) Operations in connection with the special exception at the proposed location shall not have an adverse effect such as noise, fumes, vibration, or other characteristics on neighboring properties above and beyond those inherently associated with the special exception at any other location within the zoning district; and
  - (4) Parking areas will comply with the off-street parking regulations of this chapter and will be screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.
  - (5) The road system providing access to the proposed use is adequate to serve the site for the intended use.
- (C) In addition to the general requirements listed above, uses requiring a special exception shall be subject to the specific requirements in §§ [1-19-8.320](#) and [1-19-8.321](#) of this Code.
- (D) A special exception approval may be granted in accordance with the general and specific requirements enumerated in this section. The Board of Appeals, is hereby authorized to add to the specific requirements imposed under this chapter, any additional conditions that it may deem necessary to protect adjacent properties, the general neighborhood, and its residents or workers. Violation of such additional conditions, when made a part of the terms under which the special exception permit is granted, is a violation of this chapter and may be grounds for termination of the special exception.

- (E) The Board of Appeals shall not grant a special exception unless and until:
- (1) A written application for a special exception is submitted indicating the section of this chapter under which the special exception is sought and stating the grounds on which it is requested; and
  - (2) A public hearing has been held; and the Board has made a finding of fact that the special exception requested meets the general and specific requirements outlined in this section.
- (F) The grant of a special exception may include approval of customary incidental accessory uses as reviewed and approved by the Zoning Administrator.
- (G) No use or activity permitted as a special exception shall be enlarged or extended beyond the limits authorized in the grant of special exception. All enlargements, extensions, and changes in use shall require grants of a special exception, as in the case of an original petition.
- (H) If a grant of a special exception is denied, no new petition for the denied use on the same property shall be accepted by the Board of Appeals for 1 year after the date of denial of the petition.
- (I) A decision of the Board of Appeals granting a special exception will be void 5 years from date of approval by the Board of Appeals unless the use is established, a building permit is issued, construction has begun, or final site development plan approval has been received in accordance with the terms of the decision. Upon written request submitted to the Zoning Administrator no later than 1 month prior to the expiration date and for good cause shown by the applicant, a one-time extension may be granted by the Zoning Administrator for a period not to exceed 6 months.
- **Please Note: Building permit review and approval as well as Impact Fees, are required, with the exception of ADUs less than 800 sq.ft.**

### **Impact Fee**

§1-22-15. EXEMPTION FOR ACCESSORY DWELLING UNITS LESS THAN 800 SQUARE FEET. (A) Accessory dwelling units that do not exceed 800 square feet in size are exempt from payment of public-school development impact fees. (B) The public-school development impact fee for accessory dwelling units greater than 800 square feet in size shall be the impact fee amount indicated above in §1-22-12 for "All Other Residential".

**Below is the link to the Frederick County Zoning Ordinance for any additional information you may want to review.**

[https://codelibrary.amlegal.com/codes/frederickcounty/latest/frederickco\\_md/0-0-0-5908](https://codelibrary.amlegal.com/codes/frederickcounty/latest/frederickco_md/0-0-0-5908)

---

## **Direction regarding how to submit your ADU Application**

---



### **DIVISION OF PLANNING AND PERMITTING FREDERICK COUNTY, MARYLAND**

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

---

## **BOARD OF APPEALS ACCESSORY DWELLING UNIT REQUIRED SUBMISSION DOCUMENTS**

***Application is made on the Application Portal*** <https://planningandpermitting.frederickcountymd.gov/>

#### **Required for Submission:**

1. Note in the comments the need for Special Exception ADU and the Zoning Planner the applicant spoke with.
2. Justification letter to include the following information:
  - a. Address of property
  - b. Existing Zoning of property
  - c. Proposed use under the Zoning Ordinance
  - d. Applicable section(s) of the Zoning Ordinance for Use proposed
  - e. General and/or Specific Criteria
  - f. Other information relevant to Special Exception request
  - g. Size of the ADU, size of the ADU footprint, size of the primary dwelling and size of the primary dwelling footprint
3. Site Plan of the property
4. Floor Plan of the ADU with dimensions and square footage

ZONING Fee

\$232.00

---

Please visit the Public Portal at <https://planningandpermitting.frederickcountymd.gov/> and create an account if you have not already done so.

From your My Dashboard page in the Public Portal you will want to click on the **“Submit an Application/Request”** link pictured below.



Welcome, MIKE!

**Username**  
mpaone@frederickcountymd.gov

**Address**  
30 N Market Street  
Frederick , MD 21701

**Contact**  
(301)600-1341  
mpaone@frederickcountymd.gov

[My Profile](#)

#### MY FEES

0

**Total Amount Due**

\$0.00

[Make Payment](#)
[Go to my fees](#)
[Go to my payment history](#)

Next click on “Planning”.

#### Submit a New Record

##### County Requests

Choose from the list below to report an issue or complaint.

- › **Anonymous Potential County Code Violation**  
This is not to be used as an application for proposed construction
- › **Building Permit Related Complaints**
- › **Fire Marshal Related Complaints**
- › **Forest Resource Ordinance Complaints**
- › **Grading/Drainage Related Complaints**
- › **Health Department Related Complaints**
- › **Zoning Department Related Complaints**

##### Licences, Permits, Planning, and Zoning

Apply for or renew a license, permit, Planning, or Zoning application.

- › **Building Permits**  
Building Permit Application Types
- › **Business License**  
Business License Application Types
- › **Earth Disturbance Permits**  
Earth Disturbance Permits - Logging and Grading
- › **Planning**  
Planning Application Types
- › **Trade License**  
Trade License Application Types
- › **Use Permits**  
Use Permits Application Types

A drop-down menu will open. You will then select the “**Board of Appeals Planning Application**” link.

#### Submit a New Record

##### County Requests

Choose from the list below to report an issue or complaint.

- › **Anonymous Potential County Code Violation**  
This is not to be used as an application for proposed construction
- › **Building Permit Related Complaints**
- › **Fire Marshal Related Complaints**
- › **Forest Resource Ordinance Complaints**
- › **Grading/Drainage Related Complaints**
- › **Health Department Related Complaints**
- › **Zoning Department Related Complaints**

##### Licences, Permits, Planning, and Zoning

Apply for or renew a license, permit, Planning, or Zoning application.

- › **Building Permits**  
Building Permit Application Types
- › **Business License**  
Business License Application Types
- › **Earth Disturbance Permits**  
Earth Disturbance Permits - Logging and Grading
- ▼ **Planning**  
Planning Application Types
  - [Adequate Public Facilities \(APFO\)](#)
  - [Board of Appeals Planning Application](#)
  - [Construction Drawings](#)
  - [Forest Resource Ordinance Plan Application \(FRO\)](#)
  - [Notice of Intent to Develop \(NID\)](#)



Instructions

SPECIAL EXCEPTION:

Justification letter, to include the following information:

- Address of property.
- Existing Zoning of Property.
- Proposed use under the zoning ordinance.
- Applicable section(s) of the Zoning Ordinance, for Use Proposed.
- General and or Specific Criteria.
- Other information relevant to special exception request.

Print Instructions

Fill in the record information. Fields with \* are Required

What kind of record are you submitting?

Board of Appeals Planning Application

Title \*

Work Type \*

ACCESSORY DWELLING UNIT

Occupancy Type \*

RES ACCESSORY DWELLING UNIT

2000 characters left

This field indicates your responsibility for this request:

Applicant Type \*

Select

Sites

Add Primary Site

Location Details

300 characters left

Attachments

Add Attachment

0

Please make sure you attach the documents that are required for submission.

Continue completing fields on subsequent pages until you click submit and receive a project number.


If you have any further questions, please contact.

**Michael Paone, Zoning Planner**  
**30 N. Market Street**  
**Frederick, MD 21701**  
**(301) 600-1351**  
[mpaone@Frederickcountymd.gov](mailto:mpaone@Frederickcountymd.gov)

## **Board of Appeals Process**

- *All Applications for the Board of Appeals are submitted online.*
- *The submission must include all required information at the time of Application. There are no exceptions to this.*
- *An initial review, confirming required information is provided or you still need to provide additional information or documentation.*
- *Once all information is provided, you will receive notice that the submission includes the needed documentation and to make payment.*
- *You will also be notified when to pick up your BOA sign that must be posted on your property. The BOA process typically takes about 90 days.*
- *Check on the status of your application through the permit portal. It is not unusual for an Applicant to not submit all required information the first time using the system.*
- *Please review the schedule below to understand when your application will be presented to the Board of Appeals (BOA).*
- *Staff may contact you during the review process and request additional information based on your specific BOA application.*

## **BOA Schedule**



**BOARD OF APPEALS**  
**FREDERICK COUNTY, MARYLAND**

Winchester Hall 12 East Church Street Frederick, Maryland 21701 301-600-1351

**BOARD OF APPEALS Deadlines, Site Visits and Hearings**  
**2024**

All Board of Appeals hearings will start at 7:00 P.M. unless noted otherwise. Please check online at [Frederick County, MD - Official Website - Board of Zoning Appeals](http://www.frederickcountymd.gov)  
[www.frederickcountymd.gov](http://www.frederickcountymd.gov) for updates to this schedule.

<b><u>Deadline Date</u></b>	<b><u>Site Visit Deadline</u></b>	<b><u>Hearing Date</u></b>	<b><u>Reserved Hearing Date</u></b>
November 13, 2023	January 24, 2024	January 25, 2024	January 29, 2024
December 28, 2023	February 21, 2024	February 22, 2024	February 26, 2024
January 15, 2024	March 27, 2024	March 28, 2024	April 1, 2024
February 12, 2024	April 24, 2024	April 25, 2024	April 29, 2024
March 11, 2024	May 22, 2024	May 23, 2024	May 27, 2024
April 15, 2024	June 26, 2024	June 27, 2024	July 1, 2024
May 13, 2024	July 24, 2024	July 25, 2024	July 29, 2024
June 10, 2024	August 21, 2024	August 22, 2024	August 26, 2024
July 15, 2024	September 25, 2024	September 26, 2024	September 30, 2024
August 12, 2024	October 23, 2024	October 24, 2024	October 28, 2024
September 9, 2024	November 20, 2024	November 21, 2024	November 25, 2024
October 14, 2024	December 18, 2024	December 19, 2024	December 26, 2024
November 11, 2024	January 22, 2025	January 23, 2025	January 27, 2025

**CASES NOT HEARD ON THURSDAY WOULD BE HEARD THE FOLLOWING MONDAY OR AS STATED BY THE CHAIR.**

**The Board members will conduct the required site visits on or before the Wednesday prior to the monthly hearing date. After the site visit deadline, at the call of the chair, the Board may meet prior to the start of the hearing to consult with its attorney.**