



**FREDERICK COUNTY PLANNING COMMISSION**  
**April 9, 2014**

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**TITLE:** **Zoning Ordinance Text Amendment**

**FILE NUMBER:** **ZT-14-01**

**REQUEST:** A public hearing will be held for a Zoning Ordinance Text Amendment to revise the provisions related to residential accessory structures. Staff is requesting a recommendation on the text amendment.

**PROJECT INFORMATION:**

ADDRESS/LOCATION: N/A  
TAX MAP/PARCEL: N/A  
COMP. PLAN: N/A  
ZONING: N/A  
PLANNING REGION: N/A  
WATER/SEWER: N/A

**APPLICANT/REPRESENTATIVES:**

APPLICANT: N/A

**STAFF:** Larry Smith, Zoning Administrator

**RECOMMENDATION:**

Staff requests a recommendation from the Planning Commission on the proposed text amendment.

**ATTACHMENTS:**

Exhibit 1- Text Amendments ZT-14-01  
Exhibit 2 – Public Hearing Ordinance

# STAFF REPORT

## ISSUE

The Board of County Commissioners (BOCC) has received a request for review of specific sections of the Zoning Ordinance for possible revision to the residential accessory structure provisions. This text amendment was presented to the BOCC on February 20, 2014 for review and direction. At that meeting the BOCC directed Staff to take the amendments contained in Exhibit 1 – Zoning Ordinance Text Amendment (ZT-14-01) through the public hearing process. Staff is requesting a recommendation from the Planning Commission on the proposed text amendment.

## BACKGROUND

ARTICLE VIII: SPECIFIC USE REGULATIONS  
DIVISION 2. ACCESSORY USES  
§ 1-19-8.240 ACCESSORY USES ON RESIDENTIAL PROPERTY

### 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.

The proposed increase in square footage would be limited to the Residential-1 zoning district on lots greater than 20,000 square feet in size.

Staff reviewed the Minimum Lot Requirements for Single Family Homes in all of the residential zoning districts in an effort to limit the oversize accessory structure to zoning districts with larger lot size requirements.

<u>Residential Zoning District</u>	<u>Minimum Lot Size requirement for a Single Family Dwelling</u>
R-1	40,000 square feet
R-3	12,000 square feet
R-5	8,000 square feet
R-8	6,000 square feet
R-12	6,000 square feet
R-15	6,000 square feet

Due to the smaller lot size requirements of the R-3 thru R-15 zoning districts, along with an effort to reduce potential adverse impacts to adjacent property owners, the oversize accessory structure would be allowed in the R-1 zoning district on lots that are at least 20,000 square feet in size.

In addition, this text amendment proposes to 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. It is not uncommon for lots to have more than 1 accessory structure and this section could result in a conflict between side yard and rear yard setbacks with separate accessory structures depending on the height of the accessory structure. Some could be set back 6 feet from the property line and others up to 10 feet.

The potential amendment has been compiled through public input, BOCC and Staff discussion. The proposed amendment is presented for Planning Commission review and then a recommendation is requested for this item. In addition, the Zoning Ordinance Rewrite webpage includes links to text amendment public process documents (including public hearing and adopted ordinances) for previous amendments. These documents can be accessed through the following link: <http://www.frederickcountymd.gov/index.aspx?nid=3342>.

At the February 20th meeting the BOCC directed Staff to move forward with the Accessory Structure text amendment within the Residential (R-1) zoning district only.

## **RECOMMENDATION**

Staff is requesting a recommendation on the Text Amendment to revise the provisions related to residential accessory structures (ZT-14-01).

### **ATTACHMENTS:**

Exhibit 1 – Text Amendment (ZT-14-01)

Exhibit 2 – Draft Ordinance

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 restricts 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), 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 April, 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 RESIDENTIAL - 1 (R-1) 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, AND PROVIDED THAT THE LOT SIZE EQUALS OR EXCEEDS 20,000 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.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
FOR FREDERICK COUNTY, MARYLAND

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

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