



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, Zoning Administrator **Phone #:** x11491

Requested Meeting Date (mm/dd/yr): 05/22/14 **Est. Presentation Time:** 20 min

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

Zoning Text Amendment (ZT-14-01) - Residential Accessory Structures

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>ksm</u>	<u>5/8/14</u>	<u>N</u>
<input checked="" type="checkbox"/> County Manager	<u>ld</u>	<u>5/12/14</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> <u>(noted below)</u>
<input type="checkbox"/> Animal Control	_____	_____	_____
<input type="checkbox"/> Business Development & Retention	_____	_____	_____
<input type="checkbox"/> Citizens Services	_____	_____	_____
<input checked="" type="checkbox"/> Community Development	MA	5-6-14	N
<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> <u>(noted below)</u>
<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: _____



**FREDERICK COUNTY GOVERNMENT
DIVISION OF COMMUNITY DEVELOPMENT**

Gary W. Hessong, Acting Division Director

Planning & Development Review Department

Office of Zoning Administration

Larry W. Smith, Zoning Administrator

30 North Market Street
Frederick, Maryland 21701

www.FrederickCountyMD.gov

O: 301-600-2572 F: 301-600-2309

Commissioners

Blaine R. Young
President

C. Paul Smith
Vice President

Billy Shreve
David P. Gray
Kirby Delauter

Lori L. Depies, CPA
County Manager

EXECUTIVE SUMMARY

STAFF REPORT TOPIC: Zoning Text Amendment (ZT-14-01) – Residential Accessory Structures

ISSUE: Staff requests a decision on whether the BOCC will adopt the attached Ordinance which revises the provisions related to residential accessory structures.

BACKGROUND: A request was received requesting review of the residential accessory structure sections of the Zoning Ordinance for possible revision. This text amendment was presented to the BOCC on February 20, 2014 for review and direction. Staff received direction to take the amendments through the public hearing process.

The proposed text amendment, which is reflected in the attached Ordinance, includes proposed amendments to the zoning ordinance to address the following:

- Amend and Revise Ordinance Section 1-19-8.240(B)(2) to provide more flexibility regarding the size of accessory structures.
- Repeal Section 1-19-8.240(B)(5)

The proposal was presented to the Planning Commission on April 9, 2014, resulting in a recommendation of approval of the text amendment.

RECOMMENDATION: Staff requests approval of the attached Ordinance (Zoning Text Amendment (ZT-14-01)) which revises the Zoning Ordinance provisions to related to accessory structures in the Residential Zoning District.

FUNDING INFORMATION: \$ N/A

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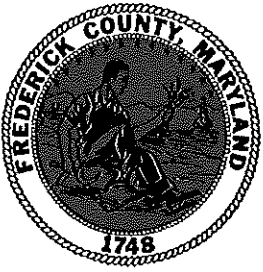
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County Manager



TO: Board of County Commissioners
FROM: Larry Smith, Zoning Administrator *LS*
DATE: May 22, 2014
SUBJECT: Zoning Text Amendment (ZT-14-01) – Residential Accessory Structures

ISSUE

The Board of County Commissioners (BOCC) has received a request for a review of the residential accessory structure provisions of the Zoning Ordinance for possible revision. 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 requests a decision on whether the BOCC will adopt the attached Ordinance which revises the provisions related to residential accessory structures.

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 for a single accessory structure 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.

Residential Zoning District

Minimum Lot Size requirement
for a Single Family Dwelling

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 only 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 § 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.

The proposed amendment has been compiled through public input, and BOCC and Staff discussion. The proposed amendment was presented to the Planning Commission on April 9, 2014. At that public hearing, the Planning Commission forwarded a recommendation of approval of the text amendment.

The Zoning Ordinance Rewrite webpage includes links to text amendment public process documents (including public hearing and adopted ordinances) for this amendment, as well as previous amendments. These documents can be accessed through the following link: <http://www.frederickcountymd.gov/index.aspx?nid=3342>.

RECOMMENDATION

Staff requests a decision on Text Amendment ZT-14-01 to revise the provisions related to accessory structures in the Residential Zoning District.

ATTACHMENTS

- Exhibit 1 – Draft Ordinance
- Exhibit 2 – FcPc Memo Transmittal

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County Manager



FCPC Transmittal Memorandum

TO: Board of County Commissioners

FROM: Frederick County Planning Commission

Through: Gary Hessong, Division Director 

DATE: April 10, 2014

RE: Zoning Ordinance Text Amendment (ZT-14-01) – Residential Accessory Structures

A public hearing was held on April 9, 2014 by the Frederick County Planning Commission (FcPc) in order to consider the Accessory Structure Zoning Ordinance Text Amendment which proposed to amend the provisions to accessory structures in the Residential Zoning District.

The Amendment is intended to:

- Amend and Revise Ordinance Section 1-19-8.240(B)(2) to provide more flexibility regarding the size of accessory structures.
- Repeal Section 1-19-8.240(B)(5)

At the meeting, the Planning Commission voted to send forward to the Board of County Commissioners (BoCC) a recommendation of approval of Text Amendment ZT-14-01, to revise the provisions to accessory structures in the Residential Zoning District.

Motioned: Wolfe, 2nd by Hall
Vote: 6-0-1-0
For: 6 – Lawrence, Hall, Robbins, Wolfe, Hopwood, Bruscia
Against: 0
Absent: 1 – Young
Abstain: 0

cc: Lori L. Depies, CPA, County Manager
Lori Follmer, Executive Assistant to County Manager
Joyce Grossnickle, Administrative Officer
File – ZT-14-01

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 ($\frac{1}{2}$) 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