

## AFFIDAVIT FOR ACCESSORY DWELLING UNITS NOT EXCEEDING 1000 SQUARE FEET

I/We the undersigned owner(s) of the property located at \_\_\_\_\_, \_\_\_\_\_ MD, 217\_\_\_\_ (the "Property") hereby agree and confirm that the Accessory Dwelling Unit under Building Permit No. \_\_\_\_\_ does comply with Frederick County, Maryland Code of Ordinances Section § 1-19-8.212 as listed below.

*Please check the box or provide a response under each section stating how the criteria is being met.*

§ 1-19-8.212 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. *Please check the box to confirm that only one ADU exists on the Property.*

(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. *Please indicate the location of the ADU on the property based on these options.*

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(C) The owner of the property must reside in the principal dwelling or in the accessory dwelling unit. *Please state whether the owner(s) of the Property live in the principal dwelling unit or in the ADU.*

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(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. *Please check the box if additional parking is provided for the ADU, either on the property or on the street.*

(E) The limited accessory dwelling unit shall not exceed 1,000 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 1,000 square feet shall be reviewed as a special exception under § 1-19-8.321. *Please check the box to indicate that the ADU on the Property does not exceed 1,000 square feet.*

(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). *Please check the box to indicate that the ADU complies with §1-19-8.240(B).*

### § 1-19-8.240. ACCESSORY USES ON RESIDENTIAL PROPERTIES.

(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 accessory structure may not exceed the greater of:

- (a) One-half of the footprint of the principal dwelling; or
- (b) Six hundred square feet.

(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.

(4) The square footage allowed for business purposes in an accessory structure shall be 600 square feet.

(G) ADUs are intended to serve ongoing housing needs of county residents. Short term rental of ADUs in the nature of extended stay hotels, Airbnbs, or seasonal temporary housing is not permitted. *Please check the box to indicate that the ADU is not being used for short term rentals, such as the examples listed above.*

(H) The owner of the principal residence shall file an annual statement with the Zoning Administrator verifying that conditions under which the limited accessory dwelling unit was granted remain the same. *Please check the box to confirm you understand the requirement to file annually.*

(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. *Please check the box if you agree to this condition.*

(J) If the Zoning Administrator, after consultation with appropriate County staff, determines that the limited accessory dwelling unit is not in compliance with the above provisions as well as all safety, health, and environmental standards, approval of the accessory dwelling unit may be revoked pursuant to § 1-19-2.210. *Please check the box to indicate that you understand the possible consequences of failing to comply with these requirements.*

I/we will provide a copy of this Affidavit to future owners of the subject property, to notify them that these restrictions apply to all current and future owners of the subject property.

\_\_\_\_\_  
Signature of Affiant Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Affiant Date: \_\_\_\_\_

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SUBSCRIBED AND SWORN BEFORE ME

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
(Name of Notary, typed, stamped, or printed)