



Bill No. _____
Concerning: Accessory Dwelling Units
Introduced: _____
Revised: _____ Draft No. _____
Enacted: _____
Effective: _____
Expires: _____
Frederick County Code, Chapter 1-19
Section(s) 8.212, 8.321, & 11.100

COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council Member Mason Carter

Co-Sponsors: Vice President Kavonté Duckett and Council Member Renee Knapp

AN ACT to: streamline approvals, remove parking requirements, and clarifying size and setback rules associated with Accessory Dwelling Units.

Date Council Approved: _____ Date Transmitted to Executive: _____

Executive: _____ Date Received: _____

Approved: _____ Date: _____

Vetoed: _____ Date: _____

Date returned to Council by County Executive with no action: _____

By amending:

Frederick County Code, Chapter 1-19 Section(s) 8.212, 8.321, & 11.100

Other: _____

Boldface

Underlining

[Single boldface brackets]

* * *

Heading or defined term.

Added to existing law.

Deleted from existing law.

Existing law unaffected by bill.

Bill No. _____

WHEREAS the Zoning Ordinance includes definitions or regulations for Accessory Dwelling Units; and

WHEREAS the State of Maryland adopted Senate Bill 891 in 2025, which requires local jurisdictions to authorize Accessory Dwelling Units and to establish policies that promote and encourage the creation of Accessory Dwelling Units; and

WHEREAS the County Council of Frederick County, Maryland, finds it necessary and appropriate to amend the Frederick County Code to streamline the approval process, remove parking requirements, and clarify size and setback provisions.

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.

Brad Young, President
County Council of Frederick County,
Maryland

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[Single boldface brackets and ~~striketrough~~] indicate matter deleted from existing law.

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

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

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

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

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

11 (D) [There must be] It is recommended that at least 1 additional parking space be provided for
12 the limited accessory dwelling unit. On-street parking, where permissible, may be utilized to
13 meet this requirement. When off-street parking is proposed, parking spaces shall not be closer to
14 the right-of-way line than one-half the normally required setback for principal structures, and
15 may not be located within a septic area.

16 (E) The limited accessory dwelling unit shall not exceed [1,000] 1,300 square feet in size,
17 excluding decks, porches, patios or other items that are not part of the primary footprint of the
18 accessory dwelling unit. An accessory dwelling unit greater than [1,000] 1,300 square feet shall
19 be reviewed as a special exception under § 1-19-8.321.

20 (F) A limited accessory dwelling unit located in an accessory structure, within a single-family
21 dwelling, attached to a single-family dwelling, or built as a separate accessory structure must
22 comply with the [accessory structure requirements of § 1-19-8.240(B).] following:

- 23 1. The maximum footprint of the ADU may not exceed 75% of the footprint of the
24 principal dwelling on site.
25 2. The cumulative square footage of the ADU may not exceed 50% of the
26 cumulative square footage of the principal dwelling on site and shall not exceed
27 1,300 square feet in size, excluding unenclosed decks, porches, patios or other
28 outdoor items that are not part of the primary footprint of the accessory dwelling
29 unit.

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

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

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

38 (J) If the Zoning Administrator, after consultation with appropriate County staff, determines
39 that the limited accessory dwelling unit is not in compliance with the above provisions as well as

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all safety, health, and environmental standards, approval of the accessory dwelling unit may be revoked pursuant to § 1-19-2.210.

(Ord. 11-25-591, 10-27-2011; Ord. 11-28-594, 11-22-2011; Ord. 14-23-678, 11-13-2014; Bill No. 18-16, 8-21-2018; Bill No. 20-10, 7-21-2020)

§ 1-19-8.321. ACCESSORY DWELLING UNITS GREATER THAN [1,000] 1,300 SQUARE FEET.

The following provisions shall apply to all accessory dwelling units greater than [1,000] 1,300 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] 1,300 square feet shall be allowed in single-family dwellings, attached to a single-family dwelling, 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] It is recommended that at least 1 additional parking space be provided for the limited accessory dwelling unit. On-street parking, where permissible, may be utilized to meet this requirement. When off-street parking is proposed, parking spaces shall not be closer to the right-of-way line than one-half the normally required setback for principal structures, and may not be located within a septic area.

(E) An accessory dwelling unit located in an accessory structure, within a single-family dwelling, attached to a single-family dwelling, or built as a separate accessory structure must comply with the accessory structure requirements of [§ 1-19-8.240(B).] following:

1. The maximum footprint of the ADU may not exceed 75% of the footprint of the principal dwelling on site.

2. The cumulative square footage of the ADU may not exceed 50% of the cumulative square footage of the principal dwelling on site. All areas under a roof must be included in the square footage measurements, excluding unenclosed decks, porches, patios or other outdoor items that are not part of the primary footprint of the accessory dwelling unit.

(F) 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.

(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.

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(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.

(Ord. 91-33-033, 12-3-1991; Ord. 08-26-502, 10-14-2008; Ord. 11-25-591, 10-27-2011; Ord. 11-28-594, 11-22-2011; Ord. 14-23-678, 11-13-2014; Bill No. 18-16, 8-21-2018; Bill No. 20-10, 7-21-2020)

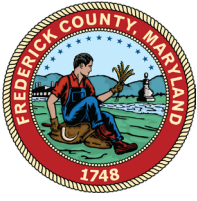
§ 1-19-11.100. DEFINITIONS.

ACCESSORY DWELLING UNIT. 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, parcel, or tract 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 this chapter. An accessory dwelling unit that does not exceed 1,000 square feet must be approved in accordance with § 1-19-8.212 of this chapter.] (See also ***CARETAKER RESIDENCE.***)

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FREDERICK COUNTY GOVERNMENT

COUNTY COUNCIL

To: County Council

From: Council Member Mason Carter and Co-Sponsors Vice President Kavonté Duckett and Council Member Renee Knapp

Date: August 25, 2026

Subject: Accessory Dwelling Units

Issue:

Should the Frederick County Council amend Accessory Dwelling Units in Certain Districts?

Background:

The County's zoning ordinance currently allows accessory dwelling units (ADUs) in several residential and mixed-use districts, with separate provisions for limited ADUs and larger ADUs requiring special exception approval. Over time, residents and applicants have requested greater flexibility in ADU size and configuration to meet evolving housing needs, support aging-in-place, and provide options for family members or caregivers. In response, the proposed amendments update the maximum size of a limited ADU from 1,000 to 1,300 square feet and establish new proportional standards that tie an ADU's footprint and total square footage to that of the principal dwelling. The revisions also clarify parking expectations, reinforce restrictions on short-term rentals, and modernize administrative requirements for ongoing compliance. Together, these changes aim to streamline the approval process for appropriately scaled ADUs, ensure compatibility with existing neighborhoods, and expand opportunities for residents to create flexible housing options while maintaining health, safety, and environmental standards.

What will the legislation do?:

The bill raises the maximum size for a limited accessory dwelling unit (ADU) to 1,300 square feet and set new rules so an ADU can't be larger than 75% of the main home's footprint or more than half of its total square footage. Only one ADU is allowed per lot, and it can be inside the home, attached, or in a separate accessory structure. Owners must live in either the main house or the ADU and provide an annual verification to the county. A recommended extra parking space may be on-street if permitted, and off-street parking can't interfere with setbacks or septic areas. ADUs larger than 1,300 square feet must go through the special-exception process, while smaller ones are treated as permitted uses. Definitions have been updated to match the new size limits.