

## **ARTICLE 11: R-1 LOW DENSITY RESIDENTIAL DISTRICT**

### **11.1 Intent:**

The R-1 District is intended to provide an attractive, pleasant living environment at a sufficient enough density to maintain an adequate standard of physical maintenance and community service. The R-1 District encourages the compact development and the optimum utilization of land appropriate for residential use by encouraging higher density cluster and planned unit developments while simultaneously leaving sloping areas, floodplains and other unbuildable areas open and available for recreational and athletic purposes. The R-1 District discourages the intrusion of the commercial and industrial uses that so often have an annoying and deteriorating effect upon residential development.

### **11.2 Principal Permitted Buildings/Structures and Uses:**

The following buildings/structures and uses are permitted in the R-1 District:

- A. Single- and two-family dwellings.
- B. Duplexes.
- C. Planned Unit Developments containing any combination of single-family, two-family, duplex, townhouse and multi-family dwelling units, subject to provisions of Section 21.5.
- D. Houses of worship.
- E. Public schools and private educational institutions.
- F. Public/governmental buildings and properties which are cultural, recreational, administrative or public service in nature, but not including storage yards, warehouses or garages.
- G. Parks, playgrounds and community centers.
- H. Fire and rescue services, provided that the property to be utilized is located adjacent to an existing or planned arterial road.
- I. Cemeteries.

### **11.3 Accessory Permitted Buildings/Structures and Uses:**

The following accessory buildings/structures and uses are permitted in the R-1 District:

- A. Those buildings/structures and uses customarily accessory and incidental to the principal permitted uses and authorized special exceptions of the R-1 District.
- B. Parking, in accordance with Article 23.
- C. Fences, in accordance with Section 5.10.

- D. Private swimming pools, provided that an enclosure/barrier is installed as required by the Frederick County Building Code, and maintained to that level.
- E. Home occupations and resident professional offices in accordance with Section 5.11.
- F. Signs, in accordance with Article 22.
- G. Solar Collection Systems, in accordance with Section 21.12.
- H. Solar arrays, in accordance with Section 21.13.

(Ord. 487)

#### **11.4 Special Exceptions:**

The following buildings/structures and uses are permitted in the R-1 District with Board of Appeals approval only. Conditions of approval may be imposed by the Board of Appeals.

- A. Child care centers, provided they meet the Child Care Administration's Licensing requirements for commercial child care facilities.
- B. Non-residential structures, provided that the adaptive reuse or mix of uses is similar to that of the previous use occupied in the existing non-residential structure, or principal permitted building/structures and uses allowed by right in the R-1 low density residential or R-2 medium density residential districts specifically listed below.
  - a. R-1 Low density residential principal permitted uses
    - i. Single and two family dwellings
    - ii. Duplexes
    - iii. Houses of Worship
    - iv. Schools and private educational institutions
    - v. Public/government buildings and properties which are cultural, recreational, administrative, or public service in nature, but not including storage yards, warehouses, or garages
    - vi. Parks, playgrounds, and community centers
  - b. R-2 Medium density residential principal permitted uses
    - i. Those principal permitted buildings/structures and uses in the R-1 low density residential uses in 1 above
    - ii. Multifamily
    - iii. Townhouses
  - c. The existing non-conforming building/structure footprint may not be expanded unless a variance is granted by the Board of Appeals to bring a building into code compliance for health, welfare, and safety or to preserve integrity or historic character, but not simply for financial gain.
  - d. Building height shall be limited to the height restrictions of 11.5 of this Ordinance.
  - e. Multifamily apartments or condos must comply with all current Frederick County Codes including building (International Residential Code (IRC) and International Building Code (IBC), Life Safety, and minimum livability requirements, and maintain an average of all units not less than 500 square feet.

- C. Artisan manufacturing – production of commercial goods by a manual worker or craftsperson, such as jewelry, metalwork, cabinetry, stained glass, textiles, ceramics or handmade food or drink products. Retail display and sales of goods produced on site, materials used in production, products similar to produced goods, and products accessory to craft production are permitted as long as display and sales are ancillary to the primary use. Artisan manufacturing and production does not include any activity that causes noise, odor, smoke, dust or vibration to be detectable on a neighboring property.

(Ord. 603, 5/14/24)

### **11.5 Height Restrictions:**

No building/structure in the R-1 District may exceed forty feet (40') in height, except as provided by Section 21.3(C).

**11.6 Lot Area, Width, and Setback Requirements of the R-1 District**

<b>PRINCIPAL PERMITTED AND SPECIAL EXCEPTION USES</b>	<b>MINIMUM LOT AREA (SQ. FT.)</b>	<b>MINIMUM LOT AREA PER DWELLING UNIT OR USE (SQ. FT.)</b>	<b>MINIMUM LOT WIDTH (FT.)</b>	<b>FRONT YARD* SETBACK (FT.)</b>	<b>REAR YARD SETBACK (FT.)</b>	<b>SIDE YARD* SETBACK (FT.)</b>	<b>OTHER SETBACK REQUIREMENTS</b>
Public utilities				30	50	30	
Single-family dwelling units	6,000	6,000	60	25	30	10	
Two-family*** dwelling units	6,000	3,000	60	25	30	12	
Duplex units	2,750	2,750		25	30	6	
Houses of worship				40	100	100	
Schools				40	100	100	
All others				30	50	30	

\*As measured from the lot line (does not include a portion of the right-of-way).

\*\*Corner lots shall provide two front yards and one side yard.

\*\*\*The conversion of existing single-family dwellings to two-family dwellings shall be permitted only when there is full compliance with lot size and setback requirements for two-family dwelling new construction or allowed by Article 21.3 Modifications.

(Ord. 501)