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THE EFFECTIVE DATE OF THIS ORDINANCE IS _____

ORDINANCE NO. _____

RE: Amending the IE Zoning District and Deleting the OSRE from the Zoning Ordinance and Establishing by Legislative Decree that Certain Existing Uses in the AG District are Deemed Conforming

On June 4, 2009, the Board of County Commissioners adopted Ordinance No. 09-21-525 (Zoning Text Amendment 09-03).

The purpose of this Ordinance was to provide conforming status to certain existing land uses previously permitted in the Agriculture and Resource Conservation Districts, by creating new zoning districts -- Euclidean Institutional (IE) and Euclidean Open Space Recreation (OSRE).

During the Countywide Comprehensive Plan update and Countywide Comprehensive Rezoning, however, it has become apparent to the Board that certain changes to these two zoning districts are necessary to effectuate the Board's intent in enacting Ordinance No. 09-21-525.

The Board finds it necessary and proper, and in the best interest of the health, safety and welfare of the residents of Frederick County to amend the IE zoning district to provide clarification regarding permitted uses and processing, provide for minimum height and setback standards [and to provide for, and adopt requirements to govern, limited subdivision potential] in these zoning districts.

The Board has further determined to delete the OSRE zoning district from the Zoning Ordinance.

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The Board hereby legislatively decrees the following: 'Golf Courses and Country Clubs' and 'Outdoor Recreation Centers' in the Agricultural zoning district, and Zoo/Botanical Gardens/Arboretums' in the Highway Service Zoning District in existence or with final site development plan approval as of April 8, 2010 shall be deemed conforming uses in the zoning districts which they are designated on the zoning map as part of Ordinance No. 10-05-540. Those properties deemed conforming as part of this ordinance may continue under the provisions of the zoning law in effect for 'Golf Courses and Country Clubs' in the Agricultural zoning district, and 'Zoo/Botanical Gardens/Arboretums' in the Highway Service Zoning District as of June 14, 2009. 'Outdoor Recreation Centers' deemed conforming as part of this ordinance may continue under provisions of the zoning law in effect for 'Golf Driving Range' in the Agricultural zoning district as of June 14, 2009 to include the use of property for golf driving range, chip and putt, miniature golf, batting cage/range, or putting green or any combination of these uses.

The Frederick County Planning Commission held a duly advertised public hearing on April 21, 2010 and recommended approval of the proposed amendment.

The Board of County Commissioners held a duly advertised public hearing on May 4, 2010. The public had an opportunity to comment at this public hearing.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that the Zoning Ordinance be amended as shown on the attached Exhibit 1.

AND BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect on _____, 2010.

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The undersigned hereby certifies that this Ordinance was approved and adopted on
the ___ day of _____, 2010.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND

Ronald A. Hart
County Manager

Jan H. Gardner
President

