

THE EFFECTIVE DATE OF THIS ORDINANCE IS MAY 31, 2011

ORDINANCE NO. 11-06-572

RE: To Amend Certain Sections of Chapter 1-19 of the
Frederick County Code (Zoning Ordinance)

PREAMBLE

The Board of County Commissioners of Frederick County, Maryland (Board) has determined that it is proper and appropriate to amend certain sections of Chapter 1-19 of the Frederick County Code (Zoning Ordinance) in several respects.

The Board determines that it is proper and appropriate to provide for a 'Limited Landscape Contractor' as a permitted use, subject to site plan approval, in the Agricultural zone.

The Board determines that it is proper and appropriate to provide for an 'Outdoor Sports Recreation Facility' as a permitted use in the Agricultural Zoning District.

The Board determines that it is proper and appropriate to simplify the approval process and increase flexibility for setback requirements and size restrictions on development in the Village Center Zoning District.

The Board determines that it is proper and appropriate to re-enact, without change, certain sections of the Zoning Ordinance concerning Moderately Priced Dwelling Units that were inadvertently deleted during a prior revision to the Zoning Ordinance.

The Board determines that it is proper and appropriate to simplify the approval process and to allow for multiple principal uses and multiple principal structures for development in the General Commercial, Office Research Industrial, Limited Industrial and General Industrial Zoning Districts.

The Board determines that it is proper and appropriate to provide for electronic message signs as a permitted use, subject to certain approvals and regulations.

The Board determines that it is proper and appropriate to provide for 'Commercial Vehicle Parking' as an accessory use to a Farm in the Agricultural Zoning District.

The Board determines that it is proper and appropriate for certain minor, non-substantive, editing of existing text in the Zoning Ordinance to correct an existing error and update a reference.

The Frederick County Planning Commission held a duly advertised public hearing on April 13, 2011, and (for discussion and decision) May 11, 2011. The Planning Commission recommended denial of the text amendment.

A duly advertised public hearing on this proposed Ordinance was held by the Board on May 17, 2011. The public had an opportunity to comment on the proposed Ordinance 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.

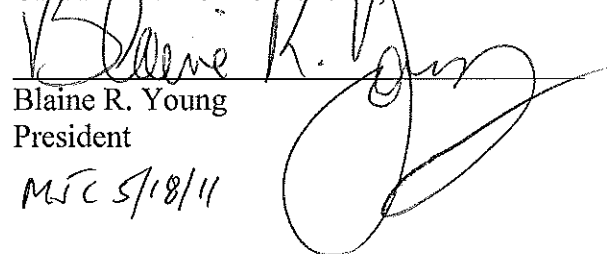
AND BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect on May 31, 2011.

The undersigned hereby certifies that this Ordinance was approved and adopted by the Board of County Commissioners on the 17th day of May 2011.

ATTEST:


Barry L. Stanton
County Manager

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND


Blaine R. Young
President
MFC 5/18/11

ARTICLE III: REVIEW AND APPROVAL PROCEDURES
DIVISION 3. SITE PLAN REVIEW
§1-19-3.300.1 REVIEW AND APPROVAL PROCEDURES.

(A) A use subject to site development plan approval as required in § 1-19-5.310 (Use Table) or subject to the site plan review process as otherwise required in this chapter shall be reviewed through 1 of 3 procedures to ensure that the proposed development complies with the requirements of this chapter. The 3 procedures are:

(1) Type I - Planning Commission. The purpose of the Type I - Planning Commission process is to provide for development review involving standards for design or review of uses permitted by this chapter which may be complex in nature requiring interpretation of County Comprehensive Plan policies or the requirements of the Frederick County Code. The Type I application shall be circulated for multi-agency review prior to Planning Commission review. Type I - Planning Commission review and approval is required for all of the following:

[(a) and (b) remain unchanged]

(2) Type II - Limited. The purpose of the Type II - Limited process is to provide for development review and approval by Planning Commission authorized representatives based on standards specified in the zoning ordinance. The Type II - Limited application shall be processed at staff level and circulated for multi-agency review. Type II - Limited applications shall be restricted to modifications provided through the Type III - Administrative process or any one or more of the following minor modifications to Planning Commission approved site development plans provided that the modification does not require Planning Commission review of adequate public facilities, forest resource ordinance, or stormwater management requirements:

(a) Minor modifications to utility location;

(b) Minor modifications to parking and loading design required by physical site constraints that has no detrimental impact upon or that improves bicycle, pedestrian and traffic safety or circulation;

(c) Building footprint modifications:

1. ~~Between 201 square feet and 2,000 square feet not resulting in an increase in square footage; or~~

~~2. Not to exceed a total of 2,000 square feet or 10% of the square footage approved by the Planning Commission, whichever is less;~~

[(d) and (e) remain unchanged]

[(3) remains unchanged]

[(B) through (F) remain unchanged]

§ 1-19-3.300.2 CONCEPT PLAN.

(A) Where specified within the Zoning Ordinance, concept plan approval shall be required as the first step in the development approval process (§ 1-19-7.500(D)).

(B) **UNLESS OTHERWISE APPROVED BY THE ZONING ADMINISTRATOR**, ~~the~~ concept plan shall include the following elements:

[(1) through (5) remain unchanged]

ARTICLE IV: REGULATIONS APPLICABLE TO ALL DISTRICTS
DIVISION 5. GENERAL LOT REQUIREMENTS

1-19-4.530. AREAS OF LOT WHICH DO NOT SATISFY LOT AREA REQUIREMENTS.

Those areas of a lot which lie in an established or proposed street right-of-way as indicated on the County ~~Master Highway Plan~~ **COMPREHENSIVE PLAN** do not qualify as part of the required minimum lot area. The area within the "handle" of a panhandle lot does not qualify as part of the required minimum area.

Exhibit 1

ARTICLE V: ZONING MAP AND DISTRICTS

DIVISION 3. USE TABLE

§ 1-19-5.310. USE TABLE.

(A) *Permitted uses and required development review.*

P Principal permitted use subject to design regulations

PS Principal permitted use subject to site development plan approval. See §§ 1-19-2.160, and 1-19-3.300 through 1-19-3.300.4

E Principal permitted use as a special exception with site development plan approval. See §§ 1-19-8.320 and following

T Permitted as temporary use as a special exception. See § 1-19-8.300

X Permitted as temporary use only. See § 1-19-8.700

SW Solid Waste Floating Zone

A blank indicates that the use is not permitted under any situation

Uses	Zoning Districts													
	RC	A	R1	R3	R5	R8	R12	R16	VC	HS	GC	ORI	LI	GI
Residential Uses														
Single-family detached	P	P	P	P	P	P	P	P	P					
Duplex dwelling			P	P	P	P	P	P	PSP					
Two-family dwelling		P	P	P	P	P	P	P	PSP					
Townhouse				PS *	PS	PS	PS	PS	PS					
Multifamily dwellings						PS	PS	PS	PS					
Multifamily group developments						PS	PS	PS	PS					
Mobile homes	P	P												
Caretaker residence in conjunction with a permitted use	PS	PS							PS	P	P		P	P
Accessory apartment	E	E	E	E	E	E	E	E	E					
[Temporary Housing remains unchanged]														
[Commercial Uses – Retail remains unchanged]														
Commercial Business and Personal Services														
Advertising agency									PS		PS			
Bank or savings and loan									PS		PS	PS		
Broadcasting studio									PS		PS	PS	PS	PS
Communication towers**	E	E								PS	PS	PS	PS	PS
Barber and beauty shops									PS		PS			
Bus depot										PS	PS		PS	PS
Carpentry, electrical, plumbing, welding, printing, upholstery									PS		PS		PS	PS
Contractors, fencing, pool and siding											PS		PS	PS

Commercial school or education program											PS	PS	PS	
Dance or music studio									PS		PS			
Dry cleaning and laundromat ****									PS		PS			
Funeral home											PS			
Fortuneteller									PS		PS			
LIMITED LANDSCAPE CONTRACTOR			PS											
Landscape contractor			E								PS		PS	PS
Medical clinic									PS		PS	PS	PS	PS
Office business									PS		PS	PS	PS	PS
Office professional					E	E	E	E	PS		PS	PS		
Pawn shop											PS			
Photography studio ****									PS		PS		PS	
Restaurant									PS	PS	PS	PS	PS	
Country inn	E	E												
[Wholesaling and Processing remains unchanged]														
[Automobile and Related Services remains unchanged]														
[Animal Care and Service remains unchanged]														
Commercial Amusements														
Bowling alley									PS		PS			
Carnival, circus		X	X						X	X	X		X	X
Race tracks											PS		PS	PS
Motorcycle hill climb														T
Health club, fitness center, vocational training facility									PS		PS		PS	
Tennis club				E	E	E	E	E			PS			
Golf course ****			PS	PS	PS	PS	PS	PS						
Skating rink											PS			
Swimming pool, commercial											PS			
Theater, drive-in or outdoor stage										PS	PS		PS	PS
Theater, indoor									PS		PS		PS	
Zoo/botanical garden/arboretum										PS	PS			
Museums/gallery									PS	PS	PS			
Night club, tavern, lounge										PS	PS		PS	

Outdoor SPORTS recreation center FACILITY		PS									PS		PS	PS
Rodeo		E												
Indoor sports recreation facility											PS		PS	
Video lottery facility														
[Remaining items unchanged]														

ARTICLE VI: DISTRICT REGULATIONS
DIVISION 3. SIGNS

§ 1-19-6.320. SIGNS PERMITTED AND REGULATED IN THE ZONING DISTRICT.

For the purpose of this chapter, the following sign requirements will apply, unless otherwise provided in this chapter. For uses not listed in the following table or otherwise provided in this chapter, the Zoning Administrator shall determine the permitted signage. The determination shall be based upon similarity to an existing sign type within the table below or use within this chapter.

Sign Type	Maximum Size Permitted ¹		Zoning District Permitted*	Setback From Property Line ³			Conditions Required to be Met	
	Area = sq. feet	Height ² f (feet)		Front	Side	Rear		
[Items (1) through (5) remain unchanged]								
(6)	Limited roadside stand, stable BUSINESS IDENTIFICATION FOR THOSE NATURAL RESOURCE USES PERMITTED SUBJECT TO DESIGN REGULATIONS 'P' WITHIN THE RC OR A DISTRICTS ⁵ AS PROVIDED IN §1-19-5.310	(1632 sf)	(1215 f)	RC and A districts	N.A.			One sign per street frontage

1 Combined total of all signs on a single property shall not exceed maximum size permitted.
2 If not attached to building.
3 1/2 means one-half the yard requirements for the district.
4 For panhandle lots the side setback shall be at least 25% of the panhandle width.
5 Unless otherwise provided in this chapter.
* Square footage of signs within the GC, HS, and industrial districts may be increased by 25% if no free-standing or pylon-type signs are used (§ 1-19-7.510, and § 1-19-7.600).
S means equal to the yard setback requirements for the district.
F measured in linear feet and is the larger of the measurement of (1) the side of the building facing a public street (measurement S) or (2) the side of the building on which is located the primary public access to the building (measurement A). When measurement A is used to calculate sign size, the maximum size of any sign located on a side of the building facing a public street cannot be greater than the maximum sign size that would be permitted if measurement S was used.

ARTICLE VI: DISTRICT REGULATIONS
DIVISION 3. SIGNS
§1-19-6.340 ELECTRONIC MESSAGE SIGNS.

(A) ELECTRONIC MESSAGE SIGNS ARE ALLOWED AS FOLLOWS:

- (1) ANIMATED, FLASHING, BLINKING, REFLECTING, REVOLVING, FULL MOTION OR ANY OTHER SIMILAR MESSAGE OR TRANSITIONAL MOVEMENT IS PROHIBITED.
- (2) SIGNS WILL ONLY BE DESIGNED AS A WALL OR MONUMENT SIGN.
- (3) ONLY ONE (1) ELECTRONIC MESSAGE SIGN IS PERMITTED ON A LOT.
- (4) THE ADVERTISEMENT OF OFF-PREMISE BUSINESSES OR SERVICES IS NOT ALLOWED.
- (5) EACH MESSAGE SHALL NOT CHANGE MORE THAN ONCE EVERY 10 SECONDS.
- (6) SIGNS SHALL NOT EXCEED THE TOTAL SIGN AREA PERMITTED ON THE SITE AND SHALL NOT EXCEED A MAXIMUM OF 32 SQUARE FEET.
- (7) ALL SIGNS MUST UTILIZE AUTOMATIC DIMMING CAPABILITY THAT ADJUSTS THE BRIGHTNESS TO THE AMBIENT LIGHT AT ALL TIMES OF THE DAY SO THAT SIGNS ARE NOT UNREASONABLY BRIGHT FOR THE SAFETY OF THE MOTORING PUBLIC.

ARTICLE VII: SUPPLEMENTARY DISTRICT REGULATIONS
DIVISION 5. COMMERCIAL DISTRICTS
§1-19-7.500 VILLAGE CENTER ZONING DISTRICT OVERLAY STANDARDS

- [A] remains unchanged]
(B) *Application*

[(1) through (2) remain unchanged]

(3) *Setbacks.* Front, side, and rear setbacks will be determined based upon the average setbacks for structures located on all lots facing and adjacent to the proposed development, but in no event less than the specific minimum setbacks where provided in § 1-19-6.100. Where facing and adjacent lots are vacant, the setbacks shall be based upon the average setbacks of the nearest structures. Accessory and secondary buildings shall not be utilized to determine PRINCIPAL STRUCTURE setback averages unless the proposed use is of a similar intensity. ACCESSORY STRUCTURE SETBACKS SHALL BE DETERMINED AS PROVIDED FOR IN §§1-19-4.300 THROUGH 1-19-4.300.2 OR §1-19-8.240, AS APPLICABLE.

(a) WHERE ESTABLISHING AVERAGE SETBACKS WITHIN THE VILLAGE CENTER ZONING DISTRICT:

1. THE ZONING ADMINISTRATOR MAY APPROVE AN INCREASE OR DECREASE IN THE MINIMUM SETBACK REQUIREMENTS WHERE A SPECIFIC FINDING IS MADE THAT THE INCREASE OR DECREASE IS CONSISTENT WITH THE PURPOSE AND INTENT OF THE VILLAGE CENTER ZONING DISTRICT OVERLAY STANDARDS IN §1-19-7.500. IN MAKING THIS DETERMINATION THE ZONING ADMINISTRATOR MAY APPROVE THE ELIMINATION OF AN EXISTING SETBACK WHERE THE FACING OR ADJACENT SETBACK IS FOUND TO BE SIGNIFICANTLY INCONSISTENT WITH OTHER EXISTING SETBACKS WITHIN THAT VILLAGE CENTER ZONING DISTRICT.

[(4) remains unchanged]

(C) Design Standards

[(1) through (3) remain unchanged]

(4) Building Massing and Bulk

[(a) through (c) remain unchanged]

(d) ~~Commercial~~ NON-RESIDENTIAL buildings shall not exceed a maximum footprint of 5,000 square feet except within the growth area communities where the Planning Commission may grant a maximum ~~commercial~~ NON-RESIDENTIAL building footprint of up to 8,000 square feet. THE PLANNING

COMMISSION MAY INCREASE THE MAXIMUM FOOTPRINT ABOVE 8,000 SQUARE FEET WITHIN GROWTH AREA COMMUNITIES WHERE:

1. THE INCREASED FOOTPRINT IS COMPATIBLE WITH THE PATTERN OF OR RELATIONSHIP TO EXISTING OR APPROVED DEVELOPMENT ON ADJACENT OR CONFRONTING LOTS; AND
2. THE PROPOSED BUILDING AND SITE DESIGN PROVIDE A TRANSITION BETWEEN EXISTING STRUCTURES ON ADJACENT AND CONFRONTING LOTS AND THE PROPOSED DEVELOPMENT; AND
3. THE PROPOSED DEVELOPMENT RESULTS IN PRESERVATION AND INTEGRATION OF HISTORIC RESOURCES INTO THE DEVELOPMENT WHERE APPLICABLE; AND
4. THE INCREASED BUILDING FOOTPRINT DOES NOT EXCEED A MAXIMUM TOTAL OF 10,000 SQUARE FEET; OR THE INCREASED BUILDING FOOTPRINT IS IN ACCORDANCE WITH COUNTY COMMUNITY AND CORRIDOR PLANS.

(e) THE PLANNING COMMISSION MAY REQUIRE CHANGES TO BUILDING AND SITE DESIGN WHERE AN INCREASE ABOVE 5,000 SQUARE FEET HAS BEEN REQUESTED, TO MINIMIZE NEGATIVE IMPACTS ON SURROUNDING PROPERTIES THAT MAY RESULT FROM THE INCREASED FOOTPRINT. THE BUILDING AND SITE DESIGN CHANGES SHALL BE LIMITED TO NEW CONSTRUCTION AND MAY INCLUDE: LOCATION OF PUBLIC ACCESS, BUFFERING AND SCREENING, LANDSCAPING, LIGHTING, OUTDOOR RECREATION AREAS, BUILDING LOCATION AND ORIENTATION. THE PLANNING COMMISSION MUST MAKE A SPECIFIC FINDING IDENTIFYING THE NEGATIVE IMPACTS ON SURROUNDING PROPERTIES WHERE CHANGES TO BUILDING AND SITE DESIGN ARE REQUIRED.

(f) Building designs shall not include flat roofs, large expanses of undifferentiated facades, and long plain wall sections.

(D) *Procedures – concept plan.* Development requiring site plan review must receive concept plan approval from the Planning Commission or its authorized representative as the first step in the development review process. The concept plan must demonstrate the manner in which the Village Center Zoning district design standards have been met by the proposed development. (§1-19-3.300.2)

ARTICLE VII: SUPPLEMENTARY DISTRICT REGULATIONS
 DIVISION 6. INDUSTRIAL DISTRICTS
 1-19-7.610. INDUSTRIAL DISTRICT PERFORMANCE STANDARDS.

[(A) Remains unchanged]

(B) *Noise.*

(1) Noise will be measured with a sound level meter. Impact noise will be measured using the fast response of the sound level meter. Impact noises are intermittent sounds such as from a punch press or drop force hammer.

(2) The following table describes the maximum sound pressure level permitted from any industrial source and measured in any adjacent Residential District, Commercial District, or LI Limited Industrial Lot.

Maximum permitted sound levels, dB(A)				
Sound Measured to:	Decibels Continuous Slow Meter Responses		Impact Fast Meter Response	
	LI	GI	LI	GI
Residential District	[Remains Unchanged]			
Commercial District	[Remains Unchanged]		700	[Remains Unchanged]
LI District lot, adjacent to noise source	[Remains Unchanged]			

(3) The following sources of noise are exempt.

[(a) through (c) remain unchanged]

ARTICLE VIII: SPECIFIC USE REGULATIONS
DIVISION 2. ACCESSORY USES

§1-19-8.205.7. COMMERCIAL VEHICLE PARKING AS AN ACCESSORY USE TO A FARM

THE FOLLOWING PROVISIONS APPLY TO COMMERCIAL VEHICLE PARKING AS AN ACCESSORY USE TO A FARM:

- (A) THE SUBJECT PROPERTY MUST MEET THE DEFINITION OF A FARM PROVIDED IN §1-19-11.100.
- (B) PARKING OF COMMERCIAL VEHICLES MAY INCLUDE BUT IS NOT LIMITED TO: SCHOOL BUSES, TRACTOR TRAILERS, AND CONTRACTOR VEHICLES.
- (C) PARKING UNDER THIS SECTION IS LIMITED TO LICENSED COMMERCIAL VEHICLES THAT ARE USED IN THE FURTHERANCE OF A COMMERCIAL ENTERPRISE.
- (D) THE MAXIMUM NUMBER OF COMMERCIAL VEHICLES PERMITTED IS 5.
- (E) A MINIMUM SETBACK OF 50 FEET IS REQUIRED FOR ALL YARDS. PARKING MAY NOT BE LOCATED WITHIN THE REQUIRED SETBACK AREA.

ARTICLE VIII: SPECIFIC USE REGULATIONS
DIVISION 4. PERMITTED USES

§ 1-19-8.441. LIMITED LANDSCAPE CONTRACTOR IN THE A DISTRICT.

THE FOLLOWING PROVISIONS APPLY TO THE LIMITED LANDSCAPE CONTRACTOR USE IN THE A DISTRICT.

- (A) A COMBINED TOTAL OF NO MORE THAN 10,000 SQUARE FEET OF PRINCIPAL AND ACCESSORY STRUCTURES IS PERMITTED. WHEN A LIMITED LANDSCAPE CONTRACTOR USE OPERATES IN CONJUNCTION WITH A RETAIL OR WHOLESALE NURSERY USE, ALL SQUARE FOOTAGE PROVISIONS ARE CALCULATED SEPARATELY.
- (B) TOTAL IMPERVIOUS SURFACE AREA FOR PARKING AND STORAGE OF EQUIPMENT EXTERIOR TO ANY STRUCTURES IS LIMITED TO 40,000 SQUARE FEET. WHEN A LIMITED LANDSCAPE CONTRACTOR USE OPERATES IN CONJUNCTION WITH A RETAIL OR WHOLESALE NURSERY USE, ALL SQUARE FOOTAGE PROVISIONS ARE CALCULATED SEPARATELY.
- (C) LOT SIZE, SETBACK AND HEIGHT REQUIREMENTS ARE THE SAME AS OTHER NATURAL RESOURCE USES IN THE A DISTRICT.
- (D) THE PARKING REQUIREMENTS OF §§ 1-19-6.200 THROUGH 1-19-6.230 OF THIS CODE WILL BE MET; HOWEVER, NO PARKING AREA IS PERMITTED WITHIN THE REQUIRED YARD SETBACK.
- (E) THE MAXIMUM NUMBER OF EMPLOYEES IS 10.
- (F) THE SUBJECT PROPERTY MUST HAVE FRONTAGE AND ACCESS ON A PAVED PUBLIC ROAD WITH A MINIMUM PAVEMENT WIDTH OF 16 FEET.
- (G) PETROLEUM, FLAMMABLE LIQUID, OR HAZARDOUS SUBSTANCE STORAGE TANKS SHALL HAVE 100% CATCHMENT BASIN, OR DOUBLE-WALLED CONTAINMENT AND A SPILL PROTECTION OVERFILL ALARM. THIS DOES NOT APPLY TO PROPANE OR NATURAL GAS TANKS.
- (H) THE PROPOSED USE SHALL COMPLY WITH § 1-6-50 (WELLHEAD PROTECTION ORDINANCE) PRIOR TO SITE PLAN APPROVAL.
- (I) ALL EQUIPMENT AND MATERIALS MUST BE SCREENED FROM ADJACENT PROPERTIES AND PUBLIC ROADS WITH PLANTINGS OF EVERGREENS, AT LEAST 5 FEET IN HEIGHT, OR A FENCE OF EQUAL HEIGHT.

§1-19-8-620 MODERATELY PRICED DWELLING UNIT (MPDU).
 §1-19-8-620.5 LOT AREA, WIDTH AND YARD MEASUREMENTS.

[R-3 through R-16 remain unchanged]

VILLAGE CENTER												
USE CLASSIFICATION	CURRENT MIN. LOT AREA	PROPOSED MIN. LOT AREA	CURRENT LOT WIDTH	PROPOSED LOT WIDTH	CURRENT FRONT YARD	PROPOSED FRONT YARD	CURRENT SIDE YARD	PROPOSED SIDE YARD	CURRENT REAR YARD	PROPOSED REAR YARD	CURRENT HEIGHT	PROPOSED HEIGHT
RESIDENTIAL:												
SINGLE FAMILY	6,000	3,000	65	30	25	5	8	4/10*	30	20	30	40
DUPLEX DWELLING	6,000	2,000**	65	20	25	5	8	4/10*	30	20	30	40
TWO FAMILY DWELLING	10,000	1,500**	75	30	25	5	8	4/10*	30	20	30	40
TOWNHOUSE	1,600	1,600	16	16	15	5	10	4/10*	20	20	30	40
MULTI FAMILY DWELLING	NO MIN.	NO MIN.	65	50	25	10	15	10	50	20	45	45
MULTI FAMILY GROUP	NO MIN.	NO MIN.	150	100	40	10	30	10	50	20	45	45

* Minimum 4 ft. with minimum 10 ft. between structures.

** Minimum lot area per unit.

ARTICLE X: OPTIONAL METHODS OF DEVELOPMENT
DIVISION 3. PLANNED ~~COMMERCIAL/INDUSTRIAL/COMMERCIAL~~ DEVELOPMENT
§ 1-19-10.300. PLANNED ~~COMMERCIAL/INDUSTRIAL/COMMERCIAL~~ DEVELOPMENT.

(A) *Purpose and intent.*

(1) Encourage concentration of complementary uses grouped adjacent to major thoroughfares, thus limiting sprawling strip commercial and industrial development.

(2) Provide for well-planned development on sites with adequate frontage and depth to permit controlled access and maximum convenience and efficiency for users of such facilities.

(3) Allow for **MORE THAN 1 PRINCIPAL USE OR BUILDING ON A SINGLE LOT IN THE GC, ORI, LI AND GI ZONING DISTRICTS** overlapping permitted uses and their accessory functions on parcels which are divided into 2 or more commercial or industrial zoning districts, where due to the size and location of the development, and its relationship to the surrounding properties, flexibility of planning may be desirable **PERMITTED** without disturbance to the harmony of the neighborhood. Accessory functions may include parking, storm water management, streets and utilities servicing the overlapping permitted uses.

(B) *Site plan/subdivision REVIEW AND APPROVAL.*

(1) The Planning Commission shall make the final determination as to whether a planned commercial/industrial development shall be approved. ~~A site plan and subdivision plat must be submitted and approved by the Planning Commission.~~ **REVIEW AND APPROVAL OF A PLANNED COMMERCIAL/INDUSTRIAL DEVELOPMENT SHALL INCLUDE A PREAPPLICATION CONFERENCE AND APPLICABLE SITE DEVELOPMENT PLAN OR SUBDIVISION APPROVAL.**

(2) ~~When overlapping uses are requested, PREAPPLICATION CONFERENCE.~~ **PRIOR TO APPLICATION SUBMISSION, A PREAPPLICATION CONFERENCE SHALL BE HELD WITH THE COMMUNITY DEVELOPMENT DIVISION. THE APPLICANT SHALL SUBMIT A PREAPPLICATION CONCEPT INCLUDING INFORMATION IN A FORMAT ACCEPTABLE TO THE COMMUNITY DEVELOPMENT DIVISION, INCLUDING: A DESCRIPTION OF THE TRACT OF LAND FOR WHICH THE PLANNED COMMERCIAL/INDUSTRIAL DEVELOPMENT IS PROPOSED; EXISTING AND PROPOSED LAND USES; EXISTING HISTORIC AND NATURAL FEATURES; OR OTHER INFORMATION AS REQUIRED TO ADEQUATELY EVALUATE THE APPLICATION.** ~~sketch/Concept Plan approval is required. The final site plan and subdivision plat must be submitted within 1 year after such sketch/concept plan approval, at which time the Planning Commission shall make a determination as to whether a planned commercial/industrial development shall be permitted.~~

(3) In making a determination as to whether the development shall receive approval, the Planning Commission shall consider the ~~intent and purpose~~ **AND INTENT** of this section as well as the following design standards, which shall serve as ~~guidelines~~ **A GUIDE** in reviewing the plan and setting conditions to be placed upon the development. The following design standards may be modified as necessary by the Planning Commission in order to achieve the purpose and intent of this section. Subdivision plats shall comply with subdivision regulations and conditions of site **DEVELOPMENT** plan approval.

(C) *Design standards.*

(1) *Layout.*

(a) In general, the plan shall provide a unified and organized arrangement of buildings, service areas, parking and landscaped open space ~~providing for maximum comfort and convenience of customers.~~ Buildings shall be so grouped **TO PROVIDE A SAFE AND EFFICIENT ARRANGEMENT OF LAND USE, PEDESTRIAN ACCESS, INFRASTRUCTURE AND TRANSPORTATION CIRCULATION SYSTEMS REFLECTIVE OF THE UNDERLYING ZONING DISTRICT, AND EXISTING AND PLANNED DEVELOPMENT** in relation to parking areas that, after customers arriving by automobile enter the site, establishments can be visited with a minimum of internal automobile movement.

(b) **BUILDING PLACEMENT SHALL CONSIDER FUTURE SUBDIVISION INCLUDING PLANNED ROAD NETWORKS HOWEVER, THIS DOES NOT REQUIRE THE PROJECT TO MEET FUTURE SUBDIVISION REQUIREMENTS.**

(2) *Use.* All proposed uses shall be identified on the submitted site plan. The uses proposed within the planned commercial/industrial development shall be in accordance with the existing, underlying zoning; ~~however, the development may include 1 subdivided lot which provides for any use permitted within any zoning district in which any part of the lot is proposed, subject to the limitations set forth below and provided such uses may be limited or restricted in accordance with the approved development plan.~~ More than 1 principal use and/or buildings may be approved on the site.

(3) *Bulk regulations.*

(a) *Project area.* A **PLANNED COMMERCIAL/INDUSTRIAL DEVELOPMENT MAY ONLY BE APPROVED FOR TRACTS OF LAND WITH UNDERLYING ZONING OF GC, ORI, LI, OR GI** Minimum of 2 acres. The land area of any lot with proposed uses not permitted by the underlying zone shall not exceed one times the land area within such proposed lot which is compatible with such zone. The Planning Commission may not permit accessory functions on land in excess of the land specified in this subsection (C)(3)(a).

~~(b) Minimum frontage of 200 feet on a collector or higher classification highway.~~

~~(c) Minimum front and rear yard setback shall be not less than 40 feet or equal to the height of the building, whichever is greater.~~

~~(d) Minimum side yard setback shall be not less than 15 feet unless adjacent to a Residential District, then the setback shall be not less than 100 feet.~~ **SETBACKS AND HEIGHT SHALL BE ESTABLISHED BY THE PLANNING COMMISSION BASED UPON THE UNDERLYING ZONING, THE LOCATION OF THE PROPOSED DEVELOPMENT WITHIN THE COUNTY, CONSIDERATION OF EXISTING AND PLANNED DEVELOPMENT SURROUNDING THE PROPOSED DEVELOPMENT, AND APPLICABLE COUNTY COMMUNITY AND CORRIDOR PLANS.**

(4) *Building separation.* Unless buildings are built to a common party wall, they shall be separated by a minimum distance of not less than 10 feet, or a distance equal to the height of the building, whichever is greater.

(5) *Minimum off-street parking requirements.* Off-street parking shall be provided **AND MAY BE MODIFIED** in accordance with the zoning requirements § 1-19-6.220 for each proposed use and may be modified by the Planning Commission based upon layout, design and usage.

(6) *Minimum LANDSCAPING, SCREENING, LIGHTING, AND SIGNAGE.* **LANDSCAPING, SCREENING, LIGHTING, AND SIGNAGE SHALL BE PROVIDED IN ACCORDANCE WITH § 1-19-6.300 THROUGH § 1-19-6.340, § 1-19-6.400, AND § 1-19-6.500 landscaped open space.**

~~(a) Minimum landscaped open space on any individual lot shall not be less than 20% of the land area of the lot.~~

~~(b) Such open space shall not be impervious or open to vehicles and shall be landscaped and maintained.~~

(7) PLANNED COMMERCIAL/INDUSTRIAL DEVELOPMENT SHALL COMPLY WITH APPLICABLE SUPPLEMENTARY DISTRICT REGULATIONS AS PROVIDED IN § 1-19-7.510, § 1-19-7.600, § 1-19-7.610, AND § 1-19-7.620 CONSISTENT WITH THE UNDERLYING ZONING.

(D) *Sketch/Concept Plan approval required for overlapping of permitted uses.*

~~(1) The provisions of this section relating to the overlapping of permitted uses shall be limited to parcels of record with split zoning as of June 15, 1992, or as created by subsequent comprehensive rezonings. Split zoning parcels are defined as those divided into 2 or more of the following zoning classifications: General Commercial, Limited Industrial or Office Research Industrial (GC, LI, or ORI).~~

~~(2) An applicant may request overlapping of permitted uses on a portion of the planned commercial/industrial parcel not presently zoned for such use, by requesting sketch/concept plan approval through the submission of the following to the Zoning Administrator at least 60 days prior to the plan being presented to the Planning Commission:~~

~~(a) An application in a form acceptable to the Planning and Zoning Department;~~

~~(b) A sketch plan at 1 inch equals 100 feet or a greater scale, showing 5 foot contours, all existing natural and man-made features, existing zoning, Comprehensive Plan designation and vicinity map;~~

~~(c) A sketch/concept development plan identifying the location and acreage of all proposed land uses and a generalized location of buildings, roadway, parking and other facilities necessary for development of the site; and~~

~~(d) A justification statement setting forth:~~

~~1. The relationship of the proposed development with the Comprehensive Plan and zoning regulations;~~

~~2. The long-term implications which the proposed planned commercial/industrial development will have on local development patterns;~~

~~3. Location of site and its compatibility with existing and planned land use in immediate vicinity;~~

~~4. The specific proposed uses;~~

~~5. Proposed construction phasing schedule in relationship with the available public facilities and services;~~

~~6. Availability and suitability of existing and proposed vehicular access; and~~

~~7. Whether the project as proposed encourages concentration of complementary uses and/or promotes the limitation of sprawling strip commercial development.~~

~~(3) The Planning Commission will consider the feasibility and desirability of the project application in light of the justification criteria set forth in subsection (C) above and shall approve or disapprove the sketch/concept plan.~~

~~(E) Covenants.~~ Agreements to provide for the use and maintenance of all common use areas shall be reviewed and approved by the Planning Commission and recorded by the developer if subdivision occurs.

~~(FE) Subdivision.~~ A site receiving site plan approval may only be subdivided in full compliance with Frederick County subdivision regulations. ~~A lot receiving approval for overlapping permitted uses may only be further subdivided at the discretion of the Planning Commission and only when consistent with the purpose and intent of this section, and no such lot shall further utilize those provisions of this section relating to the overlapping of permitted uses.~~

ARTICLE X: OPTIONAL METHODS OF DEVELOPMENT

DIVISION 10. OPEN SPACE RECREATION FLOATING ZONING DISTRICT

§ 1-19-10.1000. OPEN SPACE RECREATION FLOATING ZONING DISTRICT (OSR).

(A) *Purpose and intent.*

(1) The Open Space Recreation District is a floating zone established to provide for the location and development of large-scale recreational uses including recreational vehicle campgrounds, golf courses, ~~outdoor recreation centers, outdoor sports recreation facilities,~~ zoo/botanical garden/arboretums, and fairgrounds in areas with an agricultural/rural County Comprehensive Plan land use designation. These types of development provide for active and/or passive recreation adding to the opportunities for outdoor exercise, appreciation of scenic areas, and enjoyment and access to open space. As natural resource dependent uses, large recreational developments can consume large areas of land for parking, infrastructure, and related facilities leading to adverse impacts on surrounding properties and neighborhoods. Review and siting of these facilities through a floating zone process will enable the location of these facilities to areas contiguous to a community growth boundary to provide a transition between growth areas and existing agricultural uses, to mitigate or minimize impacts to surrounding properties, mitigate or avoid traffic congestion which improves pedestrian and roadway safety, and to maintain the purpose of the agricultural/rural areas identified by the County Comprehensive Plan.

(B) *Size and location.*

[(1) remains unchanged]

(2) The tract of land receiving the Open Space Recreation District shall have a minimum parcel size of: ~~25 acres for an outdoor sports recreation facility, a minimum of 10 acres for an outdoor recreation center, a~~ minimum of 10 acres for a recreational vehicle campground, and a minimum of 25 acres and a maximum of 200 acres for fairgrounds except where the applicant can demonstrate the increased size is required to meet the needs of the proposed development.

(C) *Approval criteria.*

[(1) remains unchanged]

(D) *Review and approval procedures.*

[(1) and (2) remain unchanged]

(E) *Application.*

[(1) through (3) remain unchanged]

(F) *Land use.* Land uses permitted within the Open Space Recreation Zoning District are limited to the following:

(1) Recreational vehicle campground

(2) Golf course

~~(3) Outdoor recreation center where either a golf driving range or chip and putt are located together with either a miniature golf, a batting cage/range, a putting green or a combination thereof.~~

(43) Zoo/botanical garden/arboretum

(54) Fairground

~~(6) Outdoor sports recreation facility~~

(75) Accessory uses shall be limited to those deemed to be incidental accessory uses to an open space recreation use as provided within this chapter (see Article VIII, Division 2. Accessory Uses) or as specifically approved by the Zoning Administrator.

(G) *General development standards.* The general development standards provided below shall be met at the time of site development plan review.

[(1) through (5) remain unchanged]

(H) *Specific development standards.*

[(1) and (2) remain unchanged]

ARTICLE XI: DEFINITIONS

DIVISION 1. DEFINITIONS

§1-19-11.100 DEFINITIONS

~~*OUTDOOR RECREATION CENTER.* The use of property for a golf driving range, chip and putt, miniature golf, batting cage/range, or putting green, or any combination of these uses.~~

OUTDOOR SPORTS RECREATION FACILITY. The use of property for outdoor recreational activities where clearing is minimized including but not limited to field sports, paintball, laser tag, ~~orienteering, hiking, horseback riding, or bicycling,~~ **GOLF DRIVING RANGE, CHIP AND PUTT, MINIATURE GOLF, BATTING CAGE/RANGE, OR PUTTING GREEN OR ANY COMBINATION THEREOF. THIS USE MAY ALSO INCLUDE BUILDINGS ACCESSORY TO THE PRIMARY USE OF OUTDOOR SPORTS RECREATION FACILITY.**