



Bill No. 22-12

## Concerning: Facilities for Functions

Introduced: May 17, 2022

Revised: July 5, 2022 Draft No.

Enacted: \_\_\_\_\_

Effective: \_\_\_\_\_

Expires: August 15, 2022

## Frederick County Code, Chapter 1-19

Section(s) 5.310, 8.356, 8.600, & 11.100

# COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council Member Jessica Fitzwater

**AN ACT** to: create a new Special Exception use category - “facility for functions”- applicable to historic structures or sites, and specifying the conditions that apply to this Special Exception use; and clarifying the approval processes for uses within Historic Structures or Sites.

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:

Frede-

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*Heading or defined term.*  
*Added to existing law.*  
*Deleted from existing law.*  
*Existing law unaffected by bill.*

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2 The County Council of Frederick County, Maryland, finds it necessary and appropriate to  
3 amend the Frederick County Code to create a new use category called “facility for functions.”  
4 This use may only be established in or on historic structures or sites, and will allow seminars,  
5 cultural or social events, or other similar activities. This Bill also specifies certain conditions that  
6 apply to this use in any Zoning District, and clarifies the approval processes for uses of sites within  
7 Historic Structures.

8               NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF  
9   FREDERICK COUNTY, MARYLAND, that the Frederick County Code be, and it is hereby,  
10   amended as shown on the attached Exhibit 1.

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12  
13  
14  
15 M.C. Keegan-Ayer, President  
16 County Council of Frederick County,  
17 Maryland  
18

1  
2   **§ 1-19-5.310. USE TABLE.**

3   (A) Permitted uses and required development review.

4   P Principal permitted use subject to design regulations

5   PS Principal permitted use subject to site development plan approval. See §§ 1-19-2.160, and 1-  
6   19-3.300 through 1-19-3.300.4

7   E Principal permitted use as a special exception with site development plan approval. See §§ 1-  
8   19-8.320 and following

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

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

11   SW Solid Waste Floating Zone

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

Uses	*****													
	RC	A	R1	R3	R5	R8	R12	R16	VC	MX	GC	ORI	LI	GI
<b>Commercial Business and Personal Services</b>														
Advertising agency										PS	PS	PS		
Bank or savings and loan										PS	PS	PS	PS	
Broadcasting studio										PS	PS	PS	PS	PS
<b>[Some rows removed]</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Medical clinic										PS	PS	PS	PS	PS
Office business										PS	PS	PS	PS	PS
Office professional					E	E	E	E	PS	PS	PS	PS		
Pawn shop												PS		
Photography studio****										PS	PS	PS		PS
Restaurant										PS	PS	PS	PS	PS
Satellite simulcast betting facility											PS		PS	PS
Country inn	E	E												
Facility for functions	E	E	E	E	E	E	E	E	E	E	E	E	E	E

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4 **§ 1-19-8.356 FACILITY FOR FUNCTIONS.**

5 The following provisions shall apply to a facility for functions under §1-19-8.600:

6 (A) A property which has been listed on the Frederick County Register of Historic Places may  
7 apply for a special exception under this section.

8 (B) The minimum lot size and setbacks shall be as follows:

<u>Zoning</u>	<u>Minimum Lot Area</u>	<u>Lot Width</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
<u>RC</u>	<u>10 Acres</u>	<u>300</u>	<u>50</u>	<u>50</u>	<u>50</u>
<u>AG</u>	<u>10 Acres</u>	<u>200</u>	<u>40</u>	<u>50</u>	<u>50</u>
<u>R1 through R16</u>	<u>10 Acres</u>	<u>200</u>	<u>40</u>	<u>50</u>	<u>50</u>
<u>VC</u>	<u>None</u>	<u>65</u>	***	<u>10****</u>	<u>40</u>
<u>GC</u>	<u>12,000</u>	<u>100</u>	<u>25</u>	<u>8</u>	<u>25</u>
<u>MX</u>	<u>12,000</u>	<u>75</u>	<u>20</u>	<u>8</u>	<u>35</u>
<u>LI</u>	<u>40,000</u>	<u>100</u>	<u>25</u>	<u>15</u>	<u>40</u>
<u>GI</u>	<u>40,000</u>	<u>100</u>	<u>25</u>	<u>15</u>	<u>40</u>
<u>ORI</u>	<u>40,000</u>	<u>100</u>	<u>25</u>	<u>15</u>	<u>40</u>

12 \*\*\* For development within the Village Center Zoning District see also §§ [1-19-7.500](#)(B)(2)  
13 and (3)

14 \*\*\*\* Or as determined under §§ [1-19-7.500](#)(B)(3), whichever is greater

16 (D) The maximum height shall be the height of the existing primary historic structure, or as  
17 otherwise determined by the Historic Preservation Commission (HPC). For new structures to be  
18 built on the historic site, or additions to a historic structure, the maximum height shall be  
19 determined by the HPC, but in no event shall the height exceed 10% more than the height of the  
20 primary historic structure on the site.

21 (E) Parking will not be permitted within the required setback areas.

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1       (F)    (1) IN THE VC DISTRICT, ALL EVENTS SHALL OCCUR ONLY WITHIN THE  
2   EXISTING HISTORIC STRUCTURE, WHICH MUST BE CURRENTLY LISTED ON  
3   THE FREDERICK COUNTY REGISTER OF HISTORIC PLACES. CONVERSION OF  
4   EXISTING HISTORIC STRUCTURES OR SITES MAY INCLUDE THE EXPANSION  
5   OF STRUCTURES OR ALTERATIONS TO THE HISTORIC SITE. HOWEVER, THE  
6   EXISTING EXTERNAL APPEARANCE OF A HISTORIC STRUCTURE MUST BE  
7   MAINTAINED, ALTHOUGH IT MAY BE UPGRADED, REPAIRED, OR EXPANDED  
8   WITH APPROVAL OF THE HISTORIC PRESERVATION COMMISSION AS  
9   PROVIDED IN CHAPTER 1-23 OF THIS CODE. NEW STRUCTURES THAT ARE  
10   PROPOSED TO BE ERECTED ON THE HISTORIC SITE MUST RECEIVE  
11   APPROVAL OF THE HISTORIC PRESERVATION COMMISSION AS WELL AS ALL  
12   OTHER APPROVALS REQUIRED UNDER THIS CHAPTER.

13       (2) IN ALL OTHER ZONING DISTRICTS, [[T]]The events shall occur only in an  
14   existing historic structure or at a designated historic site, each of which must be currently listed  
15   on the Frederick County Register of Historic Places. Conversion of existing historic structures  
16   or sites may include the expansion of structures or alterations to the historic site. However, the  
17   existing external appearance of a historic structure must be maintained, although it may be  
18   upgraded, repaired, or expanded with approval of the Historic Preservation Commission as  
19   provided in Chapter 1-23 of this Code. New structures that are proposed to be erected on the  
20   historic site must receive approval of the Historic Preservation Commission as well as all other  
21   approvals required under this Chapter.

22  
23  
24   (G) Each event may begin no earlier than 10am and end no later than 10:00 p.m. The hours of  
25   operation may be further reduced if determined necessary to protect nearby properties from

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1 noise, light, or other disturbances. This determination will be based on the site and neighborhood  
2 characteristics, such as distance between the activities and the property lines, proximity to  
3 neighboring homes, topography, existing and proposed screening, and other aspects that may  
4 increase or decrease the potential impacts to the neighborhood.

5  
6 (H) The location where music will be played and the time by which music must end shall be  
7 identified in the application. Music shall not exceed 40 decibels as measured at the property  
8 lines. Outdoor music may be prohibited when it is determined to be detrimental to nearby  
9 property owners. Indoor music may be restricted or prohibited where sound is not adequately  
10 contained within the walls of the structure and impacts adjoining properties.

11  
12 (I) The maximum number and location(s) of potential tents must be identified in the application.  
13 Audible and visual impacts to adjoining properties and the neighborhood shall be considered in  
14 determining if the number and location of the tent(s) are appropriate and where outdoor activities  
15 may occur.

16  
17 (J) A traffic management plan shall be provided by the applicant that demonstrates how vehicles  
18 will safely enter and exit the site during the peak hours of operation with minimal interruption  
19 to the traffic flow on the public street.

20  
21 (K) The owner of the property must enter into a Facility for Functions Memorandum of  
22 Understanding (Facility MOU) with the County, which shall be negotiated with Division staff  
23 and approved by the Zoning Administrator based on the Board of Appeals' conditions of  
24 approval of the special exception, prior to making application for Site Plan approval. The  
25 Facility MOU must include;

26     1. A statement that the owner agrees to comply with any limitations and conditions of  
27 approval established by the Board of Appeals and agrees to comply with all of the  
28 requirements for establishing the use as outlined under subsection (P) below.

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1       2. An acknowledgement by the owner that failure to comply with the provisions of the  
2       MOU at any time, whether prior to or after the establishment of the use, will be a violation  
3       of Chapter 1-19 of the County Code and that enforcement action may be taken by the  
4       County in accordance with §1-19-2.110 and §1-19-2.210 through §1-19-2.230.

5       3. An agreement by the owner to notify the Zoning Administrator prior to the sale or  
6       transfer of the property.

7       4. A condition stating that, if a facility for functions changes ownership, the new owner  
8       will enter into a MOU in accordance with subsection (K) prior to engaging in any facilities  
9       for functions activities, and apply for and receive an occupancy permit.

10      5. A statement that the owner agrees to work with the Zoning Administrator to resolve  
11      noise, light, and traffic related complaints that are received by the County from neighboring  
12      property owners.

13      (L) All exterior changes to the structures and/or site must be approved by the Historic  
14      Preservation Commission

15      (M) One freestanding sign no more than 15 feet in height and 25 square feet in area is permitted  
16      and shall be subject to the normal setback requirement in the zoning district.

17      (N) Within the RC District, the requirements of § 1-19-7.200 of this Code will be met.

18      (O) After a special exception and Facility MOU has been approved under this section the  
19      following requirements must be satisfied prior to establishing the use:

20       (1) A site development plan application must be filed with the County;  
21       (2) The site plan must be reviewed by the Historic Preservation Commission;  
22       (3) Any proposed alterations to the exterior of structures or the site must receive  
23       approval from the Historic Preservation Commission in accordance with Chapter  
24       1-23 of the County Code;

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(4) The Planning Commission will review and approve the site plan if it meets the requirements under this chapter; and

(5) The use may be established on the property only after site development plan approval from the Historic Preservation Commission and the Planning Commission, and after all necessary Certificates of Appropriateness and permits have been applied for, approved, and a Certificate of Occupancy issued.

\* \* \* \* \*

## § 1-19-8.600. HISTORIC STRUCTURES OR SITES.

11 The Board of Appeals may grant a special exception in any zoning district, for the conversion of  
12 an existing historic structure or site into a restaurant, country inn, antique shop, museum,  
13 [information center,] business or professional office, group home use, or a facility for functions  
14 [such as seminars, festivals, cultural or social events, or other similar activities of historic interest],  
15 provided that other applicable requirements of this chapter are met. Such conversion shall not  
16 result in any substantial external alteration of the appearance of the historic structure or site.  
17 Historic structure or site as used in this section only means a structure or site listed on or eligible  
18 for the National Register of Historic Places or on the Maryland Inventory [Register] of Historic  
19 Properties [Places] or the and listed on the Frederick County Register of Historic Places. All  
20 [requests] properties requesting a [for] special exception under this section shall be listed on [be  
21 referred to the Frederick County Historic Preservation Commission for determination of eligibility  
22 for placement on] the Frederick County Register of Historic Places[, and for review and comment]  
23 prior to making application for a special exception. Before the special exception can take effect,  
24 the historic structure or site must be listed on the Frederick County Register of Historic Places. If  
25 the special exception is granted, the Applicant must complete the steps outlined in § 1-19-8.356(P)  
26 before the special exception is utilized;

[be listed on the Frederick County Register of Historic Places.]

**29      § 1-19-11.100. DEFINITIONS.**

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[Subsection (A) remains unchanged.]

2 (B) In this chapter the following terms are used as defined unless otherwise apparent from the  
3 context.

\* \* \* \* \*

**5     FACILITY FOR FUNCTIONS.** A structure or site listed on the Frederick County Register of  
6     Historic Places, which receives a special exception approval to hold events such as seminars,  
7     cultural or social events, or other similar activities.

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