



## DIVISION OF PLANNING FREDERICK COUNTY, MARYLAND

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TO: Frederick County Planning Commission

FROM: Eric Soter, Director, Division of Planning

DATE: May 20, 2008

RE: BOCC Direction regarding A and RC Zoning District Use Regulations and Definitions

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The Board of County Commissioners (BOCC) conducted worksessions on April 10, April 17, and May 6, 2008 to review Staff recommendations for changes to the Use Regulations and Definitions in the A and RC zoning districts. Although all recommendations were reviewed, a summary has been provided below for items where the BOCC made comments or provided direction for further consideration. Staff believes this will aid in your review/understanding of the changes in order to provide any additional comments the Commission would like to make prior to staff preparing a final version for the BoCC to consider to take to public hearing.

### **Guest Farms**

The BOCC requested that Staff provide suggestions to accommodate 'Guest Farms' in the A or RC zone. Staff recommended that the use be separately defined with specific parameters, and then included in the definition of Agritourism Enterprise and processed through those existing provisions.

### **Section §1-19-288**

After reviewing proposed unlisted use language in §1-19-288 (C) (1)-(3) the BOCC commented that the language was confusing and should be edited for clarification.

### **Bed and Breakfast**

The BOCC requested that Staff provide suggestions for accommodating the proposed Bed and Breakfast use in the A and RC zones. Staff recommended that the use could be processed as a special exception or through site plan review with specifically identified criteria limiting the number of rooms to 4 rather than 6, and replacing "structure" with "residence" within the definition. The BOCC chose the site plan review option and other Staff recommended changes.

### **Kennel, and Animal Hospital or Veterinary Clinic**

The BOCC directed Staff to set a maximum number of 100 animals at one location.

### **Golf Course and Country Club**

No specific changes to Staff recommendations for this use were initiated by the BOCC however, discussion included the consideration of how "adjacent" would be applied and the possibility that a proposed development may be *near* a growth area but not immediately adjacent. In addition, consideration should be given to potential expansion requests where the Euclidean Open Space/Recreation or Institutional zones have been applied to existing development.

### **Zoological Gardens**

The BOCC directed staff to include 'Zoo/botanical garden/arboretum' as a permitted use in the Open Space/Recreation floating zone in the Agricultural zone, and consider a provision that if the use ceases to exist for a number of years then the floating zone approval reverts to Agricultural.

### **Sports Training Facility**

Discussion of this use included clarification of *racquet sports* within the 'Indoor Sports Recreation' definition to distinguish between this use and tennis barns. Include field sports such as lacrosse and soccer to more clearly refer to sports-plex type uses. Reduce minimum acreage to 25 acres and strengthen criteria to require location on a collector as *constructed* rather than merely *identified* in the Countywide Comprehensive Plan. Permit this use through the Open Space/Recreation floating zone rather than by special exception.

### **Fairgrounds**

The BOCC discussed clearly distinguishing between the 'Fairground' use and a carnival conducted by Fire and Rescue services and whether screening should apply to all parking areas or only when adjacent to residential uses or zones. The maximum acreage provision was increased to 100 acres.

### **Trap, skeet, rifle, archery ranges, and hunting, fishing and gun clubs**

The BOCC discussed consideration of provisions for non-lead based projectiles, requested clarification of requirements as they relate to indoor and outdoor shooting ranges, and discussed consideration of this use as it relates to the noise ordinance.

### **Nursing Homes, CCRC's, and Assisted Living**

The BOCC discussed that these uses should be located in growth areas and served by public water and sewer. Consideration was given to providing for CCRC's through the Institutional floating zone with an underlying Low Density Residential, Medium Density Residential, or High Density Residential comprehensive land use plan designation. Assisted living and nursing homes would be permitted in the VC, GC, and MXD zones, and as a quasi-public use in the PUD zone.

### **Places of Worship**

The BOCC noted that the neighborhood scale maximum total of 25,000 square feet should remain for now, but requested that Staff research and provide the square footage of existing places of worship for comparison purposes.

### **Camps and Retreats**

The BOCC noted that the neighborhood scale maximum total of 25,000 square feet could be applied to camps and retreats but similar to places of worship, a square footage review of existing camps and retreats as well as recent applications would be beneficial.

### **Fire and Rescue Services**

The BOCC commented that the proposed 'Community fire and rescue services' should not be processed through the Institutional floating zone in the Ag zone but rather, should follow the site plan review process similar to governmental fire and rescue services as proposed to be processed through the 'Public buildings and properties use'.

### **Floating Zones**

Lastly, the BOCC considered the fact that several uses are appropriately located in an Agricultural zone through the floating zone, however, other Institutional uses should be located in growth areas with public water and sewer service. The Institutional floating zone may permit specific uses in the Agricultural zone/land use plan designation while other uses are permitted solely through zoning or land use plan designations other than Agricultural.

### **Next Step**

Based on BOCC input and direction Staff will work to draft text amendments including floating zone language. An additional worksession with the BOCC will then be scheduled to review the draft documents.