



DIVISION OF PLANNING FREDERICK COUNTY, MARYLAND

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TO: Board of County Commissioners

FROM: Eric Soter, Director, Division of Planning

DATE: March 25, 2009

RE: BOCC direction regarding A and RC Zoning District Use Regulations and Definitions provided during the February 24, 2009 Worksession

The Board of County Commissioners (BOCC) conducted worksessions on April 10, April 17, May 6, September 30, November 13, 2008, and February 24, 2009 to review Staff recommendations and a draft text amendment applying to land uses permitted within the Agricultural (A) and Resource Conservation (RC) zoning districts. A summary of direction given by the BOCC during the February 24th worksession and the resulting changes to the text amendment has been provided below.

Exhibit 1-A/RC Use and Definitions *Draft* Text Amendment, has been attached for review of the edits made to accomplish the direction given at the February 24th worksession.

SUMMARY OF CURRENT EDITS

The summary below has been organized by Zoning Ordinance section number. Page numbers follow the zoning ordinance section number to provide the location of the related section within the A/RC Use and Definitions *Draft* Text Amendment.

Individual power generation devices

Throughout the draft text amendment, those portions related to individual power generation devices (wind turbines, solar array, and solar collection devices) have been removed and will move forward in a separate text amendment.

Section 1-19-5.260 Euclidean Institutional Zoning District (Ie), Section 1-19-5.310 (B)(1) Euclidean Institutional Zoning District (Ie), and Section 1-19-8.480 Uses Permitted in the Euclidean Institutional (Ie) or Euclidean Open Space Recreation (OSRe) Zoning Districts [pg. 3, 18, & 54]

Sections 1-19-5.260, 1-19-5.310 (B)(1), and 1-19-8.480 have been updated to permit Continuing Care Retirement Community within the Euclidean Institutional zoning district. It has been clarified that a private school is a permitted land use within either the Agricultural or Resource Conservation zoning district. Private school is currently permitted in the RC zoning district and this clarification will permit the application of the Euclidean Institutional zoning district in the event than an existing development is identified.

The last sentence has been deleted from the definition of Continuing Care Retirement Community (CCRC) in Section 1-19-11.100 to avoid conflict with any age restrictions associated with CCRCs.

Section 1-19-5.310 (A) Use Table [pg.17]

Text within the 'Composting' heading of the solid waste operations portion of the Use Table has been edited to remove the reference to 'commercial and governmental' to reduce confusion in application of this section of the zoning ordinance.

Section 1-19-8.220 Use of Crematory and Animal Incinerator as accessory uses to a Cemetery/Memorial Garden [pg. 36]

The text within Section 1-19-8.220 has been edited to permit an Animal Incinerator as an accessory use to a Cemetery/Memorial Garden in the Agricultural zoning district.

The definition for Animal Incinerator in Section 1-19-11.100 has been updated to reflect this change as well.

Section 1-19-8.327 Rustic Retreat/Camp/Outdoor Club in RC and A Districts [pg. 40]

As directed by the Board, Staff has edited the language within this section to limit the amount of impervious surface permitted within the special exception criteria in section 1-19-8.327 (D) for Rustic Retreat/Camp/Outdoor Club. An expanded discussion of this topic has been provided below.

In subsection (G) the word 'drive' has been added to clarify that required parking shall be co-located with the access drive.

A new subsection (K) has been created to apply language preserving the site in its natural state insofar as practical within both the Agricultural and Resource Conservation zoning districts rather than only to the Resource Conservation zoning district as previously proposed.

As requested by the BOCC, provisions have been created in subsection (D) to relate the amount of permitted impervious surface to the site acreage. These regulations were created to provide a solution to development of impervious surface in Agricultural or Resource Conservation zoning districts that does not include a maximum amount of total building square footage.

Two options exist to address the concerns regarding impervious surface. The first option is to set a standard percentage of lot coverage for Rustic Retreat/Camp/Outdoor Club in both the Agricultural and Resource Conservation zoning districts. Staff research has found that many of the zoning ordinances in surrounding jurisdictions have not been recently updated and therefore do not present an optimal comparison for updating Frederick County regulations. Where a percentage of lot coverage is provided for land uses within the Agricultural or Resource Conservation zoning districts, approximately 25 and 30 percent lot coverage is permitted.

However, a flat percentage of lot coverage without a maximum lot size or an upper limit of maximum lot coverage, may allow a very large amount of lot coverage where a very large parcel exists. For instance, at a maximum of 25% lot coverage, a lot that is 300 acres in size would be permitted 75 acres of lot coverage.

The second option is to calculate a permitted amount of impervious surface per acre. This recommendation is based on review of data that Staff was able to collect from existing site plans and contact with existing camps and retreats.

Eight examples of various sizes were considered in creation of an impervious surface regulation. The eight examples range in size from an approximately 450 acre site (Camp Airy) to a 27.99 acre site (Kim Herbal Health Retreat Center). The amount of impervious surface ranges from approximately 179,993 square feet (4.13 acres) on the 450 acre site to 24,050 square feet (.55 acres) on the 27.99 acre site. These calculations were based on the amount of impervious surface created by total building square footage, parking, and other impervious surfaces where that information was available. The calculation for impervious surface per acre equates to approximately 400 square feet per acre and 859 square feet per acre. The amount of impervious surface in square feet per acre reflects the fact that many of these sites are large.

Although most of the sites may be large, the amount of impervious surface is concentrated in a smaller area of the site and should be considered as an overall amount of impervious surface in the Agricultural or Resource Conservation zoning district rather than solely as a ratio of development over a very large site. In addition, the minimum lot size for a Rustic Retreat/Camp/Outdoor Club is 10 acres. Based on this minimum, the amount of impervious surface permitted should also reflect the potential for a much larger impact on a smaller site.

Based on an analysis of existing facilities and the purpose statements of the Agricultural and Resource Conservation zoning districts, Staff would recommend:

- Establishing a maximum amount of impervious surface per acre; and
- Establishing an upper limit of total permitted impervious surface which would be dependent on the lot size

Utilizing the range of impervious surface for the existing facilities Staff would recommend limiting the amount of impervious surface to 4,000 square feet per acre up to a maximum of:

- **3 ACRES FOR LOTS OF 100 ACRES OR LESS; OR**
- **4 ACRES FOR LOTS BETWEEN 101 AND 250 ACRES; OR**
- **5 ACRES FOR LOTS OF 251 ACRES OR LARGER.**

The 4,000 square feet per acre equates to 40,000 square feet for every 10 acres, nearly 1 acre of impervious surface for every 10 acres of lot size. These numbers are somewhat similar to the impervious surface maximums proposed for landscape contractor special exception provisions. These recommendations have been added for the Board's consideration in red text within Section 1-19-8.327 (D) Rustic Retreat/Camp/Outdoor Club in RC and A Districts.

Section 1-19-8.354 Tent Campground in A and RC Districts [pg. 51]

Staff has edited the language within this section to provide consistency with the changes made to the Rustic Retreat/Camp/Outdoor Club in Section 1-19-8.327. These changes were made to the parking/access requirements and to apply language preserving the site in its natural state insofar as practical within both the Agricultural and Resource Conservation zoning districts rather than only to the Resource Conservation zoning district as previously proposed.

STAFF RECOMMENDATION

Staff requests direction regarding the Ag/RC Use and Definitions *Draft* Text Amendment to the zoning ordinance.

EXHIBITS

Exhibit #1: Ag/RC Use and Definitions Draft Text Amendment