



DIVISION OF PLANNING FREDERICK COUNTY, MARYLAND

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TO: Board of County Commissioners

FROM: Eric Soter, Director, Division of Planning

DATE: April 16, 2009

RE: BOCC direction regarding A and RC Zoning District Use Regulations and Definitions provided during the April 7, 2009 Worksession

The Board of County Commissioners (BOCC) conducted worksessions on April 10, April 17, May 6, September 30, November 13, 2008, February 24, and April 7, 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.

Three outstanding issues remained as items of discussion at the end of the April 7th worksession. The three items included potential edits to address concerns regarding 'Fairground' within the Open Space Recreation floating zoning district, a potential 'Farm Brewery' land use, and transitional provisions. The BOCC directed Staff to review the outstanding items and to return for another worksession to address potential edits to the text amendment to address the items.

Exhibit 1-A/RC Use and Definitions *Draft* Text Amendment, has been attached for review of the edits, shown in red text, that may be made to accomplish the direction given at the April 7th worksession.

SUMMARY OF POTENTIAL 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.

Fairground - Section 1-19-10.1000 Open Space Recreation [page 73, 74, 79, 80, 81, & 85]

Subsection (B)(1)(b) has been edited to provide the option that the applicant will upgrade the roadway to at least collector status classification requirements as part of the development process to meet this minimum threshold requirement.

Subsection (B)(1)(C) has been edited to provide the option that the tract of land receiving the OSR floating zoning district is within two miles of an interchange on a controlled access freeway/expressway, rather than limited to within or contiguous to a community growth boundary as previously proposed.

Subsection (B)(2) has been edited to reflect a maximum lot size of 200 acres rather than the previously proposed 100 acres.

Subsection (G)(2)(c) has been edited to clarify that overflow parking shall not be required to meet the minimum parking area landscaping requirements. This same clarification has been made to Subsection (H)(1)(d).

Subsection (H)(1)(c) has been edited to provide for the BOCC to make a determination of hours of operation and number of days per event rather than specifying set requirements. The edited text permits limits on hours of operation and days per event to be reviewed on an application by application basis which enables the BOCC to address unique circumstances related to the proposed development.

Fairground - Section 1-19-11.100 Definitions

The proposed definition for 'Fairground' has been edited to better reflect on-going activities at the existing Fairground site and potential activities associated with future development applications.

Lastly, Staff would request direction from the BOCC as to whether any of the proposed edits should be similarly applied to the Institutional floating zoning district.

Farm Brewery

Staff continues to move forward with potential edits to the zoning ordinance to address 'Farm Brewery' as a new land use. At this time the edits are not complete and have not been included in the draft text amendment. However, Staff anticipates completing the edits and presenting a draft for BOCC review at the April 23rd worksession.

Transitional Provisions

At the direction of the BOCC, Staff could create transitional provisions to be included in the ordinance as requested during public comment at the April 7th worksession.

Place of Worship

In reviewing the direction provided by the BOCC regarding the Places of Worship amendments, Staff recognized that there were issues that were not specifically addressed at the April 7, 2009 worksession. Although the BOCC specifically provided direction with regards to the land use(s) and how they would be permitted in the zoning districts, there were additional provisions related to the definitions, signage, parking, and the special exception criteria (for those uses that remained permitted by special exception) that were not specifically addressed. As reflected in red text, Staff edited the signage and special exception provisions as well as creating new provisions to implement the BOCC discussion and direction given at the April 7th worksession.

Staff felt it was appropriate to take this opportunity to get clarification/direction on those changes. Most are minor in nature, however, we felt it important to receive direction on this issue before proceeding to a public hearing for those amendments.

As an aside, the BOCC may consider folding the amendments related to the Place of Assembly (Place of Worship, Civic Community Center, Civic Service Club) back into the overall AG/RC Use and Definitions *Draft* Text Amendment due to the timing and relative little changes made to the Place of Assembly land uses.

Attached in Exhibit 2 - Place of Assembly *Draft* Text Amendment, Staff has reflected the changes made to implement the land use processing direction given during the April 7, 2007 meeting. The remaining text reflects the changes that were previously proposed, with some minor edits that Staff would like to discuss with the BOCC.

STAFF RECOMMENDATION

Staff requests direction regarding the potential edits to the Ag/RC Use and Definitions *Draft* Text Amendment to the zoning ordinance and how to proceed with the definitions, signage, parking, and the special exception criteria included in the Place of Assembly *Draft* Text Amendment.

EXHIBITS

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

Exhibit #2: Place of Assembly *Draft* Text Amendment