THE EFFECTIVE DATE OF THIS ORDINANCE IS NOVEMBER 7, 2011

ORDINANCE NO. 11-25-591

RE: Zoning Text Amendments ZT-11-02 through ZT-11-13

Pursuant to Maryland Annotated Code, Article 66B, the Board of County Commissioners for Frederick County, Maryland ("Board") has the authority to adopt and amend zoning regulations and restrictions (§4.05), subdivision regulations (§5.03), moderately priced dwelling unit program regulations (§ 10.01), and adequate public facilities regulations (§ 10.01).

Pursuant to Maryland Annotated Code, Natural Resources Article, §5-1603, the Board has the authority to adopt and amend the Forest Resource Ordinance.

The Board finds it necessary and proper, and in the best interests of the health, safety and welfare of citizens of Frederick County, to amend certain sections of the Frederick County Code as follows:

1-6A-5, 1-16-141, 1-16-142, 1-19-2.130, 1-19-4.520, 1-19-5.240, 1-19-5.310, 1-19-6.100, 1-19-6.220, 1-19-6.320, 1-19-6.500, 1-19-7.510, 1-19-7.600, 1-19-7.610, 1-19-8.211, 1-19-8.300, 1-19-8.321, 1-19-8.325, 1-19-8.338, 1-19-8.356, 1-19-8.357, 1-19-8.420.2, 1-19-8.430, 1-19-8.620.2, 1-19-8.620.3, 1-19-10.400.21-19-10.500.1, 1-19-10.500.2, 1-19-10.500.3, 1-19-10.500.4, 1-19-10.500.5, 1-19-10.500.6, 1-19-10.500.7, 1-19-10.500.8, 1-19-10.500.9, 1-19-10.500.10, 1-19-10.500.11, 1-19-10.1000, 1-19-11.100, 1-20-5, 1-20-7, 1-20-8, 1-20-9, 1-20-10, 1-20-11, 1-20-12, 1-20-13, 1-20-20, 1-20-41, 1-20-51, 1-20-61, 1-20-62, 1-21-5, 1-21-30, 1-21-31, 1-21-33, 1-21-42 and create 1-19-8.212, 1-19-8.213,1-19-8.405, 1-19-8.406

The amendments are intended to:

- Increase maximum storage capacity of petroleum product storage in the LI and GI zoning districts.

- Return the Planned Development Residential and Planned Development Employment terminology to Planned Unit Development and Mixed Use Development.

- Amend the Priority Preservation Area provisions within the Open Space Recreation floating zone.

- Permit limited accessory apartments as an accessory use and accessory apartments through site development plan review.

- Permit temporary mobile homes as an accessory use.

- Permit animal hospital or veterinary clinic in the General Commercial zoning district through site development plan review.

- Permit automobile repair or service shop in the Limited Industrial district through site development plan review.

- Provide consistency in permitted signage for places of worship and other commercial and industrial land uses in commercial and industrial districts.

- Increase the permitted signage for lots with buildings facing multiple public streets.

- Increase flexibility of outside storage requirements within the Limited Industrial and General Industrial zoning districts.

- Increase the permitted square footage devoted to product sales for limited roadside stands.

- Remove the Highway Service zoning district from the zoning ordinance.

The Frederick County Planning Commission held a duly advertised public hearing concerning this Ordinance on September 21, 2011.

The County Commissioners held a duly advertised public hearing concerning this Ordinance on October 27, 2011. The public had an opportunity to comment on this ordinance at this public hearing.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that the Frederick County Code is hereby amended as shown on the attached Exhibits 1 through 12.

AND BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect on November 7, 2011.

The undersigned hereby certifies that this Ordinance was approved and adopted on the 27th day of October, 2011.

ATTEST:

David B. Dunn
County Manager

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND

Blaine R. Young, President

ARTICLE VII: SUPPLEMENTARY DISTRICT REGULATIONS
DIVISION 5. COMMERCIAL DISTRICTS
§ 1-19-7.510. GENERAL COMMERCIAL, HIGHWAY SERVICE.

The following provisions shall be applicable in the General Commercial, Highway Service Districts.

[(A) through (C) remain unchanged]

(D) ~~Storage of flammable liquids in excess of 60,000 gallons in the general commercial and highway service districts only requires a special exception approval of the Board of Appeals. The placement of storage containers for flammable liquids shall comply with the setback requirements of § 1-19-7.610(J)(4).~~

~~(E)~~ *Storage and operations.* Notwithstanding other provisions of this Code, all operations and the storage of equipment, materials, or products in the GC or HS Districts shall be conducted within completely enclosed buildings. Storage may be permitted outdoors only when completely screened by a wall, opaque fence, or planting so that such materials will not be visible from a public way or adjoining property. The most appropriate screening for the use shall be determined at site development plan review.

(~~F~~E) Refuse and recycling dumpsters shall be located away from public access areas and may be required to be screened. The most appropriate screening shall be determined at site development plan review with materials reflecting neighborhood characteristics as approved by the Planning Commission.

DIVISION 6. INDUSTRIAL DISTRICTS
§ 1-19-7.610. INDUSTRIAL DISTRICT PERFORMANCE STANDARDS.

[(A) – (I) Remain unchanged]

(J) *Fire hazards.* Solid materials susceptible to fire hazards shall be subject to the following.

(1) *LI District.* The storage, utilization or manufacture of solid materials which are active to intense burning shall be conducted within spaces having fire resistive construction of no less than 2 hours and protected with an automatic fire extinguishing system.

(2) *GI District.* The storage, utilization or manufacture of solid materials which are active to intense burning shall be conducted within walls having a fire resistance no less than 2 hours or protected by an automatic fire extinguishing system or the building shall be no less than 40 feet from all lot lines. The outdoor storage of such materials shall be permitted no closer than 50 feet from all lot lines.

~~(3) The storage, utilization or manufacture of flammable liquids or gases which produce flammable or explosive vapors shall be permitted only in accordance with this section, exclusive of the storage of finished products in original sealed containers (60 gallons or less), which shall be unrestricted.~~

(3) LIQUIFIED PETROLEUM GAS (LP-GAS) AND FLAMMABLE/COMBUSTIBLE LIQUIDS WITHIN THE LI AND GI DISTRICTS SHALL ADHERE TO THE FOLLOWING STANDARDS:

(A) THE TOTAL STORAGE CAPACITY OF LP-GAS SHALL NOT EXCEED 1,000,000 GALLONS ON ANY SITE.

(B) THE TOTAL STORAGE CAPACITY OF FLAMMABLE/COMBUSTIBLE LIQUIDS SHALL NOT EXCEED 300,000 GALLONS.

(C) ON-SITE BLENDING OF FUELS IS NOT PERMITTED.

(D) THE FACILITY SHALL MEET OR EXCEED THE REQUIREMENTS OF:

(1) THE FREDERICK COUNTY FIRE PREVENTION CODE, AS AMENDED; AND

(2) THE FOLLOWING NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) STANDARDS AS ADOPTED BY REFERENCE, WITH LOCAL AMENDMENTS, IN THE FREDERICK, COUNTY FIRE PREVENTION CODE:

(i) NFPA 58 (*STANDARD FOR THE STORAGE AND HANDLING OF LIQUEFIED PETROLEUM GASES),* AS AMENDED;

(ii) NFPA STANDARD 30 (*FLAMMABLE AND COMBUSTIBLE LIQUIDS CODE),* AS AMENDED;

(iii) NFPA STANDARD 30A *(CODE FOR MOTOR FUEL DISPENSING FACILITIES AND REPAIR GARAGES),* AS AMENDED.

(E) A MINIMUM LOT AREA OF FIVE (5) ACRES IS REQUIRED FOR A PETROLEUM PRODUCT STORAGE FACILITY WITH PRODUCT STORAGE CAPACITY OF 300,000 GALLONS OR MORE.

~~(4) (a) The total storage capacity of flammable liquids and gases shall not exceed those quantities permitted in the following table for each of the Industrial Districts.~~

~~Liquids – Storage Capacity~~	
~~LI District~~	~~60,000 gal.~~
~~GI District~~	~~120,000 gal.~~

-	~~Gases~~	
-	~~Above Ground~~	~~Below Ground~~
~~LI District~~	~~150,000 SCF*~~	~~300,000 SCF~~
~~GI District~~	~~300,000 SCF*~~	~~600,000 SCF~~

~~*SCF - Standard cubic feet at 60°F and 29.92 inches~~

~~(b) The following setback requirements will apply to the location of any container which holds flammable liquids or gases.~~

~~***Containers Setback From Lot Lines***~~

~~Water Capacity per Container (gallons)~~	~~Containers~~		~~Between Above Ground Containers (feet)~~
	~~Under Ground (feet)~~	~~Above Ground (feet)~~	
~~0 to 2000~~	~~25~~	~~25~~	~~3~~
~~2,001 to 30,000~~	~~50~~	~~50~~	~~5~~
~~30,000 to 60,000~~	~~50~~	~~75~~	
~~In excess of 60,000~~	~~75~~	~~100~~	~~1/4 the sum of diameters of adjacent containers~~

~~(5)~~ **(4)** Notwithstanding the above-listed capacities for flammable liquids and gases, an owner or operator shall be permitted to exceed such capacities provided that the Zoning Administrator determines that the excess storage capacity is for an emergency fuel supply only. For purposes of this section, the term ***EMERGENCY FUEL SUPPLY*** means any fuel that is stored on site for use solely in the event of a disruption in the normal fuel supply. In no event shall the total storage capacity for an emergency fuel supply approved pursuant to this subsection exceed that amount of fuel required to operate the subject facility for a maximum of 5 consecutive 24 hour periods. The facilities to hold an emergency fuel supply shall be designed, constructed, and operated in compliance with the Frederick County Fire Prevention Code, § 1-2-64 of the Frederick County Code and the National Safety Codes and standards applicable to the specific emergency fuel.

ARTICLE XI: DEFINITIONS
DIVISION 1. DEFINITIONS
§ 1-19-11.100. DEFINITIONS.

LIQUIFIED PETROLEUM GAS (LP-GAS). **ANY MATERIAL HAVING A VAPOR PRESSURE NOT EXCEEDING THAT ALLOWED FOR COMMERCIAL PROPANE COMPOSED PREDOMINATELY OF THE FOLLOWING HYDROCARBONS, EITHER BY THEMSELVES OR AS MIXTURES: PROPANE, PROPYLENE, BUTANE (NORMAL BUTANE OR ISOBUTANE) AND BUTYLENES.**

COMBUSTIBLE LIQUIDS. **ANY LIQUID, AS DEFINED BY NFPA 30, THAT HAS A CLOSED-CUP FLASH POINT AT OR ABOVE 100 DEGREES f (37.8 C) INCLUDING BUT NOT LIMITED TO: KEROSENE, MOTOR OIL, DIESEL FUEL AND FUEL OIL.**

FLAMMABLE LIQUIDS. **ANY LIQUID, AS DEFINED BY NFPA 30, THAT HAS A CLOSED-CUP FLASH POINT BELOW 100 DEGREES f (37.8 C) INCLUDING BUT NOT LIMITED TO: UNLEADED GAS, METHANOL, AND ETHANOL.**

~~*OIL, PETROLEUM PRODUCTS, AND THEIR BY-PRODUCTS.* Oil of any kind and in any liquid form including, but not limited to petroleum, fuel oil, sludge, oil refuse, oil mixed with other waste, crude oils, and every other nonedible liquid hydrocarbon regardless of specific gravity. Oil includes aviation fuel, gasoline, kerosene, light and heavy fuel oils, diesel motor fuels, asphalt, and crude oils, but does not include liquefied petroleum gases, such as liquefied propane, or any edible oils.~~

PETROLEUM PRODUCTS STORAGE. **THE STORAGE OF: (1) LIQUEFIED PETROLEUM GAS AS DEFINED IN NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) STANDARD 58, AS AMENDED; (2) FLAMMABLE AND COMBUSTIBLE LIQUIDS PRODUCTS AS DEFINED IN NFPA STANDARD 30, AS AMENDED.**

PART I: FREDERICK COUNTY CODE
CHAPTER 1-6A: MODERATELY PRICED DWELLING UNITS
§ 1-6A-5. REQUIREMENT TO BUILD MPDU'S; AGREEMENTS; ALTERNATIVES.

[(A) and (B) remain unchanged]
(C) Density bonuses are permitted as part of the MPDU program in the following districts: Residential (MXD), R3, R5, R8, R12, R16, PUD, ~~PDR,~~ **AND** Village Center (VC)~~, and residential portions of a PDE~~.
[(D) through (M) remain unchanged]

CHAPTER 1-16: SUBDIVISION RULES AND REGULATIONS
ARTICLE V: OTHER DIVISIONS OF PROPERTY
DIVISION 2. PLANNED **UNIT** DEVELOPMENT
§ 1-16-141. WHEN AUTHORIZED.

Planned **UNIT** development ~~residential (PDR)~~ shall be permitted only as authorized by the zoning ordinance.
(1959 Code, § 38A-60(a))
Cross reference:
Zoning, see Chapter 1-19

§ 1-16-142. MODIFICATIONS.
The standards and requirements of this chapter may be modified by the Planning Commission in the case of planned **UNIT** developmentS ~~residential (PDR) projects~~ which achieve substantially the objectives of the regulations contained herein and which are further protected by such covenants or other legal provisions as will assure conformity to and the achievement of the County Comprehensive Plan.

CHAPTER 1-19: ZONING
ARTICLE II: ADMINISTRATION AND ENFORCEMENT
DIVISION 1. ADMINISTRATION
§ 1-19-2.130. FEES.
(A) The Board of County Commissioners shall have the authority to establish by resolution fees for zoning related services specified in this chapter, but in no event shall the fee charged be more than the costs incurred by the county.

Zoning Certificates
[(1) through (8) remain unchanged]
PLANNED UNIT DEVELOPMENTS ~~*Planned Development Residential*~~
[(9) through (18) remain unchanged]
[(B) remains unchanged]

ARTICLE IV: REGULATIONS APPLICABLE TO ALL DISTRICTS
DIVISION 5. GENERAL LOT REQUIREMENTS
§ 1-19-4.520. LOT FRONTAGE REQUIREMENTS.

[(A) remains unchanged]
(B) In a townhouse, garden apartment development, cluster subdivision, MPDU project, planned **UNIT** development ~~residential (PDR) project~~, or a ~~planned development employment (pde)~~ **MIXED USE DEVELOPMENT** project with a residential component, the lots may face on a common open space, or private street, provided that the plan of such development is approved by the Planning Commission.

[(C) remains unchanged]

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

	Zoning Districts													
Uses	RC	A	R1	R3	R5	R8	R12	R16	VC	HS	GC	ORI	LI	GI
[Remains Unchanged]														

[* Remains unchanged]
** Communication towers not permitted in residential districts, PUD, ~~PDR, residential~~ **OR** MXD~~, and PDE~~ districts with a residential component

[Additional footnotes remain unchanged]

[(B) remains unchanged]

ARTICLE VI: DISTRICT REGULATIONS
DIVISION. PARKING AND LOADING
§ 1-19-6.220 PARKING SPACE REQUIREMENTS AND DIMENSIONS

[(A) through (G) remain unchanged]
(H) Bicycle Parking
(1) For the purposes of this chapter, the bicycle parking requirements in the following table will apply:

Use Categories	Specific Uses[1]	Required Bicycle Parking	
		Class A (Locked Room or Lockers)	Class B (Bicycle Racks) 1 Rack = 2 bike parking spaces
Residential[2]	[Remains Unchanged]		
	[Remains Unchanged]		
Commercial (5,000 Square Feet GFA or Greater)	[Remains Unchanged]		

Office / Research / Industrial (5,000 Square Feet GFA or Greater)	Planned Industrial / Commercial Development, Office Research or Industrial parks planned as a unit, ~~PDE~~ and MXD zoning district	None	1 rack per 40,000 SF of GFA, minimum 1, maximum 10.
Open Space and Institutional / Government / Commercial Amusements	[Remains Unchanged]		
1: No bicycle parking required in Agricultural or Resource Conservation zoning districts unless the specific use is noted in the above table and the proposed site is within 1.2 miles of a designated growth area. 2: Where required, bicycle parking for residential uses may be provided as class A (locked room/lockers) or class B (racks)			

DIVISION 5. LIGHTING
§ 1-19-6.500 LIGHTING.

(A) [Remains unchanged]

(B) Pole and building mounted lighting shall not exceed a maximum height of:

(1) 14 feet in pedestrian oriented developments including pedestrian components in Planned Unit Development (PUD), ~~planned development residential (PDR)~~, Mixed Use Development (MXD), ~~planned development employment (PDE)~~, Office Research/Industrial (ORI), and Planned Industrial/Commercial development

(2) 18 feet for commercial uses

(3) 24 feet for industrial uses

(4) Lighting height shall be measured from the ground to the point of illumination

[(C) through (G) remain unchanged]

ARTICLE VIII: SPECIFIC USE REGULATIONS
DIVISION 4. PERMITTED USES
§ 1-19-8.420. COMMUNICATION TOWERS.
§ 1-19-8.420.2. CRITERIA.

The following design criteria shall apply to all communication towers in the HS, GC, ORI, LI, GI, MM and non-residential MXD ~~and PDE~~ zoning districts as well as special exceptions in the RC and A Districts.

[(A) through (O) remain unchanged]

(P) Towers may be permitted within the Mineral Mining (MM), **AND** non-residential Mixed Use Development (MXD)~~, and non-residential PDE~~ floating zones with the approval of the Planning Commission. Towers shall not be permitted within residential, PUD, ~~PDR,~~ **OR** residential MXD, ~~or PDE~~ Districts ~~with a residential component~~.

[(Q) through (R) remain unchanged]

DIVISION 6. OTHER
§ 1-19-8.620 MODERATELY PRICED DWELLING UNIT (MPDU).
§ 1-19-8.620.2. SCOPE AND REQUIREMENTS.

The provisions of this division shall apply to all residential developments consisting of 25 units or more on public water and sewer. Residential developments consisting of 25 units or more are required to provide no less than 12.5% of the total units as MPDUs. This includes all developments in VC, R-3, R-5, R-8, R-12, R-16 residential districts, MXD, ~~PDE,~~ **AND** PUD~~, and PDR~~ districts.

§ 1-19-8.620.3. DENSITY BONUS.

(A) Density bonuses ranging from 1% to 22% with a corresponding increase in the MPDU requirement from 12.5% to 15% are permitted in R-3, R-5, R-8, R-12, and R-16 residential districts, VC, MXD, ~~PDE,~~ PUD, ~~PDR~~ and co-housing.

[(B) remains unchanged]

ARTICLE X: OPTIONAL METHODS OF DEVELOPMENT
DIVISION DIVISION 5. PLANNED DEVELOPMENT DISTRICTS
§ 1-19-10.500. PLANNED DEVELOPMENT DISTRICTS.
§ 1-19-10.500.1. PURPOSE AND INTENT.

The Planned Development Districts (Planned **UNIT** Development ~~Residential (PDR)~~ and **MIXED USE DEVELOPMENT** ~~Planned Development Employment (PDE)~~) are floating zones established to provide for new development and redevelopment within identified growth areas that result in an integrated mixture of commercial, employment, residential, recreational, civic and/or cultural land uses as provided within the appropriate Frederick County Comprehensive, Community, or Corridor Plan. These uses planned and developed as a unit are intended to:

[(A) through (D) remain unchanged]

(E) Result in an integrated mixture of uses within the **MIXED USE DEVELOPMENT** ~~Planned Development Employment~~ District and a mixture of housing types within the Planned **UNIT** Development ~~Residential~~ District;

[(F) through (H) remain unchanged]

§ 1-19-10.500.2. SIZE AND LOCATION.

(A) The ~~PDR~~**PUD** District may only be established where the tract of land receiving the ~~PDR~~**PUD** District has a County Comprehensive Plan Land Use designation of Low Density Residential, Medium Density Residential, or High Density Residential except as provided in § 1-19-10.500.2(D) below.

(B) The ~~PDE~~**MXD** District may only be established where the tract of land receiving the ~~PDE~~**MXD** District has a County Comprehensive Plan land use designation of Mixed Use Development, Office Research Industrial, or Limited Industrial except as provided in § 1-19-10.500.2(D) below.

[(C) through (E) remain unchanged]

§ 1-19-10.500.3. APPROVAL CRITERIA.

[Remains Unchanged]

§ 1-19-10.500.4. REVIEW AND APPROVAL PROCEDURES.

[Remains unchanged]

§ 1-19-10.500.5. APPLICATION.

A Phase I application for Planned Development District reclassification and concept plan approval must include sufficient information to provide the Board of County Commissioners with a basis to approve the overall concept of the project, rezone the property, and set a maximum permitted land use density, or the Board may in its sole discretion, disapprove the rezoning request. At a minimum, a Phase I application shall include: information regarding the existing site conditions, a concept plan providing a graphic illustration of the proposed development, a justification statement, and a proposed phasing plan in accordance with the following standards:

[(A) remains unchanged]

(B) *Concept plan.* The concept plan shall be scaled to fit the sheet size of 24 inch x 36 inch, and shall also be submitted at 11 inch x 17 inch, and include the following:

[(1) through (5) remain unchanged]

(6) A table and comparative analysis providing an explanation of the project gross and net density as proposed within the ~~PDR~~**PUD** or ~~PDE~~**MXD** District compared to the gross and net density as permitted within the existing land use designation. For the purposes of calculating gross and net density the following formulas shall be used:

total number of dwelling units ÷ total project acreage = gross density

total number of dwelling units ÷ the total project buildable acreage = net density

The calculation of net density excludes floodplain, roadways, and other land proposed to be dedicated for public purposes.

[(7) remains unchanged]

(C) through (E) remain unchanged]

[(F) A combined application for ~~PDR~~**PUD** and ~~PDE~~**MXD** Districts may be submitted where the subject property is to be divided into development areas which correspond to a different planned development category; and where each development area is identified by a separate legal description.

§ 1-19-10.500.6. LAND USE, MIXTURE, AND DESIGN REQUIREMENTS WITHIN THE ~~PDR~~**PUD** DISTRICT.

(A) *Land use permitted within the ~~PDR~~PUD District.* General land use type and location shall be approved by the BOCC in concept at Phase I and specifically by the Planning Commission through site development plan review at Phase II. Land uses permitted within the ~~PDR~~**PUD** district are limited to:

[(1) through (5) remain unchanged]

(6) A CCRC ~~PDR~~**PUD** or a CCRC as a portion of a ~~PDR~~**PUD** may include related accessory uses for the benefit or convenience of the residents and their guests including but not limited to: kitchen and dining facilities, restaurants, places of worship, indoor and outdoor recreational uses, retail and banking facilities, beauty salon and barbershops, gift shops, classrooms, medical offices, medical clinic, laboratory services, exercise and vocational activity areas. A complete listing and range of square footage for each individual accessory use must be shown on the Phase I plan. The BOCC may deny or reduce the size, type, location, and/or mixture of the various accessory uses if determined that it is inappropriate for the site or overall area of the CCRC.

(B) *Residential land use mixture within the ~~PDR~~PUD District.* A goal of the ~~PDR~~-**PUD**district is to provide an optimal mixture of housing types, including single family dwellings, townhouses, and multifamily dwellings. It is recognized that each development project is unique and will benefit from its own mixture of housing types. The specific mixture of housing types for each development project shall be established by the BOCC at Phase I, based on an evaluation of the following:

(1) Existing County Comprehensive Plan land use designation and the intended dwelling type and density.

(2) Need for a particular dwelling type based on existing and proposed residential dwelling types surrounding the tract of land receiving the ~~PDR~~-**PUD**district.

(3) The County Comprehensive Plan community design policy of including a variety of dwelling types in all communities in Frederick County.

(4) The mixture of dwellings recommended within the County Comprehensive, Community, and Corridor Plans for the tract of land receiving the ~~PDR~~**PUD** district.

(5) The amount and type of moderately priced dwelling units provided.

(C) *Commercial land use mixture within the ~~PDR~~PUD District.* In establishing the mixture of land uses in the ~~PDR~~**PUD** District the BOCC shall include an evaluation of the relationship between proposed residential land uses and surrounding existing and proposed commercial land uses. This evaluation shall establish whether existing and proposed commercial land uses can adequately provide retail, business, and personal services to the proposed residential land use. Where it is determined that existing and proposed commercial and employment land uses will not adequately provide for the proposed residential land use, a minimum amount of commercial and employment land uses shall be required as part of the proposed development. The requirement of additional commercial and employment land uses shall be determined based on an evaluation of the following factors:

[(1) through (3) remain unchanged]

(D) *Open space/green area within the ~~PDR~~PUD District.*

(1) Open space/green area within the proposed ~~PDR~~**PUD** development shall be calculated based on gross project area, and provided at the following minimum rates:

Gross Density	Required Minimum Percentage of Open Space/Green Area Exclusive of Floodplain
[Remain unchanged]	

[(2) through (3) remain unchanged]

[(E) Remains unchanged]

(F) The Board of County Commissioners may in its sole discretion, deny, reduce, or increase the size, type, location, and/or mixture of the various land use components if the Board determines that the change is appropriate for the site or overall area of the ~~PDR~~**PUD**.

(G) As part of Phase II execution, the Planning Commission may approve minor modifications to individual land use location (such as single-family detached, duplex, or townhouse), provided that the location of the overall land use component (residential) within the site has not been modified. Any change in the amount or percentage mix of commercial and/or residential development of a ~~PDR~~**PUD** project having Phase I approval, must be approved by the Board of County Commissioners under the provisions of this division.

(H) *Design requirements: density, setbacks, and height within the ~~PDR~~PUD district.*

(1) *Density.*

(a) Gross density of a proposed ~~PDR~~**PUD** development shall comply with the following table. The gross density may not exceed the maximum density specified by the County Comprehensive Plan residential land use designation of the subject property:

County Comprehensive Plan Land Use Designation	Dwelling Units per Acre
Low Density Residential	3-6 du/ac
Medium Density Residential	6-12 du/ac
High Density Residential	12-20 du/ac

(b) Where the tract of land receiving the ~~PDR~~ **PUD**District has 2 or more residential land use designations, then the density may be calculated as a weighted average of the density ranges as specified for the residential land use designations in which the ~~PDR~~**PUD** is proposed.

(c) Where the tract of land receiving the ~~PDR~~**PUD** District has both residential and natural resource land use designations, the density may be calculated based on the combined area of the land use designations. (See also § 1-19-10.500.9(B)(2).)

[(d) through (e) remain unchanged]

[(2) remains unchanged]

§ 1-19-10.500.7. LAND USE, MIXTURE, AND DESIGN REQUIREMENTS WITHIN THE ~~PDE~~**MXD** DISTRICT.

(A) *Land use permitted within the ~~PDE~~MXD District.* General land use type and location shall be established by the BOCC in concept at Phase I and specifically by the Planning Commission through site development plan review at Phase II. Land uses permitted within the ~~PDE~~**MXD** District are limited to:

[(1) through (5) remain unchanged]

(B) *Land use mixture within the ~~PDE~~MXD District.*

(1) Land use mixture within the ~~PDE~~**MXD** District shall be established by the BOCC at Phase I in accordance with the following:

Land Use	Minimum Percentage of Total Project	Maximum Percentage of Total Project
[Remains unchanged]		
Combined commercial and residential portions of the ~~PDE~~**MXD**	[Remains unchanged]	
[Remains unchanged]		

(2) A mixture of residential and commercial/employment land uses shall be provided within the ~~PDE~~-**MXD** District where applied to areas reflecting a County Comprehensive Plan land use designation of Mixed Use Development. The proposed development shall provide a mixture of land uses consistent with applicable County Community or Corridor Plans.

[(3) and (4) remain unchanged]

[(C) remains unchanged]

(D) The Board of County Commissioners may in its sole discretion, deny, reduce, or increase the size, type, location, and/or mixture of the various land use components if the Board determines that the change is appropriate for the site or overall area of the ~~PDE~~**MXD** and necessary to achieve the purpose and intent of the ~~PDE~~**MXD** District.

(E) As part of Phase II execution, the Planning Commission may approve minor modifications to individual land use location (such as single-family detached, duplex, or townhouse), provided that the location of the overall land use component (residential) within the site has not been modified. Any change in the amount or percentage mix of commercial and/or residential development of a ~~PDE~~**MXD** project having Phase I approval, must be approved by the Board of County Commissioners as a new Phase I application.

(F) *Design requirements: density, setbacks, and height within the ~~PDE~~MXD District.*

(1) *Density.*

(a) Gross density within a ~~PDE~~**MXD** District including residential dwelling units shall be established by the BOCC at Phase I.

[(b) and (c) remain unchanged]

(d) Where a portion of the tract of land receiving the ~~PDE~~**MXD** District reflects the natural resource land use designation the density may be calculated based on the combined area of the land use designations. (See also § 1-19-10.500.9(B)(2).)

[(2) remains unchanged]

§ 1-19-10.500.8. PUBLIC FACILITIES AND UTILITIES WITHIN THE PLANNED DEVELOPMENT DISTRICTS.

(A) *Parks and recreation.* Parks and recreation facilities shall be provided for the residential portion of ~~PDR~~**PUD** and ~~PDE~~**MXD** developments through a combination of active and passive amenities as approved by the BOCC in accordance with the following:

[(1) through (4) remain unchanged]

[(B) remain unchanged]

§ 1-19-10.500.9. GENERAL DEVELOPMENT STANDARDS WITHIN THE PLANNED DEVELOPMENT DISTRICTS.

[Remains unchanged]

§ 1-19-10.500.10. SPECIFIC DEVELOPMENT STANDARDS WITHIN THE PLANNED DEVELOPMENT DISTRICTS.

(A) Where a continuing care retirement community (CCRC) constitutes an entire ~~PDR~~**PUD** application (CCRC ~~PDR~~**PUD**), the tract shall have a minimum lot width of 200 feet and a minimum lot size of 5 acres.

[(B) through (D) remain unchanged]

§ 1-19-10.500.11. TRANSITIONAL PROVISIONS FOR MIXED-USE DEVELOPMENTS (MXD) AND PLANNED UNIT DEVELOPMENTS (PUD).

[(A) through (B) remain unchanged]

CHAPTER 1-20: ADEQUATE PUBLIC FACILITIES
ARTICLE 1. IN GENERAL
§ 1-20-5. DEFINITIONS.

(A) The following rules of construction shall apply to the text of the chapter.
[(1) through (11) remain unchanged]

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

~~PLANNED DEVELOPMENT EMPLOYMENT (PDE). A floating zoning district approved by the county commissioners which allows a variety of uses and dwelling unit types in accordance with an approved plan and schedule of improvements.~~

~~PLANNED DEVELOPMENT RESIDENTIAL (PDR). A floating zoning district approved by the county commissioners which allows a variety of uses and dwelling unit types in accordance with an approved plan and schedule of improvements.~~

§ 1-20-7. EXEMPTIONS.

[(A) through (E) remain unchanged]

(F) Any project which qualifies as "housing for older persons" defined in § 1-20-5 hereof, and which meets the following criteria shall be exempt from the schools adequacy requirements of this chapter.

(1) If the proposed project is a PUD~~, PDR, PDE~~, or MXD that is not an adaptive reuse project, all or a portion of the project must have been designated as an Age-Restricted Community at Phase I in accordance with § 1-19-10.500.10 of the Zoning Ordinance.

[(2) through (11) remain unchanged]

§ 1-20-8. APPROVAL OF SUBDIVISIONS, SITE PLANS.

(A) [remains unchanged]

(B) Subdivision plats or site plans that do not meet the requirements for adequate public facilities in Articles III-VI herein shall not be granted preliminary subdivision or site plan approval by the Planning Commission. A conditional approval as allowed for in § 1-20-~~11~~10 may be granted, provided no final approval shall be granted or lots recorded until the conditions set forth in the conditional approval have been satisfied.

[(C) through (E) remain unchanged]

(F) The Planning Commission may grant APFO approval for time frames beyond those specified in division (D) if preexisting conditions of rezoning or other required phasing limitations, such as those provided in § 1-20-~~10~~9, warrant such action.

[(G) through (K) remain unchanged]

~~§ 1-20-9. APPROVAL OF PLANNED DEVELOPMENTS.~~

~~(A) All planned development Phase II Plans or amended Phase II Plans resulting in an increase in density or intensity of use shall meet the requirements of this chapter prior to approval. A phasing plan indicating the density and rate of development in accordance with the availability of adequate public facilities shall also be approved as part of the Phase II Plan approval.~~

~~(B) Planned Development Phase II Plans that do not meet the requirements for adequate public facilities in Articles III-VI herein, shall not be approved except as a conditional approval as allowed for in § 1-20-11 (a) or (b). Final plat approval may be granted and lots recorded as the conditions set forth in the conditional approval are met.~~

~~(C) An adequate public facilities letter of understanding shall be forwarded by the planning commission to the developer. Prior to final signature and approval of the planned development Phase II Plan, the adequate public facilities letter of understanding shall be approved and signed by both the developer and planning commission.~~

~~(D) Approval of adequate public facilities for planned developments shall be valid for the length of time of the original Phase II plan approval. The planned development Phase II APFO validity time period shall be the greater time of the validity periods determined per section 1-20-8(d)(1) and section 1-20-8(d)(2).~~

~~(E) If the planned development Phase II approval expires, is voided, or if the planned development Phase II Plan is amended such that the density or intensity of use is increased, then the unrecorded or undeveloped portion of the development shall meet the requirements of this chapter prior to again obtaining Phase II approval.~~

~~(F) All planned developments seeking phase ii approval must comply with all applicable regulations, including the county subdivision regulations and zoning ordinance.~~

~~(G) Prior to recordation of final plats for a planned development, all applicable state and local requirements must be met including but not limited to the health department, division of utilities and solid waste management, division of permitting and development review, and division of public works requirements.~~

§ 1-20-9~~10~~. APPROVAL OF MIXED USE DEVELOPMENTS (MXDS) AND PLANNED UNIT DEVELOPMENTS (PUDS).

(A) All MXD plans, PUD Phase II plans, or amended Phase II plans resulting in an increase in density or intensity of use, shall meet the requirements of this chapter prior to MXD plan or PUD Phase II plan approval or reapproval. A phasing plan indicating the density and rate of development in accordance with the availability of adequate public facilities shall also be approved as part of the MXD plan or PUD Phase II approval or reapproval.

(B) All PUDs with existing Phase II approval as of December 1, 1991, shall meet the requirements of this chapter prior to preliminary plat ~~(Phase III)~~ or site plan approval or reapproval. A phasing plan indicating the density and rate of development in accordance with the availability of adequate public facilities shall also be approved as part of the preliminary plat or site plan approval.

(C) MXD or PUD Phase II preliminary plans or site plans that do not meet the requirements for adequate public facilities in Articles III-VI herein, shall not be approved except as a conditional approval as allowed for in § 1-20-10 (A) or (B). Final plat approval may be granted and lots recorded as the conditions set forth in the conditional approval are met.

(D) Prior to the signing of the Phase II, or preliminary plat, an adequate public facilities letter of understanding shall be forwarded by the Planning Commission to the developer.

(E) Approval of adequate public facilities for PUDs shall be valid for the length of time of the original Phase II plan approval. The preliminary plan ~~(Phase III)~~ APFO approval shall be based on the number of units approved on the Phase II plan. MXD approval time shall be based upon the number of units and size (acreage) of the preliminary plan.

(F) If the Phase II or preliminary plat ~~(Phase III)~~ approval expires, is voided or is amended such that the density or intensity of use is increased, then the unrecorded or undeveloped portion of the development shall meet the requirements of this chapter prior to again obtaining Phase II or preliminary plat ~~(Phase III)~~ approval.

(G) All MXD or PUD developments seeking Phase II, preliminary subdivision ~~(Phase III)~~ or site plan approval must comply with the county subdivision regulations and zoning ordinance.

(H) Prior to recordation of final plats all Health Department and Department of Public Works requirements must be met.

§ 1-20-10~~11~~. CONDITIONAL APPROVAL.

(A) Conditional site plan, or preliminary plat, approval may be granted to a development that does not have adequate public facilities at the time of Planning Commission consideration, provided that the developer agrees to provide the necessary improvements to make the facility adequate as allowed for in § 1-20-11~~12~~. If the developer improvements will not result in adequate capacity, conditional approval shall not be granted, and preliminary plat and site plan approval shall be denied.

[(B) through (C) remain unchanged]

§ 1-20-11~~12~~. DEVELOPER OPTION.

[Remains unchanged]

§ 1-20-12~~13~~. ESCROW FUNDS FOR ROAD IMPROVEMENTS.

(A) In lieu of either providing the public facility improvements or waiting for public facilities to become adequate as provided in § 1-20-11~~12~~, the developer of a limited impact development (as defined below) shall have the option of contributing money to an escrow account as set forth in this section, provided the Planning Commission determines that the developer has fulfilled each of the requirements of this section.

[(B) through (C) remain unchanged]

(D) Once an escrow is established, any non- exempt developer generating more than 5 trips during the peak hour of the adjacent street, as defined in § 1-20-5, having an impact on the improvement project shall be required to pay its proportionate share into the escrow account or, if applicable, make the road improvements as provided in § 1-20-11~~12~~ to gain adequate public facilities approval to allow development to proceed.

[(E) through (H) remain unchanged]

ARTICLE II: ADMINISTRATION
§ 1-20-20. ADMINISTRATIVE AGENCY DESIGNATED.

The Adequate Public Facilities Ordinance shall be administered by the Division of Permitting and Development Review (DPDR). All applications, maps, and documents relative to subdivision, PUD**,OR** MXD~~, PDR, OR PDE~~ Phase II or site plan approval and subject to the provisions of this chapter shall be submitted to DPDR which will review all information and present the relevant information and its recommendations to the Planning Commission. Final determination of adequacy shall be the responsibility of the Planning Commission.

ARTICLE IV: PUBLIC WATER SUPPLY
§ 1-20-41. DETERMINATION OF ADEQUACY.

[(A) through (B) remain unchanged]

(C) If a public or private water system is found to be inadequate, site plan, PUD~~,~~ OR MXD, ~~PDR, OR PDE~~ Phase II or preliminary subdivision approval shall be denied except as provided for in § 1-20-10.

(D) Improvements necessary to meet the standards herein shall be determined by the Planning Commission and may be provided by the developer as allowed for in § 1-20-11~~12~~

[(E) remains unchanged]

ARTICLE V: SEWERAGE FACILITIES
§ 1-20-51. DETERMINATION OF ADEQUACY.

[(A) through (B) remain unchanged]

(C) If a sewerage system is found to be inadequate, site plan, PUD**,OR** MXD~~, PDR OR PDE~~ Phase II or preliminary subdivision approval shall be denied except as provided for in § 1-20-10~~11~~.

(D) Improvements necessary to meet the standards herein shall be determined by the Planning Commission and may be provided by the developer as allowed for in § 1-20-11~~12~~.

[(E) remains unchanged]

ARTICLE VI: SCHOOLS

§ 1-20-61. DETERMINATION OF ADEQUACY.

[(A) through (E) remain unchanged]

(F) *Denial.* If a school is not adequate and the BOE has not approved a specific redistricting plan that would result in the school meeting the standards established in § 1-20-61(C), then the preliminary subdivision, PUD~~,~~ **OR** MXD~~, PDR OR PDE~~ Phase II or site plan approval shall be denied, except as allowed for in § 1-20-10~~11~~.

(G) *Mitigation.* Improvements necessary to meet the standards herein shall be determined by the Planning Commission and may be provided by the developer as allowed for in § 1-20-11~~12~~.

(H) *New school or addition.* If a new school or school addition is required to be wholly or partially funded by a developer in order for a proposed development to obtain APFO approval under § 1-20-11~~12~~ of this article, and if the new school or school addition is approved by the BOE:

[(1) through (2) remain unchanged]

[(I) through (J) remain unchanged]

§ 1-20-62. SCHOOL CONSTRUCTION FEE OPTION.

[(A) through (K) remain unchanged]

CHAPTER 1-21: FOREST RESOURCES

ARTICLE 1. IN GENERAL

§ 1-21-5. DEFINITIONS

~~PLANNED DEVELOPEMNT EMPLOYMENT (PDE). A floating zoning district approved by the county commissioners which allows a variety of uses and dwelling unit types in accordance with an approved plan and schedule of improvements.~~

~~PLANNED DEVELOPMENT RESIDENTIAL (PDR). A floating zoning district approved by the county commissioners which allows a variety of uses and dwelling unit types in accordance with an approved plan and schedule of improvements.~~

TRACT. Property subject to an application for a grading or sediment and erosion control permit or a site plan or subdivision approval. Within a Planned Unit Development~~,~~ **OR** Mixed Use Development~~, Planned Development Residential Project, or Planned Development Employment~~ Project, *TRACT* means the entire land area subject to a planned unit development, which may be divided into smaller, staged projects with a defined point of completion for each stage.

ARTICLE III: PLAN REQUIREMENTS

§ 1-21-30. PLANS IN GENERAL.

[A) through (D) remain unchanged]

(E) *Requirements of plan preparers.*

[(1) remains unchanged]

(2) Maryland licensed surveyors or other individuals, who by a combination of relevant work experience and education meet the general level of expertise as expressed in COMAR 08.19.06.01, as determined by the Department, may prepare required forest plans for:

(a) All minor subdivisions; and

(b) Site plan projects and major subdivisions that:

1. Are not in areas zoned PUD~~,~~ **OR** MXD~~, PDR OR PDE~~;

[2. and 3. remain unchanged]

[(3) remains unchanged]

[(F) remains unchanged]

§ 1-21-31. FOREST STAND DELINEATION.

(A) *Timing of submissions.*

(1) A forest stand delineation ("FSD") shall be used during the initial review process to determine the most suitable and beneficial areas for forest conservation. Except as provided in subsection (A)(2) of this section, an FSD shall be submitted simultaneously with the first submission of a development project, whether it be a MXD, ~~PDR, OR PDE~~ Phase I Plan, a PUD Phase II Plan, a cluster concept plan, a co-housing plan, preliminary subdivision plan, a site plan, or a grading permit application, but before a sediment and erosion control application is submitted for the tract or development project in question.

[(2) remains unchanged]

[(B through (D) remain unchanged]

§ 1-21-33. PRELIMINARY FOREST CONSERVATION PLAN.

(A) *Timing of submissions.* A preliminary forest conservation plan ("PFCP") shall be submitted along with the forest stand delineation with the first of the following submitted for the site:

(1) A Phase II for a PUD~~,~~ **OR** MXD~~, PDR OR PDE~~;

[(2) through (5) remain unchanged]

[(B) remains unchanged]

(C) *Review period.* The PFCP shall be reviewed concurrently by the Department with the review of a Phase II Concept Plan for a PUD, **OR** MXD~~, PDR, OR PDE~~; a residential cluster or co-housing plan; preliminary subdivision plan or site plan; or grading or sediment and erosion control permit, whichever is applicable.

ARTICLE IV: DESIGN CRITERIA

§ 1-21-42. REFORESTATION AND CONSERVATION THRESHOLD.

[(A) through (B) remain unchanged]

(C) *Definitions restated for the Standard Method. REFORESTATION* under this section means the planting of trees to replace forest that has been recently or is proposed to be removed by development. *CONSERVATION THRESHOLD* means the percentage of the net tract area at which the reforestation requirement changes from a ratio of one-quarter acre planted for every 1 acre removed to a ratio of 2 acres planted for every 1 acre removed according to the land use categories as listed below:

Category of Use	*Threshold Percentage*
(1) Agricultural and Resource Conservation Zones, except for cluster developments therein which shall utilize R-1 values	50
(2) R-1 Residential zoned areas	25
(3) Institutional use areas in any zone	20
(4) R-3, R-5, R-8, R-12, R-16 and Mobile Home Park zoned areas	20
(5) Mixed Use and Planned Unit Development~~, Planned Development Residential and Planned Development Employment~~ zoned areas	15
(6) Commercial and Industrial Use zoned areas	15

[(D) through (E) remain unchanged]

[(A) remains unchanged]

(B) *Size and location.*

(1) The Open Space Recreation District may be established where:

[(a) through (d) remain unchanged]

~~(e) The tract of land receiving the Open Space Recreation District shall not be located within a Frederick County priority preservation area.~~

(2) The tract of land receiving the Open Space Recreation District shall have a minimum parcel size 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) Approval or disapproval of a request for the application of the Open Space Recreation Zoning District shall be determined through evaluation of several criteria to establish whether the proposed project meets the purpose and intent of the zoning district. In addition to the requirements in § 1-19-3.110.4(A)(1)-(6), the Planning Commission and Board of County Commissioners shall evaluate the project on the following criteria:

[(a) through (h) remain unchanged]

(I) WHEN A TRACT OF LAND FOR WHICH THE OPEN SPACE RECREATION ZONE IS PROPOSED, IS LOCATED WHOLLY OR PARTLY WITHIN A FREDERICK COUNTY PRIORITY PRESERVATION AREA (PPA), THE PROJECT SHALL IN ADDITION TO THE OTHER REQUIREMENTS OF THIS SECTION BE EVALUATED TO ASCERTAIN CONSISTENCY WITH THE PURPOSE AND INTENT OF THE PPA. THIS EVALUATION SHALL INCLUDE THE FOLLOWING FACTORS: EXISTENCE OF PRIME FARMLAND SOILS AS IDENTIFIED IN THE USDA SOIL SURVEY FOR FREDERICK COUNTY, EXISTING AGRICULTURAL EASEMENTS SURROUNDING THE TRACT, DEVELOPMENT POTENTIAL, AND THE TRACT SIZE AND LOCATION WITHIN THE PPA. IN THE EVENT THE APPROVING BODY DETERMINES THE PROJECT AS PROPOSED IS INCONSISTENT WITH THE PURPOSE AND INTENT OF THE PPA, THE APPROVING BODY MAY IMPOSE CONDITIONS TO MITIGATE THE INCONSISTENCY OR DENY THE APPLICATION.

[(D) through (H) remain unchanged]

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

	Zoning Districts													
Uses	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	PS					
Two-family dwelling		P	P	P	P	P	P	P	PS					
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					

******* A LIMITED ACCESSORY APARTMENT MAY BE APPROVED AS AN ACCESSORY USE WHERE THE PROVISIONS IN SECTION 1-19-8.212 ARE MET (SEE ALSO §1-19-8.240, AND §1-19-8.321)**

ARTICLE VIII: SPECIFIC USE REGULATIONS
DIVISION 2. ACCESSORY USES
§ 1-19-8.212. LIMITED ACCESSORY APARTMENTS IN THE RC, A, R1, R3, R5, R8, R12, R16, AND VC DISTRICTS

THE FOLLOWING PROVISIONS SHALL APPLY TO LIMITED ACCESSORY APARTMENTS IN THE RC, A, R1, R3, R5, R8, R12, R16, AND VC DISTRICTS

(A) ONLY 1 LIMITED ACCESSORY APARTMENT MAY BE CREATED ON A LOT.

(B) A LIMITED ACCESSORY APARTMENT SHALL BE ALLOWED ONLY IN SINGLE-FAMILY DWELLINGS OR IN AN ACCESSORY STRUCTURE ON A SINGLE-FAMILY LOT.

(C) THE OWNER OF THE PROPERTY MUST RESIDE IN THE PRINCIPAL DWELLING. IF RESIDENT OWNERSHIP CEASES THEN THE USE OF THE LIMITED ACCESSORY APARTMENT SHALL CEASE.

(D) THERE MUST BE 2 ADDITIONAL OFF-STREET PARKING SPACES PROVIDED FOR THE LIMITED ACCESSORY APARTMENT.

(E) IF THE LIMITED ACCESSORY APARTMENT IS TO BE LOCATED IN AN ACCESSORY STRUCTURE, THE LIMITED ACCESSORY APARTMENT SHALL NOT EXCEED 800 SQUARE FEET IN SIZE AND MUST COMPLY WITH SETBACK REQUIREMENTS FOR PRINCIPAL STRUCTURES. AN ACCESSORY APARTMENT GREATER THAN 800 SQUARE FEET TO BE LOCATED IN AN ACCESSORY STRUCTURE, SHALL BE REVIEWED AS A SPECIAL EXCEPTION (SEE ALSO §1-19-8.240 AND §1-19-8.321).

(F) IN THE EVENT A SEPARATE BUILDING ENTRANCE IS UTILIZED, IT SHALL BE TO THE SIDE OR REAR OF THE STRUCTURE, SO AS TO MAINTAIN THE APPEARANCE OF A SINGLE-FAMILY RESIDENCE.

(G) THE APPLICATION FOR LIMITED ACCESSORY APARTMENT APPROVAL SHALL INCLUDE THE NAME AND ADDRESS OF EACH PERSON OWNING PROPERTY ADJACENT TO THE SUBJECT PROPERTY. THE ZONING ADMINISTRATOR SHALL NOTIFY ALL ADJACENT PROPERTY OWNERS WHETHER SEPARATED BY STREETS, RAILROADS, OR OTHER RIGHTS-OF-WAY OF THE APPLICATION FOR ACCESSORY APARTMENT APPROVAL. THE ZONING ADMINISTRATOR SHALL APPROVE OR DENY THE APPLICATION FOR A LIMITED ACCESSORY APARTMENT NOT LESS THAN 30 DAYS AFTER NOTIFICATION OF ADJACENT PROPERTY OWNERS.

(H) THE RENTING OF ROOMS UNDER § 1-19-8.240 WILL NOT BE PERMITTED IN CONJUNCTION WITH A LIMITED ACCESSORY APARTMENT.

(I) THE OWNER SHALL FILE AN ANNUAL REPORT WITH THE ZONING ADMINISTRATOR VERIFYING THAT CONDITIONS REMAIN THE SAME UNDER WHICH THE LIMITED ACCESSORY APARTMENT WAS GRANTED.

(J) IF THE OWNERSHIP OF THE LOT CHANGES, THE SUBSEQUENT OWNER MUST REAPPLY FOR APPROVAL.

(K) IF THE ZONING ADMINISTRATOR DETERMINES THAT THE LIMITED ACCESSORY APARTMENT IS NOT IN COMPLIANCE WITH THE ABOVE PROVISIONS AS WELL AS ALL SAFETY, HEALTH, AND ENVIRONMENTAL STANDARDS, APPROVAL MAY BE REVOKED PURSUANT TO § 1-19-2.210.

DIVISION 3. SPECIAL EXCEPTION USES

§ 1-19-8.321. Accessory Apartments **GREATER THAN 800 SQUARE FEET TO BE LOCATED IN AN ACCESSORY STRUCTURE.**

The following provisions shall apply to all accessory apartments **GREATER THAN 800 SQUARE FEET TO BE LOCATED IN AN ACCESSORY STRUCTURE** in **THE RC, A, R1, R3, R5, R8, R12, R16, AND VC DISTRICTS** ~~all of the zoning districts in which they may be located.~~

(A) Only 1 accessory apartment may be created on a lot.

(B) Accessory apartments shall be allowed only in single-family dwellings or in an accessory structure on a single-family lot.

(C) The owner of the property must reside in the principal dwelling. If resident ownership ceases then the use of the accessory apartment shall cease.

(D) There must be 2 additional off-street parking spaces provided for the accessory apartment.

(E) ~~If the accessory apartment is to be located in an accessory structure, it shall not exceed 600 square feet in size and must comply with setback requirements for principal structures.~~ **THE MAXIMUM SIZE OF AN ACCESSORY STRUCTURE IN WHICH AN ACCESSORY APARTMENT MAY BE LOCATED SHALL COMPLY WITH § 1-19-8.240.**

(F) In the event a separate building entrance is utilized, it shall be to the side or rear of the structure, so as to maintain the appearance of a single-family residence.

(G) The renting of rooms under § 1-19-8.240 will not be permitted in conjunction with accessory apartments.

(H) ~~Accessory apartments shall have the same address (house number) as the principal structure.~~

~~(I)~~ The owner shall file an annual report with the Zoning Administrator verifying that conditions under which the special exception was granted remain the same.

~~(J)~~ If the ownership of the lot changes, the subsequent owner must reapply for approval.

~~(K)~~J) Due to the nature of this use, site plan approval can be granted by the Zoning Administrator in lieu of the Planning Commission.

(K) AN ACCESSORY APARTMENT MEETING THE PROVISIONS OF SECTION 1-19-8.212 SHALL BE CONSIDERED A PERMITTED ACCESSORY USE AND THEREFORE NOT SUBJECT TO THIS SECTION.

ARTICLE XI: DEFINITIONS
DIVISION 3.
1-19-11.100. DEFINITIONS.

ACCESSORY APARTMENT. An independent, self-contained dwelling unit ~~within a single-family dwelling, or~~ **GREATER THAN 800 SQUARE FEET** within an accessory structure, located on the same lot as a single-family dwelling. (See also ***CARETAKER RESIDENCE.***)

ACCESSORY APARTMENT, LIMITED. **AN INDEPENDENT, SELF-CONTAINED DWELLING UNIT WITHIN A SINGLE-FAMILY DWELLING, OR WITHIN AN ACCESSORY STRUCTURE LOCATED ON THE SAME LOT AS A SINGLE-FAMILY DWELLING. IF THE LIMITED ACCESSORY APARTMENT IS LOCATED IN AN ACCESSORY STRUCTURE, THE LIMITED ACCESSORY APARTMENT SHALL NOT EXCEED 800 SQUARE FEET IN SIZE.**

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

	Zoning Districts													
Uses	RC	A	R1	R3	R5	R8	R12	R16	VC	HS	GC	ORI	LI	GI
Temporary Housing														
Bed and breakfast	PS	PS							PS		PS			
Motel, hotel									PS	PS	PS	PS	PS	
~~Temporary mobile home~~	~~T~~	~~T~~	~~T~~	-	-	-	-	-	-	-	-	-	-	-

ARTICLE VIII: SPECIFIC USE REGULATIONS
DIVISION 2. ACCESSORY USES
§ 1-19-8.213. TEMPORARY MOBILE HOME

THE ZONING ADMINISTRATOR MAY APPROVE A REQUEST FOR A TEMPORARY MOBILE HOME IN THE RC, A, OR R-1 DISTRICTS WHERE THE FOLLOWING PROVISIONS ARE MET:

(A) THE MOBILE HOME SHALL BE OCCUPIED BY AN IMMEDIATE MEMBER OF THE FAMILY OWNING AND RESIDING ON THE SUBJECT LOT.
(B) THE OCCUPANT OF EITHER THE MOBILE HOME OR PRINCIPAL DWELLING MUST HAVE A PHYSICAL OR MENTAL CONDITION OR EXCESSIVE AGE WHICH REQUIRES CONSTANT CARE AND ATTENTION. THE PHYSICAL OR MENTAL CONDITION OR EXCESSIVE AGE SHALL BE CERTIFIED BY A PHYSICIAN LICENSED WITHIN THE STATE OF MARYLAND AND SUBMITTED TO THE ZONING ADMINISTRATOR.
(C) THE LOT MUST CONTAIN NO LESS THAN 40,000 SQUARE FEET OF AREA IN THE RC AND A DISTRICTS AND NO LESS THAN 80,000 SQUARE FEET OF AREA IN THE R-1 DISTRICT.
(D) ONLY SINGLE-WIDE MOBILE HOMES WILL BE PERMITTED.
(E) THE MOBILE HOME SHALL:
(1) MEET THE SETBACK REQUIREMENTS FOR THE DISTRICT;
(2) BE LOCATED TO THE REAR OF THE PRINCIPAL DWELLING IN THE R-1 DISTRICT;
(3) BE PLACED SO AS TO MINIMIZE THE VISUAL IMPACT ON THE NEIGHBORHOOD; AND
(4) BE PLACED ON THE PROPERTY ONLY AFTER A SITE PLAN HAS BEEN APPROVED BY THE ZONING ADMINISTRATOR.
(F) THE APPLICATION FOR TEMPORARY MOBILE HOME APPROVAL SHALL INCLUDE THE NAME AND ADDRESS OF EACH PERSON OWNING PROPERTY ADJACENT TO THE SUBJECT PROPERTY. THE ZONING ADMINISTRATOR SHALL NOTIFY ALL ADJACENT PROPERTY OWNERS WHETHER SEPARATED BY STREETS, RAILROADS, OR OTHER RIGHTS-OF-WAY OF THE APPLICATION FOR TEMPORARY MOBILE HOME APPROVAL. THE ZONING ADMINISTRATOR SHALL APPROVE OR DENY THE APPLICATION FOR A TEMPORARY MOBILE HOME NOT LESS THAN 30 DAYS AFTER NOTIFICATION OF ADJACENT PROPERTY OWNERS.

(G) THE RENTING OF ROOMS UNDER § 1-19-8.240 WILL NOT BE PERMITTED IN CONJUNCTION WITH A TEMPORARY MOBILE HOME.

(H) THE OWNER SHALL FILE AN ANNUAL REPORT WITH THE ZONING ADMINISTRATOR VERIFYING THAT CONDITIONS REMAIN THE SAME UNDER WHICH THE TEMPORARY MOBILE HOME WAS GRANTED.

(I) IF THE ZONING ADMINISTRATOR DETERMINES THAT THE TEMPORARY MOBILE HOME IS NOT IN COMPLIANCE WITH THE ABOVE PROVISIONS AS WELL AS ALL SAFETY, HEALTH, AND ENVIRONMENTAL STANDARDS, APPROVAL MAY BE REVOKED PURSUANT TO § 1-19-2.210.

DIVISION 3. SPECIAL EXCEPTION USES

§1-19-8.300. TEMPORARY STRUCTURES AND USES REQUIRING SPECIAL EXCEPTION APPROVAL.

(A) Temporary special exceptions may be granted by the Board of Zoning Appeals for the uses indicated by the letter "T" in § 1-19-5.310 for each district. A temporary special exception permit is valid for no longer than 1 year from date of issuance. Such temporary special exceptions may be renewed upon approval of the Board. The applicant shall provide the names and addresses of all adjoining property owners who shall be notified of any renewal. If the temporary use shall exist for 5 years, the Board of Zoning Appeals shall hold a hearing prior to the issuance of the subsequent renewal.

~~(B) A temporary mobile home accessory structure in the Conservation and Agriculture and R-1 Residential Districts may be granted by the Board subject to all the following conditions.~~

~~(1) The mobile home would be occupied by an immediate member of the family owning and residing on the subject lot.~~

~~(2) The occupant of either the mobile home or principal dwelling must have a physical or mental condition or excessive age which requires constant care and attention.~~

~~(3) The lot must contain no less than 40,000 square feet of area in the Conservation and Agriculture Districts and no less than 80,000 square feet of area in the R-1 Residential District.~~

~~(4) Only single-wide mobile homes will be permitted.~~

~~(5) The mobile home shall:~~

~~(a) Meet the setback requirements for the district;~~

~~(b) Be located to the rear of the principal dwelling in the R-1 Residential District;~~

~~(c) Be placed so as to minimize the visual impact on the neighborhood; and~~

~~(d) Be placed on the property only after a site plan has been approved by the Planning Commission.~~

~~(C) A special exception for a temporary accessory apartment within a single-family attached dwelling unit (i.e., townhouse, duplex not multifamily) may be granted by the Board of Appeals within all zoning districts in which attached units are permitted, subject to all of the following conditions.~~

~~(1) The accessory apartment shall be occupied by a member of the family who owns and resides on the subject property.~~

~~(2) The occupant of either the attached dwelling or accessory apartment must have a physical or mental condition or excessive age which requires constant care and attention. A copy of a doctor's certification shall be filed with the application.~~

~~(3) Only 1 accessory apartment may be created within an attached unit.~~

~~(4) The renting of rooms under § 1-19-8.240 will not be permitted in conjunction with an accessory apartment.~~

~~(5) If the ownership of the property changes, the use of the accessory apartment shall cease.~~

~~(6) The accessory apartment shall have the same address as the attached dwelling in which it is located.~~

~~(7) A notarized affidavit must be provided that is signed by both the resident of the attached dwelling and the resident of the accessory apartment that the addition of the apartment will not generate a need for additional off-street parking.~~

~~(8) The owner shall file an annual report with the Zoning Administrator verifying that the conditions under which the special exception was granted remain the same.~~

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

	Zoning Districts													
Uses	RC	A	R1	R3	R5	R8	R12	R16	VC	HS	GC	ORI	LI	GI
Animal Care and Service														
Animal hospital or veterinary clinic		E							E		~~E~~PS			

ARTICLE VIII: SPECIFIC USE REGULATIONS
DIVISION 3. SPECIAL EXCEPTION USES
§ 1-19-8.338. KENNELS, ANIMAL HOSPITALS OR VETERINARY CLINICS IN THE A~~,~~ **AND** VC~~, AND GC~~ DISTRICTS.

The following provisions shall apply to commercial kennels, animal hospitals or veterinary clinics in **THE** A~~,~~ **AND** VC ~~and GC~~ Districts.

(A) The minimum lot area, lot width, yard setbacks and height, shall be as provided for in the table in § 1-19-6.100.

(B) Operations will be conducted within a completely enclosed building, no outside runs or kennels are permitted, except in the A District, and then subject to a 150 foot minimum setback from all property lines.

(C) In the A District, the maximum number of animals permitted shall be 100.

(D) In the A District, one freestanding sign no more than 15 feet in height and 25 square feet in area is permitted and shall be subject to the normal setback requirement for natural resources uses.

(E) The subject property must have frontage and access on a paved public road.

(F) Animal incinerators are permitted as an accessory use to an animal hospital or veterinary clinic in the agricultural district only, and subject to the following additional requirements:

(1) An animal incinerator shall be located only on a lot with a minimum lot size of 5 acres where an animal hospital or veterinary clinic exists.

(2) The minimum setback from any property line for an animal incinerator use shall be 50 feet.

(3) The property must have frontage and access on a paved public road, with a minimum pavement width of 20 feet and minimum classification of collector, as shown on the County Comprehensive Plan.

(4) An animal incinerator must comply with all applicable state and federal regulations, including licensing requirements.

DIVISION 4. PERMITTED USES
§ 1-19-8.405. ANIMAL HOSPITAL OR VETERINARY CLINIC IN THE GC DISTRICT

THE FOLLOWING PROVISIONS SHALL APPLY TO ANIMAL HOSPITALS OR VETERINARY CLINICS IN THE GC DISTRICT.

(A) THE MINIMUM LOT AREA, LOT WIDTH, YARD SETBACKS AND HEIGHT, SHALL BE AS PROVIDED FOR IN § 1-19-6.100.

(B) OPERATIONS WILL BE CONDUCTED WITHIN A COMPLETELY ENCLOSED BUILDING, NO OUTSIDE RUNS OR KENNELS ARE PERMITTED.

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

	Zoning Districts													
Uses	RC	A	R1	R3	R5	R8	R12	R16	VC	HS	GC	ORI	LI	GI
Automobile and Related Services														
Part sales and installation									PS		PS		PS	
Automobile filling and service station ****									PS	PS	PS		PS	PS
Carwash									PS	PS	PS		PS	
Automobile repair or service shop ****									E	PS	PS		~~E~~**PS**	PS

ARTICLE VIII: SPECIFIC USE REGULATIONS
DIVISION 3. SPECIAL EXCEPTION USES
§ 1-19-8.325. **RESERVED** ~~AUTOMOBILE REPAIR OR SERVICE SHOP IN THE LIMITED INDUSTRIAL DISTRICT.~~

~~The following provisions shall apply to an automobile repair shop or service in the Limited Industrial District.~~

~~(A) An automobile repair shop building shall be set back at a minimum of 80 feet from the front property line and 50 feet from the side and rear property lines for the proposed building. Such building shall be at least 100 feet from any residential buildings on adjacent properties. The enclosed vehicle parking area must be at least 50 feet from any side or rear property line.~~

~~(B) No outdoor work or outdoor storage of parts, equipment or vehicles shall be permitted except as provided in condition (D). No parking is permitted on the required setback areas.~~

~~(C) The driveway or access to the auto repair shop building shall be paved by concrete, asphalt or stone surface.~~

~~(D) No motor vehicles related to the auto repair business shall be parked outside of a screened parking area. A screened parking area shall be no larger than 2,500 square feet to allow for 5 vehicles (1 company vehicle and 1 employee vehicle are exempt from this number).~~

~~(E) Parking areas provided shall be screened from adjacent properties and roads with plantings of evergreens, at least 5 feet high, or a fence of equal height provided to screen the parking area.~~

~~(F) One sign may be allowed which shall be not over 2 square feet in area and no greater than 6 feet in height, which shall be a freestanding sign and set back at least 30 feet from the front lot line.~~

~~(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) Shall comply with § 1-6-50 (Wellhead Protection Ordinance) at site plan approval.~~

DIVISION 4. PERMITTED USES

§ 1-19-8.406. AUTOMOBILE REPAIR OR SERVICE SHOP IN THE LIMITED INDUSTRIAL DISTRICT.

THE FOLLOWING PROVISIONS SHALL APPLY TO AN AUTOMOBILE REPAIR SHOP OR SERVICE IN THE LIMITED INDUSTRIAL DISTRICT.

(A) AN AUTOMOBILE REPAIR SHOP BUILDING SHALL BE AT LEAST 100 FEET FROM ANY RESIDENTIAL BUILDINGS ON ADJACENT PROPERTIES.

(B) NO OUTDOOR WORK OR OUTDOOR STORAGE OF PARTS, EQUIPMENT OR VEHICLES SHALL BE PERMITTED EXCEPT AS PROVIDED IN CONDITION (C). NO PARKING IS PERMITTED ON THE REQUIRED SETBACK AREAS.

(C) NO MOTOR VEHICLES RELATED TO THE AUTO REPAIR BUSINESS SHALL BE PARKED OUTSIDE OF A SCREENED PARKING AREA. A SCREENED PARKING AREA SHALL BE NO LARGER THAN 2,500 SQUARE FEET TO ALLOW FOR 5 VEHICLES (1 COMPANY VEHICLE AND 1 EMPLOYEE VEHICLE ARE EXEMPT FROM THIS NUMBER).

(D) PARKING AREAS PROVIDED SHALL BE SCREENED FROM ADJACENT PROPERTIES AND ROADS WITH PLANTINGS OF EVERGREENS, AT LEAST 5 FEET HIGH, OR A FENCE OF EQUAL HEIGHT PROVIDED TO SCREEN THE PARKING AREA.

(E) 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.

(F) SHALL COMPLY WITH § 1-6-50 (WELLHEAD PROTECTION ORDINANCE) AT SITE DEVELOPMENT PLAN APPROVAL.

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 sf = sq. feet	Height[2] f (feet)		Front	Side	Rear	
[(1) through (6) remain unchanged]								
(7)	Commercial and industrial owner identification and product, **PLACE OF WORSHIP**	$10\sqrt{F}$	(25 f)	All commercial and industrial districts	½	½	½	May not project more than 30" from face of building unless used as a freestanding sign
[(8) through (13) remain unchanged]								

[Footnotes remain 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 sf = sq. feet	Height[2] f (feet)		Front	Side	Rear	
[(1) through (13) remain unchanged]							

[[1] through [5] remain unchanged]
[* and S remain unchanged]
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. **WHERE THE BUILDING FACES MULTIPLE PUBLIC STREETS, F SHALL EQUAL THE TOTAL OF MEASUREMENT A AND MEASUREMENT S.**

ARTICLE VII: SUPPLEMENTARY DISTRICT REGULATIONS
DIVISION 6. INDUSTRIAL DISTRICTS
§ 1-19-7.600. INDUSTRIAL DISTRICTS.

The following provisions shall be applicable in the Industrial Districts.

[(A) through (C) remain unchanged]

(D) *Storage and operations.* Notwithstanding other provisions of this Code, all operations and the storage of equipment, materials, or products in the industrial districts shall be conducted within completely enclosed buildings. Storage may be permitted outdoors only when completely screened by a wall, opaque fence, or planting so that such materials will not be visible from a public way or adjoining property. The most appropriate screening for the use shall be determined at site development plan review. **THE PLANNING COMMISSION MAY WAIVE OR MODIFY THE REQUIREMENT FOR COMPLETE SCREENING BETWEEN ADJOINING PROPERTIES WHERE THE ADJOINING PROPERTIES ARE SIMILAR IN USE AND REDUCTION OR ELIMINATION OF COMPLETE SCREENING WILL NOT ADVERSELY IMPACT ADJOINING PROPERTIES.**

[(E) remains unchanged]

§ 1-19-7.610. INDUSTRIAL DISTRICT PERFORMANCE STANDARDS.

The following performance standards for Limited and General Industrial Districts are designed to reduce the impact of industrial districts on surrounding uses by lessening traffic congestion, protecting the health and safety of workers and nearby residents, and by preventing detrimental effects on properties adjoining or in the neighborhood. All applications for a site plan approval must be accompanied by a registered engineer's certification that the use complies with all of the applicable standards. Upon receipt of the certification, the Zoning Administrator will issue a zoning certificate. After occupancy, if there occurs continuous or frequent, even though intermittent, violations of the performance standards and provisions of these regulations without bona fide and immediate corrective work, the Zoning Administrator will suspend or revoke the zoning certificate of the use and the operation shall immediately cease until it is able to operate in accordance with this chapter, at which time the zoning certificate shall be reinstated.

(A) *Storage and operations.*

(1) In the LI District all operations and the storage of equipment, materials or products will be conducted within completely enclosed buildings or storage may be permitted outdoors only when completely screened by a wall, opaque fence, or planting so that such materials will not be visible from a public way or adjoining property. The Planning Commission shall determine the most appropriate screening for the use. **THE PLANNING COMMISSION MAY WAIVE OR MODIFY THE REQUIREMENT FOR COMPLETE SCREENING BETWEEN ADJOINING PROPERTIES WHERE THE ADJOINING PROPERTIES ARE SIMILAR IN USE AND REDUCTION OR ELIMINATION OF COMPLETE SCREENING WILL NOT ADVERSELY IMPACT ADJOINING PROPERTIES.**

(2) (a) In the GI District, a use is permitted either indoors or outdoors but in conformance with the following.

(b) *Storage.* Storage in a GI District within 500 feet of a residential district boundary may be outdoors but will be effectively screened by a solid wall, fence, or planting so that the materials will not be visible from the Residential District.

[(B) through (J) remain unchanged]

§ 1-19-8.430. CONTRACTOR'S OFFICE AND STORAGE IN THE LIMITED INDUSTRIAL DISTRICT.

The storage of contractor's construction equipment and supplies in the Limited Industrial District shall be permitted only if:

[(A) Remains unchanged]

(B) The contractor's construction equipment and supplies are stored, maintained and repaired in an accessory structure or structures which are fully enclosed on at least 3 sides and screened from public view on the fourth side unless enclosed. **THE PLANNING COMMISSION MAY WAIVE OR MODIFY THE REQUIREMENT FOR STORAGE, MAINTENANCE, AND REPAIR OF CONTRACTOR'S EQUIPMENT AND SUPPLIES WITHIN AN ACCESSORY STRUCTURE WHERE:**

1. IT CAN BE DETERMINED THAT THE REDUCTION OR ELIMINATION WILL NOT ADVERSELY IMPACT ADJOINING PROPERTIES; AND

2. THE PLANNING COMMISSION APPROVES AN ALTERNATE SCREENING PLAN; AND

3. STORAGE, MAINTENANCE, AND REPAIR IS LOCATED AND CONDUCTED TO THE REAR OF THE PRINCIPAL STRUCTURE AND SCREENED FROM THE PUBLIC WAY.

[(C) Remains unchanged]

ROADSIDE STAND, LIMITED. The use of no more than ~~300~~ **1,500** square feet devoted to product sales, which may incorporate a structure, for the sale of agricultural products the majority of which are produced by the owner on site. This use does not include seasonal pumpkin patches, "pick your own" or "cut your own" produce or other agritourism enterprise activities conducted on a farm related to agriculture and accessory to the primary agriculture operation on the farm.

ARTICLE V: ZONING MAP AND DISTRICTS
DIVISION 2. ZONING DISTRICTS
§ 1-19-5.240. COMMERCIAL ZONING DISTRICTS.

(A) The purpose of commercial districts is to provide sufficient and convenient locations throughout the county for commercial uses, serving the needs of local areas, the larger community, and regional users.

(B) The Village Center District (VC) is intended to reinforce and enhance the historically mixed-use areas within rural communities and designated growth areas. The district provides for the location of a variety of limited commercial uses and a range of housing types while maintaining the compatibility of new development with existing development through design standards. A mix of uses is encouraged in the village center either within a single structure or as separate uses located throughout the district.

(C) The General Commercial District (GC) is intended to provide general retail commercial and business services. The general commercial district will be located on roads with a minimum classification of collectors as designated by the Comprehensive Development Plan.

(D) ~~The Highway Service District (HS) is intended to provide varied services to the motoring public. Highway Service Districts will be located at intersections or interchanges of roads with minimum classification of arterial street in the Comprehensive Development Plan.~~

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

	Zoning Districts													
Uses	RC	A	R1	R3	R5	R8	R12	R16	VC	~~HS~~	GC	ORI	LI	GI
Natural Resources Uses														
Agricultural activities	P	P	P	P	P	P	P	P	P	~~P~~	P	P	P	P
Agricultural value added processing	P ***	P ***												
Agritourism enterprise	P	P	P	P	P	P	P	P	P	~~P~~	P	P	P	P
Nursery retail	PS	PS									PS		PS	PS
Nursery wholesale	P	P									P		P	P
Farm winery	P ***	P ***												
Farm winery tasting room		PS ***												
Farm brewery	P ***	P ***												
Farm brewery tasting room		PS ***												
Limited roadside stand	P	P	PS	PS					PS	~~PS~~	PS			
Commercial roadside stand	PS	PS	PS	PS					PS	~~PS~~	PS			
Forestry	P	P	P	P	P	P	P	P		~~P~~	P		P	P
Sawmill	E	E												PS
Mineral extraction														PS
Mineral processing														PS
Spring water harvesting and storage	E													
Intensive swine farm														

	Zoning Districts													
Uses	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	P					
Two-family dwelling		P	P	P	P	P	P	P	P					
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	~~E~~				
Temporary Housing														
Bed and breakfast	PS	PS							PS		PS			
Motel, hotel									PS	~~PS~~	PS	PS	PS	
Temporary mobile home	T	T	T											
Commercial Uses – Retail														
Antique, artisan and craft shops									PS	~~PS~~	PS			
Apparel store									PS		PS			
Appliance sales and service									PS		PS			
Auction house									PS		PS		PS	PS
Food stores									PS		PS			
Boats, sales and service											PS		PS	PS
Book and magazine									PS		PS			
Camera									PS		PS			
Convenience stores									PS	~~PS~~	PS			
Department store or variety store									PS	–	PS			
Farm equipment sales or service ****		E							PS	-	PS		PS	PS
Feed and grain mill		E								-			PS	PS
Retail sales and service										-				

Exhibit 12 –HS Zoning District Text Amendment (ZT-11-13) (new text: **BOLD CAPS**; Deleted text: ~~strikethrough~~)

	Zoning Districts													
Uses	RC	A	R1	R3	R5	R8	R12	R16	VC	~~HS~~	GC	ORI	LI	GI
Commercial Uses – Retail (Cont'd)														
Florist									PS	–	PS			
Furniture repair									PS	–	PS		PS	PS
Shopping center									PS	-	PS			
Gift/souvenir									PS	~~PS~~	PS			
Hardware/garden center									PS	–	PS			
Hobby shop									PS	–	PS			
Horse tack and saddlery shop									PS	–	PS			
Household furnishing									PS	–	PS			
Jewelry									PS	–	PS			
Lumber yard										-	PS		PS	PS
Mobile home sales										-	PS		PS	PS
Music and record shops									PS		PS			
Office equipment									PS		PS			
Paint store									PS		PS			
Pet store									PS		PS			
Pet training/day care/grooming facility									PS		PS			
Pharmacy									PS		PS			
Radio and TV sales and service									PS		PS			
Shoe store									PS		PS			
Sporting goods									PS		PS			
Stone monument sales									PS		PS		PS	PS
Tobacco store									PS		PS			
Toy store									PS		PS			
Liquor store									PS		PS			
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			

Exhibit 12 –HS Zoning District Text Amendment (ZT-11-13) (new text: **BOLD CAPS**; Deleted text: ~~strikethrough~~)

	Zoning Districts													
Uses	RC	A	R1	R3	R5	R8	R12	R16	VC	~~HS~~	GC	ORI	LI	GI
Commercial Business and Personal Services (Cont'd)														
Bus depot										~~PS~~	PS		PS	PS
Carpentry, electrical, plumbing, welding, printing, upholstering									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														
Agricultural products processing	E	E									PS		PS	PS
Bottling plant											PS		PS	PS
Contractors, equipment and material storage yard														PS
Carpet or rug cleaning ****											PS		PS	PS
Contractors office and storage													PS	
Petroleum products storage ****													PS	PS
Laboratory research, experimental or testing											PS	PS	PS	PS
Industrial laundry and dry cleaning ****													PS	PS

Exhibit 12 –HS Zoning District Text Amendment (ZT-11-13) (new text: **BOLD CAPS**; Deleted text: ~~strikethrough~~)

	Zoning Districts													
Uses	RC	A	R1	R3	R5	R8	R12	R16	VC	~~HS~~	GC	ORI	LI	GI
Wholesaling and Processing (Cont'd)														
Self-storage units											PS		PS	PS
Stone monument processing											PS		PS	PS
Wholesaling and/or warehouse											PS		PS	PS
Yard storage														PS
Automobile and Related Services														
Part sales and installation									PS		PS		PS	
Automobile filling and service station ****									PS	~~PS~~	PS		PS	PS
Carwash									PS	~~PS~~	PS		PS	
Automobile repair or service shop ****									E	~~PS~~	PS		E	PS
Sales and service center ****											PS		PS	PS
Salvage yard ****														PS
School bus parking	E	E							E	~~PS~~	PS		PS	PS
Truck stop and filling station service facility ****										~~E~~				PS
Motor freight terminal ****													PS	PS
Animal Care and Service														
Animal hospital or veterinary clinic		E							E		E			
Kennel		E							E		E			
Auction sales – animals		PS									PS		PS	PS
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			

Exhibit 12 –HS Zoning District Text Amendment (ZT-11-13) (new text: **BOLD CAPS**; Deleted text: ~~strikethrough~~)

	Zoning Districts													
Uses	RC	A	RI	R3	R5	R8	R12	R16	VC	~~HS~~	GC	ORI	LI	GI
Commercial Amusements (Cont'd)														
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 facility		PS									PS		PS	PS
Rodeo		E												
Indoor sports recreation facility											PS		PS	
Video lottery facility														
Industrial Uses														
Limited manufacturing and assembly use												PS	PS	PS
General manufacturing														PS
Open Space and Institutional														
Airports, public ****													PS	PS
Cemetery/memorial gardens		PS	PS											
Fairground										~~PS~~	PS		PS	PS
Shooting range/club - trap, skeet, rifle, archery	E	E											PS	PS
Aircraft landing and storage areas, private		E											E	E
Tent campground	E	E												
~~Recreational vehicle campground~~	-	-	-	-	-	-	-	-	-	~~E~~	-	-	-	-
Rustic retreat/camp/outdoor club	E	E												
Institutional														
Child care center/nursery school		E	E	E	E	E	PS	PS	PS		PS		E	
Civic community center		E	PS	PS	PS	PS	PS	PS	PS		PS			
Civic service clubs		E	P				PS	PS	PS		PS			

Exhibit 12 –HS Zoning District Text Amendment (ZT-11-13) (new text: **BOLD CAPS**; Deleted text: ~~strikethrough~~)

	Zoning Districts													
Uses	RC	A	R1	R3	R5	R8	R12	R16	VC	~~HS~~	GC	ORI	LI	GI
Institutional (Cont'd)														
Comprehensive physical rehabilitation facility								PS	PS		PS	PS		
Group homes, small private	P	P	P	P	P	P	P	P	P					
Group home, large		PS	PS	PS	PS	PS	PS	PS	PS					
Hospital								PS	PS		PS			
Assisted living facility			PS	PS	PS	PS	PS	PS	PS		PS			
Nursing home			PS	PS	PS	PS	PS	PS	PS					
Place of worship	E	PS	PS	E	PS	PS	PS	PS	PS		PS		PS	
Private school			PS	PS	PS	PS	PS	PS	PS		T	T	T	
Community fire and rescue service		PS	PS	PS	PS	PS	PS	PS	PS	~~PS~~	PS	PS	PS	PS
Governmental and Nongovernmental Utilities														
Arena or stadium											PS		PS	PS
College or university			PS	PS	PS	PS	PS	PS	PS		PS			
Public school			PS	PS	PS	PS	PS	PS	PS		T	T	T	
Nongovernmental utility	E	E	E	E	E	E	E	E	E	~~PS~~	PS		PS	PS
Solid Waste Operations														
Borrow pit operations		PS											PS	PS
Industrial waste landfill ****		E												E
Rubble landfill		SW												SW
Recycling pickup and distribution centers													PS	PS
RRF (Resource Recovery Facility - Separated Recyclables)		SW											SW	SW
RRF (Resource Recovery Facility - Nonseparated Materials)														SW
Composting :														
Limited wood waste recycling facility		E												E
Unlimited wood waste recycling facility		SW												SW
Sludge amended yard waste		SW											SW	SW
Solid waste composting		SW											SW	SW

Exhibit 12 –HS Zoning District Text Amendment (ZT-11-13) (new text: **BOLD CAPS**; Deleted text: ~~strikethrough~~)

	Zoning Districts													
Uses	RC	A	R1	R3	R5	R8	R12	R16	VC	~~HS~~	GC	ORI	LI	GI
Sludge pit		E												

* Townhouses will be permitted only within MPDU developments; however, in no event shall the number of townhouses exceed 50% of the total number of units within the MPDU project.

** Communication towers not permitted in residential, PUD and residential MXD Districts

*** A zoning certificate is required to be obtained prior to the initiation of the processing operation and/or prior to any building construction related to farm winery, farm brewery, farm winery tasting room, or farm brewery tasting room.

**** These uses are prohibited within wellhead protection areas; outside of WHPA the location and containment of hazardous substance for these uses must meet the requirements of § 1-6-50.

(B) Permitted uses and required development review for limited zoning districts.

(1) Euclidean Institutional Zoning District (Ie). The following uses are permitted within the Euclidean Institutional Zoning District:

(a) College or university, public school, private school, private school in conjunction with a place of worship, or residential treatment center in conjunction with a private school, a continuing care retirement community (CCRC), and agricultural activities as defined in § 1-19-11.100, subject to all other requirements of this chapter. The continued or further application of this zoning district to land uses not meeting these standards is not permitted. Caretaker residence in conjunction with a permitted use is specifically allowed as an accessory use. (See also § 1-19-8.480.)

ARTICLE VI: DISTRICT REGULATIONS
DIVISION 1. DESIGN REQUIREMENTS AND MODIFICATIONS
§ 1-19-6.100. DESIGN REQUIREMENTS FOR SPECIFIC DISTRICTS.

Note 1. Minimum lot areas measured in acres and square feet; minimum lot width, yard areas and height measured in feet.
Note 2. The minimum lot area and yard requirements do not apply to agricultural activity involving no structures.
Note 3. Design requirements for uses permitted by special exception are established in §§ 1-19-8.320 *et seq.*
Note 4. Lot area, width and yard measurements may be modified in accordance with § 1-19-8.620 through § 1-19-8.620.6 (to residential zones - R3, R5, R8, R12, R16, VC).

~~*Highway Service District HS*~~							
~~Use Classification~~	~~Minimum Lot Area~~	~~Minimum Lot Area per Unit~~	~~Lot Width~~	~~Front Yard~~	~~Side Yard~~	~~Rear Yard~~	~~Height~~
~~Natural resources~~	~~5 acres~~	-	~~300~~	~~40~~	~~50~~	~~50~~	~~30'~~
~~Temporary housing~~							
~~Hotel or motel~~	~~20,000~~	~~500~~	~~100~~	~~25~~	~~15~~	~~35~~	~~60'~~
~~Commercial uses~~	~~20,000~~	-	~~100~~	~~25~~	~~8~~	~~35~~	~~60'~~
~~Automobile and related services~~	~~20,000~~	-	~~100~~	~~25~~	~~8~~	~~35~~	~~60'~~
~~Commercial amusements~~	~~20,000~~	-	~~100~~	~~25~~	~~8~~	~~35~~	~~60'~~
~~Open space uses~~	~~No minimum~~	-	-	-	-	-	-
~~Institutional~~	~~20,000~~	-	~~200~~	~~40~~	~~40~~	~~40~~	~~30'~~
~~Governmental and public utilities~~	~~20,000~~	-	~~200~~	~~40~~	~~40~~	~~40~~	~~30'~~

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 sf = sq. feet	Height[2] *f (feet)*		Front	Side	Rear	
[(1) through (9) remain unchanged]								
(10)	Billboard	(360 sf)	(25 f)	~~HS,~~ GC, LI and GI	S	S	S	No more than 1 billboard per lot, tract or parcel. Must be at least 300 ft distant from any R District. May not be closer than 200 ft to an existing dwelling on an adjoining property. May not be located within 100 ft of any street intersection
[(11) through (13) remain unchanged]								

1 Combined total of all signs on a single property shall not exceed maximum size permitted.
2 If not attached to building.
3 ½ 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 VII: SUPPLEMENTARY DISTRICT REGULATIONS
DIVISION 5. COMMERCIAL DISTRICTS
§ 1-19-7.510. GENERAL COMMERCIAL~~, HIGHWAY SERVICE~~.

The following provisions shall be applicable in the General Commercial~~, Highway Service~~ Districts.

(A) *Access requirements.* One combined entrance/exit is permitted for each 200 feet of frontage. Access to corner lots will be at least 100 feet from intersecting street rights-of-way. Entrances to individual lots on a frontage road will be a minimum of 200 feet apart, except when developing on the circumference at the end of a cul-de-sac, then entrances may be less than 200 feet apart; however, combined entrances with adjoining properties shall be provided to limit the number of access points and give the maximum separation possible.

(B) *Vehicle and pedestrian circulation.* A plan for the internal circulation of vehicles and pedestrians will be reviewed and approved by the Planning Department.

(C) *Signs.* Square footage may be increased by 25% if no free-standing or pylon-type signs are used.

(D) Storage of flammable liquids in excess of 60,000 gallons in the general commercial ~~and highway service~~ districts ~~only~~ requires a special exception approval of the Board of Appeals. The placement of storage containers for flammable liquids shall comply with the setback requirements of § 1-19-7.610(J)(4).

(E) *Storage and operations.* Notwithstanding other provisions of this Code, all operations and the storage of equipment, materials, or products in the GC ~~or HS~~ Districts shall be conducted within completely enclosed buildings. Storage may be permitted outdoors only when completely screened by a wall, opaque fence, or planting so that such materials will not be visible from a public way or adjoining property. The most appropriate screening for the use shall be determined at site development plan review.

(F) Refuse and recycling dumpsters shall be located away from public access areas and may be required to be screened. The most appropriate screening shall be determined at site development plan review with materials reflecting neighborhood characteristics as approved by the Planning Commission.

ARTICLE VIII: SPECIFIC USE REGULATIONS
DIVISION 2. ACCESSORY USES
§ 1-19-8.211. GASOLINE STORAGE TANKS WITH A CAPACITY BETWEEN 270 GALLONS AND 1,100 GALLONS AS AN ACCESSORY USE ON FARM LOTS AND IN THE ~~HS,~~ GC, LI AND GI DISTRICTS.

The following provisions shall apply to gasoline storage tanks with a capacity between 270 gallons and 1,100 gallons as an accessory use on farm lots in the ~~HS,~~ GC, LI and GI Districts.

[(A) through (G) remain unchanged]

DIVISION 3. SPECIAL EXCEPTION USES
§ 1-19-8.356. **RESERVED** ~~RECREATIONAL VEHICLE CAMPGROUND IN THE HS DISTRICT.~~

~~The following provisions shall apply to recreational vehicle campground in the HS District.~~

~~(A) Both tent and recreation vehicles can be accommodated within a recreational vehicle campground but the campground will be designed for recreational vehicles.~~

~~(B) Each campground will contain individual site electrical and water outlets, toilet and shower facilities, and sanitary facilities as required by the Frederick County Health Department.~~

~~(C) The campground will have a minimum of 200 feet of road frontage on and access to a public road with a minimum pavement width of 20 feet and designated at least a collector in the County Comprehensive Plan.~~

~~(D) Accessory commercial and recreational services, if exclusively used for residents of the campground are permitted. This may include coin-operated laundry, grocery, swimming pool, or entertainment approved by the Zoning Administrator.~~

~~(E) Maximum density permitted is 15 campsites per acre and a minimum of 3,000 square feet per camp site. A camp site will be at least 50 feet from the property line.~~

~~(F) One freestanding sign, no more than 50 square feet in area and 25 feet in height is permitted per frontage. Building identification signs shall be attached to buildings and may not exceed a total of 10 square feet.~~

~~(G) The only permitted permanent residential occupancy will be for the resident owner or manager.~~

~~(Ord. 77-1-78, § 40-72(A-2), 1-24-1977; Ord. 82-19-283, 9-7-1982; Ord. 08-26-502, 10-14-2008; Ord. 09-21-525, 6-4-2009)~~

§ 1-19-8.357. **RESERVED** ~~TRUCK STOPS IN HS DISTRICT.~~

~~The following standards shall apply to a truck stop in the HS District.~~

~~(A) The minimum lot size shall be 2 acres.~~

~~(B) The minimum lot width shall be 200 feet.~~

~~(C) The setbacks shall be 50 feet on all sides except when bordering commercial or industrial uses and zoning where the regular setbacks from the HS zone would apply.~~

~~(D) At least 15% of the lot area shall be devoted to green area, with the first 15 feet of the lot perimeter being devoted to green area except driveways.~~

~~(E) If the proposed truck stop is adjacent to residential uses or land zoned in residential categories, then screening shall be provided according to the following requirements.~~

~~(1) Screening shall include a fence and a dense planting of trees and shrubs, for the full length of the lot line.~~

~~(2) The plant materials used and any fencing must be not less than 6 feet in height.~~

~~(F) Truck stops shall be located only where arterial roads intersect with freeways/expressways or at interchanges as designated on the County Master Highway Plan.~~
~~(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) Shall comply with § 1-6-50 (Wellhead Protection Ordinance) at site plan approval.~~
~~(Ord. 86-37-414, 8-26-1986; Ord. 07-16-456, 5-15-2007; Ord. 08-26-502, 10-14-2008)~~

DIVISION 4. PERMITTED USES
§ 1-19-8.420. COMMUNICATION TOWERS.
§ 1-19-8.420.2. CRITERIA.

The following design criteria shall apply to all communication towers in the ~~HS,~~ GC, ORI, LI, GI, MM and non-residential MXD and PDE zoning districts as well as special exceptions in the RC and A Districts.

[(A) through (C) remain unchanged]

(D) The tower height may exceed the maximum height permitted within the ~~HS~~, GC, ORI, LI and GI Districts, and provided the required setbacks are met after a determination by the approving body that its visual profile and appearance would make no substantial change in the character of the area.

[(E) through (R) remain unchanged]

ARTICLE X: OPTIONAL METHODS OF DEVELOPMENT
DIVISION 4. MINERAL MINING DISTRICT (MM)
§ 1-19-10.400 MINERAL MINING (MM).
§ 1-19-10.400.2. GENERAL PROVISIONS.

[(A) through (C) remain unchanged]

(D) *Development standards.*

(1) *On site.*

(a) Minimum lot size shall be 25 acres.

(b) Required setbacks:

Adjacent Zoning:		
Type of Operation	RC, R, ORI, GC, ~~HS, *RS~~	Adjacent Zoning: A, GI, LI
Crushing or rock processing of stone, gravel or other material	300 ft.	150 ft.
Stockpile of materials	300 ft.	150 ft.
Building used for mineral mining operation	300 ft.	50 ft.

~~*RS is a land use designation on the County Comprehensive Plan and for the purpose of these standards is intended to be treated as land zoned residential.~~

[(E) remains unchanged]

HOME OCCUPATION. Any occupation or business use conducted entirely within a dwelling or an accessory structure, or both, by a resident of the property, and which is clearly an incidental residential use of the building, excluding antique shops in the VC~~, HS,~~ and GC; bed and breakfast; commercial repair or storage of automobiles, watercraft, or other motor vehicles; commercial stables, kennels, and nurseries; mortuary establishments; professional offices; restaurants or tea rooms.