**THE EFFECTIVE DATE OF THIS ORDINANCE IS JANUARY 29, 2010**

**ORDINANCE NO.** 10-01-536

**RE: To Amend Certain Sections Of The Frederick County Code (Zoning Ordinance) To Update Those Sections Which Address Requirements For Parking, Landscaping And Lighting**

The Board of County Commissioners ("Board") is engaged in an on-going update of Chapter 1-19 of the Frederick County Code (Zoning Ordinance). This process involves a series of updates to various portions of the Zoning Ordinance.

One aspect of this process is to formalize long standing policy of the Frederick County Division of Permitting and Development Review.

This Ordinance encompasses an update of those sections of the Zoning Ordinance which address requirements for parking, landscaping and lighting.

The Board finds that it is appropriate and in the best interests of the health, safety and welfare of the citizens of Frederick County to amend the Zoning Ordinance to edit and update the provisions of the Zoning Ordinance relating to parking, landscaping and lighting as shown on the attached Exhibit 1.

The Frederick County Planning Commission held a duly advertised public hearing on December 16, 2009 and recommended approval of the proposed text amendment.

The Board of County Commissioners held a duly advertised public hearing on January 19, 2010. The public had an opportunity to comment at this public hearing.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that the Zoning Ordinance be amended as shown on the attached Exhibit 1.

AND BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect on January 29, 2010.

The undersigned hereby certifies that this Ordinance was approved and adopted on the 19th day of January, 2010.

ATTEST:

Ronald A. Hart
County Manager

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND

Jan H. Gardner
President

MJC 1/20/10

# Exhibit 1

ARTICLE VI: DISTRICT REGULATIONS

DIVISION 2. PARKING AND LOADING

§ 1-19-6.200. GENERALLY.

[(A) through (D) remain unchanged]

(E) PARKING REQUIREMENTS MAY BE SATISFIED THROUGH PROVISION OF SURFACE PARKING AREAS, PARKING STRUCTURES, OR A COMBINATION THEREOF.

(F) PARKING AREAS SHALL BE MAINTAINED SO AS TO PREVENT THE ACCUMULATION OF LITTER AND DEBRIS.

§ 1-19-6.210. LOADING SPACE REQUIREMENTS AND DIMENSIONS.

(A) *Dimensions, clearances and signage.* There shall be 2 sizes of off-street loading spaces designated: "small" and "large". Large loading spaces are designed to accommodate uses that require high- volume delivery of goods in a tractor-trailer. Each loading space shall be exclusive of driveways, aisles and other circulation areas. All loading spaces shall have signs and markings indicating that the space is reserved for loading or unloading.

[(1) through (2) remain unchanged]

(B) *Requirements.* Off-street loading space(s) will be provided and maintained on the same lot as the principal use(s) for delivery of goods in accordance with the table below:

| Use Classification | Total Building Net Floor Area (in square feet) | Minimum Loading Spaces Required |
|---|---|---|
| ~~Churches~~ PLACE OF WORSHIP, banks, ~~daycare~~CHILDCARE CENTER/NURSERY SCHOOL, private schools, recreation & community buildings, multiple-user retail, all office, and miscellaneous commercial uses not listed herein | 0 - 1,000 sq.ft. | If approved by staff, no separate loading space is required. However, a temporary loading zone may be required to be delineated on the site plan and which may be located within a parking area. |
| | Over 1,000 - 5,000 sq.ft. | 1 small (see requirements of § 1-19-6.210(C)) |
| | Over 5,000 sq.ft. | 1 large or 2 small (see requirements of §1-19-6.210(C)) + 1 additional large for each additional 15,000 sq.ft. or part thereof over 20,000 sq.ft. |

| Use Classification | Total Building Net Floor Area (in square feet) | Minimum Loading Spaces Required |
|---|---|---|
| Single-user retail, all industrial and all wholesale | 0 - 5,000 sq.ft. | 1 large |
| | Over 5,000 sq.ft. | 1 large + 1 additional large for each additional 10,000 sq.ft. or part thereof over 5,000 sq.ft. |

[(C) remains unchanged]

(D) *Modification.* An applicant may request that the Planning Commission approve a modification to the requirements of § 1-19-6.200(B), § 1-19-6.210(A) or THAT THE ZONING ADMINISTRATOR OR PLANNING COMMISSION AUTHORIZED REPRESENTATIVE APPROVE A MODIFICATION TO THE REQUIREMENTS OF § 1-19-6.210(B) of this section. The applicant's request shall include written justification describing why fewer or smaller loading spaces are adequate for the proposed use. ~~The Planning Commission may grant the applicant's request if it finds sufficient cause for the modification.~~

(E) *REFUSE AND RECYCLING.* EXTERIOR REFUSE AND RECYCLING DUMPSTERS SHALL BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF THE DIVISION OF UTILITIES AND SOLID WASTE MANAGEMENT.

§ 1-19-6.220. PARKING SPACE REQUIREMENTS AND DIMENSIONS.

(A) GENERALLY

(1) For the purpose of this chapter, the ~~following~~ parking space requirements IN THE FOLLOWING TABLE will apply. PARKING SHALL BE LIMITED TO THE NUMBER OF SPACES REQUIRED BASED ON AN EVALUATION OF EACH PROPOSED USE, HOURS OF OPERATION, AND JOINT OR SHARED PARKING AGREEMENTS. AN INCREASE OR REDUCTION IN THE NUMBER OF REQUIRED PARKING SPACES MAY BE GRANTED BY THE PLANNING COMMISSION WHERE THE APPLICANT OR PLANNING COMMISSION AUTHORIZED REPRESENTATIVE CAN DEMONSTRATE NEED BASED ON CHARACTERISTICS OF THE PROPOSED USE, HOURLY PARKING DEMAND STUDIES PUBLISHED BY THE INSTITUTE OF TRANSPORTATION ENGINEERS (ITE), OR OTHER DOCUMENTATION AS APPROVED BY THE PLANNING COMMISSION.

(2) WHEN AN INCREASE IN THE NUMBER OF REQUIRED PARKING SPACES IS GRANTED OR FOR THE PURPOSES OF OVERFLOW PARKING, THE PLANNING COMMISSION MAY REQUIRE THE SPACES TO BE CONSTRUCTED OF PERVIOUS MATERIALS.

(3) WHEN A REDUCTION IN THE NUMBER OF REQUIRED PARKING SPACES IS GRANTED, THE PLANNING COMMISSION WILL DETERMINE THE EXTENT THAT AN ACCESSIBLE GRADED AND SEEDED AREA SHALL BE RESERVED FOR FUTURE PARKING.

(4) For uses not listed in the following table, parking requirements shall be determined by the planning commission or their authorized representatives. The requirements shall be based upon similarity to an existing use listed within the table below, characteristics of the proposed use, or hourly parking demand studies published by the Institute of Transportation Engineers (ITE).

| *TYPE OF USE* | *PARKING SPACES REQUIRED* |
|---|---|
| *RESIDENTIAL* | |
| SINGLE FAMILY, MOBILE HOME, DUPLEX OR TWO FAMILY DWELLING | 2 FOR EACH DWELLING UNIT |
| MULTI-FAMILY DWELLING, TOWNHOUSE, MULTI-FAMILY GROUP DEVELOPMENT | 1 SPACE PER UNIT, PLUS ONE-HALF SPACE FOR EACH BEDROOM IN THE DWELLING UNIT |
| *TEMPORARY HOUSING* | |
| BED AND BREAKFAST | 2 SPACES PER THE PRIMARY DWELLING, PLUS 1 SPACE FOR EACH GUESTROOM (SEE §1-19-8.410) |
| HOTEL, MOTEL | 1 PER EACH SLEEPING ROOM, PLUS 1 FOR EACH 2 EMPLOYEES |
| *COMMERCIAL USES - RETAIL* | |
| RETAIL STORE | 1 FOR EACH 250 SQUARE FEET OF FLOOR AREA EXCLUDING PREPARATION AND/OR STORAGE AREAS |

| *TYPE OF USE* | *PARKING SPACES REQUIRED* |
|---|---|
| FARM EQUIPMENT SALES OR SERVICE | 2 SPACES PER SERVICE BAY, PLUS 1.5 SPACES PER EACH EMPLOYEE |
| FEED AND GRAIN MILL | 1 SPACE PER EACH 300 SQUARE FEET OF SALES FLOOR AREA, PLUS 1 SPACE PER EMPLOYEE |
| SHOPPING CENTER LESS THAN 100,000 SQUARE FEET | 5 SPACES FOR EACH 1,000 SQUARE FEET OF GROSS LEASABLE AREA |
| SHOPPING CENTER 100,000 SQUARE FEET OR GREATER | 4.5 SPACES FOR EACH 1,000 SQUARE FEET OF GROSS LEASABLE AREA |
| ALL OTHER TYPES OF BUSINESS OR COMMERCIAL USES PERMITTED IN ANY COMMERCIAL DISTRICT | 1 FOR EACH 300 SQUARE FEET OF FLOOR AREA |
| *COMMERCIAL BUSINESS AND PERSONAL SERVICES* | |
| BANK, FINANCIAL INSTITUTION, AND SIMILAR USES | 1 FOR EACH 150 SQUARE FEET OF FLOOR AREA EXCLUDING STORAGE AREA |
| COMMERCIAL, BUSINESS, TECHNICAL OR TRADE SCHOOL | 1 FOR EACH 3 STUDENTS |
| FUNERAL HOME AND SIMILAR TYPE USES | 1 FOR EACH 150 SQUARE FEET OF FLOOR AREA DEVOTED TO VIEWING |

| *TYPE OF USE* | *PARKING SPACES REQUIRED* |
|---|---|
| MEDICAL AND DENTAL CLINIC AND OFFICE | 1 FOR EVERY 200 SQUARE FEET OF FLOOR AREA OF EXAMINATION, TREATING ROOM OFFICE AND WAITING ROOM |
| OFFICE, PUBLIC OR PROFESSIONAL ADMINISTRATION, OR SERVICE BUILDING | 1 FOR EACH 300 SQUARE FEET OF FLOOR AREA |
| RESTAURANT, DINING ROOM, TAVERN, NIGHT CLUB | 1 SPACE PER EACH 50 SQUARE FEET OF FLOOR AREA DEVOTED TO CUSTOMER SERVICE, BUT EXCLUDING FOOD PREPARATION AND STORAGE |
| FAST FOOD RESTAURANT | 1 SPACE PER EACH 75 SQUARE FEET OF FLOOR AREA DEVOTED TO CUSTOMER SERVICE, BUT EXCLUDING FOOD PREPARATION AND STORAGE |
| COUNTRY INN | 1 SPACE PER EACH GUEST ROOM, PLUS 1 SPACE PER EMPLOYEE AND 1 SPACE PER 50 SQUARE FEET OF DINING ROOM |
| ALL OTHER TYPES OF BUSINESS OR COMMERCIAL USES PERMITTED IN ANY COMMERCIAL DISTRICT | 1 FOR EACH 300 SQUARE FEET OF FLOOR AREA |
| *AUTOMOBILE AND RELATED SERVICES* | |
| AUTOMOBILE SALES AND SERVICE GARAGE | 2 SPACES PER SERVICE BAY, PLUS 1.5 SPACE PER EACH EMPLOYEE |

| *TYPE OF USE* | *PARKING SPACES REQUIRED* |
|---|---|
| *ANIMAL CARE AND SERVICE* | |
| ANIMAL HOSPITAL, VETERINARY CLINIC, KENNEL | 1 SPACE PER 400 SQUARE FEET OF FLOOR AREA EXCLUDING KENNELS, PLUS 1 SPACE PER EXAMINATION ROOM, PLUS 1 SPACE PER EMPLOYEE |
| *COMMERCIAL AMUSEMENTS* | |
| BOWLING ALLEY | 3 FOR EACH ALLEY OR LANE, PLUS 1 ADDITIONAL SPACE FOR EACH 100 SQUARE FEET OF THE AREA USED FOR RESTAURANT, COCKTAIL LOUNGE OR SIMILAR USE, BUT EXCLUDING FOOD PREPARATION AREA AND STORAGE |
| HEALTH CLUB, FITNESS CENTER, VOCATIONAL/ SPORTS TRAINING FACILITY, COMMERCIAL SWIMMING POOL | 1 FOR EACH 5 PERSONS CAPACITY, PLUS 1 FOR EACH 4 SEATS OR 1 FOR EACH 30 SQUARE FEET FLOOR AREA USED FOR SEATING PURPOSES, WHICHEVER IS GREATER |
| GOLF COURSE | 4 SPACES PER EACH HOLE, PLUS 1 SPACE PER EACH 50 SQUARE FEET OF FLOOR AREA DEVOTED TO CUSTOMER SERVICE, PLUS 1 SPACE PER 2 EMPLOYEES |
| SKATING RINK | 1 FOR EACH 200 SQUARE FEET OF FLOOR AREA USED FOR THE ACTIVITY |

| *TYPE OF USE* | *PARKING SPACES REQUIRED* |
|---|---|
| THEATER, OUTDOOR OR INDOOR STAGE, AND SIMILAR USES | 1 FOR EACH 4 SEATS |
| LIBRARY, MUSEUM AND GALLERY | 1 FOR EACH 400 SQUARE FEET OF FLOOR AREA |
| OUTDOOR RECREATION CENTER | 1 SPACE PER DRIVING RANGE TEE, PLUS 1 SPACE PER HOLE OF MINIATURE GOLF; PLUS 2 SPACES PER HOLE OF CHIP AND PUTT; PLUS 1 SPACE PER EMPLOYEE |
| *INDUSTRIAL USES AND SOLID WASTE OPERATIONS* | |
| ALL INDUSTRIAL USE AND SOLID WASTE OPERATION | 1 FOR EVERY 2 EMPLOYEES (ON THE LARGEST SHIFT FOR WHICH THE BUILDING IS DESIGNED) PLUS 1 FOR EACH MOTOR VEHICLE USED IN THE BUSINESS. |
| WAREHOUSE | 1 SPACE FOR EACH 1000 SQUARE FEET OF FLOOR AREA |
| *OPEN SPACE AND INSTITUTIONAL* | |
| SHOOTING RANGE | 1 SPACE PER FIRING POSITION, PLUS 1 SPACE PER 2 EMPLOYEES |
| RECREATIONAL VEHICLE CAMPGROUND, TENT CAMPGROUND | 1 SPACE PER CAMPSITE |

| *TYPE OF USE* | *PARKING SPACES REQUIRED* |
|---|---|
| *INSTITUTIONAL* | |
| CHILD CARE CENTER/ NURSERY SCHOOL AND SIMILAR USES | 1.5 FOR EACH EMPLOYEE PLUS 1 FOR EVERY 10 CHILDREN APPROVED FOR CARE |
| PLACE OF WORSHIP AND OTHER PLACES OF RELIGIOUS ASSEMBLY, CIVIC COMMUNITY CENTER, AND CIVIC SERVICE CLUB | 1 FOR EACH 5 SEATS |
| GROUP HOME, AND SIMILAR USES | 1 FOR EACH 4 BEDS |
| HOUSING FOR THE ELDERLY, ASSISTED LIVING | 1 FOR EACH 3 UNITS |
| HOSPITAL | 1 FOR EACH BED, PLUS 1 SPACE PER EACH 3 EMPLOYEES |
| *GOVERNMENTAL AND NONGOVERNMENTAL UTILITIES* | |
| ARENA OR STADIUM | 1 FOR EACH 4 SEATS |
| COLLEGE OR UNIVERSITY | 1 FOR EACH 4 STUDENTS |
| ELEMENTARY AND JUNIOR HIGH SCHOOL | 2 FOR EACH CLASSROOM AND 1 FOR EVERY 8 SEATS IN AUDITORIUMS OR ASSEMBLY HALLS |
| HIGH SCHOOL | 1 FOR EVERY 10 STUDENTS AND 1 FOR EACH TEACHER AND EMPLOYEE |

| ~~*Type of Use*~~ | ~~*Parking Spaces Required*~~ |
|---|---|
| ~~*Residential*~~ | |
| ~~Single family, duplex or two family dwelling~~ | ~~2 for each dwelling unit~~ |
| ~~Multi-family dwellings, townhouses~~ | ~~1 space per unit, plus one-half space for each bedroom in the dwelling unit~~ |
| ~~Bed and breakfast~~ | ~~2 spaces per the primary dwelling, plus 1 space for each guestroom (see §1-19-8.410)~~ |
| ~~Housing for the elderly~~ | ~~1 for each 3 units; however, additional area must be reserved for future parking sufficient to meet the standards above, depending on housing type~~ |
| ~~*Commercial*~~ | |
| ~~Automobile sales and service garages; farm equipment sales or service~~ | ~~1 space per each 300 square feet of floor area~~ |
| ~~Feed and grain mill~~ | ~~1 space per each 300 square feet of sales floor area, plus 1 space per employee~~ |
| ~~Country inn~~ | ~~1 space per each guest room, plus 1 space per employee and 1 space per 50 square feet of dining room~~ |
| ~~Hotels, motels~~ | ~~1 per each sleeping room, plus 1 for each 2 employees~~ |
| ~~Funeral parlors, mortuaries and similar type uses~~ | ~~1 for each 150 square feet of floor area devoted to viewing~~ |
| ~~Retail stores~~ | ~~1 for each 150 square feet of floor area excluding preparation and/or storage areas~~ |
| ~~Banks, financial institutional and similar uses~~ | ~~1 for each 150 square feet of floor area excluding storage area~~ |
| ~~Offices, public or professional administration, or service buildings~~ | ~~1 for each 400 square feet of floor area~~ |
| ~~All other types of business or commercial uses permitted in any commercial district~~ | ~~1 for each 300 square feet of floor area~~ |
| ~~Shopping centers~~ | ~~5.5 spaces for each 1,000 square feet of gross leasable area~~ |
| ~~*Recreational or Entertainment*~~ | |
| ~~Dining rooms, fast food shops, restaurants, taverns, night clubs, etc.~~ | ~~1 space per each 50 square feet of floor area devoted to customer service, but excluding food preparation and storage~~ |

| | |
|---|---|
| ~~Bowling alleys~~ | ~~4 for each alley or lane, plus 1 additional space for each 100 square feet of the area used for restaurant, cocktail lounge or similar use~~ |
| ~~Skating rinks~~ | ~~1 for each 100 square feet of floor area used for the activity~~ |
| ~~***Type of Use***~~ | ~~***Parking Spaces Required***~~ |
| ~~***Recreational or Entertainment (Cont'd)***~~ | |
| ~~Outdoor swimming pools, public, community, or club, health club, fitness center, vocational/ sports training facility, rustic retreat/camp, outdoor club~~ | ~~1 for each 5 persons capacity, plus 1 for each 4 seats or 1 for each 30 square feet floor area used for seating purposes, whichever is greater~~ |
| ~~Outdoor recreation center~~ | ~~1 space per driving range tee, plus 1 space per hole of miniature golf; plus 2 spaces per hole of chip and putt; plus one space per employee~~ |
| ~~Golf course~~ | ~~4 spaces per each hole, plus 1 space per each 50 square feet of floor area devoted to customer service, plus one space per 2 employees~~ |
| ~~Recreational vehicle campground, tent campground~~ | ~~1 space per campsite~~ |
| ~~Shooting range~~ | ~~1 space per firing position, plus 1 space per 2 employees~~ |
| ~~Auditoriums, sport arenas, theaters, and similar uses~~ | ~~1 for each 4 seats~~ |
| ~~***Institutional***~~ | |
| ~~Place of worship, other places of religious assembly, civic community center, and civic service club~~ | ~~1 for each 5 seats~~ |
| ~~Hospitals~~ | ~~1 for each bed~~ |
| ~~Medical and dental clinics and offices~~ | ~~1 for every 100 square feet of floor area of examination, treating room office and waiting room~~ |
| ~~Sanitariums, homes for the aged, nursing homes, children homes, asylums, and similar uses~~ | ~~1 for each 2 beds~~ |
| ~~Libraries, museums and art galleries~~ | ~~1 for each 400 square feet of floor area~~ |
| ~~***Schools (Public, Parochial, or Private)***~~ | |
| ~~Elementary and junior high schools~~ | ~~2 for each classroom and 1 for every 8 seats in~~ |

| | |
|---|---|
| | ~~auditoriums or assembly halls~~ |
| ~~High schools~~ | ~~1 for every 10 students and 1 for each teacher and employee~~ |
| ~~Business, technical and trade schools~~ | ~~1 for each 2 students~~ |
| ~~Colleges, universities~~ | ~~1 for each 4 students~~ |
| ~~Kindergartens, nursery schools and similar uses~~ | ~~2 for each classroom, but not less than 6 for the building~~ |
| ~~Child care centers~~ | ~~1 for every staff person and 1 space for every 10 licensed slots~~ |
| ~~***Animal Care and Service***~~ | |
| ~~Animal hospital, veterinary clinic, kennel~~ | ~~1 space per 400 square feet of floor area excluding kennels, plus 1 space per examination room, plus 1 space per employee~~ |
| ~~***Industrial***~~ | |
| ~~All industrial uses and solid waste operations~~ | ~~1 for every 2 employees (on the largest shift for which the building is designed) plus 1 for each motor vehicle used in the business.~~ |

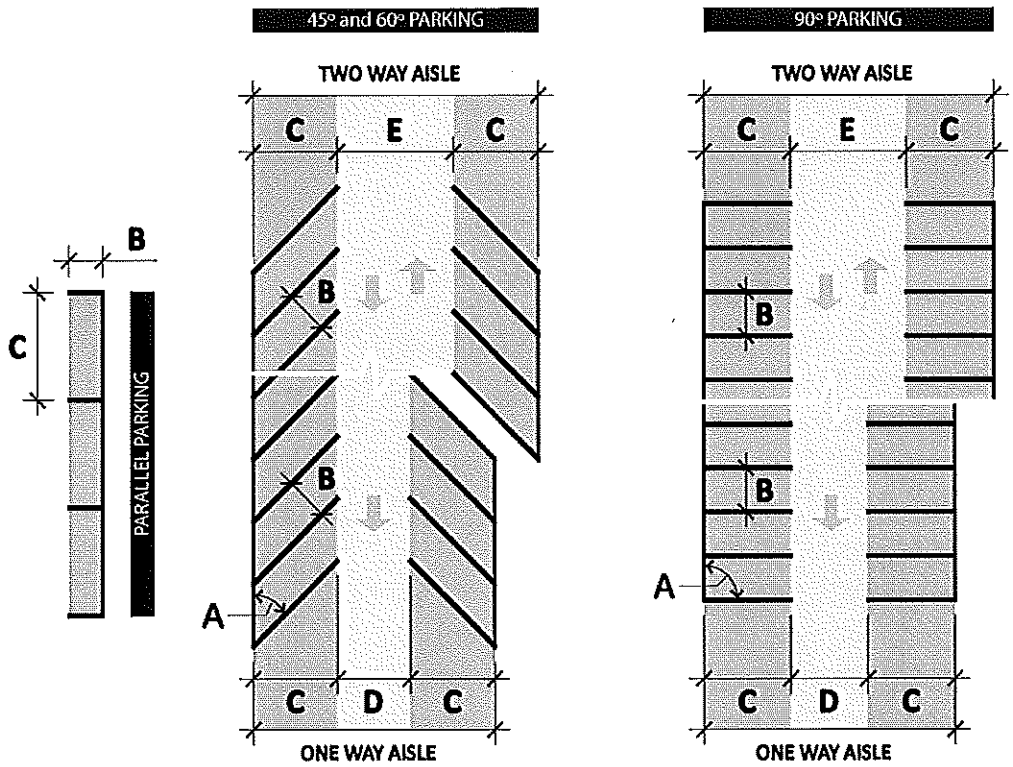
(B) PARKING AREA DIMENSIONS

PARKING AREAS SHALL CONFORM TO THE FOLLOWING DIMENSION REQUIREMENTS:

(1) PARKING SPACE AND AISLE DIMENSIONS

| A<br>PARKING<br>ANGLE | B<br>STALL WIDTH | C<br>STALL DEPTH | D<br>AISLE<br>WIDTH<br>ONE-WAY | E<br>AISLE<br>WIDTH<br>TWO-WAY |
|---|---|---|---|---|
| 90° | 9' | 18' | 22' | 24' |
| 60° | 9' | 19' | *18' | 22' |
| 45° | 9' | 17' | *15' | 22' |
| PARALLEL | 8' | 22' | N/A | N/A |

*EXCEPT WHERE AN INCREASE IS REQUIRED BASED ON LOCAL FIRE CODE ACCESS REQUIREMENTS




(2) AN INCREASE IN STALL AND AISLE WIDTH DIMENSIONS MAY BE GRANTED WHEN RECOMMENDED BY THE DIVISION OF PERMITTING AND DEVELOPMENT REVIEW TRAFFIC ENGINEER AND APPROVED BY THE PLANNING COMMISSION OR THEIR AUTHORIZED REPRESENTATIVE (AS PROVIDED IN SECTION 1-19-3.300 THROUGH 1-19-3.300.4), FOR THE FOLLOWING:

(a) SAFETY OR SITE CIRCULATION NEEDS WHICH SHALL BE BASED ON AN EVALUATION OF LAND USE TURNOVER RATES (ITE TRAFFIC ENGINEERING HANDBOOK, 6TH EDITION AS AMENDED), CIRCULATION EFFICIENCY, AND PARKING AVAILABILITY

(3) A DECREASE IN STALL AND AISLE WIDTH DIMENSIONS MAY BE GRANTED WHEN RECOMMENDED BY THE DIVISION OF PERMITTING AND DEVELOPMENT REVIEW TRAFFIC ENGINEER AND APPROVED BY THE PLANNING COMMISSION OR THEIR AUTHORIZED REPRESENTATIVE (AS PROVIDED IN SECTION 1-19-3.300 THROUGH 1-19-3.300.4), WHERE NARROWER DIMENSIONS CAN BE REASONABLY ACCOMMODATED WITH NO ADVERSE IMPACT ON SAFETY OR SITE CIRCULATION EFFICIENCY FOR THE FOLLOWING:

(a) COMPACT DEVELOPMENT PATTERNS BASED ON LAND USE CHARACTERISTICS AND TYPICAL VEHICLE SIZE

(b) SINGLE-LOADED AND NO-LOADED PARKING AISLES

(c) HISTORIC RETROFIT, ADAPTIVE REUSE, AND REDEVELOPMENT PROJECTS

(C) PARKING AREA CONSTRUCTION

REQUIRED PARKING AREAS SHALL BE CONSTRUCTED OF A MATERIAL WITH SPACES CLEARLY DELINEATED IN A MANNER APPROVED BY THE PLANNING COMMISSION.

(D) COMPACT PARKING SPACES

THE PLANNING COMMISSION MAY REQUIRE UP TO 15% OF THE REQUIRED PARKING SPACES TO BE CONSTRUCTED FOR COMPACT 90° VEHICLE PARKING. COMPACT PARKING SPACES SHALL BE SIGNED OR PAINTED WITH THE WORDS "COMPACT". COMPACT PARKING SPACE DIMENSIONS SHALL BE 8' IN WIDTH AND 16' IN LENGTH. TO PROVIDE FOR COMPACT VEHICLE PARKING WHICH FUNCTIONS MOST EFFICIENTLY WHERE APPLIED, THE CALCULATION OF REQUIRED COMPACT PARKING SPACES SHALL BE BASED ON AN EVALUATION OF PARKING AREA DESIGN, PROPOSED USE, AND EXPECTED VEHICLE PARKING TURNOVER RATES AS PROVIDED BY THE APPLICANT.

(E) HANDICAPPED ACCESSIBILITY

ALL PARKING AREAS SHALL INCLUDE HANDICAPPED ACCESSIBLE SPACES IN CONFORMANCE WITH THE MARYLAND ACCESSIBILITY CODE.

(F) ADJACENT PARKING AREAS

WHERE A PROPOSED PARKING AREA IS ADJACENT TO A DEVELOPED OR UNDEVELOPED SITE WITHIN THE SAME OR SIMILAR ZONING DISTRICT, THE PROPOSED PARKING AREA MUST BE DESIGNED TO CONNECT TO THE EXISTING OR FUTURE ADJACENT PARKING AREA. THIS REQUIREMENT MAY BE WAIVED BY THE PLANNING COMMISSION WHERE IT IS DEEMED TO BE IMPRACTICAL.

(G) PEDESTRIAN ACCESS

CLEARLY DELINEATED PEDESTRIAN CROSSWALKS, SIDEWALKS, AND WALKWAYS SHALL BE PROVIDED TO ALLOW SAFE, CONVENIENT, AND DIRECT ACCESS WITHIN THE PARKING AREA, AND FROM THE PARKING AREA TO BUILDING ENTRANCES.

(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] | Multifamily dwelling, multifamily group development, or townhouse w/o garage (8 or more units) | Locked room or lockers with space for 4 bikes for each 10 units | 1 rack for each 10 units, minimum 2. Not required if Class A parking is provided |
| | Motel, hotel | None | 1 rack for each 20 auto spaces, minimum 1, maximum 10 |
| Commercial (5,000 Square Feet GFA or Greater) | All | None | 1 rack for each 20 auto spaces, minimum 1, maximum 10 |
| Office / Research / Industrial (5,000 Square Feet GFA or Greater) | Planned Industrial / Commercial Development, Office Research or Industrial parks planned as a unit, and MXD zoning district | None | 1 rack per 40,000 SF of GFA, minimum 1, maximum 10. |
| Open Space and Institutional / Government / Commercial Amusements | Commercial amusements / fairground / arena or stadium / civic community center | None | 1 rack for each 20 auto spaces, minimum 1, maximum 20 |
| | Transit centers / rail stations | None | minimum 10 |
| | Park and ride | None | 1 rack for each 50 auto spaces, minimum 2 |
| | School - K-8 | None | 1 rack for each classroom |
| | School 9-12 | None | 1 rack for each 2 classrooms |
| | College | Per campus plan as approved by Planning Commission | |
| | Hospital | None | 1 rack for each 50,000 SF of GFA, minimum 1 |
| | Place of worship | None | 1 rack for each 20,000 SF of GFA, minimum 1 |
| | Child care center | None | 1 rack for each 20,000 SF of GFA, minimum 1 |

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)

(2) A REDUCTION IN REQUIRED BICYCLE PARKING MAY BE GRANTED BY THE PLANNING COMMISSION WHERE THE APPLICANT CAN DEMONSTRATE NEED BASED ON NEIGHBORHOOD CHARACTERISTICS, CHARACTERISTICS OF THE PROPOSED USE, OR OTHER DOCUMENTATION AS APPROVED BY THE PLANNING COMMISSION.

(3) THE DESIGN OF BICYCLE PARKING SHALL CONFORM TO THE FREDERICK COUNTY BICYCLE PARKING DESIGN GUIDE.

EDITOR'S NOTE: SUBSECTION (H) BICYCLE PARKING SHALL APPLY TO APPLICATIONS FOR DEVELOPMENT RECEIVING FINAL SITE DEVELOPMENT PLAN APPROVAL AFTER JANUARY 29, 2010.

§1-19-6.320. SIGNS PERMITTED AND REGULATED IN THE ZONING DISTRICT.

| 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 | |
| (5) | Home occupation | (2 sf) | RC and A Districts (6 f) | In district where use is permitted | 30' | 10[4] | 10' | One sign only. Signs in R ~~D~~ DistrictS must be attached to principal or accessory structure. |

DIVISION 4. LANDSCAPING AND SCREENING

§1-19-6.400 LANDSCAPING AND SCREENING.

~~(A)~~ In accordance with the site plan review process provided in section 1-19-3.300 through 1-19-3.300.4 or as otherwise provided within this chapter the Planning Commission may require LANDSCAPING, screening, AND BUFFERING along the property line and around and within the parking areas. LANDSCAPING, SCREENING, AND BUFFERING SHALL BE PROVIDED IN CONFORMANCE WITH THE FOLLOWING ~~M~~minimum standards ~~are~~:

(A) STREET TREES

STREET TREES SHALL BE PROVIDED ALONG THE PROPERTY LINE ADJACENT TO THE PAVED SURFACE OF AN EXISTING OR PROPOSED PUBLIC RIGHT OF WAY ~~planting strips will be~~ IN A PLANTING AREA no less than ~~5~~ 7 feet wide, AND planted with shrubs or trees~~,~~ IN ACCORDANCE WITH THE FOLLOWING MINIMUM STANDARDS:

(1) ONE TREE AT LEAST 6 FEET IN HEIGHT AT THE TIME OF PLANTING SHALL BE PROVIDED PER 35 FEET OF ROADWAY FRONTAGE.

(2) AN ALTERNATE ON-SITE LOCATION FOR TREES MAY BE APPROVED BY THE PLANNING COMMISSION OR PLANNING COMMISSION AUTHORIZED REPRESENTATIVE WHEN A SPECIFIC FINDING IS MADE THAT THE ALTERNATE LOCATION IS REQUIRED DUE TO:

(a) PHYSICAL SITE CONSTRAINTS; OR

(b) THE IRREGULAR AND NON-LINEAR NATURE OF LANDSCAPING IN THE GI ZONING DISTRICT OR, THE RC, A, R1, OR VC ZONING DISTRICTS OUTSIDE OF COMMUNITY GROWTH AREAS; OR

(c) APPROVAL OF AN ALTERNATE PLANTING DESIGN BY THE PLANNING COMMISSION

(B) LAND USE BUFFERING AND SCREENING

TO ACHIEVE BUFFERING AND SCREENING BETWEEN LAND USES THE FOLLOWING SHALL BE PROVIDED ALONG COMMON PROPERTY LINES:

(1) WHERE INDUSTRIAL, MINERAL MINING, OR SOLID WASTE USES ARE LOCATED ADJACENT TO RESIDENTIAL ZONING DISTRICTS: A MIXTURE OF PLANTINGS INCLUDING PREDOMINANTLY EVERGREEN SHRUBS OR TREES SPACED AT INTERVALS WHICH ARE EXPECTED TO ACHIEVE A MIXTURE OF HEIGHT AT MATURITY BETWEEN 6 FEET AND 15 FEET AND TO PROVIDE COMPLETE BUFFERING AND SCREENING FROM THE RESIDENTIAL ZONING DISTRICT, AS DETERMINED BY THE PLANNING COMMISSION.

(2) WHERE COMMERCIAL OR INSTITUTIONAL USES ARE LOCATED ADJACENT TO RESIDENTIAL ZONING DISTRICTS: A MIXTURE OF PLANTINGS INCLUDING PREDOMINANTLY EVERGREEN SHRUBS OR TREES SPACED AT INTERVALS WHICH ARE EXPECTED TO ACHIEVE A MIXTURE OF HEIGHT AT MATURITY BETWEEN 6 FEET AND 15 FEET AND TO PROVIDE EFFECTIVE BUFFERING, AS DETERMINED BY THE PLANNING COMMISSION.

(3) ALL OTHER USES: BUFFERING AND SCREENING FOR ALL OTHER LAND USES SHALL BE DETERMINED BY THE PLANNING COMMISSION.

(C) PARKING AREA BUFFERING AND SCREENING

PARKING AREAS SHALL BE SCREENED FROM ROADWAYS IN ACCORDANCE WITH THE FOLLOWING MINIMUM STANDARDS:

(1) WHERE PARKING AREAS ARE ADJACENT TO RESIDENTIAL USES OR ZONING DISTRICTS, OR ROADWAYS WITH AT LEAST A COLLECTOR STATUS AS DESIGNATED ON THE COUNTY COMPREHENSIVE PLAN: PLANTINGS OF ~~which are of a type~~ PREDOMINANTLY EVERGREEN SHRUBS OR TREES ~~and~~ spaced at intervals which may be expected to form ~~a year-round dense screen~~ EFFECTIVE BUFFERING AND SCREENING at least ~~6 feet~~ 30 INCHES high AT THE TIME OF PLANTING. ~~within 3 years.~~

(2) ALL OTHER PARKING AREAS: PLANTINGS OF PREDOMINANTLY EVERGREEN SHRUBS OR TREES SPACED AT INTERVALS WHICH MAY BE EXPECTED TO FORM EFFECTIVE BUFFERING AT LEAST 30 INCHES HIGH AT THE TIME OF PLANTING.

(D) PARKING AREA LANDSCAPING

WITHIN REQUIRED PARKING AREAS LANDSCAPING SHALL BE PROVIDED IN ACCORDANCE WITH THE FOLLOWING MINIMUM STANDARDS:

(1) PARKING AREAS SHALL BE SEPARATED INTO BAYS WITH AN AVERAGE OF NO MORE THAN 10 PARKING SPACES. EACH PARKING BAY SHALL CONTAIN NO MORE THAN 15 CONTINUOUS PARKING SPACES. BETWEEN OR AT THE END OF EACH BAY OF PARKING SPACES THERE SHALL BE A PLANTING AREA OF AT LEAST 5 FEET IN WIDTH. EACH PLANTING AREA SHALL CONTAIN 1 TREE AT LEAST 6 FEET IN HEIGHT AT THE TIME OF PLANTING AND GROUNDCOVER CONTAINING AT LEAST TWO SHRUBS FOR EVERY 100 SQUARE FEET OF LANDSCAPE AREA.

(2) PLANTING AREA TREES SHALL BE PREDOMINANTLY DECIDUOUS AND PROVIDE AT LEAST 20% CANOPY COVER AT MATURITY.

(E) LANDSCAPING, SCREENING, OR BUFFERING:

(1) SHALL BE MAINTAINED IN A LIVING CONDITION

(2) SHALL EMPHASIZE NATIVE SPECIES, WHERE SOIL BASE PERMITS, AS LISTED IN EXHIBIT L1 AND L2 OF THE FREDERICK COUNTY FOREST RESOURCE ORDINANCE, AS AMENDED.

(3) SHALL NOT INCLUDE SPECIES IDENTIFIED AS INVASIVE/EXOTIC SPECIES AS LISTED IN EXHIBIT K OF THE FREDERICK COUNTY FOREST RESOURCE ORDINANCE, AS AMENDED.

(4) SHALL BE LOCATED IN ACCORDANCE WITH §1-19-4.610.

(5) SHALL BE LOCATED AND MAINTAINED IN A CONDITION TO MINIMIZE ADVERSE IMPACTS ON SIGHTLINES AND VISIBILITY.

(6) OPAQUE FENCING, WALLS, AND BERMS SHALL BE MAINTAINED.

(F) EXISTING VEGETATION MAY BE USED TO MEET THE REQUIREMENTS IN THIS SECTION.

(G) Opaque fencing, WALLS, OR BERMS may be used IN ADDITION TO TREES AND SHRUBS TO MEET THE MINIMUM BUFFERING AND SCREENING STANDARDS ~~in lieu of trees and shrubs~~, subject to approval of the planning commission. OPAQUE FENCING, WALLS, OR BERMS SHALL BE CONSTRUCTED OF MATERIALS REFLECTIVE OF NEIGHBORHOOD CHARACTERISTICS AS APPROVED BY THE PLANNING COMMISSION. CHAIN LINK FENCING WITH VINYL PRIVACY SLATS SHALL BE UTILIZED ONLY WITHIN INDUSTRIAL ZONING DISTRICTS WHERE SPECIFICALLY APPROVED BY THE PLANNING COMMISSION.

(H) APPLICATION

TO DEMONSTRATE THE MANNER IN WHICH THE APPLICATION MEETS LANDSCAPING, BUFFERING, OR SCREENING REQUIREMENTS WITHIN THIS CHAPTER, A LANDSCAPING, BUFFERING, AND SCREENING PLAN SHALL BE APPROVED AS PART OF THE SITE PLAN REVIEW AND APPROVAL PROCESS (§1-19-3.300.3). THE LANDSCAPING, BUFFERING, AND SCREENING PLAN SHALL INCLUDE THE FOLLOWING ELEMENTS:

(1) A FORM ACCEPTABLE TO THE DIVISION OF PERMITTING AND DEVELOPMENT REVIEW.

(2) THE TYPE AND LOCATION OF ALL PROPOSED LANDSCAPING, BUFFERING, AND SCREENING INCLUDING:

(a) SPECIES IDENTIFICATION

(b) THE HEIGHT AND WIDTH OF PROPOSED TREES OR SHRUBS AT PLANTING AND MATURITY

(c) IDENTIFICATION OF EXISTING TREES OR SHRUBS TO REMAIN INCLUDING HEIGHT AND WIDTH

(3) WHERE PROPOSED, FENCES, WALLS, OR BERMS INCLUDING:

(a) HEIGHT AND WIDTH

(b) TYPE OF MATERIAL

(c) CROSS-SECTION AND ELEVATION DETAILS

(4) THE TOTAL NUMBER AND PERCENTAGE MIXTURE OF EXISTING AND PROPOSED NATIVE SPECIES.

(5) THE APPLICATION SHALL DEMONSTRATE THE MANNER IN WHICH ON-SITE RECYCLING AND REFUSE MANAGEMENT SHALL BE ACCOMMODATED INCLUDING:

(a) LOCATION OF REFUSE/RECYCLING CONTAINERS

(b) DIMENSIONS OF REFUSE/RECYCLING LOCATION

(c) PROPOSED ACCESS FOR LOADING AND UNLOADING

(d) TYPE OF MATERIAL PROPOSED AS SCREENING

(I) THE PLANNING COMMISSION MAY MODIFY THE MINIMUM LANDSCAPING, BUFFERING, AND SCREENING STANDARDS WHERE A SPECIFIC FINDING IS MADE THAT THE REQUIRED STANDARDS RESULT IN A PRACTICAL DIFFICULTY, AND WHERE AN ALTERNATE LANDSCAPING, BUFFERING, AND SCREENING PLAN IS APPROVED BY THE PLANNING COMMISSION.

DIVISION 5. LIGHTING

§1-19-6.500 LIGHTING.

(A) In accordance with the site plan review process provided in §1-19-3.300 through 1-19-3.300.4 or as otherwise provided within this chapter, ~~Llighting emitting objectionable glare observable from surrounding properties or streets will be shielded.~~ SHALL BE DESIGNED AND INSTALLED TO BE FULLY SHIELDED. LIGHTING SHALL BE DIRECTED DOWNWARD TO PREVENT GLARE AND LIGHT TRESPASS ONTO ADJACENT PROPERTIES, ROADWAYS, AND THE NIGHTTIME SKY.

(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), MIXED USE DEVELOPMENT (MXD), 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) FOR THE PURPOSE OF REDUCTION IN ENERGY CONSUMPTION, LIGHT TRESPASS, AND GLARE, PROPOSED LIGHTING SHALL UTILIZE THE LOWEST LIGHTING LEVELS FEASIBLE. EVALUATION FACTORS INCLUDE: LIGHT DISTRIBUTION AND OVERLAP, NUMBER AND HEIGHT OF FIXTURES.

(D) LIGHTING SHALL NOT EXCEED .50 FOOT-CANDLES AS MEASURED FROM THE PROPERTY LINE.

(E) LIGHTING THAT IS EXEMPT FROM THESE REQUIREMENTS INCLUDES TEMPORARY LIGHTING AND LIGHTING PROVIDED FOR EMERGENCY OR SAFETY PURPOSES AS REQUIRED BY: THE BUILDING CODE, ELECTRICAL CODE, OR OTHERWISE WITHIN THE COUNTY CODE.

(F) APPLICATION

WHERE REQUIRED WITHIN THIS CHAPTER, A LIGHTING PLAN SHALL BE APPROVED AS PART OF THE SITE PLAN REVIEW AND APPROVAL PROCESS (1-19-3.300.3). THE LIGHTING PLAN SHALL INCLUDE THE FOLLOWING ELEMENTS:

(1) A FORM ACCEPTABLE TO THE DIVISION OF PERMITTING AND DEVELOPMENT REVIEW

(2) THE TYPE AND LOCATION OF ALL PROPOSED LIGHTING INCLUDING:

(a) LIGHTING STANDARDS AND SPECIFICATIONS

(b) PHOTOMETRIC DATA, SUCH AS THAT FURNISHED BY THE MANUFACTURER, SHOWING THE ANGLE OF CUT OFF OF LIGHT EMMISSIONS, UPWARD AND LATERAL GLARE SHIELD DETAILS, AND FOOT-CANDLE LIGHT VALUES FOR THE ENTIRE SITE

(c) BUILDING AND POLE MOUNTING HEIGHTS

(d) HOURS OF OPERATION

(G) THE PLANNING COMMISSION MAY MODIFY THE LIGHTING STANDARDS WITHIN THIS SECTION BASED ON CHARACTERISTICS OF THE PROPOSED USE, PHOTOMETRIC STUDIES, NATIONALLY RECOGNIZED STANDARDS, OR OTHER DOCUMENTATION AS APPROVED BY THE PLANNING COMMISSION.

ARTICLE VII: SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 5. COMMERCIAL DISTRICTS

§ 1-19-7.500. VILLAGE CENTER ZONING DISTRICT OVERLAY STANDARDS.

[(A) through (B) remain unchanged]

(C) *Design standards.*

[(1) and (2) remain unchanged]

(3) *Site development and layout.*

[(a) through (c) remain unchanged]

(d) All equipment and supplies shall be stored, maintained, and repaired outside of the front yard area~~.~~ AND WITHIN COMPLETELY ENCLOSED BUILDINGS. THE PLANNING COMMISSION MAY APPROVE OUTDOOR DISPLAY OF PRODUCTS AT THE TIME OF SITE DEVELOPMENT PLAN REVIEW.

[(e) through (h) remain unchanged]

(i) 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.

[(4) Remains unchanged]

[(D) Remains unchanged]

§ 1-19-7.510. GENERAL COMMERCIAL, HIGHWAY SERVICE.

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

[(A) Through (E) remain unchanged]

(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.

DIVISION 6. INDUSTRIAL DISTRICTS

§ 1-19-7.600. INDUSTRIAL DISTRICTS.

The following provisions shall be applicable in the Industrial Districts.

(A) through (D)

(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.

1-19-7.610 INDUSTRIAL DISTRICT PERFORMANCE STANDARDS

(A) through (J) [Remain unchanged]

~~(K) *Glare.* In LI and GI Districts, any operation or activity producing glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of 0.5 footcandle when measured in a Residential District.~~

ARTICLE XI: DEFINITIONS

DIVISION 1. DEFINITIONS

1-19-11.100 DEFINITIONS

*CANDELA.* UNIT OF LUMINOUS INTENSITY.

*FOOT-CANDLE.* ILLUMINANCE PRODUCED ON A SURFACE 1 FOOT FROM A UNIFORM POINT SOURCE OF ONE CANDELA.

*FULLY SHIELDED FIXTURE.* A FIXTURE CONSTRUCTED IN SUCH A MANNER THAT ALL LIGHT EMITTED BY THE FIXTURE IS PROJECTED BELOW THE HORIZONTAL PLANE THROUGH THE FIXTURE.

*LIGHT TRESPASS.* LIGHT FALLING OUTSIDE OF THE PROPERTY BOUNDARY ON WHICH A LIGHT INSTALLATION IS LOCATED.

*PHOTOMETRIC (PHOTOMETRY).* MEASUREMENT OF THE INTENSITY OF LIGHT AND DISTRIBUTION.