DIVISION OF PLANNING
FREDERICK COUNTY, MARYLAND

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TO: Board of County Commissioners

FROM: Eric Soter, Director; Shawna Lemonds, Project Manager

DATE: April 20, 2010

RE: Mixed Use (Euclidean) and Highway Service Zoning Districts Draft Text Amendment

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ISSUE

As part of the overall effort to rewrite the zoning ordinance, a text amendment has been drafted to implement initiatives identified during the County Comprehensive Plan update process. The first initiative is the creation of a new Euclidean Mixed Use (MX) zoning district to provide for redevelopment and in-fill projects within our growth area communities. The second initiative is the deletion of the Highway Service zoning district as it is no longer applied to properties within the County.

The primary objective of this text amendment is to provide for consistency between the zoning ordinance and recently approved Comprehensive Plan and zoning.

The proposed text amendment would edit and update Article V: Zoning Map and Districts; Article VI: District Regulations; Article VII: Supplementary District Regulations; Article VIII: Specific Use Regulations; Article X: Optional Methods of Development, and Article XI: Definitions**.**

BACKGROUND

In May of 2007 Planning Division Staff presented the Board of County Commissioners (BOCC) with a Staff Report outlining a theme based approach to updating the zoning ordinance. The BOCC Strategic Plan FY 2007-FY 2011 Goal #5 Land Use, Objective 1 initiated the examination of the zoning ordinance, determination of priorities for changes, and initiating a phased approach for zoning text amendments. In achieving that objective Staff is moving forward with updates to specific areas within the zoning ordinance.

As part of this process Staff has drafted a text amendment to address initiatives discussed during the Comprehensive Plan update process.

Mixed Use (MX) Zoning District

The first initiative is the creation of the Mixed Use zoning district. The Mixed Use zoning district is a Euclidean zoning district intended to be applied to areas with a Mixed Use land use designation during comprehensive plan updates, specifically the upcoming Community and Corridor Plans. The intent of the zoning district is to provide for mixed use development within growth areas in the form of new/redevelopment and in-fill projects.

The zoning ordinance currently provides two mixed use zoning districts, the Mixed Use (MXD) floating zone and the Euclidean Village Center (VC) zoning district.

Floating zones are applied to properties only at the request of the applicant and are somewhat limited in use as a development tool in implementing a particular planning objective. The MXD floating zone is also limited in application within the County to tracts of land 50 acres or greater, and is applied to a land use designation of Office/Research or Limited Industrial.

Euclidean zoning districts however, may be applied either by property owner request or County initiative during a comprehensive rezoning. The Village Center zoning district although Euclidean, is intended to be applied to historic mixed use areas within rural communities and growth areas. Due to the historic nature of Village Center zoned areas, the emphasis is on compatibility between existing development and new development.

Although the zoning ordinance provides two zoning districts to facilitate mixed use development, neither district specifically meets the needs of redevelopment and in-fill specifically within our growth areas, for larger or smaller parcels, providing the flexibility to implement a more detailed process to be undertaken during the County Community and Corridor Plans. The MX zoning district has been created for this purpose.

The MX zoning district is similar in concept to the existing Village Center (VC) zoning district as both are Euclidean zoning districts intended for mixed use development. However, the MX zoning district provides for higher density and intensity of use and is intended to be applied only within growth areas. The MX district also provides increased flexibility and less emphasis on compatibility with historically existing uses as it will be applied to areas intended for redevelopment and in-fill. The intent of the language if adopted through the attached text amendment is to provide a framework that provides direction *in general*, for application across the County. This general text will then work together with the Community and Corridor Plans where increased specificity will permit context sensitive development based on planning and development research accomplished during the planning process.

The Community and Corridor Plans are new concepts that will be implemented over time to update the Comprehensive Plan. As discussed in Chapter 11 of the Frederick County Comprehensive Plan, this new process will focus on individual community growth areas and on corridors.

The application of the MX zoning district would occur during an update to a Community or Corridor growth area based on an evaluation of design concepts, redevelopment opportunities, and development staging explored in greater detail than during the Comprehensive Plan process. Where Community Plans will focus on a Community Growth Area, the Corridor Plans will focus on ‘corridors’ throughout the County that are primarily situated along a highway and may either be part of a single growth area or include portions of adjoining growth areas. The specific corridor would be established at the time of plan initiation.

The result of the plan process would be a stand alone Community or Corridor Plan document that would amend the County Comprehensive Plan. The resulting stand alone land use plan will then provide a basis for changes to the existing Frederick County zoning ordinance or the creation of an adopted, stand alone appendix to the zoning ordinance, including opportunity to rezone specific parcels accordingly.

As part of the initial steps in undertaking future community and corridor plan updates the County embarked on the MD 355/MD 85 Transit Oriented Design Study as part of the Metropolitan Washington Council of Governments (MWCOG) Transportation and Land Use Connections (TLC) Program. The study and report, prepared by Parsons Brinckerhoff consultants included public outreach, analysis of the study area, and recommendations to facilitate an improved connection between land use and transportation in the study area. Several recommendations within the report are general principles transferrable to application in mixed use areas throughout the County. It has been noted in discussions below where specific standards within the attached text amendment address recommendations included in the MD 355/MD 85 study.

Exhibit 1- Mixed Use Euclidean Draft Text Amendment contains proposed text to establish the framework for one aspect of the Community and Corridor Plans, which is the application of the MX zoning district. The text amendment will establish the framework and related standards for the district within the zoning ordinance.

Highway Service Zoning District

The second initiative associated with the overall text amendment, is the removal of the references to the Highway Service zoning district within the zoning ordinance. During previous Region Plan updates, the Highway Service zoning district, as applied to specific properties, has been generally replaced by the General Commercial zoning district. The few remaining parcels reflecting the Highway Service zoning district were rezoned during the recent comprehensive update process.

The need for commercial uses that are solely highway oriented continues to decline as commercial uses serving both highway travelers and the local community have developed in the Community Growth Areas. The location of commercial services primarily within growth areas is consistent with the goals, policies, and objectives of the Comprehensive Plan. Based on the fact that this zoning district is no longer applied within the County and that the purpose of the district is no longer consistent with the goals, policies, and objectives of the Comprehensive Plan, the district is being removed from the zoning ordinance. Exhibit 2– Highway Service Draft Text Amendment contains the text within the zoning ordinance which is recommended for removal.

There is no direct correlation between the Highway Service zoning district and the Mixed Use zoning district. They have been coupled within this text amendment due only to their correlation to the Comprehensive Plan update process and a desire for efficiency in processing the text amendments.

The text amendment overview section below provides a summary of the proposed changes within the draft text amendment. The summary includes the zoning ordinance section and heading followed by a description for each proposed change. Within attached Exhibit 1- Mixed Use Euclidean Draft Text Amendment and Exhibit 2- Highway Service Draft Text Amendment, proposed new text is shown in **BOLD CAPS,** with text for removal shown in ~~STRIKETHROUGH~~.

In some cases where text associated with a specific section or subsection is proposed for deletion in Exhibit 2- Highway Service Draft Text Amendment, the section number or subsection letter will be reutilized for new text applying to the MX zoning district within Exhibit 1- Mixed Use Euclidean Draft Text Amendment. Again, there is no correlation between the HS district and the application of the MX district.

TEXT AMENDMENT OVERVIEW

EXHIBIT 1- MIXED USE EUCLIDEAN
ARTICLE V: ZONING MAP AND DISTRICTS
DIVISION 2. ZONING DISTRICTS
§1-19-5.240. Commercial Zoning Districts

This existing section of the zoning ordinance contains the purpose statements for each commercial zoning district within the zoning ordinance.

A purpose statement for the Mixed Use zoning district has been created based on the discussed intent during the County Comprehensive Plan update and references within the Comprehensive Plan document.

The MX zoning district is intended to provide for a mixture of residential, commercial, and employment land uses in areas with a Mixed Use land use designation as identified in the County Comprehensive Plan. These characteristics have been included in the purpose statement to guide Staff, the Planning Commission and BOCC in application of this zoning district during future Comprehensive, Community, and Corridor Plans.

DIVISION 3. USE TABLE
§1-19-5.300. GENERALLY

This section of the zoning ordinance has been provided for reference purposes only. No edits or changes are proposed to this section as part of the text amendment process.

§1-19-5.310. USE TABLE

This existing section of the zoning ordinance contains a listing of the permitted land uses within each zoning district and the required development review process.

The MX zoning district has been added as a column to the Use Table in the location where the HS district will be removed as part of Exhibit 2. The permitted uses within the district are similar to those permitted within the VC zoning district. Where differences exist between the permitted uses in the VC and MX zoning districts, a further explanation has been provided below. In addition, several changes are proposed to existing uses based on Staff research, discussion, and recommendations within the Citizens Zoning Review Committee report.

'Accessory apartment' is proposed to change from approval by special exception to a two-tier review where a majority of applicants would be processed as an accessory use. Currently accessory apartments are permitted solely by special exception with specific criteria in section 1-19-8.321. These existing criteria provide guidance on the location and intensity of the apartment, including a restriction that accessory apartments to be located within an accessory structure shall be no larger than 600 square feet (1-19-8.321(E)).

Accessory apartments provide opportunities for affordable housing and a mixture of dwelling types throughout the County. The 'Accessory apartment' land use was originally added to the Use Table in 1990 by the BOCC at that time, in response to calls for more affordable housing units for low and moderate income residents and more flexibility for accommodating family members wishing to live closer together such as an in-law suite. Over 100 of these applications have been prepared and presented to the Board of Appeals since adoption of the provisions, with only 2 denials. The 2 denials were based on information that the applicants had legal residences elsewhere and would not be living on-site, a requirement based on current special exception criteria.

However, several obstacles have been identified by applicants in regards to the existing special exception criteria and review process for accessory apartments. In addition to expense and necessary time for review, it has also been noted that the small square footage permitted for a detached accessory apartment (600 square feet), precludes provision of an adequate size living space. Although current regulations permit accessory structures of 600 square feet or ½ the footprint of the principal dwelling whichever is greater, the accessory apartment would be limited to 600 square feet.

The Citizen's Zoning Review Committee discussed Accessory Apartments and made several comments including that relaxing the regulations to permit additional accessory apartments would help achieve the goals of affordable housing as well as in-law housing. It was also noted that a special exception process may not be necessary in all residential districts with clearly defined regulations and approval process.

To address these issues Staff has proposed a two-tier review and approval for accessory apartments. The first-tier would permit accessory apartments within a single family dwelling, and accessory apartments of no greater than 800 square feet to be located within an accessory structure, as permitted as an accessory use (as proposed in 1-19-8.212). The second-tier would permit accessory apartments over 800 square feet to be located in an accessory structure, to apply for a special exception (as proposed in section 1-19-8.321). The use would continue to be permitted in the same zoning districts as currently permitted.

Consideration of processing obstacles included a move from special exception to principal permitted use subject to site development plan approval. However, special exception and site plan review are relatively similar in cost and processing time to an applicant. Both require the application to be presented to a formal review body (rather than Staff) and both require approximately 90 days for review.

By definition in section 1-19-11.100 of the zoning ordinance, 'Accessory apartment' is "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". Based on this definition, the use is an accessory use and would not appear in the Use Table if processed similarly to other accessory uses within the zoning ordinance. The zoning ordinance currently provides for processing of accessory uses with additional criteria in Article VIII: Specific Use Regulations; Division 2. Accessory Uses.

Accessory uses are currently approved by the Zoning Administrator as part of an application for a principal permitted use, or subsequent to the initial approval. Accessory uses are a Staff level approval which is consistent with the current accessory apartment special exception criteria found in section 1-19-8.321 (K) which notes that "Due to the nature of this use, site plan approval can be granted by the Zoning Administrator in lieu of the Planning Commission."

For these reasons Staff recommends permitting those accessory apartments currently permitted only by special exception, as permitted as an accessory use to a single family dwelling. Existing special exception criteria would become accessory use criteria in Division 2 Accessory Uses within a new section 1-19-8.212 Accessory Apartments in the RC, A, R1, R3, R5, R8, R12, R16 VC, and MX zoning districts. The proposed accessory use criteria in section 1-19-8.212 (E) include an increase in square footage from 600 to 800 square feet for those apartments located within an accessory structure.

Although an increase is proposed from 600 to 800 square feet for accessory apartments to be located within an accessory structure, there may be specific situations where the 800 square feet is unnecessarily limiting and restrictive such as on a large parcel. Larger parcels may include a larger residence which would permit a larger accessory structure, and most likely contain sufficient lot size to address compatibility issues regarding the increase in activity.

To address these issues, the second tier of review has been proposed to permit an accessory apartment larger than 800 square feet to be located in an accessory structure with special exception approval. This process will provide flexibility for instances where the existing residence provides for a larger accessory structure.

Continuing review by special exception for those apartments above 800 square feet within an accessory structure, provides the Board of Appeals an opportunity to address the nature and intensity of the proposed operation, the noise/fumes/vibration/other characteristics, parking, and the road system among other general criteria in existing section 1-19-3.210, as well as the specific special exception criteria remaining in section 1-19-8.321.

The changes as proposed within the attached text would permit accessory apartments as an accessory use in the new MX district, in all zoning districts where they are currently permitted by special exception, and maintain existing criteria in a new section for permitted uses. Accessory apartments larger than 800 square feet to be located in an accessory structure would be permitted by special exception. The existing definition in section 1-19-11.100 would remain unchanged. A further discussion of the approval criteria has been provided within the headings of section 1-19-8.212 and 1-19-8.321 below.

Staff reviewed regulations for accessory apartments in surrounding Maryland jurisdictions, including Carroll, Howard, Washington, Harford and Montgomery Counties, to provide a comparison of existing Frederick County regulations and proposed changes:

Carroll County

- Permits attached and detached accessory dwelling units as an accessory use to a principal dwelling unit
- Attached accessory dwelling unit is limited to 800 square feet or 1/3 of total livable floor area of the principal dwelling unit, whichever is greater
- Detached accessory dwelling unit must be located on a parcel eligible to be subdivided and are permitted without size limitations

Howard County

- Permits accessory apartments as an accessory use but solely within a single family dwelling unit on lots at least 12,000 square feet
- Accessory apartments on lots less than 12,000 square feet may be permitted by Conditional Use
- By definition, within the Howard County regulations, an accessory apartment within an accessory structure would not be permitted

Washington County

- Permits accessory apartments solely as a 'guest house in an accessory building' by special exception
- No size limitation

Harford County

- Not a permitted use

Montgomery County

- Permits accessory apartments within a single family dwelling on lots over one acre as a special exception, limited to a maximum of 1200 square feet
- Permits accessory apartments within an accessory structure on lots 2 acres or more in size as a special exception, limited to a maximum of 50% of the total floor area of the main dwelling or 2500 square feet whichever is less

'Auction house', 'Farm equipment sales and service', and 'Shopping center' were not included as permitted uses within the MX Euclidean zoning district although permitted within the VC district. Auction houses are typically large warehouse type structures with a low level of development density/intensity and not representative of those types of uses meeting the purpose of providing for a mixture of residential, commercial, and employment uses within the MX district.

'Farm equipment sales and service' is a use better located in Village Center areas where rural and local roads intersect outside of growth areas. Higher density development found within growth areas and intended for the MX district would be in conflict with the movement of large farm vehicles.

Although several shopping centers are located in areas where the MX district would be contemplated, the shopping center development concept has not been added as a permitted use. In reviewing the shopping center standards contained in section 1-19-8.460, several modifications to standard bulk regulations are included with little to no improvements in design or function of the development. Regulations as proposed within section 1-19-7.520 (H) provide for multiple principal structures on an individual lot within the MX district where approved by the Planning Commission. As proposed this text would provide for the 'shopping center' concept while also providing for improved design of the development.

'Commercial or business school' and 'Funeral home' have been permitted within the MX district to encourage these types of land uses within our growth areas. Location within the growth areas provides access to the highest number of citizens, and facilitates the use of public facilities planned and available in these areas.

'Fortuneteller' is proposed for removal from the Use Table due to the obscure nature of the land use and the desire to utilize updated land use terms within the zoning ordinance.

'Carwash' and 'School bus parking' have not been included as permitted uses in the MX district due to the desire to promote the highest and best use of land within the district. Carwashes and parking areas tend to reflect low intensity land use not reflective of the intent of the zoning district.

‘Animal hospital or veterinary clinic’ is proposed for a change from special exception in all districts to permitted subject to site development plan review in the MX and GC districts. Staff considered a change from special exception to site development plan review in all zoning districts. However, most of the existing special exception criteria in section 1-19-8.338 relate to the Agricultural zoning district. In addition, most Village Center zoning districts across the County contain historic villages with a mixture of residential and commercial land uses in a compact development pattern. This compact pattern creates a compatibility concern between commercial and residential development. For these reasons, Staff recommends maintaining the special exception process in both the A and VC zoning districts. The special exception review process and general criteria in section 1-19-3.210 provide the Board of Appeals with the ability to address compatibility concerns beyond what would be permitted through the site development plan review process.

However, Staff has recommended site development plan review in both the MX and GC zoning districts. The relevant portions of the existing special exception criteria have been slightly edited and duplicated in a new section 1-19-8.405 Animal hospital or veterinary clinic in the MX and GC districts. The MX and GC districts are intended for higher intensity land uses with less of a concern with compatibility between residential and commercial land uses due to historic development patterns. Residential land uses are not permitted within the GC zoning district and the MX district is intended for new development and redevelopment where the integration of residential will be planned and designed to address potential compatibility concerns.

‘Tennis club’, ‘Skating rink’, ‘Nightclub, tavern, lounge’ and ‘indoor sports recreation facility’ have been included as permitted uses within the MX zoning district based on their potential as a viable commercial development or recreational amenity. These uses were not included as permitted within the Village Center zoning district due to their size and potential conflict with providing compatibility between new construction and existing historic communities. Due to the nature of redevelopment and in-fill, compatibility is less of a concern within the MX district. As proposed, these land uses provide an opportunity for development of a commercial or larger recreational amenity within a development.

‘Private school’ is permitted with site development plan review rather than with special exception approval within the MX district. The MX district permits residential land uses which is consistent with the zoning districts where private schools have been permitted in the past, however, compatibility is less of a concern due to the mixed use nature in the district. In addition location within the MX encourages location of these types of facilities within our growth areas where access to and coordination with public facilities can occur.

ARTICLE VI: DISTRICT REGULATIONS
DIVISION 1.DESIGN REQUIREMENTS AND MODIFICATIONS
§1-19-6.100. Design Requirements for Specific Districts

This existing section of the zoning ordinance contains the design requirements for the Euclidean zoning districts including minimum lot area, lot area per unit, lot width, setbacks and height.

Standards for the MX zoning district were created utilizing the R16 zoning district as a basis for the creation of the residential standards (single family through multifamily group). The VC and GC zoning districts were utilized for the creation of the remaining standards. However, the standards have been modified from the R16, VC, and GC to create design requirements unique to the MX district with the intent of promoting flexibility in location and design. Minimum lot area per unit requirements would permit a maximum residential density of 16 dwelling units per acre.

ARTICLE VII: SUPPLEMENTARY DISTRICT REGULATIONS
DIVISION 5. COMMERCIAL DISTRICTS
§1-19-7.510 General Commercial

This existing section of the zoning ordinance contains supplementary district regulations intended to be applied in addition to the general standards within the zoning ordinance. Within this section supplementary district regulations for the General Commercial zoning district have been expanded to include minimum design standards.

The standards are generalized in nature to address the wide array of activities that may occur within the zoning district. The standards address site design, building orientation, and building massing and bulk to provide for interconnectivity both on-site and to adjacent development, and facilitate pedestrian oriented development including building design, access to and within the site, and access to public transit.

§1-19-7.520 Mixed Use

This new section contains the supplementary district regulations for the MX district including design standards with increased specificity. Where the General Commercial zoning district is intended to address a broad range of activities, the MX district is more specific in intent. The MX district includes a mixture of residential, commercial, and employment uses where design standards address potential compatibility concerns and provide for integration of transportation and land use with the intent of producing development consistent with County guiding documents.

The design standards for the MX district in subsections (E) and (F) build upon the general standards to provide for specifics contained within the County Community or Corridor Plans, permit mixed use development, facilitate joint use and shared parking, and provide for pedestrian oriented development and design consistent with regional characteristics.

The MD 355/MD 85 Transit Oriented Design Study (TOD Study) made several recommendations regarding the connection between land use and transportation. Many of the recommendations are transferrable to mixed use areas throughout the County and are consistent with standards as provided in subsections (E) and (F). The TOD Study noted that parking lot configurations designed to give priority to vehicles create perceived conflict and safety issues for pedestrians. Lack of internal sidewalks and sidewalk connections between main retail areas and out parcels hinder internal pedestrian movement. The increased number of curb cuts produces potentially unsafe and difficult to navigate environment for vehicles, pedestrians, and bicyclists. The likelihood of collisions increases with the increase in the number of vehicles taking advantage of the multiple access points. The high number of access points also creates an unsafe environment for pedestrians and bicyclists due to the conflict caused by auto turning movements. The reduction in the number of access points can increase the safety for auto, pedestrian, and bicycle movements.

The TOD Study also notes the deficiencies within the MXD floating zoning district in addressing the type of mixed use intended for the area. The study notes that the lack of design guidelines results in a lack of direction for the resulting development and not including a requirement for integration of uses may result in development of isolated land uses. The concepts of pedestrian and bicycle safety and mobility, land use and transportation connectivity, integration of land uses, and direction regarding design are concepts transferrable throughout the County. The proposed design standards will act as the foundation and framework within which more specific concepts may be explored for future application of the MX zoning district through the Community and Corridor Plans.

Subsection (G) provides a process for Planning Commission modification of lot area, lot area per unit, lot width, setback, maximum building footprint, and height requirements within the MX district, where specific criteria are met. This modification process permits flexibility where needed to address site specific constraints and to provide for context sensitive development.

Subsection (H) permits multiple structures and mixed uses within the MX district. This section is very similar to the existing text for multiple structures and mixed uses within the Village Center zoning district (1-19-7.500 (B)(4)).

Currently the zoning ordinance in section 1-19-4.500 limits the number of principal structures within commercial and industrial zoning districts to 1, unless otherwise permitted by the chapter. The intent of 1-19-7.520(H) is to specifically permit a mixture of buildings and uses on a single lot to achieve an improved design, encourage an integration of uses, facilitate the highest and best use of the land in the district, while providing for flexibility in the combination of uses. Unlike the Village Center zoning district where both residential and commercial uses are required, the mixture of uses in the MX district (1-19-7.520 (H)(1)) is only regulated by specifics that may be contained within a Community or Corridor plan. If a Community or Corridor plan does not specify the mixture of uses then the applicant may propose any combination of uses that are permitted within the district.

Subsection (H)(1)(b) requires an integration of uses but expands on the concept by providing guiding language leading to interaction between buildings and uses both within the site and with surrounding development.

A common plaza/green area requirement, similar to the Village Center zoning district, has been included in subsection (H)(1)(c). Section 1-19-11.100 contains a definition of 'Green Area' which serves to guide development of on-site open space. By definition, a 'Green Area' is "An area of land associated with and located on the same tract of land as principal building or group of buildings in relation to which it serves to provide light, air or scenic, recreational or similar purposes. Green areas may include but not be limited to lawns, decorative plantings, sidewalks, and walkways, active and passive recreational areas, including playgrounds, fountains, swimming pools, wooded areas and watercourses; but shall not include loading areas, parking areas or vehicle surfaces or accessory buildings". Clarifying language has been added to the proposed standard to exclude playgrounds and swimming pools in meeting the requirement. Provision of green areas within mixed use development is also consistent with the TOD Study recommendations. As noted in the study, as the number of residences increases it will become important to provide active green space area for improved livability and encourage a sense of community.

The common plaza/green area requirement within subsection (H)(1)(c) is ½ of the standard required within the Village Center zoning district based on the concept of increased intensity and density within the MX district. However, in Staff discussions it was considered that an on-site common plaza/green area may not result in the highest and best use of land if multiple adjacent lots utilized the multiple structures and mixed use provisions. The result could be a fractured system of on-site green areas, adjacent to one another but with little to no continuity or interconnectivity.

Staff requests direction from the BOCC whether to develop text or explore options for public purchase and provision of land as a centralized common area/public plaza/green area. Within this concept centralized common area/public plaza/green area(s) would be identified for the individual MX zoning districts through the Community or Corridor Plans based on a standard fee-in-lieu-of or fee per linear foot concept. This concept could be explored by Staff and included in future versions of the proposed MX district text amendment for further consideration and direction by the BOCC.

Subsection (H)(1)(e) requires that shared and joint use parking shall be integrated into the overall parking plan to the greatest extent feasible. This provision will again encourage the highest and best use of land but continue to provide the flexibility needed for redevelopment and in-fill sites.

Subsection (I) provides specifics regarding the review and approval procedures for all development within the MX district requiring site development plan review. These provisions include the requirement of a concept plan as the first step in the site development plan review process, as well as providing that the Planning Commission may include special conditions when approving a site plan where the conditions are consistent with a County Community or Corridor Plan. This requirement will provide the Planning Commission flexibility in reviewing a request for development in an area where a Community and Corridor Plan includes specificity that is not included in the general framework of the MX district.

The supplementary district regulations in sections 1-19-7.510 and 1-19-7.520, including the design standards, are consistent with the concepts and discussion points contained in the County Comprehensive Plan Chapter 10 Managing Our Growth – Community Development Principles, Community Character and Design, and Community Design Principles. The design standards will work together with other existing provisions within the zoning ordinance as well as upcoming County Community and Corridor Plans to increase the quality of development within the GC and MX zoning districts.

ARTICLE VIII: SPECIFIC USE REGULATIONS
DIVISION 2. ACCESSORY USES
§1-19-8.212 Accessory Apartments in the RC, A, R1, R3, R5, R8, R12, R16, and VC Districts

This new section contains the criteria for approval of an accessory apartment as previously discussed under the Accessory Apartment heading above. The criteria as proposed, were duplicated from existing section 1-19-8.321 for Accessory Apartment approval as a special exception. The use will continue to be permitted within the same zoning districts as previously permitted with the criteria updated to include an expansion of permitted square footage from 600 to 800 when located in an accessory structure, a requirement for notification of adjacent property owners, and possible revocation of approval due to noncompliance. Existing subsection (K) has been deleted as it is not longer relevant to the accessory approval process.

DIVISION 2. SPECIAL EXCEPTION USES
§1-19-8.321 Accessory Apartments

This existing section of the zoning ordinance has been edited to provide consistency with changes made to processing through section 1-19-8.212 Accessory Apartments as an accessory use. As previously discussed, the criteria in subsection (E) have been edited to provide for an increased square footage not to exceed ½ the footprint of the principal dwelling.

Subsection (L) has been added to provide a cross reference to the accessory use approval process contained within proposed section 1-19-8.212.

§1-19-8.405 Animal Hospital or Veterinary Clinic in the MX and GC Districts

This new section has been created to provide for regulation of the animal hospital or veterinary clinic as a principal permitted use subject to site development plan approval within the MX and GC districts as previously discussed.

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

The MPDU program is intended to increase the county's supply of moderately priced housing units as a function of the development process. This existing section of the zoning ordinance permits an increase in density for specific zoning districts above the standard number of dwelling units, and permits a reduction in certain area and dimensional requirements where certain requirements are met. Existing provisions for the previously mentioned increase and reductions are provided for each zoning district within section 1-19-8.620.5. The MX district has been added to the existing provisions for the R16 district which is consistent with the 16 dwelling units per acre permitted in the MX district.

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

Provisions within this existing section have been updated to include the MX district in requirements for an increased mineral mining land use setback where adjacent to another zoning district.

EXHIBIT 2- HIGHWAY SERVICE

As previously noted, with the adoption of the update to the County Comprehensive Plan the Highway Service zoning district is no longer applied to properties within the County. For this reason and those previously discussed, references to the HS zoning district within the zoning ordinance are proposed for deletion as provided in Exhibit 2 – Highway Service zoning district Draft Text Amendment. These sections include:

- A purpose statement in §1-19-5.240 Commercial Zoning Districts

- Listing of permitted uses in §1-19-5.310 Use Table
- Design Requirements in §1-19-6.100
- Sign regulations in §1-19-6.320
- Supplementary district regulations in §1-19-7.510
- Accessory use regulations in §1-19-8.211
- Special exception for 'Recreational vehicle campground' in §1-19-8.356
- Special exception for 'Truck stops' in §1-19-8.357
- Design Criteria for 'Communication towers' in §1-19-8.420.2
- Increased setback requirements within the Mineral Mining floating zoning district in §1-19-10.400.2
- Within the Home Occupation definition in §1-19-11.100

STAFF RECOMMENDATION

Staff requests direction regarding the proposed changes to the zoning ordinance regarding initiation of a new Mixed Use Euclidean zoning district and deletion of the Highway Service zoning district and specifically regarding the concept of public purchase and provision of common area/ public plaza/green area through a fee-in-lieu or fee per linear foot.

EXHIBITS

Exhibit 1 – Mixed Use Euclidean *Draft* Text Amendment
Exhibit 2 – Highway Service *Draft* Text Amendment