

**FREDERICK COUNTY PLANNING COMMISSION**  
**March 14, 2018 9:30 a.m.**

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**TITLE:** **Bill #18-09 Location of Private Amenities and Recreational Facilities in Planned Development Districts**

**FILE NUMBER:** **N/A**

**REQUEST:** **Bill #18-09 Location of Private Amenities and Recreational Facilities in Planned Development Districts Public Hearing**

**PROJECT INFORMATION:** **N/A**

**APPLICANT/REPRESENTATIVES:** **Council Vice President M.C. Keegan-Ayer**

**STAFF:**

**RECOMMENDATION:** **That the Planning Commission provide a recommendation to the Frederick County Council regarding the Text Amendment.**

**ATTACHMENTS:**

Proposed Bill  
Council Summary Memorandum




**FREDERICK COUNTY GOVERNMENT**  
**DIVISION OF PLANNING & PERMITTING**

Jan H. Gardner  
*County Executive*

*Steven C. Horn, Division Director*

**To:** Frederick County Planning Commission

**From:** Steven C. Horn, Director, Planning & Permitting Division 

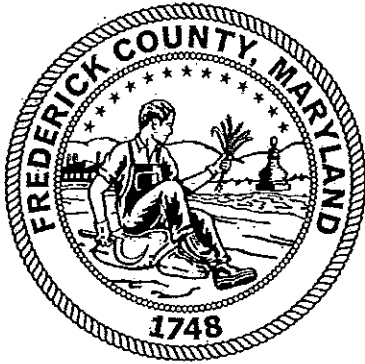
**Date:** February 27, 2018

**Subject:** Location of Private Amenities and Recreational Facilities in Planned Development Districts (By: Council Vice President M.C. Keegan-Ayer)

Attached, please find the proposed Bill and summary memorandum from Council Vice President M.C. Keegan-Ayer.

Thank you for your attention to this matter.

Attachment  
Proposed Bill  
Council Summary Memorandum



Bill No. 18-09

Concerning: Location of Private Amenities and  
Recreational Facilities in Planned Development  
Districts

Introduced: February 20, 2018

Revised: \_\_\_\_\_ Draft No. \_\_\_\_\_

Enacted: \_\_\_\_\_

Effective: \_\_\_\_\_

Expires: \_\_\_\_\_

Frederick County Code, Chapter 1-19

Section(s) 10.500.9 and 11.100

## COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council Vice President M.C. Keegan-Ayer

**AN ACT** to: Amend Frederick County Code Chapter 1-19 of the Frederick County Code to specify that amenities and recreational facilities serving only the residents of a Planned Development District are located within the Planned Development District, and are not to be included in the Outdoor Sports Recreation Facility category.

Executive: \_\_\_\_\_ Date Received: \_\_\_\_\_

Approved: \_\_\_\_\_ Date: \_\_\_\_\_

Vetoed: \_\_\_\_\_ Date: \_\_\_\_\_

By amending:

Frederick County Code, Chapter, 1-19 Section(s) 10.500.9 and 11.100

Other: \_\_\_\_\_

**Boldface**  
Underlining  
[Single boldface brackets]  
\* \* \*

*Heading or defined term.*  
*Added to existing law.*  
*Deleted from existing law.*  
*Existing law unaffected by bill.*

Bill No. 18-09

The County Council of Frederick County, Maryland, finds it necessary and appropriate to amend the Frederick County Code to require that amenities and recreational facilities exclusively serving residents of Planned Development Districts be located within the Planned Development District, and to clarify that private amenities including, swimming pools, for residential developments are not to be included in the Outdoor Sports Recreation Facility category.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND, that the Frederick County Code be, and it is hereby, amended as shown on the attached Exhibit 1.

AND BE IT FURTHER ENACTED, that these provisions shall apply to all to Planned Unit Development or Mixed Use Development for which Phase II approval has not been received prior to the Effective Date of this Bill.

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Harold F. (Bud) Otis, President  
County Council of Frederick County,  
Maryland

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

The following general development standards shall be met at the time of Phase II execution unless modified by the Planning Commission as provided in § 1-19-10.500.9(D).

(A) Site and building design.

\* \* \* \* \*

*{Subsections (A)(1) – (A)(20) remain unchanged.}*

(21) Amenities and recreational facilities designated to serve only the residents of a Planned Development District, must be located within the Planned Development District.

~~[(21)]~~(22) Existing site structures and features shall be evaluated for the feasibility of preservation and integration into the proposed development. The evaluation shall include buildings, sites, structures, or other objects as listed on or eligible for the National Register of Historic Places, Frederick County Register of Historic Places, or as listed on the Maryland Inventory of Historic Properties.

\* \* \* \* \*

**§ 1-19-11.100. DEFINITIONS.**

\* \* \* \* \*

***OUTDOOR SPORTS RECREATION FACILITY.*** The use of property for outdoor recreational activities where clearing is minimized including but not limited to field sports, paintball, laser tag, golf driving range, chip and putt, miniature golf, batting cage/range, or putting green or any combination thereof. This use may also include buildings accessory to the primary use of outdoor sports recreation facility, but does not include swimming pools or clubhouses designated to serve only the residents of a residential development or Planned Development District.

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Underlining indicates matter added to existing law.

[Single boldface brackets] indicates matter deleted from existing law.

\*\*\* - indicates existing law unaffected by bill.



**FREDERICK COUNTY GOVERNMENT**  
**COUNTY COUNCIL**

**COUNCIL MEMBER**

*MC Keegan-Ayer*  
*Council Member, District 3*

**To:** County Council  
**From:** M. C. Keegan-Ayer, Vice President  
**Date:** November 22, 2017  
**Re:** **Location of Private Amenities within Planned Development Districts**

**Issue:** Should the County Council revise the County Code to clarify that private amenities, which are accessory to the residential use and intended to serve only the residents of a Planned Development District, are to be located within the Planned Development District, and not included in the definition of Outdoor Sports Recreation Facility, a commercial category of uses.

**Background:**

Areas located in the “Town Center” or “Commercial Districts” of a planned development, are intended for use by shoppers, business owners and employees, and members of the public visiting these larger scale “planned developments.” The County Code provides guidance for the location and orientation of parks, open spaces, courtyards, green areas, civic spaces, and encourages that they be accessible to the “greatest number of potential users....” (§1-19-10.500(A)(2))

In contrast, there are certain development related amenities (typically clubhouses and pools) that are intended to be used exclusively by “dues paying” homeowners and residents of the development, are “accessory” to the residential units, and are to be placed under the ownership and control of the Homeowner’s Association (HOA). (§1-19-8.240(A)(3))

Recently a site plan application for a pool and clubhouse intended to be owned and operated by a HOA solely for use by residents of a private residential development was processed under the category of “Outdoor Sports Recreation Facility” which is identified in the use chart as a “Commercial Amusement.” (§1-19-5.310)

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The purpose of this proposed Bill is to clarify that HOA owned private amenities are not “commercial amusements”, and to assure that they are constructed within the boundaries of the development and on property zoned for residential use so that the amenities will qualify as an “accessory” use to the residences, not as a “commercial amusement.”

