



Appendix

- A. CZRC Detailed Charge and Tasks
- B. Meeting Summaries—(Available in Planning Office)
- C. Resource Material Reference Listing



Frederick County Division of Planning

Steven C. Horn, Director

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Memorandum

April 17, 2002

To: Citizens Zoning Review Committee (CZRC)
From: Steven C. Horn, Director
Re: CZRC Charge and Tasks

The Board of Frederick County Commissioners (the Board), preparatory to tasking the Citizens' Zoning Review Committee, approved the following "charge" to the Committee:

The Citizens' Zoning Review Committee (CZRC) shall gather public comment on a range of zoning issues relating to the current Zoning Ordinance (Ch. 1-19, Zoning, Frederick County Code), the proposed "Public Hearing Draft Zoning Ordinance" (January 2002), and any recommendations presented during previous Zoning Ordinance update efforts. The CZRC shall provide opportunity for public comment through the conduct of community meetings, written testimony (letters, email, etc...), or any other public outreach initiatives the CZRC may find useful in meeting this charge.

The CZRC shall review and assess the referenced documents, correspondence, testimony, etc., and shall provide the Board of Frederick County Commissioners with recommendations as to amendments, revisions or the re-writing of specific sections of the Ordinance.

The consideration of, and action by, the CZRC on the following assigned questions and tasks will provide the Board with information upon which to base future decisions regarding the revision and updating of the Frederick County Zoning Ordinance:

General Consideration – *A few general questions for consideration by the CZRC.*

1. Is a total rewrite of the Zoning Ordinance needed, or would a piecemeal approach be most effective?

2. What is performance zoning? What is the difference between performance zoning and Euclidean (prescriptive) zoning? Which is preferable in Frederick County?
3. What types of Zoning Ordinance review efforts have been undertaken in the past? How can the results of those efforts be incorporated into this process?

Public/Institutional Application – *Are public and institutional uses subject to the Zoning Ordinance? Should they be?*

4. How are public schools currently regulated, and how was that proposed to change in the draft Ordinance? Should public schools be allowed as principal permitted uses in any district, or as permitted in some and as a special exception (requiring public hearing) in others?
5. Should zoning dictate the size and appearance of a school, or should that be left to the discretion of the Board of Education and the Board of County Commissioners? How is their appearance regulated now, if at all?
6. How are landfills and waste transferring stations currently regulated, and how is that proposed to change in the draft Ordinance? Should a public necessity like landfills be regulated in the Zoning Ordinance? If so, where can they be placed? Who should decide and by what process?
7. How are large institutional uses, such as colleges and hospitals, regulated in the current and proposed Ordinances? In which Zoning Districts should colleges, retreats, nursing homes and other large institutional uses be allowed to locate?

Specific Zoning Districts – *A review of the allowable uses in the specific Districts and consideration of their purpose and appropriateness.*

8. What types of land uses should be allowed in the Agricultural Zoning District? Of these allowed uses, which should be permitted by right and which should be allowed only as a special exception (requiring a public hearing before the Board of Appeals)? Should “Rural Hamlets”, as proposed in the draft Ordinance, be retained? Should the rules pertaining to the development and approval of Agriculture Cluster Subdivisions be revised?
9. What types of land uses should be allowed in the Resource Conservation Zoning District? Of these allowed uses, which should be permitted by right and which should be allowed only as a special exception (requiring a public hearing before the board of Appeals)?
10. What types of land uses should be allowed in the Commercial Zoning Districts (General Commercial, Highway Service and Village Center)? Of these allowed uses, which should be permitted by right and which should be allowed only as a special exception (requiring a public hearing before the

- Board of Appeals)? Should special regulations be developed addressing particular commercial uses, such as, “big box” retailers or car dealers?
11. What types of land uses should be allowed in the Industrial Zoning Districts (Limited Industrial, General Industrial, Office Research Industrial)? Of these allowed uses, which should be permitted by right and which should be allowed only as a special exception (requiring a public hearing before the Board of Appeals)? Are the uses allowed in the Industrial Districts consistent with County economic development priorities? Should the “interior/outer ring” business park concept, as proposed in the draft Ordinance, be retained? How can this concept be applied to existing ORI/MXD projects?
 12. What types of land uses should be allowed in the Residential Zoning Districts (Residential Density Districts, floating zones (PUD, MH)? Of these allowed uses, which should be permitted by right and which should be allowed only as a special exception (requiring a public hearing before the Board of Appeals)?

Environmental Protection Measures – *Evolving environmental protection measures necessitate the evaluation and inclusion of these efforts in the Zoning Ordinance.*

13. Does the current Ordinance provide adequate environmental protections, given the increasingly rigid environmental regulations enacted in recent years? What kinds of additional protections are needed to protect our resources, such as water quality? Is the Zoning Ordinance the proper place to regulate environmental protections?
14. Should the County allow development within 500 feet of the Monocacy River?
15. Should the County require environmental resource inventories as the first step in the development process?
16. What changes, if any, should be made to the existing Ordinance as it relates to forestry and forest clearing?

Design Standards, Landscaping, Signage and Parking Requirements – *These elements are important tools in improving the aesthetics of development projects.*

17. What types of landscaping, signage and parking requirements are proposed by the draft Ordinance and how do they compare with existing requirements? Should the “opacity” calculations, as referenced in the draft Ordinance, be retained? Are there other requirements proposed in the draft Ordinance that should be retained? Should Design Standards, addressing all aspects of a development project’s aesthetic and functional appeal, be added to the Ordinance?

Historic Preservation – *Regulations protecting and preserving historic properties, structures, etc., is lacking in the existing Ordinance.*

18. How are places of historic importance protected by our current Ordinance? Does the draft Ordinance make those protections stronger? Is zoning the best way to protect historic places? Does the draft Ordinance provide for architectural review of historic structures?

Recreation – *The regulation of recreational activities is an important function of a local zoning code.*

19. How are recreational uses regulated by the current Ordinance? What changes are proposed by the draft Ordinance? Should recreational uses be separated from other uses vs. what is proposed in the draft Ordinance?
20. Where should golf courses be allowed to locate?
21. How are ATV's and RV's regulated in the current and draft Ordinances?

Houses of Worship – *Houses of worship and related uses (i.e., cemeteries) require specific consideration by the CZRC.*

22. Should places of worship be allowed in any district? Should the Ordinance differentiate between worship centers having a regional scale versus those at neighborhood scales?
23. How are cemeteries currently regulated, and how is that proposed to change in the draft Ordinance?

Elderly and Low Income Housing Opportunities – *The type and scale of housing available for targeted populations is evolving, and the Ordinance needs to recognize and accommodate these community needs.*

24. How do the existing and draft Ordinances address affordable housing? Does the proposed Ordinance present modern definitions on uses like mobile homes, manufactured homes, nursing homes, continuing care facilities, etc?
25. Where should housing opportunities for targeted groups (i.e., seniors, low income) be allowed? Should the Ordinance include a section specifically addressing senior housing and continuing care facilities? What is an MPDU program and how does it work?

Zoning Administration – *Administrative procedures and responsibilities contained within the Ordinance need periodic review and revision.*

26. Procedurally, what authority does the Zoning Administrator currently exercise? How is that authority increased or decreased in the draft Ordinance?
27. What does a Board of Appeals (BoA) do? What alternatives are there to a BoA, and do they work? Does the CZRC favor a specific alternative to the BoA?

28. Are the Zoning Maps currently utilized by Frederick County adequate or should a new format be considered?
29. What is FAR? How does it work? Is it necessary? Should FAR be applied to both residential and industrial/commercial or just the latter?
30. How should non-conforming uses be addressed? Should new rules apply to existing development or should "grand fathering" provisions be included?
31. Should the separate "Use Regulation" tables, as found in the existing Ordinance, be retained or should the uses be combined as proposed in the draft Ordinance? Should the NAICS be the land use reference?
32. Should the "L" (limited) uses, as proposed in the draft Ordinance, have a public input / Planning Commission process or be staff level approvals?
33. Should "floating zones", such as the PUD and MXD, continue to be allowed in the Ordinance?

CITIZENS ZONING REVIEW COMMITTEE RESOURCE MATERIAL

The Citizens Zoning Review Committee (CZRC) was provided the following documents, reports, correspondence and supporting material intended to provide background for the discussion of the various zoning themes:

1. CZRC members listing (names, addresses, phone numbers, email addresses)
2. Board of County Commissioners approved charge and tasks to the CZRC
3. Existing Frederick County Zoning Ordinance
4. Draft January 2002 Zoning Ordinance
5. Summary of previous Zoning Ordinance update efforts including comments from on the previously proposed "Kendig" ordinance.
6. "Zoning Ordinance Analysis" (March 9, 2001) by Lane Kendig, Inc.
7. "Frederick County Zoning Ordinance: Outline of Major Decisions" (March 16, 2001) by Duncan Associates, and Lane Kendig, Inc.
8. Frederick County Comprehensive Plan
9. Staff notes from the Zoning Ordinance Update Consultant Meetings
10. Recommended Model Development Principles for Frederick County, MD
11. Historic Preservation Ordinance for Frederick County
12. Hartford County, Maryland, Historic Preservation Information
13. Calvert County, Maryland, Historic Preservation Information Inclusionary Zoning Information from *Handling The Land Use Case*
14. St. Mary's County, Maryland Historic Preservation Information
15. American Planning Association Growing Smart Guidebook, Historic Preservation Information & APA Special and Environmental Land Development and Incentives
16. MDE Facts about Maryland's Wellhead Protection Ordinance
17. State of Maryland Sample Wellhead Protection Ordinance
18. Town of Walkersville Wellhead Protection Ordinance
19. Town of Middletown Wellhead Protection Overlay Zoning District
20. Frederick County Wellhead Protection Code
21. Montgomery County MPDU Ordinance
22. Little House in the Suburbs, *Governing Magazine*
23. Frederick County Adopted Community Design Guidelines & Development Principles
24. Prince George's County Low-Impact Development Design
25. Draft MPDU Zoning Text Amendment Hollow Road
26. Draft Signage Zoning Text Amendment
27. Maryland Department of Planning Models and Guidelines for Infill Development
28. Maryland Department of Transportation Outdoor Advertising Regulations
29. Attorney General Opinion of Public Schools, Zoning and Historic Preservation.
30. Article from *Washington Post* describing the efforts of Prince Williams County, VA to shut down a dirt bike track
31. City of East Bethel, MN defining/regulating operations of dirt bikes, Dale Powers
32. Article of the *Hartford Courant* on dirt tracks
33. Draft Motor Sport Vehicle Ordinance from Sherburne County
34. Prince Williams County, VA Zoning Ordinance Summary Information

35. Articles on Sprawl: Village *Baltimore Sun*
36. Article *People influx tramples Smart Growth Efforts*; Tom Horton, *Baltimore Sun*
37. Annapolis HPC Guidelines for Archaeological Review
38. *Don't Tear Up Any Cornfields for Me* by Sharon Kemper Suarez, AICP
39. Floating zone section of *Guide to Maryland Zoning Decisions*
40. Draft proposal submitted by planning staff to the Frederick County Planning Commission titled *Conservation Zone Update* dated November 1994
41. Magazine *Discovering* by Archeologist Spencer Geasey
42. Article *Frederick's Other Past* by Caroline Tatum Pugh
43. Article *A Study of Two Prehistoric Sites Associated with the Highland Metarhyolite Quarry, Frederick County, Maryland* by Spencer O. Geasey and Hattie L Ballweber
44. Conservation Zone Update by Frederick County Planning Commission, Nov 1994
45. Motor Sport Debate: Hearing on recommendations by Joni Astrup, *Star News*
46. Article: Battlefield Neighbor Faces a Rough Ride - *Washington Post*
47. Article: Alleged Bike Park Targeted in Filling - *Washington Post*
48. Article: Judge blocks Park For Dirt Bikes Near Manassas Battlefield, - *The Post*
49. Letter from Maryland Department of Housing and Community Development about Archeological Review

Other Correspondence

<u>From</u>	<u>Subject/Issue</u>
George Houston, Jr.	Mount St. Mary's College & Seminary
Jack Lynch	Archeological Preservation
Lisa Baugher	Zoning Ordinance in general
Arthur Gernand	Zoning Ordinance in general
Sara Gernard	Zoning Ordinance in general
Susan Hanson	Water consumption and nitrate pollution
Chris Atwell	Agricultural Land and ATV usage
Carol Ebright	Archeological Preservation
John Snyder	Planning Commission, BOA, Communication Towers
Hubert Schneider	Driveway setbacks
Daphne Blumberg	Off-Site Signage/Advertising
Leslie Kirkegaard	Child Care Centers in ORI
Casey Castleman	Zoning on Catoctin Mountain
Sam Castleman	RC Zoning
Chris Pax	RC Zoning
Paul Allen	Shooting Ranges
Richard Floyd	Low Impact Development
James Wilburn	Environmental Regulations
Elizabeth Donnelly	Surface and Groundwater
Linda Junker	RC Zoning