

ARTICLE II: ADMINISTRATION AND ENFORCEMENT

DIVISION 1. ADMINISTRATION

§ 1-19-2.110. ZONING CERTIFICATE AND BUILDING PERMIT.

[(A) Remains unchanged]

(B) *Submission and approval of site development plans prior to issuance.* Every multifamily, townhouse, institutional, commercial or industrial development will submit and have approved site development plans, in accordance with §§ 1-19-2.160, and 1-19-3.300 through 1-19-3.300.24 of this Code, prior to the issuance of a zoning certificate and building permit.

§ 1-19-2.160. PLANNING COMMISSION.

~~(A) Sound future development of the county requires that high intensity development receive special site plan review and approval by the planning commission. Site plan review enables the planning commission and other local agencies to evaluate the merits of each proposal.~~
THE PLANNING COMMISSION SHALL REVIEW SITE DEVELOPMENT PLANS WHEN REQUIRED BY §1-19-5.310 (USE TABLE) OR AS OTHERWISE REQUIRED IN THIS CHAPTER.

~~(B) No zoning certificate and building permit will be issued, and no structure or use will be established except in conformity with a site development plan approved by the planning commission, or their authorized representatives.~~

~~(C) After a site plan has been approved and construction of the development has been completed in accordance with the site plan, a change in use which does not affect the design of the development and which requires no new construction other than minor remodeling or changing of permitted signs, will not require an additional site plan review by the planning commission. The zoning administrator may process minor changes, however, he will refer major proposed changes to the planning commission for approval.~~

~~(D)~~ **(B)A TYPE I-PLANNING COMMISSION APPROVED** site development plan shall not be required for the reconstruction of an existing structure that has been substantially or wholly destroyed by a catastrophic event, if the structure will be reconstructed on the same footprint or foundation. The zoning administrator will process any request for the reconstruction of these structures; however he **THE ZONING ADMINISTRATOR** may refer any request **FOR APPROVAL OF A SITE DEVELOPMENT PLAN UNDER THIS SECTION** to the planning commission for ~~site plan~~ approval. The reconstruction of the structure must comply with:

- (1) All other provisions of this chapter to the extent practicable, as determined by county staff; and
- (2) All applicable state and local codes and regulations in existence at the time of reconstruction.

ARTICLE III: REVIEW AND APPROVAL PROCEDURES
DIVISION 3. SITE PLAN REVIEW
§ 1-19-3.300. ~~PROCEDURES~~ PURPOSE AND INTENT

(A) THE BOARD OF COUNTY COMMISSIONERS HAS DETERMINED THAT CERTAIN USES REQUIRE SITE DEVELOPMENT PLAN REVIEW AND APPROVAL BY THE PLANNING COMMISSION (SEE §1-19-2.160).

(B) SITE PLAN REVIEW IS INTENDED TO PROMOTE SAFE AND EFFICIENT DEVELOPMENT THAT MAXIMIZES COMPATIBILITY AND CONNECTIONS WITH EXISTING OR ANTICIPATED SURROUNDING LAND USES AND THE NATURAL ENVIRONMENT THROUGH CAREFUL CONSIDERATION OF SITE DEVELOPMENT, TRANSPORTATION AND PARKING, PUBLIC UTILITIES, NATURAL FEATURES, AND COMMON AREAS, AS REQUIRED BY THIS CHAPTER.

~~§ 1-19-3.300.1 SPECIFIC STANDARDS AND CONDITIONS~~ REVIEW AND APPROVAL PROCEDURES.

(A) A USE SUBJECT TO SITE DEVELOPMENT PLAN APPROVAL AS REQUIRED IN §1-19-5.310 (USE TABLE) OR SUBJECT TO THE SITE PLAN REVIEW PROCESS AS OTHERWISE REQUIRED IN THIS CHAPTER SHALL BE REVIEWED THROUGH ONE OF THREE PROCEDURES TO ENSURE THAT THE PROPOSED DEVELOPMENT COMPLIES WITH THE REQUIREMENTS OF THIS CHAPTER. THE THREE PROCEDURES ARE:

(1) TYPE I-PLANNING COMMISSION. THE PURPOSE OF THE TYPE I-PLANNING COMMISSION PROCESS IS TO PROVIDE FOR DEVELOPMENT REVIEW INVOLVING STANDARDS FOR DESIGN OR REVIEW OF USES PERMITTED BY THIS CHAPTER WHICH MAY BE COMPLEX IN NATURE REQUIRING INTERPRETATION OF COUNTY COMPREHENSIVE PLAN POLICIES OR THE REQUIREMENTS OF THE FREDERICK COUNTY CODE. THE TYPE I APPLICATION SHALL BE CIRCULATED FOR MULTI-AGENCY REVIEW PRIOR TO PLANNING COMMISSION REVIEW. TYPE I-PLANNING COMMISSION REVIEW AND APPROVAL IS REQUIRED FOR ALL OF THE FOLLOWING:

(a) APPLICATIONS FOR SITE DEVELOPMENT PLAN APPROVAL WHERE REVIEW AND APPROVAL IS NOT PROVIDED FOR THROUGH THE TYPE II-LIMITED OR TYPE III-ADMINISTRATIVE SITE PLAN REVIEW PROCESSES.

(b) MODIFICATIONS TO A PLANNING COMMISSION APPROVED SITE DEVELOPMENT PLAN INVOLVING AN INCREASE IN BUILDING HEIGHT OR NUMBER OF FLOORS; MODIFICATIONS TO LANDSCAPING OR SCREENING THAT REDUCE THE NUMBER OF PLANTINGS OR OPACITY REQUIRED IN THE INITIAL TYPE I-PLANNING COMMISSION APPROVAL; REQUESTS FOR REDUCTION IN OPEN SPACE SQUARE FOOTAGE; CHANGE IN THE TYPE OR SQUARE FOOTAGE OF AN AMENITY; AND MODIFICATIONS THAT INCREASE THE NUMBER OF REQUIRED PARKING AND LOADING SPACES.

(2) TYPE II-LIMITED. THE PURPOSE OF THE TYPE II-LIMITED PROCESS IS TO PROVIDE FOR DEVELOPMENT REVIEW AND APPROVAL BY PLANNING COMMISSION AUTHORIZED REPRESENTATIVES BASED ON STANDARDS SPECIFIED IN THE ZONING ORDINANCE. THE TYPE II-LIMITED APPLICATION SHALL BE PROCESSED AT STAFF LEVEL AND CIRCULATED FOR MULTI-AGENCY REVIEW. TYPE II-LIMITED APPLICATIONS SHALL BE RESTRICTED TO MODIFICATIONS PROVIDED THROUGH THE TYPE III-ADMINISTRATIVE PROCESS OR ANY ONE OR MORE OF THE FOLLOWING MINOR MODIFICATIONS TO PLANNING COMMISSION APPROVED SITE DEVELOPMENT PLANS PROVIDED THAT THE MODIFICATION DOES NOT REQUIRE PLANNING COMMISSION REVIEW OF ADEQUATE PUBLIC FACILITIES, FOREST RESOURCE ORDINANCE, OR STORMWATER MANAGEMENT REQUIREMENTS:

(a) MINOR MODIFICATIONS TO UTILITY LOCATION;

(b) MINOR MODIFICATIONS TO PARKING AND LOADING DESIGN REQUIRED BY PHYSICAL SITE CONSTRAINTS THAT HAS NO DETRIMENTAL IMPACT UPON OR THAT IMPROVES BICYCLE, PEDESTRIAN AND TRAFFIC SAFETY OR CIRCULATION;

(c) BUILDING FOOTPRINT MODIFICATIONS:

1. BETWEEN 201 SQUARE FEET AND 2,000 SQUARE FEET NOT RESULTING IN AN INCREASE IN SQUARE FOOTAGE; OR

2. NOT TO EXCEED A TOTAL OF 2,000 SQUARE FEET OR 10% OF THE SQUARE FOOTAGE APPROVED BY THE PLANNING COMMISSION, WHICHEVER IS LESS;

(d) MINOR LANDSCAPING MODIFICATIONS THAT DO NOT CONSTITUTE A MATERIAL ALTERATION OF THE PLANNING COMMISSION APPROVED SITE DEVELOPMENT PLAN AND THAT DO NOT REQUIRE A TYPE I PLANNING COMMISSION APPROVAL AS PROVIDED IN 1-19-3.300.1(A)(1);

(e) MINOR MODIFICATIONS TO PEDESTRIAN PATHWAY LOCATION, OPEN SPACE OR AMENITY DESIGN TO IMPROVE ACCESS, SAFETY, OR EFFICIENCY, THAT DO NOT REQUIRE TYPE I PLANNING COMMISSION APPROVAL AS PROVIDED IN 1-19-3.300.1(A)(1).

(3) TYPE III-ADMINISTRATIVE. THE PURPOSE OF THE TYPE III-ADMINISTRATIVE PROCESS IS TO PROVIDE FOR DEVELOPMENT REVIEW AND APPROVAL BY PLANNING COMMISSION AUTHORIZED REPRESENTATIVES BASED ON STANDARDS SPECIFIED IN THE ZONING ORDINANCE. THE TYPE III APPLICATION SHALL BE PROCESSED AS A STAFF LEVEL SINGLE AGENCY REVIEW AND SHALL BE RESTRICTED TO ANY ONE OR MORE OF THE FOLLOWING MINOR MODIFICATIONS, PROVIDED THAT THE MODIFICATION DOES NOT REQUIRE ADEQUATE PUBLIC FACILITIES, FOREST RESOURCE ORDINANCE, OR STORMWATER MANAGEMENT REVIEW:

(a) A CHANGE IN USE APPROVED BY THE ZONING ADMINISTRATOR;

(b) BUILDING FOOTPRINT MODIFICATIONS OF NOT MORE THAN 200 SQUARE FEET PROVIDED THAT THERE IS NO INCREASE IN OVERALL BUILDING FOOTPRINT SQUARE FOOTAGE;

(c) CHANGE OF PERMITTED AND APPROVED SIGNS;

(d) MINOR LANDSCAPING MODIFICATIONS INVOLVING SUBSTITUTION OF SPECIES THAT DO NOT REQUIRE TYPE I PLANNING COMMISSION APPROVAL AS PROVIDED IN 1-19-3.300.1(A)(1); OR

(e) OTHER MINOR MODIFICATIONS AS ESTABLISHED BY THE ZONING ADMINISTRATOR.

(B) AN APPLICANT MAY REQUEST A TYPE I-PLANNING COMMISSION REVIEW AT ANY TIME DURING A TYPE II-LIMITED OR TYPE III-ADMINISTRATIVE REVIEW PROCESS.

(C) PLANNING COMMISSION AUTHORIZED REPRESENTATIVES MAY REQUIRE A TYPE I-PLANNING COMMISSION OR TYPE II-LIMITED REVIEW FOR A SITE DEVELOPMENT PLAN APPLICATION PERMITTED THROUGH THE TYPE II-LIMITED OR TYPE III-ADMINISTRATIVE REVIEW PROCESS, WHERE IT IS DETERMINED THAT THE PROPOSED MODIFICATION MAY HAVE AN ADVERSE IMPACT ON SURROUNDING PROPERTIES, PUBLIC FACILITIES, OR IS INCONSISTENT WITH THE INITIAL TYPE I-PLANNING COMMISSION APPROVAL.

(D) EACH APPLICATION INVOLVING SITE DEVELOPMENT PLAN APPROVAL, TOGETHER WITH THE REQUIRED FEE (§1-19-2.130) AND OTHER REQUIRED PLAN SUBMISSIONS, INCLUDING, BUT NOT LIMITED TO ADEQUATE PUBLIC FACILITIES ORDINANCE STUDIES, FOREST RESOURCE ORDINANCE PLANS, SIGHT-DISTANCE STUDIES, AND STORMWATER MANAGEMENT CONCEPTS AND THE INFORMATION DESCRIBED BELOW, SHALL BE SUBMITTED TO THE OFFICE OF PLANNING AND ZONING DIVISION OF PERMITTING AND DEVELOPMENT REVIEW AT LEAST 90 DAYS PRIOR TO A REGULARLY SCHEDULED COMMISSION MEETING. THE DIVISION OF PERMITTING AND DEVELOPMENT REVIEW SHALL NOT ACCEPT AN APPLICATION IF IT IS DETERMINED THAT THE INFORMATION SUBMITTED IS INCOMPLETE.

AFTER THE DIVISION OF PERMITTING AND DEVELOPMENT REVIEW DEEMS THAT THE APPLICATION IS COMPLETE, THE SITE DEVELOPMENT PLAN WILL BE SCHEDULED FOR A TECHNICAL ADVISORY COMMITTEE (TAC) MEETING FOR REVIEW BY AGENCY REPRESENTATIVES AND REPRESENTATIVES OF THE APPLICANT. THE REVIEW PERIOD MAY BE REDUCED TO 60 DAYS IF, AFTER THE TAC MEETING, THE PLANNING STAFF DETERMINES THAT ALL COUNTY AND MARYLAND STATE AGENCY COMMENTS HAVE BEEN SUBSTANTIALLY ADDRESSED. THE APPLICANT MAY NOT ALSO FILE FOR A ZONING CERTIFICATE AND BUILDING PERMIT WITH THE OFFICE OF PERMITS AND INSPECTIONS BEFORE RECEIVING SITE PLAN APPROVAL. APPLICATIONS FOR SITE PLAN REVIEW SHALL BE VOID IF APPROVAL HAS NOT BEEN RECEIVED WITHIN 3 YEARS, BEGINNING ON THE DATE THE APPLICATION WAS ACCEPTED. A VOID APPLICATION SHALL HAVE NO FURTHER STATUS AND MUST BE RESUBMITTED.

(1) **FOR ALL TYPE-I PLANNING COMMISSION SITE PLAN REVIEW APPLICATIONS, THE APPLICANT SHALL PLACE A SIGN WITHIN 10 FEET OF EACH PROPERTY LINE THAT WHICH ABUTS A PUBLIC ROAD. IF THE PROPERTY DOES NOT ABUT A PUBLIC ROAD, A SIGN SHALL BE PLACED IN SUCH A MANNER SO THAT IT MAY BE MOST READILY SEEN BY THE PUBLIC.**

(a) **THE DIVISION OF PERMITTING AND DEVELOPMENT REVIEW ZONING ADMINISTRATOR SHALL PROVIDE THE REQUIRED SIGN(S).**

(b) **THE SIGN(S) SHALL BE PLACED ON THE PROPERTY AT LEAST 30 DAYS PRIOR TO THE INITIAL PLANNING COMMISSION MEETING AT WHICH THE TYPE I-PLANNING COMMISSION SITE DEVELOPMENT PLAN IS TO BE CONSIDERED.**

(c) **THE SIGN(S) SHALL BE AFFIXED TO A RIGID BOARD, PROTECTED FROM THE WEATHER, AND MAINTAINED AT ALL TIMES BY THE APPLICANT UNTIL THE INITIAL PLANNING COMMISSION MEETING HEARING IS HELD.**

(d) **THE APPLICANT SHALL FILE AN NOTARIZED AFFIDAVIT CERTIFYING THAT THE REQUIRED SIGN(S) HAS BEEN POSTED AND MAINTAINED FOR THE REQUIRED TIME PERIOD.**

(2) **IF ANY PERSON REMOVES OR TAMPERS WITH A POSTED SIGN DURING THE ABOVE 30 DAY POSTING PERIOD, THAT PERSON, UPON CONVICTION, SHALL BE GUILTY OF A MISDEMEANOR, AS PROVIDED IN § 1-19-2.220.**

(E) THE PLANNING COMMISSION MAY ATTACH CONDITIONS TO THE APPROVAL OF A SITE DEVELOPMENT PLAN IN ORDER TO ENSURE THAT THE PROPOSAL WILL CONFORM TO THE PROVISIONS OF THIS CHAPTER.

(F) APPROVAL OF A SITE DEVELOPMENT PLAN SUBMITTED UNDER THE PROVISIONS OF THIS DIVISION SHALL EXPIRE 3 2 YEARS AFTER THE DATE OF THE DECISION BY THE PLANNING COMMISSION OR ITS AUTHORIZED REPRESENTATIVES ACTION UNLESS CONSTRUCTION HAS BEGUN AS DEFINED BY “START OF CONSTRUCTION” IN § 1-19-11.100. UPON WRITTEN REQUEST SUBMITTED TO THE ZONING ADMINISTRATOR NO LATER THAN 1 MONTH PRIOR TO THE EXPIRATION DATE, AND FOR GOOD CAUSE SHOWN BY THE APPLICANT, A 1 TIME EXTENSION FOR A PERIOD NOT TO EXCEED 6 MONTHS, MAY BE GRANTED BY THE ZONING ADMINISTRATOR. HOWEVER, THE LENGTH OF SITE PLAN APPROVAL, OR EXTENSION THEREOF, MAY NOT EXCEED THE LENGTH OF THE APPROVAL UNDER THE ADEQUATE PUBLIC FACILITIES ORDINANCE (APFO) IF APFO APPROVAL IS REQUIRED.

§1-19-3.300.2 CONCEPT PLAN

[(A) through (B) remain unchanged]

§ 1-19-3.300.3 SITE PLAN REVIEW APPLICATION.

AN APPLICATION SUBMITTED FOR SITE PLAN REVIEW SHALL INCLUDE THE FOLLOWING INFORMATION IS REQUIRED:

(A) A MAP OF THE APPLICANT’S ENTIRE HOLDING SUBJECT PROPERTY AT A CONVENIENT SCALE;

(B) A VICINITY MAP AT A SCALE OF 1 INCH EQUALS 2,000 FEET OR MORE TO THE INCH, INDICATING THE LOCATION OF THE PROPERTY WITH RESPECT TO SURROUNDING PROPERTY AND STREETS. THE MAP WILL SHOW ALL STREETS AND HIGHWAYS WITHIN 2,000 FEET OF THE APPLICANT’S PROPERTY;

(C) A TOPOGRAPHIC MAP OF THE PROPERTY, AT A MINIMUM OF 5 FOOT CONTOUR INTERVALS, UNLESS OTHERWISE SPECIFIED, SHOWING THE EXISTING AND PROPOSED REGRADING SURFACE OF THE LAND AND THE LOCATION OF NATURAL FEATURES, SUCH AS STREAMS, ROCK OUTCROPS, AND WOODED AREAS;

(D) IN ACCORDANCE WITH THE DIVISION OF PERMITTING AND DEVELOPMENT REVIEW CHECKLIST REQUIREMENTS A SITE DEVELOPMENT PLAN SHOWING ALL EXISTING AND PROPOSED IMPROVEMENTS INCLUDING BUT NOT LIMITED TO: LOCATION, PROPOSED USE; LOCATION AND HEIGHT OF ALL BUILDINGS; LOCATION OF EXISTING AND PROPOSED RIGHTS-OF-WAY; LOCATION AND DIMENSIONS OF ALL PARKING AREAS, DRIVE AISLES, AND TRUCK LOADING AREAS WITH ACCESS AND EGRESS DRIVES THERETO; LOCATION OF SIDEWALKS, PEDESTRIAN CROSSINGS, AND EXISTING OR PLANNED TRANSIT STOPS; LOCATION AND TYPE OF ANY OUTDOOR STORAGE; LOCATION AND TYPE OF ANY RECREATION FACILITIES; PROPOSED GRADING, LANDSCAPING, AND SCREENING PLANS; DESCRIPTION OF PROPOSED METHOD TO PROVIDE BUFFER AREAS AND LANDSCAPING WHERE REQUIRED; LOCATION, AND DESIGN AND HEIGHT OF OUTDOOR LIGHTING FACILITIES; AND THE BUILDING ELEVATION FOR THE PURPOSE OF DEPICTING THE LOCATION, SIZE, AND TYPE OF ALL SIGNS; AND THE LOCATION, SIZE AND TYPE OF ALL PROPOSED STORM WATER MANAGEMENT FACILITIES;

(E) A COMPUTATION OF THE TOTAL AREAS OF THE LOT, INCLUDING THE BUILDING FLOOR AREA, BUILDING FLOOR AREA FOR EACH TYPE OF PROPOSED USE, THE BUILDING COVERAGE, AND THE ROADS AND PARKING, GREEN AREA, LANDSCAPED AND SCREENED AREAS, RECREATION AREAS AS REQUIRED, AND TOTAL LOT COVERAGE;

(F) COMMERCIAL OR MANUFACTURING INDUSTRIAL USES WILL DESIGNATE:

(a) THE SPECIFIC USES PROPOSED AND THE NUMBER OF EMPLOYEES FOR WHICH BUILDINGS ARE DESIGNED;

(b) THE TYPE OF POWER TO BE USED FOR ANY MANUFACTURING PROCESSES;

(c) TYPE OF WASTES OR BY-PRODUCTS TO BE PRODUCED BY ANY PROCESS AND PROPOSED METHOD OF DISPOSAL OF SUCH WASTES OR BY-PRODUCTS; AND

(d) SUCH OTHER INFORMATION AS MAY BE REQUIRED BY THE PLANNING COMMISSION OR ITS AUTHORIZED REPRESENTATIVES TO DETERMINE COMPLIANCE WITH THE REQUIREMENTS WITH THIS CHAPTER AND THE IMPACT OF A PARTICULAR USE ON ADJOINING PROPERTIES;

(G) (a) SOIL TYPE(S) INFORMATION SHALL BE PROVIDED AND APPROPRIATE BOUNDARIES SHOWN. IN THE EVENT “WET SOILS” ARE LOCATED ON OR WITHIN 100 FEET OF ANY PROPOSED RESIDENTIAL SITE PLAN, THEN A SOILS DELINEATION REPORT SHALL BE PREPARED BY A SOILS SCIENTIST OR PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF MARYLAND. THE PLANNING COMMISSION MAY WAIVER THIS REQUIREMENT IF THE “WET SOILS” ARE LOCATED WITHIN OPEN SPACE AREAS. THE SOILS REPORT SHALL BE SUBMITTED FOR REVIEW BY SCD PRIOR TO PLANNING COMMISSION APPROVAL OF THE SITE PLAN, BY THE PLANNING COMMISSION OR ITS AUTHORIZED REPRESENTATIVES UNLESS SUCH A SOILS REPORT WAS COMPLETED EARLIER WITHIN THE DEVELOPMENT REVIEW PROCESS.

(b) IF RESIDENTIAL STRUCTURE(S) WITH BASEMENTS ARE PROPOSED WITHIN “WET SOILS” A GEOTECHNICAL REPORT IS REQUIRED TO BE SUBMITTED BY A PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF MARYLAND. A NOTE SHALL BE PLACED ON THE SITE PLAN THAT ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE FINDINGS OF THE GEOTECHNICAL REPORT.

(c) SITE PLANS MAY BE PREPARED AND SUBMITTED BY AN APPLICANT. ~~IT MAY BE REQUIRED THAT SUCH THE SUBMITTED~~ INFORMATION, IF FOUND DEFICIENT OR IN ERROR, MAY BE REQUIRED TO BE RESUBMITTED OVER THE CERTIFICATION OF ANY ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, LAND SURVEYOR OR OTHER CERTIFIED PROFESSIONAL. SITE PLANS WILL BE PREPARED TO A SCALE OF NOT SMALLER THAN 1 INCH EQUALS 100 FEET, UNLESS APPROVED BY THE DIVISION OF PERMITTING AND DEVELOPMENT REVIEW ZONING ADMINISTRATOR; THE SHEET OR SHEETS SHALL BE NO LESS THAN 18 INCHES BY 20 INCHES NOR MORE THAN 24 INCHES BY 36 INCHES, INCLUDING A 1-1/2 INCH MARGIN FOR BINDING ALONG THE LEFT EDGE. A SITE PLAN MAY BE PREPARED ON ONE OR MORE SHEETS, IN WHICH CASE, MATCH LINES AND AN INDEX SHEET SHALL BE PROVIDED.

§ 1-19-3.300.4 APPROVAL CRITERIA

The following specific standards will be met in site plans, in addition to other requirements of this chapter. SITE DEVELOPMENT PLAN APPROVAL SHALL BE GRANTED WHEN THE PLANNING COMMISSION OR ITS AUTHORIZED REPRESENTATIVES FIND THAT THE APPLICATION FOR DEVELOPMENT HAS MET THE FOLLOWING CRITERIA BASED UPON THE PROVISIONS OF THIS CHAPTER:

(A) SITE DEVELOPMENT. EXISTING AND ANTICIPATED SURROUNDING LAND USES HAVE BEEN ADEQUATELY CONSIDERED IN THE DESIGN OF THE DEVELOPMENT AND NEGATIVE IMPACTS HAVE BEEN MINIMIZED THROUGH SUCH MEANS AS BUILDING PLACEMENT OR SCALE, LANDSCAPING, OR SCREENING, AND AN EVALUATION OF LIGHTING. ANTICIPATED SURROUNDING USES SHALL BE DETERMINED BASED UPON EXISTING ZONING AND LAND USE DESIGNATIONS.

(B) TRANSPORTATION AND PARKING. THE TRANSPORTATION SYSTEM AND PARKING AREAS ARE ADEQUATE TO SERVE THE PROPOSED USE IN ADDITION TO EXISTING USES BY PROVIDING SAFE AND EFFICIENT CIRCULATION, AND DESIGN CONSIDERATION THAT MAXIMIZES CONNECTIONS WITH SURROUNDING LAND USES AND ACCOMMODATES PUBLIC TRANSIT FACILITIES. EVALUATION FACTORS INCLUDE: ON-STREET PARKING IMPACTS, OFF-STREET PARKING AND LOADING DESIGN, ACCESS LOCATION AND DESIGN, VEHICULAR, BICYCLE, AND PEDESTRIAN CIRCULATION AND SAFETY, AND EXISTING OR PLANNED TRANSIT FACILITIES.

(C) PUBLIC UTILITIES. THE HEALTH DEPARTMENT SHALL CERTIFY THAT THE PROPOSED WATER AND SEWAGE FACILITIES ARE ADEQUATE TO SERVICE THE PROPOSED DEVELOPMENT WHERE THE PROPOSED DEVELOPMENT WILL BE SERVED BY PUBLICLY OWNED COMMUNITY WATER AND SEWER, THE FACILITIES SHALL BE ADEQUATE TO SERVE THE PROPOSED DEVELOPMENT. WHERE PROPOSED DEVELOPMENT WILL BE SERVED BY FACILITIES OTHER THAN PUBLICLY OWNED COMMUNITY WATER AND SEWER, THE FACILITIES SHALL MEET THE REQUIREMENTS OF AND RECEIVE APPROVAL FROM THE MARYLAND DEPARTMENT OF THE ENVIRONMENT/THE FREDERICK COUNTY HEALTH DEPARTMENT.

(D) NATURAL FEATURES. NATURAL FEATURES OF THE SITE HAVE BEEN EVALUATED AND TO THE GREATEST EXTENT PRACTICAL MAINTAINED IN A NATURAL STATE AND INCORPORATED INTO THE DESIGN OF THE DEVELOPMENT. EVALUATION FACTORS INCLUDE TOPOGRAPHY, VEGETATION, SENSITIVE RESOURCES, AND NATURAL HAZARDS.

(E) COMMON AREAS. IF THE PLAN OF DEVELOPMENT INCLUDES COMMON AREAS, PROPERTY, AND/OR FACILITIES, THE PLANNING COMMISSION AS A CONDITION OF APPROVAL SHALL ESTABLISH SUCH CONDITIONS ON MAY REVIEW THE OWNERSHIP, USE, AND MAINTENANCE OF SUCH LANDS OR PROPERTY AS IT DEEMS NECESSARY TO ENSURE THE PRESERVATION OF SUCH AREAS, PROPERTY, AND FACILITIES FOR THEIR INTENDED PURPOSES.

ARTICLE IV: REGULATIONS APPLICABLE TO ALL DISTRICTS

DIVISION 1. GENERALLY

§ 1-19-4.110. EXEMPTION OF ESSENTIAL SERVICES.

[(A) Remains unchanged]

(B) Government utilities shall be permitted in any district, it being the intention to exempt such facilities from the application of this chapter; except, that the plans of any overhead electric transmission line of 69 kilovolts or greater, of any cross country telephone trunk line, including microwave, transmission pipe line proposed to be created or installed in any district, shall be submitted to the Planning Commission in adequate time for its review and recommendation. A nongovernmental utility that is proposed either on a site area measuring 1,500 square feet or less, or that includes a structure that measures ~~240~~ **500** square feet or less and is 10 feet or less in height, is also exempt from the application of this chapter.

(C) A PROPOSED PUBLIC BUILDING OR FACILITY OWNED BY, OR LOCATED ON PROPERTY OWNED BY, THE BOARD OF COUNTY COMMISSIONERS WILL BE SUBMITTED TO THE FREDERICK COUNTY PLANNING COMMISSION (FCPC) FOR NONBINDING REVIEW AND COMMENT. THE FCPC WILL HOLD A PUBLIC MEETING ON THE PROPOSED PUBLIC BUILDING OR FACILITY, AFTER NONBINDING REVIEW AND COMMENT BY THE DIVISION OF PERMITTING AND DEVELOPMENT REVIEW IN ACCORDANCE WITH §1-19-3.300.1 (D) (1) AND 1-19-3.300.3 OF THIS CHAPTER.

DIVISION 5. LIGHTING
1-19-6.500 LIGHTING

(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, LIGHTING EMITTING OBJECTIONABLE GLARE OBSERVABLE FROM SURROUNDING PROPERTIES OR STREETS WILL BE SHIELDED.

§ 1-19-8.250.1. CUSTOMARY ACCESSORY USES.

[(A) through (E) remain unchanged]

(F) Guardhouses, provided that:

[(1) through (3) remain unchanged]

(4) In addition to the site plan requirements of §§1-19-3.300 and 1-19-3.300.14 the site plan shall include architectural drawings, show necessary utility connections and water and sewer infrastructure and easements, indicate the affect of the controlled access on the vehicular flow into the site and measures that will be taken to mitigate the interference of vehicles stacking with off-site traffic.

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

~~(A) — An application must be made for a temporary use permit which may be issued by the Zoning Administrator for all of the following outdoor activities to which are invited or are open to a segment of the general public: namely carnivals, circuses, tent revival meetings, musical festivals, public gatherings, public rallies, dinners, sales, bazaars, and similar activities in all zoning districts, except residential wherein temporary use permits shall not be issued. However, customary accessory uses contained in §§ 1 19 8.200 and 1 19 8.210 do not require temporary use permits. (Outdoor shall include activities in a tent, pavilion or open type permanent structures.) Before issuing a permit, the Zoning Administrator shall determine that the site is adequate for its intended temporary use according to the following:~~

- ~~———— (1) — The proposed activity is in compliance with all safety, health, and environmental standards and is not detrimental to the surrounding area.~~
- ~~———— (2) — The site is of a sufficient size to accommodate the intended temporary use.~~
- ~~———— (3) — A buffer zone devoid of all activities of 100 feet from all adjacent property lines will be maintained.~~
- ~~———— (4) — Safe and orderly flow of traffic can be ensured.~~

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

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

- (1) The mobile home would be occupied by an immediate member of the family owning and residing on the subject lot.
- (2) The occupant of either the mobile home or principal dwelling must have a physical or mental condition or excessive age which requires constant care and attention.
- (3) The lot must contain no less than 40,000 square feet of area in the Conservation and Agriculture Districts and no less than 80,000 square feet of area in the R-1 Residential District.
- (4) Only single-wide mobile homes will be permitted.
- (5) The mobile home shall:
 - (a) Meet the setback requirements for the district;
 - (b) Be located to the rear of the principal dwelling in the R-1 Residential District;
 - (c) Be placed so as to minimize the visual impact on the neighborhood;
 - (d) Be placed on the property only after a site plan has been approved by the Planning Commission.

~~(D) Contractors and lot owner's temporary structures are allowed as a temporary use in any district in connection with a construction project. Such structures will comply with the yard requirements of the zoning district. Said structures will be removed at the completion of construction or expiration of permit.~~

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

- (1) The accessory apartment shall be occupied by a member of the family who owns and resides on the subject property.
- (2) The occupant of either the attached dwelling or accessory apartment must have a physical or mental condition or excessive age which requires constant care and attention. A copy of a doctor's certification shall be filed with the application.
- (3) Only 1 accessory apartment may be created within an attached unit.
- (4) The renting of rooms under § 1-19-8.240 will not be permitted in conjunction with an accessory apartment.
- (5) If the ownership of the property changes, the use of the accessory apartment shall cease.
- (6) The accessory apartment shall have the same address as the attached dwelling in which it is located.
- (7) A notarized affidavit must be provided that is signed by both the resident of the attached dwelling and the resident of the accessory apartment that the addition of the apartment will not generate a need for additional off-street parking.
- (8) The owner shall file an annual report with the Zoning Administrator verifying that the conditions under which the special exception was granted remain the same.

§ 1-19-8.620.1. PURPOSE AND DESCRIPTION.

The purpose of the MPDU program is to substantially increase the county's supply of moderately priced housing units as a natural function of the development process. This program permits an increase in density above the total number of dwelling units permitted by the standard method of development. It also permits a reduction in certain area and dimensional requirements. Alternative options to the production of MPDUs in residential developments may be granted in exceptional cases (Chapter 6A, § 1-6A-5(E) of the MPDU program). The site plan approval procedures of § 1-19-2.160 and §1-19-3.300 through 1-19-3.300.~~24~~ of this Code must be followed, except as provided in this division. Where any of the provisions of this section are elected for a development, all of the requirements of this division apply.

§ 1-19-10.500. MIXED-USE DEVELOPMENT (MXD).

(H) *Review and approval of MXD District*

[(1) Remains unchanged]

(2) *Phase II: Execution Phase.* This guides the project through the customary subdivision and site plan process. Before applying for execution phase, the MXD site shall be classified at least W-4, S-4 on the Frederick County Water and Sewerage Plan.

[(a) Remains unchanged]

(b) Site plan review shall be in accordance with §§ 1-19-2.160, AND 1-19-3.300, ~~1-19-3.300.1, and~~ **THROUGH** 1-19-3.300.~~24~~ of the zoning ordinance.

[(c) through (d) remain unchanged]

§ 1-19-10.700.2. GENERAL PROVISIONS.

[(A) through (B) remain unchanged]

(C) [(1) Remains unchanged]

[(a) Remains unchanged]

(b) Provided, however, that where the applicant submits a comprehensive site plan for 3 or more contiguous structures or lots, the applicant may propose a reduction or modification to the above minimum setbacks. Any site plan which proposes a reduction or modification to the above minimum setbacks shall be subject to the normal posting requirements for site plans as provided in § 1-19-3.300.1 of this Code. The Planning Commission may approve such reductions or modifications based upon:

[1 through 4 remain unchanged]

DIVISION 9. INSTITUTIONAL FLOATING ZONING DISTRICT (I)

§ 1-19-10.900. INSTITUTIONAL FLOATING ZONING DISTRICT (I).

(D) *Review and Approval Procedures*

[(1) remains unchanged]

(2) *Phase II Execution.* The procedure for Phase II approval shall follow the applicable subdivision or site development plan review process. Prior to applying for Phase II where publicly owned community water and sewer are available to serve the proposed project, a classification of W-5, S-5 on the Frederick County Water and Sewerage Master Plan shall be obtained. Subdivision shall occur in accordance with county subdivision regulations. Site development plan review shall occur in accordance with §1-19-2.160, 1-19-3.300 through 1-19-3.300.~~14~~.

DIVISION 10. OPEN SPACE RECREATION FLOATING ZONING DISTRICT (OSR)
§ 1-19-10.1000. OPEN SPACE RECREATION FLOATING ZONING DISTRICT (OSR).

(D) Review and Approval Procedures

[(1) remains unchanged]

(2) Phase II Execution. The procedure for Phase II approval shall follow the applicable subdivision or site development plan approval process. Prior to applying for Phase II where publicly owned community water and sewer are available to serve the proposed project, a classification of W-5, S-5 on the Frederick County Water and Sewerage Master Plan shall be obtained. Subdivision shall occur in accordance with county subdivision regulations. Site development plan review shall occur in accordance with §1-19-2.160, 1-19-3.300 through 1-19-3.300.14 of this chapter.