



DIVISION OF PLANNING FREDERICK COUNTY, MARYLAND

Winchester Hall 12 East Church Street Frederick, Maryland 21701 (301) 600-1138

To: Board of County Commissioners

FROM: Eric Soter, Director, Division of Planning

DATE: November 4, 2009

RE: Child Care Center/Nursery School *Draft* Text Amendment

ISSUE

In light of recent changes to the County development process, the BOCC has received requests for reconsideration of childcare center/nursery school as a permitted use within the Agricultural zoning district. Based on this request, Staff (in consultation with the Office of the County Attorney), has prepared a draft text amendment for consideration by the Board of County Commissioners for possible initiation as a formal text amendment.

BACKGROUND

Over the past several months, the BOCC has continued to receive requests for consideration of Child care center/nursery school as a permitted use within the Agricultural zoning district associated with a principal permitted use, specifically Place of Worship.

To address this request Staff has prepared the Child Care Center/Nursery School Draft Text Amendment which has been attached as Exhibit 1. Within Exhibit 1, new text is shown in **BOLD CAPS**, and text for removal is shown in ~~strike through~~.

The proposed draft amendment creates a two-tier review that would:

1. Amend the accessory use section of the zoning ordinance (proposed as 1-19-8.230.3) to permit child care center/nursery school as an accessory use to a place of worship in the A and RC zoning districts where 5 criteria have been met. The maximum in attendance would be limited to 30 children, and the child care center/nursery school would be required to be located within a building utilized for a place of worship. The criteria are similar to the existing requirements in section 1-19-8.250.3 for child care centers in the ORI district.
2. Permit a child care center/nursery school as a special exception in the Ag district. The approval criteria for the special exception (proposed as 1-19-8.323) are similar to existing special exception criteria for child care center/nursery school permitted within other zoning districts (1-19-8.329). In addition, subsection (A) requires that the child care center/nursery school shall be operated not for profit within buildings or structures on premises which are owned or leased by an existing, or with final site development plan approval, permitted institutional use.

The proposed text amendment would provide for child care center/nursery school uses as defined in section 1-19-11.100 which operates above and beyond the typical 'Sunday School' operation.

In preparing this draft text amendment several outstanding issues came to light:

1. Determining the level of intensity associated with the permitted accessory use as proposed in 1-19-8.230.3, specifically the maximum of 30 children in attendance.
2. Inclusion of the 10% building floor area requirement may encourage the construction of larger facilities to justify the size of the desired child care center/nursery school. However, not including a limitation would permit the construction of a child care center/nursery school larger than the principal use.
3. The text amendment would permit a child care center/nursery school as a special exception for all institutional uses within the Agricultural zoning districts including:

civic community center; civic service club; group home, small private; group home, large; place of worship; and community fire and rescue service

STAFF RECOMMENDATION

Staff requests direction regarding the Child Care Center/Nursery School in the *A/RC Draft Text Amendment*.

EXHIBITS

Exhibit 1 – Child Care Center/Nursery School in the *A/RC Draft Text Amendment*