

PART I: FREDERICK COUNTY CODE
CHAPTER 1-6A: MODERATELY PRICED DWELLING UNITS
§ 1-6A-5. REQUIREMENT TO BUILD MPDU'S; AGREEMENTS; ALTERNATIVES.

[(A) and (B) remain unchanged]

(C) Density bonuses are permitted as part of the MPDU program in the following districts: Residential (MXD), R3, R5, R8, R12, R16, PUD, PDR, Village Center (VC), **MX**, and residential portions of a PDE.

[(D) through (M) remain unchanged]

ARTICLE V: ZONING MAP AND DISTRICTS

DIVISION 2. ZONING DISTRICTS

§ 1-19-5.240. COMMERCIAL ZONING DISTRICTS.

(A) The purpose of commercial districts is to provide sufficient and convenient locations throughout the county for commercial uses, serving the needs of local areas, the larger community, and regional users.

(B) The Village Center District (VC) is intended to reinforce and enhance the historically mixed-use areas within rural communities and designated growth areas. The district provides for the location of a variety of limited commercial uses and a range of housing types while maintaining the compatibility of new development with existing development through design standards. A mix of uses is encouraged in the village center either within a single structure or as separate uses located throughout the district.

(C) The General Commercial District (GC) is intended to provide general retail commercial and business services. The general commercial district will be located on roads with a minimum classification of collectors as designated by the **COUNTY** Comprehensive ~~Development~~ Plan.

(D) **THE MIXED USE DISTRICT (MX) IS INTENDED TO PROVIDE FOR A MIXTURE OF RESIDENTIAL, COMMERCIAL, AND EMPLOYMENT USES WITHIN GROWTH AREAS FOR THE PURPOSE OF REDEVELOPMENT AND IN-FILL WHERE IDENTIFIED BY A COUNTY COMPREHENSIVE PLAN LAND USE DESIGNATION OF MIXED USE.**

DIVISION 3. USE TABLE

§ 1-19-5.300. GENERALLY.

(A) The official schedule of district regulations follows in §§ 1-19-5.310 and 1-19-6.100 of this Code.

(B) Additional supplementary district regulations are found in §§ 1-19-7.100 through 1-19-7.620 of this Code. (Ord. 77-1-78, § 40-61, 1-24-1977)

The specific district regulations are set out in § 1-19-5.300 of this Code and are in 2 tables.

(C) Table I is § 1-19-5.310 of this Code and sets out the permitted uses in each zoning district and the type of required development review.

(D) Table II is § 1-19-6.100 of this Code and sets out the minimum lot area, frontage, yards and the maximum building height allowed for permitted uses in each zoning district.

(E) *Unlisted uses.*

(1) A use not specifically listed in § 1-19-5.310 Use Table is presumed to be prohibited, except when:

(a) Permitted in any zoning district by state statute; or

(b) The Zoning Administrator upon request provides a written determination that a proposed use is permitted due to its similarity to a particular use permitted within the zoning district.

(F) 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.

§ 1-19-5.310. USE TABLE.

(A) *Permitted uses and required development review.*

P Principal permitted use subject to design regulations

PS Principal permitted use subject to site development plan approval. See §§ 1-19-2.160, and 1-19-3.300 through 1-19-3.300.4

E Principal permitted use as a special exception with site development plan approval. See §§ 1-19-8.320 and following

T Permitted as temporary use as a special exception. See § 1-19-8.300

X Permitted as temporary use only. See § 1-19-8.700

SW Solid Waste Floating Zone

A blank indicates that the use is not permitted under any situation

Uses	Zoning Districts													
	RC	A	R1	R3	R5	R8	R12	R16	VC	MX	GC	ORI	LI	GI
<i>Natural Resources Uses</i>														
Agricultural activities	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Agricultural value added processing	P ***	P ***												
Agritourism enterprise	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Nursery retail	PS	PS									PS		PS	PS
Nursery wholesale	P	P									P		P	P
Farm winery	P ***	P ***												
Farm winery tasting room		PS ***												
Farm brewery	P ***	P ***												
Farm brewery tasting room		PS ***												
Limited roadside stand	P	P	PS	PS					PS	PS	PS			
Commercial roadside stand	PS	PS	PS	PS					PS	PS	PS			
Forestry	P	P	P	P	P	P	P	P			P		P	P
Sawmill	E	E												PS
Mineral extraction														PS
Mineral processing														PS
Spring water harvesting and storage	E													
Intensive swine farm														

	<i>Zoning Districts</i>														
<i>Uses</i>	RC	A	R1	R3	R5	R8	R12	R16	VC	MX	GC	ORI	LI	GI	
<i>Residential Uses</i>															
Single-family detached	P	P	P	P	P	P	P	P	P	PS					
Duplex dwelling			P	P	P	P	P	P	PS	PS					
Two-family dwelling		P	P	P	P	P	P	P	PS	PS					
Townhouse				PS *	PS	PS	PS	PS	PS	PS					
Multifamily dwellings						PS	PS	PS	PS	PS					
Multifamily group developments						PS	PS	PS	PS	PS					
Mobile homes	P	P													
Caretaker residence in conjunction with a permitted use	PS	PS							PS	PS	P		P	P	
Accessory apartment	E	E	E	E	E	E	E	E	E	E					
<i>Temporary Housing</i>															
Bed and breakfast	PS	PS							PS	PS	PS				
Motel, hotel									PS	PS	PS	PS	PS		
Temporary mobile home	T	T	T												
<i>Commercial Uses – Retail</i>															
Antique, artisan and craft shops									PS	PS	PS				
Apparel store									PS	PS	PS				
Appliance sales and service									PS	PS	PS				
Auction house									PS		PS		PS	PS	
Food stores									PS	PS	PS				
Boats, sales and service											PS		PS	PS	
Book and magazine									PS	PS	PS				
Camera									PS	PS	PS				
Convenience stores									PS	PS	PS				

	Zoning Districts													
Uses	RC	A	R1	R3	R5	R8	R12	R16	VC	MX	GC	ORI	LI	GI
<i>Commercial Uses – Retail (Cont'd)</i>														
Department store or variety store									PS	PS	PS			
Farm equipment sales or service ****		E							PS		PS		PS	PS
Feed and grain mill		E											PS	PS
Retail sales and service	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Florist									PS	PS	PS			
Furniture repair									PS	PS	PS		PS	PS
Shopping center									PS		PS			
Gift/souvenir									PS	PS	PS			
Hardware/garden center									PS	PS	PS			
Hobby shop									PS	PS	PS			
Horse tack and saddlery shop									PS	PS	PS			
Household furnishing									PS	PS	PS			
Jewelry									PS	PS	PS			
Lumber yard											PS		PS	PS
Mobile home sales											PS		PS	PS
Music and record shops									PS	PS	PS			
Office equipment									PS	PS	PS			
Paint store									PS	PS	PS			
Pet store									PS	PS	PS			
Pet training/day care/grooming facility									PS	PS	PS			
Pharmacy									PS	PS	PS			
Radio and TV sales and service									PS	PS	PS			
Shoe store									PS	PS	PS			
Sporting goods									PS	PS	PS			
Stone monument sales									PS	PS	PS		PS	PS

	Zoning Districts													
Uses	RC	A	R1	R3	R5	R8	R12	R16	VC	MX	GC	ORI	LI	GI
<i>Commercial Uses – Retail (Cont'd)</i>														
Tobacco store									PS	PS	PS			
Toy store									PS	PS	PS			
Liquor store									PS	PS	PS			
<i>Commercial Business and Personal Services</i>														
Advertising agency									PS	PS	PS			
Bank or savings and loan									PS	PS	PS	PS		
Broadcasting studio									PS	PS	PS	PS	PS	PS
Communication towers**	E	E									PS	PS	PS	PS
Barber and beauty shops									PS	PS	PS			
Bus depot											PS		PS	PS
Carpentry, electrical, plumbing, welding, printing, upholstery									PS	PS	PS		PS	PS
Contractors, fencing, pool and siding											PS		PS	PS
Commercial or business school										PS	PS			
Dance or music studio									PS	PS	PS			
Dry cleaning and laundromat ****									PS	PS	PS			
Funeral home										PS	PS			
Fortuneteller	-	-	-	-	-	-	-	-	PS	-	PS	-	-	-
Landscape contractor		E									PS		PS	PS
Medical clinic									PS	PS	PS	PS	PS	PS
Office business									PS	PS	PS	PS	PS	PS
Office professional					E	E	E	E	PS	PS	PS	PS		

	<i>Zoning Districts</i>													
<i>Uses</i>	RC	A	R1	R3	R5	R8	R12	R16	VC	MX	GC	ORI	LI	GI
<i>Commercial Business and Personal Services (Cont'd)</i>														
Photography studio ****									PS	PS	PS		PS	
Restaurant									PS	PS	PS	PS	PS	
Country inn	E	E												
<i>Wholesaling and Processing</i>														
Agricultural products processing	E	E									PS		PS	PS
Bottling plant											PS		PS	PS
Contractors, equipment and material storage yard														PS
Carpet or rug cleaning ****											PS		PS	PS
Contractors office and storage													PS	
Petroleum products storage ****													PS	PS
Laboratory research, experimental or testing											PS	PS	PS	PS
Industrial laundry and dry cleaning ****													PS	PS
Self-storage units											PS		PS	PS
Stone monument processing											PS		PS	PS
Wholesaling and/or warehouse											PS		PS	PS
Yard storage														PS
<i>Automobile and Related Services</i>														
Part sales and installation									PS	PS	PS		PS	
Automobile filling and service station ****									PS	PS	PS		PS	PS
Carwash									PS		PS		PS	
Automobile repair or service shop ****									E	E	PS		E	PS

	<i>Zoning Districts</i>													
<i>Uses</i>	RC	A	R1	R3	R5	R8	R12	R16	VC	MX	GC	ORI	LI	GI
<i>Automobile and Related Services (Cont'd)</i>														
Sales and service center ****											PS		PS	PS
Salvage yard ****														PS
School bus parking	E	E							E		PS		PS	PS
Truck stop and filling station service facility ****														PS
Motor freight terminal ****													PS	PS
<i>Animal Care and Service</i>														
Animal hospital or veterinary clinic		E							E	PS	EPS			
Kennel		E							E		E			
Boarding stable	P	P									PS			
Commercial boarding stable	E	PS									PS			
Auction sales – animals		PS									PS		PS	PS
<i>Commercial Amusements</i>														
Bowling alley									PS	PS	PS			
Carnival, circus		X	X						X	X	X		X	X
Race tracks											PS		PS	PS
Motorcycle hill climb														T
Health club, fitness center, vocational training facility									PS	PS	PS		PS	
Tennis club				E	E	E	E	E		PS	PS			
Golf course ****			PS	PS	PS	PS	PS	PS						
Skating rink										PS	PS			
Swimming pool, commercial										PS	PS			
Theater, drive-in or outdoor stage											PS		PS	PS
Theater, indoor									PS	PS	PS		PS	

	<i>Zoning Districts</i>													
<i>Uses</i>	RC	A	R1	R3	R5	R8	R12	R16	VC	MX	GC	ORI	LI	GI
<i>Commercial Amusements (Cont'd)</i>														
Zoo/botanical garden/arboretum											PS			
Museums/gallery									PS	PS	PS			
Night club, tavern, lounge										PS	PS		PS	
Outdoor recreation center											PS		PS	PS
Rodeo		E												
Indoor sports recreation facility										PS	PS		PS	
Video lottery facility														
<i>Industrial Uses</i>														
Limited manufacturing and assembly use												PS	PS	PS
General manufacturing														PS
<i>Open Space and Institutional</i>														
Airports, public ****													PS	PS
Cemetery/memorial gardens		PS	PS											
Fairground											PS		PS	PS
Shooting range/club - trap, skeet, rifle, archery	E	E											PS	PS
Aircraft landing and storage areas, private		E											E	E
Tent campground	E	E												
Rustic retreat/camp/outdoor club	E	E												
<i>Institutional</i>														
Child care center/nursery school		E	E	E	E	E	PS	PS	PS	PS	PS		E	
Civic community center		E	PS	PS	PS	PS	PS	PS	PS	PS	PS			
Civic service clubs		E	P				PS	PS	PS	PS	PS			

	<i>Zoning Districts</i>														
<i>Uses</i>	RC	A	R1	R3	R5	R8	R12	R16	VC	MX	GC	ORI	LI	GI	
<i>Institutional (Cont'd)</i>															
Comprehensive physical rehabilitation facility								PS	PS	PS	PS	PS			
Group homes, small private	P	P	P	P	P	P	P	P	P	P					
Group home, large		PS	PS	PS	PS	PS	PS	PS	PS	PS					
Hospital								PS	PS	PS	PS				
Assisted living facility			PS	PS	PS	PS	PS	PS	PS	PS	PS				
Nursing home			PS	PS	PS	PS	PS	PS	PS	PS					
Place of worship	E	PS	PS	E	PS	PS	PS	PS	PS	PS	PS		PS		
Private school			E	E	E	E	E	E	E	PS			E		
Community fire and rescue service		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	
<i>Governmental and Nongovernmental Utilities</i>															
Arena or stadium											PS		PS	PS	
College or university			PS	PS	PS	PS	PS	PS	PS	PS	PS				
Elementary or secondary school			PS	PS	PS	PS	PS	PS	PS	PS	T		T	T	
Nongovernmental utility	E	E	E	E	E	E	E	E	E	E	PS		PS	PS	
<i>Solid Waste Operations</i>															
Borrow pit operations		PS											PS	PS	
Industrial waste landfill ****		E												E	
Rubble landfill		SW												SW	
Recycling pickup and distribution centers													PS	PS	
RRF (Resource Recovery Facility - Separated Recyclables)		SW											SW	SW	
RRF (Resource Recovery Facility - Nonseparated Materials)														SW	

	Zoning Districts													
Uses	RC	A	R1	R3	R5	R8	R12	R16	VC	MX	GC	ORI	LI	GI
<i>Solid Waste Operations (Cont'd)</i>														
Composting :														
Limited wood waste recycling facility		E												E
Unlimited wood waste recycling facility		SW												SW
Sludge amended yard waste		SW											SW	SW
Solid waste composting		SW											SW	SW
Sludge pit		E												

* Townhouses will be permitted only within MPDU developments; however, in no event shall the number of townhouses exceed 50% of the total number of units within the MPDU project.

** Communication towers not permitted in residential, PUD and residential MXD Districts

*** A zoning certificate is required to be obtained prior to the initiation of the processing operation and/or prior to any building construction related to farm winery, farm brewery, farm winery tasting room, or farm brewery tasting room.

**** These uses are prohibited within wellhead protection areas; outside of WHPA the location and containment of hazardous substance for these uses must meet the requirements of § 1-6-50.

(B) Permitted uses and required development review for limited zoning districts.

(1) Euclidean Institutional Zoning District (Ie). The following uses are permitted within the Euclidean Institutional Zoning District:

(a) College or university, elementary or secondary school, private school, private school in conjunction with a place of worship, or residential treatment center in conjunction with a private school , a continuing care retirement community (ccrc), and agricultural activities as defined in §1-19-11.100, subject to all other requirements of this chapter. The continued or further application of this zoning district to land uses not meeting these standards is not permitted. Caretaker residence in conjunction with a permitted use is specifically allowed as an accessory use. (See also §1-19-8.480)

ARTICLE VI: DISTRICT REGULATIONS

DIVISION 1. DESIGN REQUIREMENTS AND MODIFICATIONS

§ 1-19-6.100. DESIGN REQUIREMENTS FOR SPECIFIC DISTRICTS.

Note 1. Minimum lot areas measured in acres and square feet; minimum lot width, yard areas and height measured in feet.

Note 2. The minimum lot area and yard requirements do not apply to agricultural activity involving no structures.

Note 3. Design requirements for uses permitted by special exception are established in §§ 1-19-8.320 *et seq.*

Note 4. Lot area, width and yard measurements may be modified in accordance with § 1-19-8.620 through § 1-19-8.620.6 (to residential zones - R3, R5, R8, R12, R16, VC, AND MX).

NOTE 5. INCREASED HEIGHT MAY BE PERMITTED WITHIN THE MX DISTRICT IN ACCORDANCE WITH §1-19-7.520(G)

<i>[General Commercial remains unchanged]</i>							
MIXED USE MX							
USE CLASSIFICATION	MINIMUM LOT AREA	MINIMUM LOT AREA PER UNIT	LOT WIDTH	FRONT YARD	SIDE YARD	REAR YARD	HEIGHT
NATURAL RESOURCES	5 ACRES	-	100	20	8	20	30'
RESIDENTIAL							
SINGLE FAMILY	6,000	6,000	60	20	8	30	30'
DUPLEX DWELLING	6,000	6,000	60	20	8	30	30'
TWO FAMILY	10,000	5,000	75	20	8	30	30'
TOWNHOUSE	SEE §§ 1-19-8.470 THROUGH 1-19-8.470.7						
MULTIFAMILY DWELLING	NONE	2,700	100	20	*	*	80'
MULTIFAMILY GROUP	NONE	2,700	100	20	*	*	80'
TEMPORARY HOUSING							
HOTEL OR MOTEL	20,000	500	100	20	15	35	60'
COMMERCIAL USES	12,000	-	75	20	8	35	60'
AUTOMOBILE AND RELATED SERVICES	12,000	-	75	20	8	35	60'
OPEN SPACE USES	NO MINIMUM	-	-	-	-	-	-
ANIMAL CARE AND SERVICE	12,000	-	75	20	8	30	60'
INSTITUTIONAL	12,000	-	100	40	20	30	60'
GOVERNMENTAL AND PUBLIC UTILITIES	12,000	-	100	40	30	30	30'
<i>[Light Industrial remains unchanged]</i>							

*Equal to height of structure
[footnotes remain unchanged]

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

The following provisions shall be applicable in the General Commercial District.

(A) *Access requirements.* One combined entrance/exit is permitted for each 200 feet of frontage. Access to corner lots will be at least 100 feet from intersecting street rights-of-way. Entrances to individual lots on a frontage road will be a minimum of 200 feet apart, except when developing on the circumference at the end of a cul-de-sac, then entrances may be less than 200 feet apart; however, combined entrances with adjoining properties shall be provided to limit the number of access points and give the maximum separation possible.

(B) *Vehicle and pedestrian circulation.* A plan for the internal circulation of vehicles and pedestrians will be reviewed and approved by the **DIVISION OF PERMITTING AND DEVELOPMENT REVIEW** ~~Planning Department~~.

(C) *Signs.* Square footage may be increased by 25% if no free-standing or pylon-type signs are used.

(D) Storage of flammable liquids in excess of 60,000 gallons in the general commercial district requires a special exception approval of the Board of Appeals. The placement of storage containers for flammable liquids shall comply with the setback requirements of § 1-19-7.610(J)(4).

(E) *Storage and operations.* Notwithstanding other provisions of this Code, all operations and the storage of equipment, materials, or products in the GC District shall be conducted within completely enclosed buildings. Storage may be permitted outdoors only when completely screened by a wall, opaque fence, or planting so that such materials will not be visible from a public way or adjoining property. The most appropriate screening for the use shall be determined at site development plan review.

(F) Refuse and recycling dumpsters shall be located away from public access areas and may be required to be screened. The most appropriate screening shall be determined at site development plan review with materials reflecting neighborhood characteristics as approved by the planning commission.

(G) **SITE DEVELOPMENT AND LAYOUT**

THE FOLLOWING SITE DEVELOPMENT AND LAYOUT STANDARDS SHALL BE MET AT THE TIME OF SITE DEVELOPMENT PLAN REVIEW:

(1) **BUILDINGS AND SITE DESIGN SHALL BE ORIENTED TO FACILITATE SAFE AND CONVENIENT ACCESS TO PUBLIC TRANSIT IN ACCORDANCE WITH THE FREDERICK COUNTY TRANSIT-FRIENDLY DESIGN GUIDELINES.**

(2) **BUILDINGS SHALL BE ORIENTED SO THAT REAR ENTRANCES AND REAR FAÇADES FACE AWAY FROM ROADWAYS, PEDESTRIAN AND PUBLIC AREAS.**

(3) **AS MANY BUILDINGS AS POSSIBLE SHALL BE ORIENTED TO PEDESTRIAN WAYS, PUBLIC STREETS, OR INTERNAL ROADWAYS IN LARGER DEVELOPMENTS.**

(4) **BUILDING PLACEMENT SHALL PROVIDE FOR THE CONCENTRATION OF SERVICE ENTRANCES, MECHANICAL EQUIPMENT, UTILITIES AND NON PUBLIC FACILITIES (I.E. REFUSE CONTAINERS OR OUTSIDE STORAGE) AWAY FROM PUBLIC ACCESS AREAS.**

(5) **PEDESTRIAN WALKWAYS AND CROSSINGS SHALL BE MARKED OR CONSTRUCTED OF MATERIALS TO PROVIDE A DISTINCTION FROM AREAS OF VEHICULAR MOVEMENT.**

(6) **PARKING LOTS SHALL NOT CREATE LONG EXPANSES OF EMPTY STREET FRONTAGE.**

(7) **PROJECTS SHALL BE DESIGNED TO LINK TO EXISTING AND PLANNED ROAD NETWORKS, INCORPORATE AN INTERCONNECTED STREET GRID, AND SHALL AVOID COMMERCIAL ‘STRIP’ DEVELOPMENT WHERE VEHICULAR ACCESS IS ACHIEVED DIRECTLY TO A COLLECTOR CLASSIFICATION ROADWAY OR HIGHER. THE PLANNING COMMISSION MAY RESTRICT ACCESS ON CORNER PARCELS TO THE LOWER FUNCTIONING ROADWAY, RESTRICT TURNING MOVEMENTS INTO AND OUT OF PROPERTIES, AND LIMIT THE NUMBER OF MEDIAN OPENINGS IN COMPLYING WITH THIS STANDARD.**

(8) **PROJECTS SHALL BE DESIGNED TO FACILITATE JOINT USE AND SHARED PARKING. EVALUATION FACTORS INCLUDE: BUILDING AND PARKING PLACEMENT AND MIXTURE OF LAND USES**

(9) **SHARED ACCESS AND INTERIOR DRIVES WITH ALLOWANCE FOR INTERNCONNECTION BETWEEN PROPERTIES SHALL BE PROVIDED WHERE FEASIBLE. THE PLANNING COMMISSION MAY REQUIRE CONSOLIDATION OF MULTIPLE ACCESS POINTS IN COMPLYING WITH THIS STANDARD. AT THE REAR OF PROPERTIES ACCESS SHOULD BE PROVIDED BY ALLEYWAYS OR PARKING LOT INTERCONNECTIONS.**

(H) ***BUILDING MASSING AND BULK***

THE FOLLOWING BUILDING MASSING AND BULK STANDARDS SHALL BE MET AT THE TIME OF SITE DEVELOPMENT PLAN REVIEW:

(1) **BUILDING DESIGNS SHALL NOT INCLUDE LARGE EXPANSES OF UNDIFFERENTIATED FAÇADES, AND LONG PLAIN WALL SECTIONS.**

(2) **BUILDINGS SHALL INCORPORATE PEDESTRIAN SCALE BUILDING DESIGN AND ARCHITECTURAL ELEMENTS AT BUILDING ENTRANCES AND WHERE ABUTTING A EXISTING OR PLANNED PEDESTRIAN ORIENTED PUBLIC RIGHT-OF-WAY.**

§ 1-19-7.520. MIXED USE.

IN ACCORDANCE WITH THE SITE PLAN REVIEW PROCESS PROVIDED IN SECTION 1-19-3.300 THROUGH 1-19-3.300.4 THE FOLLOWING PROVISIONS SHALL BE APPLICABLE IN THE MIXED USE (MX) DISTRICT.

(A) ***STORAGE AND OPERATIONS.* NOTWITHSTANDING OTHER PROVISIONS OF THIS CODE, ALL OPERATIONS AND THE STORAGE OF EQUIPMENT, MATERIALS, OR PRODUCTS IN THE MIXED USE DISTRICT SHALL BE CONDUCTED WITHIN COMPLETELY ENCLOSED BUILDINGS. THE PLANNING COMMISSION MAY APPROVE OUTDOOR DISPLAY OF PRODUCTS AT THE TIME OF SITE DEVELOPMENT PLAN REVIEW.**

(B) **REFUSE AND RECYCLING DUMPSTERS SHALL BE LOCATED AWAY FROM PUBLIC ACCESS AREAS AND MAY BE REQUIRED TO BE SCREENED. THE MOST APPROPRIATE SCREENING SHALL BE DETERMINED AT SITE DEVELOPMENT PLAN REVIEW WITH MATERIALS REFLECTING NEIGHBORHOOD CHARACTERISTICS AS APPROVED BY THE PLANNING COMMISSION.**

(C) **DEVELOPMENT SHALL COMPLY WITH COUNTY COMMUNITY OR CORRIDOR PLANS FOR THE AREA WHERE THE DEVELOPMENT IS PROPOSED.**

(D) **DEVELOPMENT SHALL UTILIZE BUILDING MOUNTED OR MONUMENT SIGNS RATHER THAN PYLON SIGNS.**

(E) ***SITE DEVELOPMENT AND LAYOUT.***

THE FOLLOWING SITE DEVELOPMENT AND LAYOUT STANDARDS SHALL BE MET AT THE TIME OF SITE DEVELOPMENT PLAN REVIEW:

(1) **BUILDINGS AND SITE DESIGN SHALL BE ORIENTED TO FACILITATE SAFE AND CONVENIENT ACCESS TO PUBLIC TRANSIT IN ACCORDANCE WITH THE FREDERICK COUNTY TRANSIT-FRIENDLY DESIGN GUIDELINES.**

(2) **BUILDINGS SHALL BE ORIENTED SO THAT REAR ENTRANCES AND REAR FAÇADES FACE AWAY FROM ROADWAYS, PEDESTRIAN AND PUBLIC AREAS.**

(3) **AS MANY BUILDINGS AS POSSIBLE SHALL BE ORIENTED TO PEDESTRIAN WAYS, PUBLIC STREETS, OR INTERNAL ROADWAYS IN LARGER DEVELOPMENTS.**

(4) **BUILDING PLACEMENT SHALL PROVIDE FOR THE CONCENTRATION OF SERVICE ENTRANCES, MECHANICAL EQUIPMENT, UTILITIES AND NON PUBLIC FACILITIES (I.E. REFUSE CONTAINERS OR OUTSIDE STORAGE) AWAY FROM PUBLIC ACCESS AREAS.**

(5) **PEDESTRIAN WALKWAYS AND CROSSINGS SHALL BE MARKED OR CONSTRUCTED OF MATERIALS TO PROVIDE A DISTINCTION FROM AREAS OF VEHICULAR MOVEMENT.**

(6) **PARKING SHALL BE PREDOMINANTLY LOCATED TO THE SIDE AND OR REAR OF BUILDINGS AND CONSOLIDATED TO FACILITATE PEDESTRIAN MOVEMENT.**

(7) **PARKING LOTS SHALL NOT CREATE LONG EXPANSES OF EMPTY STREET FRONTAGE.**

(8) PROJECTS SHALL BE DESIGNED TO LINK TO EXISTING AND PLANNED ROAD NETWORKS, INCORPORATE AN INTERCONNECTED STREET GRID, AND SHALL AVOID COMMERCIAL ‘STRIP’ DEVELOPMENT WHERE VEHICULAR ACCESS IS ACHIEVED DIRECTLY TO A COLLECTOR CLASSIFICATION ROADWAY OR HIGHER.

(9) PROJECTS SHALL BE DESIGNED TO FACILITATE JOINT USE, SHARED PARKING, AND THE USE OF PARKING STRUCTURES. EVALUATION FACTORS INCLUDE: BUILDING AND PARKING PLACEMENT, MIXTURE OF LAND USES, AND PARKING RECOMMENDATIONS CONTAINED WITHIN THE COMMUNITY OR CORRIDOR PLAN WHERE THE PROJECT IS PROPOSED.

(10) SHARED ACCESS AND INTERIOR DRIVES WITH ALLOWANCE FOR INTERNCONNECTION BETWEEN PROPERTIES SHALL BE PROVIDED WHERE FEASIBLE. THE PLANNING COMMISSION MAY REQUIRE CONSOLIDATION OF MULTIPLE ACCESS POINTS IN COMPLYING WITH THIS STANDARD. AT THE REAR OF PROPERTIES ACCESS SHOULD BE PROVIDED BY ALLEYWAYS OR PARKING LOT INTERCONNECTIONS.

(F) *BUILDING MASSING AND BULK.*

THE FOLLOWING BUILDING MASSING AND BULK STANDARDS SHALL BE MET AT THE TIME OF SITE DEVELOPMENT PLAN REVIEW:

(1) INDIVIDUAL STRUCTURES SHALL NOT EXCEED THE MAXIMUM BUILDING FOOTPRINT AS PROVIDED WITHIN THE COUNTY COMMUNITY OR CORRIDOR PLAN.

(2) BUILDINGS SHALL INCORPORATE PEDESTRIAN SCALE BUILDING DESIGN AND ARCHITECTURAL ELEMENTS AT BUILDING ENTRANCES AND WHERE ABUTTING A PUBLIC RIGHT-OF-WAY. EVALUATION FACTORS INCLUDE: BALCONIES, TERRACES, WINDOWS, CANOPIES, PORCHES, AND BENCHES.

(3) BUILDINGS SHALL PROVIDE A PRIMARY PEDESTRIAN ENTRANCE ONTO A STREET, SQUARE, PLAZA, OR SIDEWALK.

(4) BUILDINGS SHALL BE DESIGNED AND CONSTRUCTED TO INCLUDE FINISHES AND MATERIALS OF CONSISTENT QUALITY AND DESIGN ON ALL SIDES SUCH AS: CHANGES IN BUILDING PLANE, WINDOWS, DOORWAYS, ENTRANCES, OVERHANGING EAVES, AND SHUTTERS. BUILDINGS SHALL NOT INCLUDE LONG EXPANSES OF UNDIFFERENTIATED FAÇADES AND LONG PLAIN WALL SECTIONS.

(5) BUILDING DESIGN SHALL REFLECT THE MATERIALS AND ARCHITECTURE OF TRADITIONAL VILLAGES AND TOWNS THROUGHOUT FREDERICK COUNTY AND CENTRAL MARYLAND UNLESS OTHERWISE PROVIDED WITHIN COUNTY COMMUNITY OR CORRIDOR PLANS.

(G) *MODIFICATIONS.*

(1) THE PLANNING COMMISSION MAY MODIFY THE LOT AREA, LOT AREA PER UNIT, LOT WIDTH, SETBACK, AND HEIGHT REQUIREMENTS AS PROVIDED IN §1-19-6.100 DESIGN REQUIREMENTS FOR THE MX DISTRICT AND MAXIMUM BUILDING FOOTPRINT AS PROVIDED IN 1-19-7.520 (F)(1). THE PLANNING COMMISSION MAY APPROVE A MODIFICATION WHERE A SPECIFIC FINDING IS MADE THAT:

(a) THE MODIFICATION IS IN CONFORMANCE WITH THE COUNTY COMMUNITY OR CORRIDOR PLAN; AND

(b) THE MODIFICATION PROVIDES FOR AN IMPROVED DESIGN THAT FURTHERS THE GOALS WITHIN THE COUNTY COMPREHENSIVE, COMMUNITY, OR CORRIDOR PLAN, AND WOULD NOT OTHERWISE BE POSSIBLE WITHIN THE EXISTING REGULATIONS; AND

(c) THE AMOUNT OF HEIGHT APPROVED ABOVE THAT PERMITTED IN §1-19-6.100 FOR THE MX DISTRICT SHALL BE IN DIRECT PROPORTION TO PARKING ACCOMMODATED BELOW THE PROPOSED STRUCTURE(S); AND

(d) ALL OTHER PROVISIONS OF THIS CHAPTER ARE MET.

(2) WHERE MPDUs ARE PROVIDED THE MODIFICATION SHALL NOT EXCEED THE AREA, WIDTH, YARD, AND HEIGHT MEASUREMENTS AS PROVIDED IN (§1-19-8.620.5).

(3) THE PLANNING COMMISSION MAY REQUIRE MODIFICATIONS TO BUILDING AND SITE DESIGN WHERE AN INCREASE IN MAXIMUM BUILDING FOOTPRINT HAS BEEN GRANTED, TO ADDRESS POTENTIAL NEGATIVE IMPACTS ON SURROUNDING PROPERTIES THAT MAY RESULT FROM THE INCREASE. THE BUILDING AND SITE DESIGN MODIFICATIONS MAY INCLUDE: LOCATION OF PUBLIC ACCESS, BUFFERING AND SCREENING, LANDSCAPING, LIGHTING, OUTDOOR RECREATION AREAS, BUILDING LOCATION AND ORIENTATION.

(H) *MULTIPLE STRUCTURES AND MIXED USES.*

(1) MIXED-USE DEVELOPMENT IS ENCOURAGED IN THE MX DISTRICT INCLUDING A MIXTURE OF RESIDENTIAL, COMMERCIAL AND EMPLOYMENT USES WITHIN A STRUCTURE, A LOT OR THE DISTRICT. MULTIPLE PRINCIPAL STRUCTURES ON AN INDIVIDUAL LOT MAY BE PERMITTED WITHIN THE MX DISTRICT WHEN APPROVED BY THE PLANNING COMMISSION THROUGH THE TYPE I SITE PLAN REVIEW PROCESS (§1-19-3.300 THROUGH 1-19-3.300.4) WHERE THE PLANNING COMMISSION FINDS THAT THE FOLLOWING CRITERIA HAVE BEEN MET IN ADDITION TO THE OTHER PROVISIONS IN THIS SECTION:

(a) WHERE IDENTIFIED WITHIN A COUNTY COMMUNITY OR CORRIDOR PLAN RESIDENTIAL, COMMERCIAL, OR EMPLOYMENT LAND USES, OR A MIXTURE THEREOF, SHALL BE PROVIDED. THE MIXTURE OF LAND USES SHALL COMPLY WITH THE COMMUNITY OR CORRIDOR PLAN AND BE APPROVED BY THE PLANNING COMMISSION.

(b) LAND USE INTEGRATION SHALL INCLUDE BUT NOT BE LIMITED TO THE FOLLOWING: BICYCLE, PEDESTRIAN, TRANSIT, AND VEHICULAR CONNECTIONS BETWEEN USES; SITE DESIGN AND BUILDING PLACEMENT THAT FACILITATES LAND USE INTERACTION RATHER THAN SEPARATION; LAND USE LOCATION THAT PROVIDES FOR A TRANSITION BETWEEN LAND USES IN BOTH DESIGN AND INTENSITY, RATHER THAN SEGREGATION OF LAND USES.

(c) MULTIPLE STRUCTURE AND MIXED USE DEVELOPMENT INCLUDING A RESIDENTIAL COMPONENT SHALL PROVIDE A COMMON PLAZA/GREEN AREA (NOT INCLUDING SWIMMING POOLS OR PLAYGROUNDS), IN ADDITION TO ALL OTHER LANDSCAPING AND SETBACK REQUIREMENTS, AT THE FOLLOWING RATE: 363 SQUARE FEET OF COMMON PLAZA/GREEN AREA PER 2,000 SQUARE FEET OF GROSS FLOOR AREA OR PORTION THEREOF.

(d) WHERE PROVIDED, THE COMMON PLAZA/GREEN AREA SHALL BE CENTRALLY LOCATED TO ACT AS A FOCAL POINT TO THE DEVELOPMENT.

(e) TO THE GREATEST EXTENT FEASIBLE SHARED AND JOINT USE PARKING SHALL BE INTEGRATED INTO THE OVERALL PARKING PLAN TO ACHIEVE A REDUCTION IN ON-SITE PARKING AND IMPERVIOUS SURFACE. EVALUATION SHALL INCLUDE THE FEASIBILITY OF UTILIZING PARKING STRUCTURES IN MEETING ON-SITE PARKING REQUIREMENTS.

(I) *REVIEW AND APPROVAL PROCEDURES.*

(1) *CONCEPT PLAN.* DEVELOPMENT REQUIRING SITE DEVELOPMENT PLAN REVIEW, AS PROVIDED IN §1-19-5.310 USE TABLE, SHALL RECEIVE CONCEPT PLAN APPROVAL FROM THE PLANNING COMMISSION OR ITS AUTHORIZED REPRESENTATIVE AS THE FIRST STEP IN THE DEVELOPMENT REVIEW PROCESS. THE CONCEPT PLAN, SUBMITTED IN CONFORMANCE WITH §1-19-3.300.2(B), SHALL DEMONSTRATE:

(a) THE MANNER IN WHICH THE STANDARDS WITHIN THIS SECTION HAVE BEEN MET BY THE PROPOSED DEVELOPMENT

(b) THE MANNER IN WHICH THE PROPOSED DEVELOPMENT CONFORMS TO COUNTY COMMUNITY OR CORRIDOR PLANS FOR THE AREA WHERE THE DEVELOPMENT IS PROPOSED

(2) *SPECIAL CONDITIONS.* THE PLANNING COMMISSION MAY APPROVE A SITE DEVELOPMENT PLAN WITH SPECIAL CONDITIONS WHERE THE SPECIAL CONDITIONS ARE CONSISTENT WITH COUNTY COMMUNITY AND CORRIDOR PLANS FOR THE AREA WHERE THE DEVELOPMENT IS PROPOSED.

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, VC AND MX DISTRICTS

THE FOLLOWING PROVISIONS SHALL APPLY TO ALL ACCESSORY APARTMENTS IN THE RC, A, R1, R3, R5, R8, R12, R16, VC, AND MX DISTRICTS

- (A) ONLY 1 ACCESSORY APARTMENT MAY BE CREATED ON A LOT.
- (B) ACCESSORY APARTMENTS SHALL BE ALLOWED ONLY IN SINGLE-FAMILY DWELLINGS OR IN AN ACCESSORY STRUCTURE ON A SINGLE-FAMILY LOT.
- (C) THE OWNER OF THE PROPERTY MUST RESIDE IN THE PRINCIPAL DWELLING. IF RESIDENT OWNERSHIP CEASES THEN THE USE OF THE ACCESSORY APARTMENT SHALL CEASE.
- (D) THERE MUST BE 2 ADDITIONAL OFF-STREET PARKING SPACES PROVIDED FOR THE ACCESSORY APARTMENT.
- (E) IF THE ACCESSORY APARTMENT IS TO BE LOCATED IN AN ACCESSORY STRUCTURE, IT SHALL NOT EXCEED 800 SQUARE FEET IN SIZE AND MUST COMPLY WITH SETBACK REQUIREMENTS FOR PRINCIPAL STRUCTURES. (SEE ALSO § 1-19-8.240)
- (F) IN THE EVENT A SEPARATE BUILDING ENTRANCE IS UTILIZED, IT SHALL BE TO THE SIDE OR REAR OF THE STRUCTURE, SO AS TO MAINTAIN THE APPEARANCE OF A SINGLE-FAMILY RESIDENCE.
- (G) THE APPLICATION FOR ACCESSORY APARTMENT APPROVAL SHALL INCLUDE THE NAME AND ADDRESS OF EACH PERSON OWNING PROPERTY ADJACENT TO THE SUBJECT PROPERTY. THE ZONING ADMINISTRATOR SHALL NOTIFY ALL ADJACENT PROPERTY OWNERS WHETHER SEPARATED BY STREETS, RAILROADS, OR OTHER RIGHTS-OF-WAY OF THE APPLICATION FOR ACCESSORY APARTMENT APPROVAL. THE ZONING ADMINISTRATOR SHALL APPROVE OR DENY THE APPLICATION FOR AN ACCESSORY APARTMENT NOT LESS THAN 30 DAYS AFTER NOTIFICATION OF ADJACENT PROPERTY OWNERS.
- (H) THE RENTING OF ROOMS UNDER § 1-19-8.240 WILL NOT BE PERMITTED IN CONJUNCTION WITH ACCESSORY APARTMENTS.
- (I) THE OWNER SHALL FILE AN ANNUAL REPORT WITH THE ZONING ADMINISTRATOR VERIFYING THAT CONDITIONS REMAIN THE SAME UNDER WHICH THE ACCESSORY APARTMENT WAS GRANTED.
- (J) IF THE OWNERSHIP OF THE LOT CHANGES, THE SUBSEQUENT OWNER MUST REAPPLY FOR APPROVAL.
- (K) IF THE ZONING ADMINISTRATOR DETERMINES THAT THE ACCESSORY APARTMENT IS NOT IN COMPLIANCE WITH THE ABOVE PROVISIONS AS WELL AS ALL SAFETY, HEALTH, AND ENVIRONMENTAL STANDARDS, APPROVAL MAY BE REVOKED PURSUANT TO § 1-19-2.210.

DIVISION 3. SPECIAL EXCEPTION USES

§ 1-19-8.321. Accessory Apartments LARGER THAN 800 SQUARE FEET TO BE LOCATED IN AN ACCESSORY STRUCTURE.

The following provisions shall apply to all accessory apartments **LARGER THAN 800 SQUARE FEET TO BE LOCATED IN AN ACCESSORY STRUCTURE** in **THE RC, A, R1, R3, R5, R8, R12, R16, VC, AND MX DISTRICTS** ~~all of the zoning districts in which they may be located.~~

- (A) Only 1 accessory apartment may be created on a lot.
- (B) Accessory apartments shall be allowed only in single-family dwellings or in an accessory structure on a single-family lot.
- (C) The owner of the property must reside in the principal dwelling. If resident ownership ceases then the use of the accessory apartment shall cease.

(D) There must be 2 additional off-street parking spaces provided for the accessory apartment.

(E) ~~If the accessory apartment is to be located in an accessory structure, it shall not exceed 600 square feet in size and must comply with setback requirements for principal structures.~~ **AN ACCESSORY APARTMENT LOCATED IN AN ACCESSORY STRUCTURE SHALL NOT EXCEED A SIZE EQUAL TO ONE-HALF THE FOOTPRINT OF THE PRINCIPAL DWELLING. (SEE ALSO § 1-19-8.240)**

(F) In the event a separate building entrance is utilized, it shall be to the side or rear of the structure, so as to maintain the appearance of a single-family residence.

(G) The renting of rooms under § 1-19-8.240 will not be permitted in conjunction with accessory apartments.

(H) ~~Accessory apartments shall have the same address (house number) as the principal structure.~~

(I) The owner shall file an annual report with the Zoning Administrator verifying that conditions under which the special exception was granted remain the same.

(J) If the ownership of the lot changes, the subsequent owner must reapply for approval.

(K) Due to the nature of this use, site plan approval can be granted by the Zoning Administrator in lieu of the Planning Commission.

(K) AN ACCESSORY APARTMENT MEETING THE PROVISIONS WITHIN SECTION 1-19-8.212 SHALL BE CONSIDERED A PERMITTED ACCESSORY USE AND THEREFORE NOT SUBJECT TO THIS SECTION.

DIVISION 4. PERMITTED USES

§ 1-19-8.405. ANIMAL HOSPITAL OR VETERINARY CLINIC IN THE MX AND GC DISTRICTS

THE FOLLOWING PROVISIONS SHALL APPLY TO ANIMAL HOSPITALS OR VETERINARY CLINICS IN MX AND GC DISTRICTS.

(A) THE MINIMUM LOT AREA, LOT WIDTH, YARD SETBACKS AND HEIGHT, SHALL BE AS PROVIDED FOR IN § 1-19-6.100.

(B) OPERATIONS WILL BE CONDUCTED WITHIN A COMPLETELY ENCLOSED BUILDING, NO OUTSIDE RUNS OR KENNELS ARE PERMITTED.

DIVISION 6. OTHER

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

§ 1-19-8.620.2. SCOPE AND REQUIREMENTS.

The provisions of this division shall apply to all residential developments consisting of 25 units or more on public water and sewer. Residential developments consisting of 25 units or more are required to provide no less than 12.5% of the total units as MPDUs. This includes all developments in VC, R-3, R-5, R-8, R-12, R-16 residential districts, **MX**, **MXD**, and **PUD**.

§ 1-19-8.620.3. DENSITY BONUS.

(A) Density bonuses ranging from 1% to 22% with a corresponding increase in the MPDU requirement from 12.5% to 15% are permitted in R-3, R-5, R-8, R-12, and R-16 residential districts, **VC**, **MX**, **MXD**, **PUDs** and co-housing.

[(B) Remains Unchanged]

DIVISION 6. OTHER

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

§ 1-19-8.620.5. LOT AREA, WIDTH AND YARD MEASUREMENTS.

<i>Residential Sixteen District R-16 AND MX</i>												
Use Classification	Current Min. Lot Area	Proposed Min. Lot Area	Current Lot Width	Proposed Lot Width	Current Front Yard	Proposed Front Yard	Current Side Yard	Proposed Side Yard	Current Rear Yard	Proposed Rear Yard	Current Height	Proposed Height
Residential:												
Single family	6,000	3,000	60	30	25	5	8	4/10*	30	20	30	40
Duplex dwelling	6,000	2,000**	60	20	25	5	8	4/10*	30	20	30	40
Two family dwelling	10,000	1,500**	60	30	25	5	8	4/10*	30	20	30	40
Townhouse	1,600	1,600	16	16	15	5	10	4/10*	20	20	30	40
Multi family dwelling	No Min.	No Min.	100	80	50	10	+	10	+	20	100	120
Multi family group	No Min.	No Min.	100	80	120	10	+	10	+	20	100	120

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.

[(A) through (C) remain unchanged]

(D) *Development standards.*

(1) *On site.*

(a) Minimum lot size shall be 25 acres.

(b) Required setbacks:

<i>Adjacent Zoning:</i>		
<i>Type of Operation</i>	RC, R, ORI, GC, MX	Adjacent Zoning: A, GI, LI
Crushing or rock processing of stone, gravel or other material	300 ft.	150 ft.
Stockpile of materials	300 ft.	150 ft.
Building used for mineral mining operation	300 ft.	50 ft.

[(E) remains unchanged]