

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, and, Village Center (VC), **MX**.

[(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 SERVED BY PUBLICLY OWNED COMMUNITY WATER AND SEWER 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	P				
Duplex dwelling			P	P	P	P	P	P	P	P				
Two-family dwelling		P	P	P	P	P	P	P	P	P				
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	
<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 school or education program										PS	PS	PS	PS	
Dance or music studio									PS	PS	PS			
Dry cleaning and laundromat ****									PS	PS	PS			
Funeral home										PS	PS			
Fortuneteller	-	-	-	-	-	-	-	-	PS	-	PS	-	-	-
Limited landscape contractor		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>														
Pawn shop											PS			
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		PS	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	PS			
Kennel		E							E		E			
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 sports recreation facility		PS									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			PS	PS	PS	PS	PS	PS	PS	PS	T	T	T		
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				
Public school			PS	PS	PS	PS	PS	PS	PS	PS	T	T	T		
Nongovernmental utility	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 districts, PUD or MXD districts with a residential component

*** 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.

***** A limited accessory apartment may be approved as an accessory use where the provisions in section 1-19-8.212 are met (see also §1-19-8.240, and §1-19-8.321).

(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, public 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 IN ACCORDANCE WITH §1-19-7.520 FOR THE MX DISTRICT**).

<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	40'
DUPLEX DWELLING	6,000	6,000	60	20	8	30	40'
TWO FAMILY	10,000	5,000	75	20	8	30	40'
TOWNHOUSE	SEE §§ 1-19-8.470 THROUGH 1-19-8.470.7						
MULTIFAMILY DWELLING	NONE	2,700	100	20	*	*	60'
MULTIFAMILY GROUP	NONE	2,700	100	20	*	*	60'
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'
<i>[Light Industrial remains unchanged]</i>							

*Equal to height of structure
 [footnotes remain unchanged]

ARTICLE VII: SUPPLEMENTARY DISTRICT REGULATIONS
DIVISION 5. COMMERCIAL DISTRICTS
§ 1-19-7.520. 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. 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 AND APPROVAL FOR OUTDOOR DISPLAY OF PRODUCTS SHALL BE DETERMINED 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 ADOPTED COUNTY COMMUNITY OR CORRIDOR PLANS FOR THE AREA WHERE THE DEVELOPMENT IS PROPOSED.

(D) **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) **FACILITATE SAFE AND CONVENIENT ACCESS TO PUBLIC TRANSIT** THROUGH BUILDING PLACEMENT AND SITE DESIGN IN ACCORDANCE WITH THE FREDERICK COUNTY TRANSIT-FRIENDLY DESIGN GUIDELINES.

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

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

(4) **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) **MARK OR CONSTRUCT PEDESTRIAN WALKWAYS AND CROSSINGS OF MATERIALS** THAT PROVIDE A DISTINCTION FROM AREAS OF VEHICULAR MOVEMENT.

(6) **LOCATE PARKING PREDOMINANTLY TO THE SIDE AND OR REAR OF BUILDINGS** AND DESIGN THE PARKING AREAS TO FACILITATE PEDESTRIAN MOVEMENT.

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

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

(9) **DESIGN PROJECTS 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 ADOPTED COMMUNITY OR CORRIDOR PLAN WHERE THE PROJECT IS PROPOSED.

(10) PROVIDE SHARED ACCESS AND INTERIOR DRIVES WITH ALLOWANCE FOR INTERNCONNECTION BETWEEN PROPERTIES 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 ALLEYS 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 ADOPTED COUNTY COMMUNITY OR CORRIDOR PLAN.

(2) 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) PROVIDE A PRIMARY PEDESTRIAN ENTRANCE ONTO A STREET, SQUARE, PLAZA, OR SIDEWALK.

(4) DESIGN AND CONSTRUCT BUILDINGS 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) DESIGN AND CONSTRUCT BUILDINGS WITH MATERIALS AND ARCHITECTURE OF TRADITIONAL VILLAGES AND TOWNS THROUGHOUT FREDERICK COUNTY AND CENTRAL MARYLAND, UNLESS OTHERWISE PROVIDED WITHIN ADOPTED COUNTY COMMUNITY OR CORRIDOR PLANS.

(6) LOCATE AND DESIGN BUILDINGS WITH CONSIDERATION TO THE SURROUNDING DEVELOPMENT WITH REGARD TO SCALE AND SETBACKS.

(G) *MODIFICATIONS.*

(1) THE PLANNING COMMISSION MAY MODIFY THE DEVELOPMENT STANDARDS IN 1-19-7.520 (D) THROUGH (F), 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 ADOPTED COUNTY COMMUNITY OR CORRIDOR PLAN; AND

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

(c) 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 AND USES ON AN INDIVIDUAL LOT ARE 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 AN ADOPTED 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 ADOPTED COMMUNITY OR CORRIDOR PLAN AND BE APPROVED BY THE PLANNING COMMISSION.

(b) LAND USES SHALL BE INTEGRATED THROUGH PROVISION OF 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 THAT INCLUDES 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. A GREEN ROOF MAY BE CONSIDERED TOWARD MEETING COMMON PLAZA/GREEN AREA REQUIREMENTS.

(d) WHERE PROVIDED IN (C) ABOVE, 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 ADOPTED COUNTY COMMUNITY OR CORRIDOR PLANS FOR THE AREA WHERE THE DEVELOPMENT IS PROPOSED.

(J) THE PROVISIONS OF THIS SECTION SHALL APPLY TO ALL SITE DEVELOPMENT PLANS OR AMENDMENTS TO APPROVED EXISTING SITE DEVELOPMENT PLANS FILED ON OR AFTER [THE EFFECTIVE DATE OF THIS ORDINANCE].

ARTICLE VIII: SPECIFIC USE REGULATIONS

DIVISION 2. ACCESSORY USES

§ 1-19-8.212. Limited accessory apartments in the RC, A, R1, R3, R5, R8, R12, R16, ~~and~~ VC, **AND MX** districts.

The following provisions shall apply to limited accessory apartments in the RC, A, R1, R3, R5, R8, R12, R16, ~~AND VC AND MX~~ districts.

(A) Through (K) remain unchanged.

DIVISION 3. SPECIAL EXCEPTION USES

§ 1-19-8.321. Accessory Apartments greater than 800 square feet to be located in an accessory structure.

The following provisions shall apply to all accessory apartments greater than 800 square feet to be located in an accessory structure in the RC, A, R1, R3, R5, R8, R12, R16, ~~AND VC AND MX DISTRICTS~~ ~~all of the zoning districts in which they may be located.~~

(A) Through (K) remain unchanged.

DIVISION 4. PERMITTED USES

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

The following provisions shall apply to animal hospitals or veterinary clinics in the GC **AND MX** district.

(A) And (B) remain unchanged.

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 districts.

§ 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]