

**PRIVATE-COMMERCIAL USE AIRCRAFT LANDING AND STORAGE**

ARTICLE V: ZONING MAP AND DISTRICTS

DIVISION 3. USE TABLE

§ 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	M X	GC	ORI	LI	GI
Open Space and Institutional														
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
<b>AIRCRAFT LANDING AND STORAGE AREAS, PRIVATE-COMMERCIAL USE</b>		E											E	E
Tent campground	E	E												
Rustic retreat/camp/outdoor club	E	E												

ARTICLE VIII: SPECIFIC USE REGULATIONS

DIVISION 3. SPECIAL EXCEPTION USES

§ 1-19-8.322.1 PRIVATE AIRCRAFT LANDING AND STORAGE AREAS IN A, LI AND GI DISTRICTS.

The following provisions shall apply to PRIVATE aircraft landing and storage areas in A, LI and GI Districts.

- (A) Minimum LOT size: 25 acres.
- (B) Principal user: owner of parcel.
- (C) Intensity of use: no more than 2 aircraft may use the airfield or storage area.
- (D) Aircraft: limited to those which at 95°F require a maximum of 1,800 feet or less of runway surface as recommended by the specific aircraft manufacturers.

(E) Clear zone: must be provided at both approach and departure end of runway. Such zone shall be a symmetrical trapezoid with a length of 1,000 feet and with the parallel sides being 176 feet (adjacent to end of runway) and 317 feet respectively. **SUCH ZONE SHALL BE PROVIDED AS SPECIFIED HEREIN UNLESS MODIFIED IN ACCORDANCE WITH MARYLAND AVIATION ADMINISTRATION GUIDELINES AND APPROVED BY THE ZONING ADMINISTRATOR.** No structures are permitted within the clear zone. The clear zone must be under the ownership of the airfield owner.

(F) Area of operation: no operation will be permitted within 100 feet of a property line, or 1,000 feet of any public or private institution devoted to education or human care.

(G) Use limited: the airfield will not be for the use of instruction or training.

(H) **THE FACILITY, ACTIVITIES, AND AIRCRAFT OPERATORS SHALL MEET ALL APPLICABLE FEDERAL AND STATE REGULATIONS AND LICENSING REQUIREMENTS.**

**§ 1-19-8.322.2 PRIVATE-COMMERCIAL USE AIRCRAFT LANDING AND STORAGE AREAS IN A, LI AND GI DISTRICTS.**

**THE FOLLOWING PROVISIONS SHALL APPLY TO PRIVATE-COMERCIAL USE AIRCRAFT LANDING AND STORAGE AREAS IN A, LI AND GI DISTRICTS.**

(A) **MINIMUM LOT SIZE: 100 ACRES.**

(B) **PRINCIPAL USER: OWNER OF PARCEL.**

(C) **IN THE AGRICULTURAL ZONING DISTRICT THE OWNER OF THE PROPERTY MUST RESIDE IN THE PRINCIPAL DWELLING.**

(D) **INTENSITY OF USE: NO MORE THAN 12 AIRCRAFT MAY USE THE AIRFIELD OR STORAGE AREA. THE BOARD OF APPEALS MAY REDUCE THE MAXIMUM NUMBER OF AIRCRAFT, TO A NUMBER LESS THAN 12, IN AN EFFORT TO MINIMIZE ADVERSE EFFECTS OF THE OPERATION ON SURROUNDING PROPERTIES.**

(E) **AIRCRAFT: LIMITED TO THOSE WHICH AT 95°F REQUIRE A MAXIMUM OF 1,800 FEET OR LESS OF RUNWAY SURFACE AS RECOMMENDED BY THE SPECIFIC AIRCRAFT MANUFACTURERS.**

(F) **CLEAR ZONE: MUST BE PROVIDED AT BOTH APPROACH AND DEPARTURE END OF RUNWAY. SUCH ZONE SHALL BE A SYMMETRICAL TRAPEZOID WITH A LENGTH OF 1,000 FEET AND WITH THE PARALLEL SIDES BEING 176 FEET (ADJACENT TO END OF RUNWAY) AND 317 FEET RESPECTIVELY. SUCH ZONE SHALL BE PROVIDED AS SPECIFIED HEREIN UNLESS MODIFIED IN ACCORDANCE WITH MARYLAND AVIATION ADMINISTRATION GUIDELINES AND APPROVED BY THE ZONING ADMINISTRATOR. NO STRUCTURES ARE PERMITTED WITHIN THE CLEAR ZONE. THE CLEAR ZONE MUST BE UNDER THE OWNERSHIP OF THE AIRFIELD OWNER.**

(G) **AREA OF OPERATION:**

(1) **NO OPERATION WILL BE PERMITTED WITHIN 100 FEET OF A PROPERTY LINE, OR 1,000 FEET OF ANY PUBLIC OR PRIVATE INSTITUTION DEVOTED TO EDUCATION OR HUMAN CARE.**

(2) **HANGARS CONSTRUCTED AFTER [THE EFFECTIVE DATE OF THIS ORDINANCE] SHALL BE LOCATED AT LEAST 200 FEET FROM ANY PROPERTY LINE ADJACENT TO A RESIDENTIAL USE OR RESIDENTIALLY ZONED PROPERTY.**

(H) **USE LIMITED:**

(1) **THE AIRFIELD WILL NOT BE FOR THE USE OF INSTRUCTION OR TRAINING.**

(2) **COMMERCIAL BUSINESS OPERATIONS OPEN TO THE GENERAL PUBLIC SUCH AS SALE OR LEASING OF AIRCRAFT, MAINTENANCE OPERATIONS, CHARTERING, OR SKYDIVING ARE PROHIBITED.**

(I) **THE FACILITY, ACTIVITIES, AND AIRCRAFT OPERATORS SHALL MEET ALL APPLICABLE FEDERAL AND STATE REGULATIONS AND LICENSING REQUIREMENTS.**

(J) **OPERATION OR STORAGE OF JET FIXED WING AIRCRAFT AT THIS FACILITY IS PROHIBITED.**

ARTICLE XI: DEFINITIONS  
DIVISION 1. DEFINITIONS  
1-19-11.100. DEFINITIONS.

***AIRCRAFT LANDING AND STORAGE AREAS, PRIVATE-COMMERCIAL USE.*** LANDING AREAS OR HANGARS FOR STORING OR MAINTENANCE OF AIRCRAFT, FOR USE BY THE PROPERTY OWNER AND SPECIFIC INDIVIDUALS DESIGNATED BY THE PROPERTY OWNER. THE FACILITY SHALL NOT ALLOW FLIGHT OR STORAGE OPERATIONS BY THE GENERAL PUBLIC.

**RECREATIONAL VEHICLE STORAGE**

ARTICLE V: ZONING MAP AND DISTRICTS

DIVISION 3. USE TABLE

§ 1-19-5.310. USE TABLE.

(A) Permitted uses and required development review.

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SW Solid Waste Floating Zone

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Uses	Zoning Districts													
	RC	A	R1	R3	R5	R8	R12	R16	VC	MX	GC	ORI	LI	GI
Automobile and Related Services														
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
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
<b>RECREATIONAL VEHICLE STORAGE FACILITY</b>		E									PS		PS	PS
Motor freight terminal ****													PS	PS

ARTICLE VIII: SPECIFIC USE REGULATIONS

DIVISION 3. SPECIAL EXCEPTION USES

§ 1-19-8.344. RECREATIONAL VEHICLE STORAGE FACILITY IN THE AGRICULTURAL ZONING DISTRICT.

A RECREATIONAL VEHICLE STORAGE FACILITY SHALL BE PERMITTED IN THE AGRICULTURAL ZONING DISTRICT WHERE THE FOLLOWING PROVISIONS ARE MET:

(A) A RECREATIONAL VEHICLE STORAGE FACILITY SHALL BE PERMITTED ONLY ON A PARCEL THAT IS ADJACENT TO OR ADJOINING A PARCEL ON WHICH A CONFORMING RECREATIONAL VEHICLE SALES AND SERVICE CENTER IS LOCATED. FOR THE PURPOSES OF THIS SUBSECTION, A PROPERTY SEPARATED FROM A RECREATIONAL VEHICLE SALES AND SERVICE CENTER BY A TRANSPORTATION OR UTILITY RIGHT-OF-WAY (WHETHER FEE SIMPLE ESTATE OR LESSER INTEREST IN REALTY) IS DEEMED TO BE ADJACENT ALONG THE LENGTH OF SUCH RIGHT-OF-WAY.

(B) NO STRUCTURE FOR THE STORAGE OF RECREATIONAL VEHICLES IS PERMITTED.

(C) NO RECREATIONAL VEHICLE SALES ARE PERMITTED ON THE PARCEL CONTAINING THE RECREATIONAL VEHICLE STORAGE FACILITY.

(D) THE STORAGE FACILITY MAY INCLUDE ONE ACCESSORY BUILDING FOR THE PURPOSE OF MAINTENANCE OF RECREATIONAL VEHICLES STORED ON-SITE. THE BUILDING SHALL NOT EXCEED 5,000 SQUARE FEET TO ACCOMMODATE THE MAINTENANCE OF STORED RECREATIONAL VEHICLES, RELATED OFFICES, AND EQUIPMENT.

(E) MAINTENANCE ACTIVITIES (INCLUDING ALL EQUIPMENT AND SUPPLIES) SHALL BE CONDUCTED WITHIN A STRUCTURE ENCLOSED ON AT LEAST 3 SIDES AND SCREENED FROM PUBLIC VIEW ON THE FOURTH SIDE, UNLESS ENCLOSED.

(F) MAINTENANCE ACTIVITIES SHALL BE CONDUCTED AT LEAST 100 FEET FROM ANY RESIDENTIAL DWELLING ON ADJACENT PROPERTIES. ALL OTHER ACTIVITIES SHALL MAINTAIN A MINIMUM SETBACK OF 50' FROM ALL PROPERTY LINES. ALL STRUCTURES SHALL BE SETBACK A MINIMUM OF 50' FROM ALL PROPERTY LINES.

(G) STRUCTURES, PARKING, AND RECREATIONAL VEHICLES SHALL NOT BE LOCATED WITHIN THE SETBACK AREAS.

(H) A MAXIMUM HEIGHT OF 30'.

(I) A VEHICLE CIRCULATION PLAN SHALL BE SUBMITTED INDICATING ADEQUATE TURN RADIUS IS PROVIDED BOTH TO AND FROM THE SUBJECT PROPERTY AS WELL AS FOR VEHICLE MOVEMENT WITHIN THE SITE FOR ALL PROPOSED VEHICLES AND EQUIPMENT BEING USED.

(J) THE BOARD OF APPEALS MAY INCREASE THE MINIMUM LANDSCAPING, BUFFERING, AND SCREENING AS PROVIDED IN SECTION 1-19-6.400, TO MINIMIZE THE ADVERSE EFFECTS OF THE PROJECT ON SURROUNDING PROPERTIES.

(K) PETROLEUM, FLAMMABLE LIQUID, OR HAZARDOUS SUBSTANCE STORAGE TANKS SHALL HAVE A 100% CATCHMENT BASIN, OR DOUBLE-WALLED CONTAINMENT AND A SPILL PROTECTION OVERFILL ALARM. THIS DOES NOT APPLY TO PROPANE OR NATURAL GAS TANKS.

(L) THE USE SHALL COMPLY WITH SECTION 1-6-50 (WELLHEAD PROTECTION ORDINANCE) OF THE FREDERICK COUNTY CODE AT THE TIME OF SITE DEVELOPMENT PLAN APPROVAL.

ARTICLE XI: DEFINITIONS

DIVISION 1. DEFINITIONS

§ 1-19-11.100 DEFINITIONS.

**RECREATIONAL VEHICLE STORAGE FACILITY.** A PARCEL OF LAND UTILIZED FOR STORING RECREATIONAL VEHICLES AS DEFINED WITHIN THIS SECTION.

## **DIRECTIONAL SIGNS**

### ARTICLE VI: DISTRICT REGULATIONS

#### DIVISION 3. SIGNS

##### § 1-19-6.310. GENERAL REGULATIONS.

The following regulations will apply to all permitted sign uses.

(A) No sign, other than an official traffic sign, will be located within the right-of-way lines of any street, except as provided in subsection (G) and subsection (I). A sign attached to a passenger shelter at a bus stop or transit center information kiosk is exempt from this chapter.

(B) No free-standing sign will exceed 25 feet in height, except as provided elsewhere in this section.

(C) No permit is required for the erection, alteration or maintenance of any signs permitted in § 1-19-6.320, paragraphs (1) through (6), of this Code or for political signs as set forth in subsection (H) below.

(D) A permit is required for the erection or alteration of signs permitted in § 1-19-6.320, paragraphs (7) through (10) and as required in subsection (I) of this section.

(E) Each sign will be removed when the circumstances leading to its erection no longer apply.

(F) No sign will by reason of its intensity, color, location or movement interfere with traffic lights, signals, or other controls or obscure the view of a street or in any other manner impair public safety.

(G) Subdivision and community identification signs are permitted in the right-of-way of monumented public streets, where median strips are used to channel traffic, providing that the sign is approved by the Zoning Administrator and he issues a revocable permit conditioned upon removal of the sign at no cost to the county at such time as the county may require. In addition, the following conditions shall be met.

(1) The sign shall be kept in good repair and in safe, neat, clean, and attractive condition by the community residents or the community association.

(2) The sign must be placed 10 feet from the nose of the monument or the end of the median strip and within the monument island.

(3) The sign must be designed so as not to obstruct full sight distance.

(H) Political campaign signs identifying candidates seeking public political office or political issues and other data pertinent thereto shall be permitted as set forth: Each sign shall be located within the owner's property boundaries and shall not be located within the public right-of-way.

(I) Temporary real estate directional sign placement will be permitted in the county per the following guidelines.

(1) A temporary real estate directional sign may not exceed 3 square feet in size.

(2) A temporary real estate directional sign may not exceed 3 feet in height, measured from the ground to the top of the sign.

(3) A temporary real estate directional sign shall be supported on metal or wooden stakes, supplied by the installer, and shall not be attached to trees, utility poles, traffic-control signs, traffic signal poles, walls of buildings, barns, sheds, fences, or other physical elements.

(4) A temporary real estate directional sign may be placed only between the hours of 7:00 a.m. Saturday and 8:00 pm. Sunday. Hours may be extended to include legal holidays which are observed on Monday or Friday.

(5) In the case of existing real estate, a maximum of 3 temporary real estate directional signs per open house are permitted, without obtaining a permit, but subject to the provisions of this section.

(6) A maximum of 4 off-site community temporary real estate directional signs (not individual builders) are permitted upon the developer's obtaining a sign permit from the county which sets forth the locations of the signs and that placement will be in compliance with this section.

(7) Individual builders will be permitted to place up to 4 temporary real estate directional signs within communities in which the building activity is occurring.

(8) County staff is hereby authorized to remove any temporary real estate directional sign found to be in violation of the provisions of this section.

(9) A temporary real estate directional sign may be placed in the county right-of-way, provided that it does not obstruct sight lines or pose any safety hazard to the public.

**(J) ON-SITE SIGNS DETERMINED BY THE ZONING ADMINISTRATOR TO BE DIRECTIONAL SIGNS USED FOR THE PURPOSE OF ON-SITE WAY-FINDING ARE NOT INCLUDED IN CALCULATING THE MAXIMUM SIZE SIGN PERMITTED.**

## **PDD LANDSCAPING AND LIGHTING**

### ARTICLE VI: DISTRICT REGULATIONS DIVISION 4. LANDSCAPING AND SCREENING § 1-19-6.400 LANDSCAPING AND SCREENING.

In accordance with the site plan review process provided in §§ 1-19-3.300 through 1-19-3.300.4, **THE FLOATING ZONE PHASE II EXECUTION PROCESS PROVIDED IN §§ 1-19-10.500 through 1-19-10.500.11**, or as otherwise provided within this chapter, the Planning Commission may require landscaping, screening, and buffering along the property line and around and within the parking areas. Landscaping, screening, and buffering shall be provided in conformance with the following minimum standards:

[(A) through (I) remain unchanged]

### ARTICLE VI: DISTRICT REGULATIONS DIVISION 5. LIGHTING § 1-19-6.500 LIGHTING.

(A) In accordance with the site plan review process provided in §§ 1-19-3.300 through 1-19-3.300.4, **THE FLOATING ZONE PHASE II EXECUTION PROCESS PROVIDED IN §§ 1-19-10.500 through 1-19-10.500.11**, or as otherwise provided within this chapter, lighting shall be designed and installed to be fully shielded. Lighting shall be directed downward to prevent glare and light trespass onto adjacent properties, roadways, and nighttime sky.

[(B) Through (G) remain unchanged]

### ARTICLE X: OPTIONAL METHODS OF DEVELOPMENT DIVISION 5. PLANNED DEVELOPMENT DISTRICTS § 1-19-10.500.9 GENERAL DEVELOPMENT STANDARDS WITHIN THE PLANNED DEVELOPMENT DISTRICTS.

The following general development standards shall be met at the time of ~~site development plan review~~ **PHASE II EXECUTION** unless modified by the Planning Commission as provided in §1-19-10.500.9(D).

(A) *Site and building design.*

(1) Parking, loading, landscaping, lighting, setbacks, and height shall be provided in accordance with this chapter.

[(2) through (21) remain unchanged]

**INSTITUTIONAL FLOATING ZONE SIZE AND LOCATION CRITERIA**

ARTICLE X: OPTIONAL METHODS OF DEVELOPMENT  
DIVISION 9. INSTITUTIONAL FLOATING ZONING DISTRICT  
§ 1-19-10.900 INSTITUTIONAL FLOATING ZONING DISTRICT

- [(A) remains unchanged]
- (B) *Size and Location.*

(1) The Institutional District may be established where:

(a) The tract of land receiving the Institutional District has a eCounty Comprehensive Plan land use designation of either agricultural/rural or institutional. **THE INSTITUTIONAL DISTRICT MAY BE APPLIED TO A COUNTY COMPREHENSIVE PLAN LAND USE DESIGNATION OF RURAL RESIDENTIAL (RurR), LOW DENSITY RESIDENTIAL (LDR), OR NATURAL RESOURCE (NR) WHERE THE RurR, LDR, OR NR LAND USE DESIGNATIONS ARE A MINOR PORTION OF THE OVERALL INSTITUTIONAL PROJECT OR A MINOR PORTION OF THE OVERALL TRACT(S) RECEIVING THE INSTITUTIONAL DISTRICT. THOSE PORTIONS OF THE PROJECT HAVING A LAND USE DESIGNATION OF NATURAL RESOURCE MAY ONLY BE DEVELOPED AS PROVIDED IN §1-19-10.900 (G)(5);** and

[(b) The tract of land receiving the Institutional District has frontage on and direct access to a roadway with at least a collector status, as designated on the County Comprehensive Plan, and is built to said classification requirements. **THE BOARD OF COUNTY COMMISSIONERS MAY WAIVE OR MODIFY THIS REQUIREMENT WHERE THE TRACT OF LAND RECEIVING THE INSTITUTIONAL DISTRICT IS WITHIN TWO MILES OF AN EXISTING GRADE SEPARATED INTERCHANGE CONSTRUCTED ON A CONTROLLED ACCESS FREEWAY/EXPRESSWAY OR WITHIN TWO MILES OF A PROPOSED GRADE SEPARATED INTERCHANGE CONSTRUCTED ON A CONTROLLED ACCESS FREEWAY/EXPRESSWAY AS SHOWN ON THE FREDERICK COUNTY COMPREHENSIVE PLAN;** and

- [(c) remains unchanged]
- [(2) remains unchanged]

(C) Approval criteria.

(1) Approval or disapproval of a request for the application of the Institutional Zoning District shall be determined through evaluation of several criteria to establish whether the proposed project meets the purpose and intent of the zoning district. In addition to the requirements in § 1-19-3.110.4(A)(1)-(6), the Planning Commission and Board of County Commissioners shall evaluate the project on the following criteria:

(a) The project provides facilities that are planned and located in accordance with the Frederick County community design guidelines and development principles while considering the purpose and intent of the agricultural/rural or institutional land use designation;

(b) The proposed use will be compatible with existing or anticipated surrounding uses in terms of size, building scale and style, intensity, setbacks, and landscaping, or the proposal provides for mitigation of differences in appearance or scale through such means as setbacks, screening, landscaping or other design features. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations;

(c) The project provides a safe and efficient arrangement of land use, buildings, traffic and pedestrian circulation systems, and infrastructure;

(d) The transportation system is adequate to serve the proposed use in addition to existing uses in the area. Evaluation factors include roadway capacity and level of service, on-street parking impacts, access requirements, a traffic management plan, neighborhood impacts, and pedestrian safety;

(e) Natural features of the site have been adequately considered and utilized in the design of the project. Evaluation factors include the relationship of existing natural features to man-made features both on-site and in the immediate vicinity;

(f) Fire/rescue and law enforcement facilities are adequate to serve the proposed project within established county standards.

(g) If the tract of land receiving the Institutional Floating Zoning District is designated other than No Planned Service (NPS) on the water and sewerage master plan then the project will be developed using publicly owned community water and sewer **OR A DULY APPROVED MULTI-USE SYSTEM.** Those tracts of land receiving the Institutional Floating Zoning District and reflecting a designation of NPS shall utilize methods other



than publicly owned community water and sewer meeting the requirements of and receiving approval from the Maryland Department of the Environment/the Frederick County Health Department.

[(E) remains unchanged]

(F) *Land use.* Land uses permitted within the Institutional Zoning District are limited to the following:

- (1) Public airports
- (2) College or university
- (3) **SOLAR ARRAY APPROVED AS A NONGOVERNMENTAL UTILITY IN CONJUNCTION WITH A COLLEGE OR UNIVERSITY**

(34) Private school

(45) Public school

(56) Accessory uses shall be limited to those deemed to be incidental accessory uses associated with an institutional use as provided within this chapter (see also § 1-19-10.900(H)(1)(a) and (b), and Article VIII, Division 2. Accessory Uses) or as approved by the Zoning Administrator.

(G) *General development standards.* The **FOLLOWING** general development standards provided below shall be met at the time of **PHASE II EXECUTION UNLESS MODIFIED BY THE PLANNING COMMISSION AS PROVIDED IN §1-19-10.900(G)(6).** ~~site development plan review.~~

(1) *Setbacks and height.*

(a) At a minimum setbacks and height limitations shall be as provided for institutional uses in the Agricultural District in § 1-19-6.100 Design Requirements for Specific Districts.

(b) Along common property lines between the proposed development and an agricultural activity the setback shall be increased to 150 feet to include a landscaped area as set forth in § 1-19-10.900 (G)(3)(eb). If the proposed development meets the definition of agricultural activity then the increased setback is not required. The Planning Commission may approve the reuse and location of development in the setback area if all identified adjacent agricultural activities have permanently ceased as determined by the Zoning Administrator.

(c) Along common property lines between the proposed development and a residential use the setback shall be increased to 150 feet.

(2) **PARKING, LOADING, LANDSCAPING, AND LIGHTING SHALL BE PROVIDED IN ACCORDANCE WITH THIS CHAPTER.** ~~Transportation.~~

~~(a) Parking shall not be located within required setback areas, except where otherwise provided within this section.~~

~~(b) Parking shall be limited to that number of spaces required by zoning ordinance. An increase in the number of parking spaces may be granted by the Planning Commission where the applicant can demonstrate need based on characteristics of the proposed use, hourly parking demand studies published by the Institute of Transportation Engineers (ITE), or other documentation as approved by the Planning Commission. Parking approved beyond that number required by zoning ordinance shall be constructed of pervious materials.~~

~~(c) Parking areas required by zoning ordinance shall be landscaped in accordance with the following minimum standards:~~

~~1. Parking areas, other than overflow parking, shall be separated into bays of not more than 10 parking spaces. Between or at the end of each parking bay there shall be planters of at least 5 feet in width. Each planter shall contain 1 tree at least 6 feet in height at the time of planting and groundcover containing at least 2 shrubs for every 100 square feet of landscape area. Trees within parking area planters shall be deciduous and provide at least 20% canopy cover at maturity. The Planning Commission may approve modifications to these standards to accommodate parking area design requirements associated with environmental site design techniques.~~

~~(d) Environmental site design techniques such as bioretention shall be utilized as the initial option for stormwater collection of all paved parking areas.~~

(3) *Green area.*

(a) All setback areas, except where otherwise permitted in this section, shall be landscaped and maintained as green space.

(b) Landscaping shall be maintained in a healthy condition.

(c) **AS PROVIDED FOR IN §1-19-10.900 (G)(1)(b)** An increased setback shall be created to reduce conflicts between agricultural and non-agricultural uses. The setback area shall be maintained with natural vegetation or planted to emphasize native species rather than turf grass, creating a vegetative screen with the following minimum standards:

1. Two staggered rows of non- invasive species of trees and shrubs containing predominantly evergreen foliage;
2. Trees shall be a minimum of 6 feet in height at the time of installation;
3. In addition to the required plant materials the setback area may contain floodplain, stream setbacks, utilities, and environmental site design techniques to address stormwater management. As otherwise permitted by this chapter, unpaved parking and passive recreation areas may be located within the buffer area; however, a minimum setback as provided for institutional uses in the Agricultural District in § 1-19-6.100 shall be maintained. Where the setback area is utilized to meet forest resource ordinance requirements a duplication of plant materials is not required.

~~(4) Lighting shall be designed and directed away from adjoining properties so as not to cause glare or adverse impacts.~~

~~(5) *Natural features.* Insofar as practical, the landscape shall be preserved in its natural state by:~~

- ~~(a) Minimizing tree and soil removal or disturbance;~~
- ~~(b) Siting buildings to protect and enhance the relationship between buildings and the natural terrain;~~
- ~~(c) Retaining existing tree lines, forest buffers, and rock formations reducing visual impacts of development on surrounding properties and rights-of-way.~~

**(5) WHERE THE INSTITUTIONAL DISTRICT HAS BEEN APPLIED TO A COUNTY COMPREHENSIVE PLAN DESIGNATION OF NATURAL RESOURCE, THE NATURAL RESOURCE AREA MAY NOT BE DEVELOPED WITH ADDITIONAL DWELLING UNITS OR ADDITIONAL COMMERCIAL/EMPLOYMENT STRUCTURES, AND ROADWAYS AND VEHICULAR CROSSINGS SHALL BE MINIMIZED.**

**(6) AS PART OF THE INSTITUTIONAL DISTRICT PHASE II APPROVAL, THE PLANNING COMMISSION MAY APPROVE MODIFICATIONS TO SETBACKS, HEIGHT, PARKING, LOADING, LANDSCAPING, SCREENING, AND BUFFERING REQUIREMENTS, AND GENERAL DEVELOPMENT STANDARDS, IN ACCORDANCE WITH THE FOLLOWING:**

**(a) MODIFICATIONS TO PARKING, LOADING, LANDSCAPING, SCREENING, AND BUFFERING REQUIREMENTS SHALL BE LIMITED TO MODIFICATIONS AS PROVIDED FOR WITHIN ARTICLE VI: DISTRICT REGULATIONS.**

**(b) ALL OTHER MODIFICATIONS MAY BE GRANTED WHERE THE APPLICANT OR PLANNING COMMISSION AUTHORIZED REPRESENTATIVE CAN DEMONSTRATE NEED BASED ON CHARACTERISTICS OF THE PROPOSED USE, PHYSICAL SITE CONSTRAINTS, OR OTHER DOCUMENTATION AS APPROVED BY THE PLANNING COMMISSION.**

[(H) remains unchanged]

**MODERATELY PRICED DWELLING UNITS**

ARTICLE VIII: SPECIFIC USE REGULATIONS

DIVISION 6. OTHER

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

§ 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 **WHERE CERTAIN CRITERIA ARE MET (SEE ALSO §1-19-8.620.5)**. 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 § 1-19-3.300.4 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.

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

(A) **A FULL REDUCTION OF LOT AREA, WIDTH, AND YARD MEASUREMENTS FOR ALL OR A PORTION OF A PROJECT UTILIZING THE PAYMENT IN LIEU OF BUILDING MPDU'S (AS PROVIDED IN §1-6A-5.1 OF THE FREDERICK COUNTY CODE) IS NOT GUARANTEED.**

(B) **WITHIN PROJECTS WITH R1, R3, R5, R8, R12, OR R16 ZONING WHERE PAYMENT IS MADE IN LIEU OF BUILDNG MPDU'S THE REDUCED MEASUREMENTS AS PROVIDED IN THE CHART BELOW (§ 1-19-8.620.5.E) MAY BE UTILIZED ONLY AFTER THE PLANNING COMMISSION OR ITS AUTHORIZED REPRESENTATIVE HAS APPROVED THE REDUCED MEASUREMENTS BASED ON CONSIDERATION OF THE FOLLOWING FACTORS:**

(1) **BUILDINGS WILL BE LOCATED AND DESIGNED WITH CONSIDERATION OF THE SURROUNDING DEVELOPMENT PATTERNS WITH REGARD TO SCALE AND SETBACKS.**

(2) **BUILDINGS SHALL PREDOMINANTLY BE DESIGNED AND CONSTRUCTED TO INCLUDE FINISHES AND MATERIALS OF CONSISTENT QUALITY AND DESIGN.**

(3) **BUILDINGS SHALL BE DESIGNED AND ORIENTED TO PEDESTRIAN AND RECREATIONAL AMENITIES, STREETS AND ROADWAYS.**

(4) **THE PROPOSED PROJECT PROVIDES ADEQUATE OPEN SPACE AND PRESERVATION OF NATURAL FEATURES.**

(5) **PROXIMITY, CONVENIENCE, AND ACCESSIBILITY OF CENTRAL ORGANIZING FEATURES SUCH AS PARKS, GREEN AREAS, RECREATION AREAS, CIVIC SPACES, OR COMMUNITY FACILITIES, TO THE RESIDENTS OF THE DEVELOPMENT.**

(6) **PEDESTRIAN AND VEHICULAR INTERCONNECTIONS WITH EXISTING AND PLANNED TRANSPORTATION NETWORKS.**

(7) **PROVISIONS FOR OFF STREET PARKING TO THE SIDE AND/OR REAR OF RESIDENTIAL BUILDINGS INCLUDING INCORPORATION OF ALLEY LOADED UNITS.**

(C) **CONCEPT PLAN APPROVAL (SUBMITTED IN CONFORMANCE WITH § 1-19-3.300.2(B)) FROM THE PLANNING COMMISSION OR ITS AUTHORIZED REPRESENTATIVE IS REQUIRED AS THE FIRST STEP IN THE DEVELOPMENT REVIEW PROCESS FOR PROJECTS WITH R1, R3, R5, R8, R12, OR R16 ZONING, UTILIZING THE REDUCED MEASUREMENTS AS PROVIDED FOR IN § 1-19-8.620.5.E, AND UTILIZING PAYMENT IN LIEU OF BUILDNG MPDU'S.**

(D) **THE PROVISIONS OF THIS SECTION SHALL APPLY TO ALL SUBDIVISION OR SITE DEVELOPMENT PLAN APPLICATIONS FOR PROJECTS WITH R1, R3, R5, R8, R12, OR R16 ZONING OR AMENDMENTS TO APPROVED EXISTING SUBDIVISION OR SITE DEVELOPMENT PLANS FOR PROJECTS WITH R1, R3, R5, R8, R12, OR R16 ZONING FILED ON OR AFTER [THE EFFECTIVE DATE OF THIS ORDINANCE].**

(E) **LOT AREA, WIDTH AND YARD MEASUREMENT REDUCTIONS  
[INSERT EXISTING CHART]**

**PUBLIC AND PRIVATE SCHOOLS IN THE A ZONE**

ARTICLE V: ZONING MAP AND DISTRICTS

DIVISION 3. USE TABLE

§ 1-19-5.310 USE TABLE.

Uses	Zoning Districts													
	RC	A	R1	R3	R5	R8	R12	R16	VC	MX	GC	ORI	LI	GI
<i>Institutional</i>														
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	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	PS	T	T	T	

**FUNERAL HOME AS AN ACCESSORY USE IN THE A ZONE**

ARTICLE VIII: SPECIFIC USE REGULATIONS

DIVISION 2. ACCESSORY USES

§ 1-19-8.230. ACCESSORY USES IN THE AGRICULTURAL OR RESOURCE CONSERVATION DISTRICTS.

§ 1-19-8.230.4. FUNERAL HOME ACCESSORY TO A CEMETERY/MEMORIAL GARDEN IN THE A DISTRICT.

THE FOLLOWING PROVISIONS SHALL APPLY TO A FUNERAL HOME AS AN ACCESSORY USE TO A CEMETERY/MEMORIAL GARDEN IN THE A DISTRICT:

(A) A FUNERAL HOME AS AN ACCESSORY USE TO A CEMETERY/MEMORIAL GARDEN SHALL ONLY BE ALLOWED WHERE THE CEMETERY/MEMORIAL GARDEN LOT SIZE IS NOT LESS THAN 25 ACRES; AND

(B) THE CEMETERY/MEMORIAL GARDEN SHALL HAVE FRONTAGE ON AND DIRECT ACCESS TO A ROADWAY WITH AT LEAST A COLLECTOR STATUS, AS DESIGNATED ON THE COUNTY COMPREHENSIVE PLAN.

