

THE EFFECTIVE DATE OF THIS ORDINANCE IS _____, 2013

ORDINANCE NO. _____

RE: Zoning Text Amendments: ZT-13-01, ZT-13-02, ZT-13-03, ZT-13-04, ZT-13-05, ZT-13-06, ZT-13-07 and ZT-13-08

The Board of County Commissioners for Frederick County, Maryland ("Board") deems it necessary and in the best interests of the citizens of Frederick County to amend Chapter 1-19 of the Frederick County Code (the Zoning Ordinance) to: (1) provide for Private-Commercial Use Landings and Storage in the Agricultural, Limited Industrial and General Industrial Zoning Districts; (2) allow Recreational Vehicle Storage in the Agricultural, General Commercial, Limited Industrial and General Industrial Zoning Districts; (3) provide that Directional Signs are not to be included in calculating the maximum size sign permitted; (4) amend the Planned Development Zoning Districts language regarding lighting and landscaping to provide consistency in the Zoning Ordinance; (5) amend the Institutional Floating Zone to allow a Solar Array, approved as a nongovernmental utility, and in conjunction with a college or university, as a permitted land use within the zone; (6) amend size and location criteria in the Institutional Floating Zone to allow application to property with a Low Density Residential, Rural Residential, and Natural Resource land use designation in the County Comprehensive Plan where such property is a minor portion of a project; (7) amend certain provisions of Chapter 1-19 relating to Moderately Priced Dwelling Units to require that certain criteria be met in order to utilize reduced dimensional standards; (8) allow Public and Private Schools in

the Agricultural Zoning District; and (9) allow a Funeral Home as an accessory use to a Cemetery/Memorial Garden in the Agricultural Zoning District.

Having held a public hearing and received and considered the information and evidence received, the Board finds it proper and appropriate to enact these amendments to the Zoning Ordinance.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that the Frederick County Code is hereby amended as shown on the attached Exhibit 1.

AND BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect on _____, 2013.

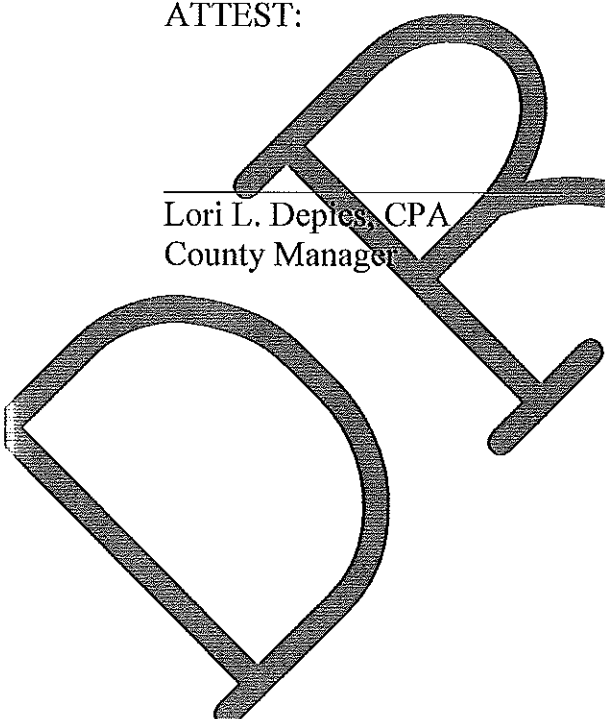
The undersigned hereby certifies that this Ordinance was approved and adopted on the ____ day of _____, 2013.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND

Lori L. Deples, CPA
County Manager

Blaine R. Young, President



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	MX	GC	ORI	LI	GI
Open Space and Institutional														
Airports, public ****	[remain unchanged]													
Cemetery/memorial gardens														
Fairground														
Shooting range/club - trap, skeet, rifle, archery														
Aircraft landing and storage areas, private														
AIRCRAFT LANDING AND STORAGE AREAS, PRIVATE-COMMERCIAL USE		E											E	E
Tent campground	[remain unchanged]													
Rustic retreat/camp/outdoor club														

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) through (D) remain unchanged]
- (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) through (G) Remain Unchanged]

(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.
 - 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
Automobile and Related Services														
Part sales and installation	[remain unchanged]													
Automobile filling and service station ****														
Carwash														
Automobile repair or service shop ****														
Sales and service center ****	[remain unchanged]													
Salvage yard ****														
School bus parking														
Truck stop and filling station service facility ****														
RECREATIONAL VEHICLE STORAGE FACILITY		E									PS		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) through (I) remain unchanged]

**(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) remains unchanged]

[(a) through (f) remain unchanged]

(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) through (c) remain unchanged]~~

(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. through 3. remain unchanged]~~

(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) through (c) remain unchanged]~~

(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.

[§ 1-19-8.620.2. through § 1-19-8.620.4. remain unchanged]

§ 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.

	Zoning Districts													
Uses	RC	A	R1	R3	R5	R8	R12	R16	VC	MX	GC	ORI	LI	GI
<i>Institutional</i>														
Nursing home	[remain unchanged]													
Place of worship														
Private school		PS	PS	PS	PS	PS	PS	PS	PS	PS	P S	T	T	T
Community fire and rescue service	[remain unchanged]													
<i>Governmental and Nongovernmental Utilities</i>														
Arena or stadium	[remain unchanged]													
College or university														
Public school		PS	PS	PS	PS	PS	PS	PS	PS	PS	P S	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.

