



Bill No. 17-14

Concerning: Location of recreational amenities and facilities in Planned Unit Development and Mixed Use Developments

Introduced: September 19, 2017

Revised: _____ Draft No. _____

Enacted: _____

Effective: _____

Expires: _____

Frederick County Code, Chapter (s) 1-16 and 1-19

Section(s) 1-16-92 & 111; 1-19-500.9

COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council President Bud Otis on behalf of County Executive Jan Gardner

AN ACT to: Amend Chapters 1-16 and 1-19 of the Frederick County Code to require that recreational amenities and facilities serving Planned Unit Developments (PUDs) and Mixed Use Developments (MXDs) are located entirely within the PUDs and MXDs.

Executive: _____ Date Received: _____

Approved: _____ Date: _____

Vetoed: _____ Date: _____

By amending:

Frederick County Code, Chapter(s), 1-16 and 1-19 Section(s) 1-16-92 & 111; and 1-19-500.9

Other: _____

Boldface

Underlining

[Single boldface brackets]

* * *

Heading or defined term.

Added to existing law.

Deleted from existing law.

Existing law unaffected by bill.

The County Council of Frederick County, Maryland, finds it necessary and appropriate to amend the Frederick County Code to require that all recreational amenities and facilities exclusively serving residents of PUDs and MXDs be located entirely within the respective PUDs and MXDs.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND, that the Frederick County Code be, and it is hereby, amended as shown on the attached Exhibit 1.

AND BE IT FURTHER ENACTED, that these provisions shall apply to all applications for reclassification to Planned Unit Development or Mixed Use Development filed on or after the Effective Date of this Bill.

Harold F. (Bud) Otis, President
County Council of Frederick County,
Maryland

§ 1-16-92. OPEN SPACE PARCELS.

(A) Open space parcels shall be approved by the Planning Commission through the preliminary plan process. Following the approval of the preliminary plan, open space parcels shall be platted through the final plat process.

(B) Amenities that serve the subdivision may be constructed on open space parcels, subject to meeting all zoning requirements. Examples of acceptable amenities within open space parcels include a clubhouse, swimming pool, playground, gazebo, and similar uses. **FOR PLANNED UNIT DEVELOPMENTS (PUD) OR MIXED USE DEVELOPMENTS (MXD), ANY OPEN SPACE PARCELS USED FOR AMENITIES THAT ARE INTENDED TO SERVE ONLY THE MXD/PUD RESIDENTS MUST BE LOCATED ENTIRELY WITHIN THE MXD OR PUD ZONING DISTRICT.**

(C) Open space parcels shall not revert to private ownership. Open space parcels must be owned by a homeowners association or similar organization for the benefit and use of all of the residents of the subdivision. The development of open space parcels for a private use, whether it be for residential, commercial, or industrial use is prohibited.

(D) Final plats that include open space parcels shall contain the information required for all final plats and shall bear a note declaring the name of the organization that will own and maintain the open space, the permitted use of the open space in accordance with the approved preliminary plan or site development plan, and a note stating that development of open space parcels for residential, commercial, or industrial use is strictly prohibited.

(E) An unrecorded open space plat shall become void 3 years after the application date.

§ 1-16-111. PARKS.

(A) The proposed subdivision shall not be approved unless the provisions set forth below are met.

(1) Every subdivider/developer who develops a residential subdivision shall dedicate a portion of such land as set forth in this section for the purpose of providing land for neighborhood parks.

(2) The provisions of this section shall apply to all residential development districts with the exception of the R-1 zoning district and except subdivisions containing 59 or less residential lots, dwelling units, apartments or condominiums.

(3) The basis for determining the total number of dwelling units shall be the number of units approved by the county on the property included on a preliminary subdivision plan or a site plan filed with the Planning Commission.

(B) The area, location and physical characteristics of land required to be dedicated pursuant to this section shall be as follows.

Underlining indicates matter added to existing law.

[Single boldface brackets] indicates matter deleted from existing law.

*** - indicates existing law unaffected by bill.

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(1) Seven hundred and twenty-six square feet shall be dedicated for each dwelling unit (1 acre per 60 dwelling units) shown on the preliminary subdivision plan or site development plan. The Planning Commission may allow less than the full 726 square feet, as provided for in (B)(2) below.

(2) Recreation land shall be located so as to be reasonably accessible from all lots in the subdivision and in accordance with the following. Up to 50% of the land area to be dedicated may be steep slopes, streams, lakes or floodplain. In all instances, 50% of the parkland requirements shall be suitable for dry ground recreational use. Fifty percent of the dry ground recreational area shall not exceed a grade of 5%. If no land meeting these requirements exists in the subdivision, or, if the subdivider/developer chooses to provide more than the required amount of land meeting the 5% slope criteria, modifications can be made by the Planning Commission with the recommendation of the Parks and Recreation Division.

(3) Where on-site detention and/or retention facilities are provided, the detention/retention facilities may only count as part of the recreational area requirement at the discretion of the Planning Commission, with the recommendation of the Parks and Recreation Commission.

(4) Title to recreation lands and facilities shall be held by an established homeowners association in which membership is mandatory and automatic upon conveyance of title to any lot or unit in the subdivision. The association shall be incorporated and the articles of incorporation shall be submitted to the Planning Commission for review and approval. Upon acceptance by the Department of Assessments and Taxation of the State of Maryland, appropriate notations shall be made on the plat as to date of approval and acceptance. This requirement shall not apply if the county takes title to the land pursuant to paragraph (5).

(5) FOR PLANNED UNIT DEVELOPMENTS (PUD) OR MIXED USE DEVELOPMENTS (MXD), RECREATION LAND AND FACILITIES INTENDED TO SERVE ONLY THE MXD/PUD RESIDENTS MUST BE LOCATED ENTIRELY WITHIN THE MXD OR PUD ZONING DISTRICT.

(65) At the discretion of the Planning Commission, and with the recommendation of the Parks and Recreation Division, where public ownership is deemed desirable, the required recreation land may be conveyed to the county.

§ 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 Phase II execution unless modified by the Planning Commission as provided in § 1-19-10.500.9(D).

(A) Site and building design.

[Subsections (A)(1) – (A)(19) remain unchanged.]

Underlining indicates matter added to existing law.

[Single boldface brackets] indicates matter deleted from existing law.

**** - indicates existing law unaffected by bill.*

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(20) Parks, open spaces, plazas, courtyards, green areas, recreation areas, civic spaces, and community facilities shall be designed and located in such a way as to maximize their proximity, convenience, and physical accessibility to the greatest number of potential users in the Planned Development District. **ALL RECREATION FACILITIES INTENDED TO SERVE ONLY MXD/PUD RESIDENTS MUST BE LOCATED ENTIRELY WITHIN THE PUD OR MXD DISTRICT.** Such amenities shall serve as central organizing features of the development and shall serve to enhance the pedestrian and bicycling environment of the proposed development.

(21) Existing site structures and features shall be evaluated for the feasibility of preservation and integration into the proposed development. The evaluation shall include buildings, sites, structures, or other objects as listed on or eligible for the National Register of Historic Places, Frederick County Register of Historic Places, or as listed on the Maryland Inventory of Historic Properties.

[Subsections (B) – (D) remain unchanged.]

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FREDERICK COUNTY COUNCIL

Local Government Fiscal and Policy Note

CONTACT INFORMATION AND GENERAL INSTRUCTIONS

Bill Number/Reference:	Bill No. 17-14
Bill Title:	Location of Recreational Amenities and Facilities in Planned Unit Development and Mixed Use Developments
Local Government Agency:	Frederick County Divisions of Finance and Planning and Permitting
Prepared By:	Erin White and Steve Horn
Title:	Deputy Director and Director
Phone Number:	301-600-1193, 301-600-1151
E-Mail Address:	ewhite@frederickcountymd.gov shorn@frederickcountymd.gov
Due Date:	October 10, 2017
Date Submitted:	

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Date: <p>Please respond to the questions below. If you prefer to provide responses or additional information in a separate file or document, send the file or document in a separate e-mail to rcherney@frederickcountymd.gov with the bill number/reference in the subject line.</p>																															
1.	Describe the impact of this proposed legislation on your agency (operations, revenues, expenditures, etc). If there is no impact, <u>please explain why</u> .																														
<p>This bill should not fiscally impact the County. This bill would ensure that all recreational amenities and facilities, proposed to exclusively serve the residents of Planned Unit Developments (PUD) and Mixed Use Developments (MXD), be located entirely within the boundaries of the respective PUD or MXD's.</p> <p>The Division of Planning and Permitting believes this bill can be implemented within the framework of existing staff and procedures.</p>																															
2.	Please indicate whether the proposed legislation will affect small businesses in Frederick County, and if it will, please provide any information you may have which could be useful in determining the economic impact on small businesses.																														
<p>This bill should have a negligible economic impact on small businesses.</p>																															
FISCAL IMPACT SUMMARY – SHOW (DECREASE) IN PARENTHESES																															
<u>REVENUES</u>																															
3.	Analysis of estimated increase (or decrease) in government revenues . Please estimate below any anticipated increase (or decrease) in revenues resulting from this legislation. Please be aware of any delayed effective dates in the bill or other factors that may cause revenue increases/decreases to begin in later years.																														
<table border="1"><thead><tr><th><u>Source</u></th><th><u>FY 2017</u></th><th><u>FY 2018</u></th><th><u>FY 2019</u></th><th><u>FY 2020</u></th><th><u>FY 2021</u></th></tr></thead><tbody><tr><td>N/A</td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>TOTAL \$</td><td>\$</td><td>\$</td><td>\$</td><td>\$</td><td>\$</td></tr><tr><td></td><td colspan="5">Please explain how the above estimated increase(s) or decrease(s) were arrived at, including any calculations and/or assumptions made. Please also explain any variation if the revenue increase(s)/decrease(s) are not constant.</td></tr><tr><td colspan="6">N/A</td></tr></tbody></table>		<u>Source</u>	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>	N/A						TOTAL \$	\$	\$	\$	\$	\$		Please explain how the above estimated increase(s) or decrease(s) were arrived at, including any calculations and/or assumptions made. Please also explain any variation if the revenue increase(s)/decrease(s) are not constant.					N/A					
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N/A																															

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<u>EXPENDITURES</u>						
4.	<p>Analysis of estimated increase (or decrease) in government expenditures. Please estimate below any anticipated increase (or decrease) in expenditures resulting from this legislation. Please be aware of any delayed effective dates in the bill or other factors that may cause expenditure increases/decreases to begin in later years.</p>					
A. Salaries & Wages		FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
FTE Employees - _____ # of positions Fringe Benefits						
TOTAL (Salaries, wages & benefits)		\$	\$	\$	\$	\$
N/A	<p>Please provide an explanation of the need for the number and type of any personnel listed above, including (1) what specific provision(s) of the bill necessitate additional staff; (2) what the duties of each type employee will be; and (3) why existing personnel cannot absorb the additional work. Please also certify the wage/salary rate and % fringe rate (if differing rates apply) for each personnel classification.</p>					
B. Other Operating Expenses		FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Technical/Special Fees, Grants/Subsidies Communications-Phone, Postage Travel, Food, Auto, Fuel & Utilities Contractual Services Supplies Equipment-Replacement Equipment-Additional Land & Structures, Fixed Charges Other (Please Specify on Extra Page(s))						
TOTAL (Expenditures)		\$	\$	\$	\$	\$
	<p>On the next page, please provide brief descriptions/breakdowns of the above "Other Operating Expenses."</p>					
	<p>Please explain below any additional calculations or assumptions made in estimating the "Other Operating Expenses" that will help us to understand the amounts and timing of the expenses.</p>					
N/A						

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4. (cont'd)

C. Operating Expense Descriptions/Breakdowns

Please provide below a short description of the specific purpose of each expense listed under 4B. If any amount(s) listed under 4B represent(s) a total of multiple expenses, provide a breakdown of the fiscal 2016 amount with a short description of each expense (for example, if \$2,500 is listed for Communications – Phone, Postage, a statement such as "\$1,500 for cellphone charges for two new inspectors and \$1,000 for postage for mailings to permittees to notify them of changes to inspection requirements.")

Fiscal 2017 Expenditures

Technical/Special Fees, Grants & Subsidies \$
description/breakdown

Communications – Phone, Postage \$
description/breakdown

Travel, Food, Auto Operations, Fuel & Utilities \$
description/breakdown

Contractual Services \$
description/breakdown

Supplies \$
description/breakdown

Equipment-Replacement \$
description/breakdown

Equipment-Additional \$
description/breakdown

Land & Structures, Fixed Charges \$
description/breakdown

Other (Please Specify) \$
description/breakdown

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ADDITIONAL POLICY IMPLICATIONS/CONCERNS

Background information regarding this proposal was presented to the County Council at their meeting on Sept 19, 2017. Reference memo to the Council from Steve Horn dated June 28, 2017.