



Bill No. 17-21

Concerning: Permitted uses in MXD

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Introduced: December 19, 2017

Revised: \_\_\_\_\_ Draft No. \_\_\_\_\_

Enacted: \_\_\_\_\_

Effective: \_\_\_\_\_

Expires: \_\_\_\_\_

Frederick County Code, Chapter 1-19

Section(s) 10.500.7, 10.500.9, 10.500.11

# COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council President Bud Otis

**AN ACT** to: amend the Zoning Ordinance to specify additional permitted uses in the Mixed Use Development District.

Executive: \_\_\_\_\_ Date Received: \_\_\_\_\_

Approved: \_\_\_\_\_ Date: \_\_\_\_\_

Vetoed: \_\_\_\_\_ Date: \_\_\_\_\_

By amending:

Frederick County Code, Chapter, 1-19 Section(s) 10.500.7, 10.500.9, 10.500.11

Other: \_\_\_\_\_

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law.</i>
[Single boldface brackets]	<i>Deleted from existing law.</i>
***	<i>Existing law unaffected by bill.</i>

Bill No. 17-21

The County Council of Frederick County, Maryland, finds it necessary and appropriate to amend Chapter 1-19 of the Frederick County Code to facilitate the flexibility of the Mixed Use Development District (MXD) and specify additional permitted uses in the MXD.

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.

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

**ARTICLE X: METHODS OF DEVELOPMENT**

*Division 5: Planned Development Districts*

**§ 1-19-10.500.7. LAND USE, MIXTURE, AND DESIGN REQUIREMENTS WITHIN THE MXD DISTRICT.**

(A) *Land use permitted within the MXD District.* General land use type and location shall be established by the County Council in concept at Phase I and specifically by Planning Commission through site development plan review at Phase II. Land uses permitted with the MXD District are limited to:

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(3) *Employment.* Employment shall be limited to those uses permitted within the Office Research Industrial Zoning District, as well as wholesaling, warehouse and/or distribution.

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**§ 1-19-10.500.9. GENERAL DEVELOPMENT STANDARDS WITHIN THE PLANNED DEVELOPMENT DISTRICTS.**

(A) Site and building design.

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(6) Buildings shall predominantly be designed and constructed to include finishes and materials of consistent quality and design on all sides such as: changes in building plane, windows, doorways, entrances, overhanging eaves, and shutters. Buildings may not include large expanses of undifferentiated façades and long plain wall sections. For buildings planned for wholesaling, warehouse and/or distribution uses in an MXD project, such buildings shall be constructed predominantly of non-metallic material.

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**§ 1-19-10.500.11. TRANSITIONAL PROVISIONS FOR MIXED-USE DEVELOPMENTS (MXD) WITH DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENTS (DRRAS).**

(A) For Mixed-Use Developments (MXD) that are subject to a valid Development Rights and Responsibilities Agreement (DRRA) as of January 1, 2018:

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Underlining indicates matter added to existing law.

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

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

**Bill No. 17-21**

(1) The property owner or developer may elect to have its MXD subject to the provisions of § 1-19-500.7.(A)(3) & § 1-19.500.9.(A)(6) above, notwithstanding the development laws in effect at the time of the subject DRRA's effective date.

(2) Such election under § 1-19-10.500.11.(A)(1) above shall be effective upon application by the property owner or developer to the Planning Department, without need for amendment of the subject DRRA under Frederick County Code, Chapter 1-25.

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

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

**Bill No. 17-21**



# FREDERICK COUNTY COUNCIL

## Local Government Fiscal and Policy Note

### CONTACT INFORMATION AND GENERAL INSTRUCTIONS

<b>Bill Number/Reference:</b>	Bill No. 17-21
<b>Bill Title:</b>	Permitted uses in MXD
<b>Local Government Agency:</b>	Frederick County Divisions of Finance, Planning & Permitting
<b>Prepared By:</b>	Erin White and Steve Horn
<b>Title:</b>	Deputy Director and Director
<b>Phone Number:</b>	301-600-1193, 301-600-1151
<b>E-Mail Address:</b>	<a href="mailto:ewhite@frederickcountymd.gov">ewhite@frederickcountymd.gov</a> <a href="mailto:shorn@frederickcountymd.gov">shorn@frederickcountymd.gov</a>
<b>Due Date:</b>	January 9, 2018
<b>Date Submitted:</b>	

# FREDERICK COUNTY COUNCIL

## Local Government Fiscal and Policy Note

<b>Date:</b>						
<p><b>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 <a href="mailto:rcherney@frederickcountymd.gov">rcherney@frederickcountymd.gov</a> with the bill number/reference in the subject line.</b></p>						
<b>1.</b>	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>It is difficult to quantify the impact this legislation would have on the County's revenue. This bill expands the land use in the Mixed Use Development District zone to include wholesaling, warehouse and/or distribution facilities. Property tax assessments, real property and income taxes associated with different types of business space are very volatile over time as market conditions and demand for various business space types regularly change.</p> <p>It is not anticipated that this legislation would create the need for additional staff or increase the operating expenses of the County.</p>						
<b>2.</b>	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.					
This bill should not impact small businesses in Frederick County.						
<b>FISCAL IMPACT SUMMARY – SHOW (DECREASE) IN PARENTHESES</b>						
<b><u>REVENUES</u></b>						
<b>3.</b>	Analysis of <b>estimated increase (or decrease) in government revenues.</b> 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.					
	<b><u>Source</u></b>	<b><u>FY 2018</u></b>	<b><u>FY 2019</u></b>	<b><u>FY 2020</u></b>	<b><u>FY 2021</u></b>	<b><u>FY 2022</u></b>
N/A						
	<b>TOTAL \$</b>	\$	\$	\$	\$	\$
	<p><b>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.</b></p>					
<p>Staff are unable to provide a revenue estimate on the proposed legislation. Property tax assessments, real property and income taxes associated with different types of business space are very volatile over time as market conditions and demand for various business space types regularly change.</p>						

# FREDERICK COUNTY COUNCIL

## Local Government Fiscal and Policy Note

<b><u>EXPENDITURES</u></b>						
<b>4.</b>	Analysis of <b>estimated increase (or decrease) in government expenditures</b> . 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.					
<b><u>A. Salaries &amp; Wages</u></b>		<b><u>FY 2018</u></b>	<b><u>FY 2019</u></b>	<b><u>FY 2020</u></b>	<b><u>FY 2021</u></b>	<b><u>FY 2022</u></b>
FTE Employees - _____ # of positions						
Fringe Benefits						
<b>TOTAL (Salaries, wages &amp; benefits)</b>		\$	\$	\$	\$	\$
N/A	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.					
<b><u>B. Other Operating Expenses</u></b>		<b><u>FY 2018</u></b>	<b><u>FY 2019</u></b>	<b><u>FY 2020</u></b>	<b><u>FY 2021</u></b>	<b><u>FY 2022</u></b>
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))						
<b>TOTAL (Expenditures)</b>		\$	\$	\$	\$	\$
	<b>On the next page, please provide brief descriptions/breakdowns of the above "Other Operating Expenses."</b>					
	<b>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.</b>					
N/A – It is not anticipated that this legislation would create the need for additional staff or increase the operating expenses of the County.						

# FREDERICK COUNTY COUNCIL

## Local Government Fiscal and Policy Note

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 2018 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 2018 Expenditures

<b>Technical/Special Fees, Grants &amp; Subsidies</b> description/breakdown	\$
<b>Communications – Phone, Postage</b> description/breakdown	\$
<b>Travel, Food, Auto Operations, Fuel &amp; Utilities</b> description/breakdown	\$
<b>Contractual Services</b> description/breakdown	\$
<b>Supplies</b> description/breakdown	\$
<b>Equipment-Replacement</b> description/breakdown	\$
<b>Equipment-Additional</b> description/breakdown	\$
<b>Land &amp; Structures, Fixed Charges</b> description/breakdown	\$
<b>Other (Please Specify)</b> description/breakdown	\$



# FREDERICK COUNTY COUNCIL

## Local Government Fiscal and Policy Note

<b><u>ADDITIONAL POLICY IMPLICATIONS/CONCERNS</u></b>

Please submit BY E-MAIL to: Ragen Cherney, Legislative Director/Chief of Staff  
Frederick County Council • E-Mail: [RCherney@FrederickCountyMD.gov](mailto:RCherney@FrederickCountyMD.gov)



**FREDERICK COUNTY GOVERNMENT**  
**COUNTY COUNCIL**

**To:** County Council  
**From:** Council President Bud Otis  
**Date:** December 19, 2017  
**Subject:** Additional Uses in the Mixed Use Development District

**Issue:**

Should the County Council adopt provisions expanding flexibility in the Mixed Use Development District (MXD) and specify additional permitted uses in the MXD?

**Background:**

Currently the Frederick County Zoning Code allows for employment in the MXD however, it is limited to those uses permitted within the Office Research Industrial Zoning District which, includes office space for businesses.

**What would the new bill do?**

The need for office space has declined in recent years and is evidenced by vacant office parks throughout the county. Further, innovation and technology have stimulated new methods and mechanisms for the delivery of goods in the modern economy. This bill would expand the land use in the MXD zone to include wholesaling, warehouse and/or distribution facilities. The bill further specifies solid building construction, and permits property owners or developers in Development Rights and Responsibilities Agreements (DRRAs) as of January 1, 2018, the OPTION to ELECT to have its MXD zoned property subject to the new zoning provision allowing

for wholesaling, warehouse and/or distribution, or not. This will not, however, effect such other development laws in effect at the time of the DRRA's effective date.

It is in the best interest of Frederick County for its laws and regulations to remain responsive to ever-evolving innovation and technological growth. Therefore, in order to promote economic development and job growth, it is necessary to facilitate flexibility of the MXD and update its permitted uses.