

AMENDMENT 1 to Bill No. 17-21

Introduced By: Council President Bud Otis & Council Member Chmelik

Introduction Date:

Adopted/Rejected/Withdrawn: February 20, 2018

An ACT to: Amend Chapter 1-19 of the Frederick County Code to further facilitate the flexibility of the Mixed Used Development District (MXD) and specify additional permitted uses in the MXD.

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

On Exhibit 1, Page 1, Amend § 1-19-10.500.7(A)(3) is hereby amended as follows:

(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:

(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. **WHOLESALE, WAREHOUSE AND/OR DISTRIBUTION CENTERS ARE ALLOWED ONLY WHERE THE SITE ON WHICH THE USE IS TO BE IMPLEMENTED IS LOCATED ONE MILE OR MORE FROM ANY LAND ZONED LIMITED INDUSTRIAL (LI).**

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets] indicate matter deleted from the bill.

AMENDMENT 2 to Bill No. 17-21

Introduced By: Council Member Tony Chmelik

Introduction Date:

Adopted Rejected/Withdrawn: February 20, 2018

An ACT to: Amend Chapter 1-19-10.500.9 of the Frederick County Code

On Exhibit 1, Page 1, Amend Chapter § 1-19-10.500.9 as follows:

§ 1-19-10.500.9 is hereby amended to add and delete the following text:

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

**(7) WHOLESALE OR WAREHOUSING ACTIVITIES MAY NOT SHARE A
COMMON DRIVEWAY WITH ANY PUBLIC AND/OR PRIVATE SCHOOL
NOR SHALL IT BE IMMEDIATELY ABUTTING THE SCHOOL'S PROPERTY.**

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets] indicate matter deleted from the bill.

AMENDMENT 3 to Bill No. 17-21

Introduced By: Council Member Tony Chmelik

Introduction Date:

Adopted/Rejected/Withdrawn: February 20, 2018

An ACT to: Amend Chapter 1-19-10.500.11 of the Frederick County Code

On Exhibit 1, Page 1, Amend Chapter § 1-19-10.500.11 as follows:

§ 1-19-10.500.11 is hereby amended to add and delete the following text:

ARTICLE X: METHODS OF DEVELOPMENT

Division 5: Planned Development Districts

§ 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:]

(A) THE PROVISIONS OF SECTION 1-19-10.500.9(A)(6) SHALL APPLY TO ALL MXD DEVELOPMENTS WITH PHASE II APPROVAL ON ITS EFFECTIVE DATE, AND TO ALL MXD APPLICATIONS SUBMITTED ON OR AFTER ITS EFFECTIVE DATE.

On Exhibit 1, Page 1-2, Amend Chapter § 1-19-10.500.11 as follows:

§ 1-19-10.500.11 is hereby amended to add and delete the following text.

[(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.]

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets] indicate matter deleted from the bill.

AMENDMENT 4 to Bill No. 17-21

Introduced By: Council Vice President Keegan-Ayer

Introduction Date:

Adopted/Rejected/Withdrawn: February 20, 2018

An ACT to: Amend Zoning Ordinance to specify additional permitted uses in the Mixed Use Development District.

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

On Exhibit 1, Pages 1, §1-19-10.500.7 (A)(3) is hereby amended by deleting and adding text as follows:

(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:

(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.]

AN MXD THAT DOES NOT INCLUDE RESIDENTIAL USES MAY HAVE WHOLESALING, WAREHOUSE, AND DISTRIBUTION USES DEVELOPED IN ACCORDANCE WITH THE STANDARDS IN §1-19-7.620.

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets] indicate matter deleted from the bill.

AMENDMENT 5 to Bill No. 17-21

Introduced By:

Council Vice President Keegan-Ayer

Introduction Date:

Adopted/Rejected/Withdrawn:

February 20, 2018

An ACT to: Amend Zoning Ordinance to specify additional permitted uses in the Mixed Use Development District.

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

On Exhibit 1, Pages 1, §1-19-10.500.7 (A)(3) is hereby amended by deleting and adding text as follows:

(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:

(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.]

PROPERTIES ZONED MXD AFTER JULY 1, 2018, MAY INCLUDE WHOLESALING, WAREHOUSE, AND DISTRIBUTION DEVELOPED IN ACCORDANCE WITH THE STANDARDS SET FORTH IN §1-19-7.620.

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets] indicate matter deleted from the bill.

AMENDMENT 6 to Bill No. 17-21

Introduced By: Council Vice President Keegan-Ayer

Introduction Date:

Adopted/Rejected/Withdrawn: February 20, 2018

An ACT to: Amend Zoning Ordinance to specify additional permitted uses in the Mixed Use Development District.

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

On Exhibit 1, Pages 1, §1-19-10.500.7 (A)(3) is hereby amended by deleting and adding text as follows:

(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:

(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.]

**WHOLESALE, WAREHOUSE, AND DISTRIBUTION USES
WILL BE ALLOWED IF CONSTRUCTED IN ACCORDANCE §1-19-7.620, AND
THE BUILDING SHALL NOT EXCEED 50,000 SQUARE FEET.**

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets] indicate matter deleted from the bill.

AMENDMENT 7 to Bill No. 17-21

Introduced By: Council Vice President Keegan-Ayer

Introduction Date:

Adopted/Rejected/Withdrawn:

February 20, 2018

An ACT to: Amend Zoning Ordinance to specify additional permitted uses in the Mixed Use Development District.

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

On Exhibit 1, Pages 1, §1-19-10.500.7 (A)(3) is hereby amended by deleting and adding text as follows:

(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:

(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.]

PROPERTIES ZONED MXD AFTER JULY 1, 2018, MAY INCLUDE WHOLESALING, WAREHOUSE, AND DISTRIBUTION DEVELOPED IN ACCORDANCE WITH THE STANDARDS SET FORTH IN §1-19-7.620.

PROPERTIES ZONED MXD BEFORE JULY 1, 2018, MAY INCLUDE WHOLESALING, WAREHOUSE, AND DISTRIBUTION DEVELOPED IN ACCORDANCE WITH THE STANDARDS SET FORTH IN §1-19-7.620, PROVIDED THE APPLICANT ESTABLISHES THAT IT RETAINS OWNERSHIP OF 90% OF THE PROPERTY SUBJECT TO THE ORIGINAL REZONING TO MXD OR ESTABLISHES IT HAS THE CONSENT OF THE OWNERS OF 90% OF THE PROPERTY SUBJECT TO THE ORIGINAL REZONING TO MXD.

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets] indicate matter deleted from the bill.

AMENDMENT 8 to Bill No. 17-21

Introduced By: Council Vice President Keegan-Ayer

Introduction Date:

Adopted/Rejected/Withdrawn: _____

An ACT to: Amend Zoning Ordinance to specify additional permitted uses in the Mixed Use Development District.

Amend ARTICLE X: METHODS OF DEVELOPMENT, DIVISION 5: PLANNED DEVELOPMENT DISTRICTS by removing § 1-19-10.500.11. TRANSITIONAL PROVISIONS FOR MIXED-USE DEVELOPMENTS (MXD) WITH DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENTS (DRRAS).

On Exhibit 1, Pages 1-2, §1-19-10.500.11 is hereby amended by deleting the Section and text as follows:

[§ 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:

(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.]

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets] indicate matter deleted from the bill.

AMENDMENT 9 to Bill No. 17-21

Introduced By: Council President Bud Otis & Council Member Chmelik

Introduction Date:

Adopted/Rejected/Withdrawn: march 6, 2018

An ACT to: Amend Chapter 1-19 of the Frederick County Code to further facilitate the flexibility of the Mixed Used Development District (MXD) and specify additional permitted uses in the MXD.

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

On Exhibit 1, Page 1, Amend § 1-19-10.500.7(A)(3) is hereby amended as follows:

(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:

(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. ~~WHOLESALE, WAREHOUSE AND/OR DISTRIBUTION CENTERS ARE ALLOWED ONLY WHERE THE SITE ON WHICH THE USE IS TO BE IMPLEMENTED IS LOCATED ONE MILE OR MORE FROM ANY LAND ZONED LIMITED INDUSTRIAL (LI).~~

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets] indicate matter deleted from the bill.

Strikethrough indicate amendment deleted from the bill.