



Bill No. 17-21

Concerning: Permitted uses in MXD

Introduced: December 19, 2017

Revised: March 6, 2018 Draft No. 3

Enacted: _____

Effective: _____

Expires: _____

Frederick County Code, Chapter 1-19

Section(s) 10, 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, 11

Other: _____

Boldface	<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>

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The County Council of Frederick County, Maryland, finds it necessary and appropriate to amend the Frederick County Code to amend Chapter 1-19 (Zoning Ordinance) 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.

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:

(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. [Wholesaling, 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).]

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

(A) Site and building design.

(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.

(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.

(8) [(7)] Building design shall reflect the materials and architecture of traditional villages and towns throughout Frederick County and central Maryland unless otherwise provided within county community and corridor plans.

(9) [8] Buildings shall be designed and oriented in terms of their relationship to the human scale and shall reflect this relationship through the inclusion of human-scaled architectural elements such as, but not, limited to: porches, windows, doors, balconies, terraces, canopies, and other pedestrian amenities.

Underlining indicates matter added to existing law.

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

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(10) [9] Buildings shall provide a primary pedestrian entrance onto a street, square, plaza, or sidewalk.

(11) [10] Buildings shall be oriented so that rear entrances and rear façades face away from roadways, pedestrian and public areas.

(12) [11] As many buildings as possible shall be oriented to pedestrian ways, local public streets, or internal roadways in larger developments.

(13) [12] Building placement shall provide for the concentration of service entrances, mechanical equipment, utilities and non-public facilities (i.e., refuse containers or outside storage) away from public access areas.

(14) [13] Building and site design shall be oriented to provide safe and convenient access to public transit facilities in accordance with the Frederick County transit-friendly design guidelines.

(15) [14] Parking shall be predominantly located to the side and/or rear of buildings.

(16) [15] Parking lots may not create long expanses of empty street frontage.

(17) [16] Projects shall be designed to link to existing and planned transportation networks, incorporate an interconnected street grid, and shall avoid commercial 'strip' development where vehicular access is achieved directly to a collector classification roadway or higher.

(18) [17] Shared access and interior drives with allowance for interconnection between properties shall be provided where feasible. The Planning Commission may require consolidation of multiple access points in complying with this standard. At the rear of properties access should be provided by alleyways or parking lot interconnections.

(19) [20] To the extent practical, shared and joint use parking shall be integrated into the overall parking plan to achieve a reduction in on-site parking and impervious surface.

(20) [19] Noise attenuation standards as approved by the Planning Commission including walls, fences, berms and landscaping, acoustical building materials, and/or increased setbacks shall be utilized to mitigate negative impacts where residential development is proposed adjacent to an arterial or freeway/expressway as identified in the County Comprehensive Plan.

(21) [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. 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.

(22) [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

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Register of Historic Places, Frederick County Register of Historic Places, or as listed on the Maryland Inventory of Historic Properties.

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

(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.

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