



Bill No. 22-12

Concerning: Facilities for Functions

Introduced: May 17, 2022

Revised: _____ Draft No. _____

Enacted: _____

Effective: _____

Expires: August 15, 2022

Frederick County Code, Chapter 1-19

Section(s) 5.310, 8.356, 8.600, & 11.100

COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council Member Jessica Fitzwater

AN ACT to: create a new Special Exception use category - “facility for functions”- applicable to historic structures or sites, and specifying the conditions that apply to this Special Exception use; and clarifying the approval processes for uses within Historic Structures or Sites.

Date Council Approved: _____ Date Transmitted to Executive: _____

Executive: _____ Date Received: _____

Approved: _____ Date: _____

Vetoed: _____ Date: _____

Date returned to Council by County Executive with no action: _____

By amending:

Frederick County Code, Chapter 1-19 Section(s) 5.310, 8.356, 8.600, & 11.100

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>

1 Bill No. 22-12

2 The County Council of Frederick County, Maryland, finds it necessary and appropriate to
3 amend the Frederick County Code to create a new use category called “facility for functions.”
4 This use may only be established in or on historic structures or sites, and will allow seminars,
5 cultural or social events, or other similar activities. This Bill also specifies certain conditions that
6 apply to this use in any Zoning District, and clarifies the approval processes for uses of sites within
7 Historic Structures.

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

11
12
13
14
15 _____
16 M.C. Keegan-Ayer, President
17 County Council of Frederick County,
18 Maryland

- 1
2 **§ 1-19-5.310. USE TABLE.**
3 (A) Permitted uses and required development review.
4 P Principal permitted use subject to design regulations
5 PS Principal permitted use subject to site development plan approval. See §§ 1-19-2.160, and 1-
6 19-3.300 through 1-19-3.300.4
7 E Principal permitted use as a special exception with site development plan approval. See §§ 1-
8 19-8.320 and following
9 T Permitted as temporary use as a special exception. See § 1-19-8.300
10 X Permitted as temporary use only. See § 1-19-8.700
11 SW Solid Waste Floating Zone
12 A blank indicates that the use is not permitted under any situation

Uses	RC	A	R1	R3	R5	R8	R12	R16	VC	MX	GC	ORI	LI	GI
Commercial Business and Personal Services														
Advertising agency									PS	PS	PS			
Bank or savings and loan									PS	PS	PS	PS		
Broadcasting studio									PS	PS	PS	PS	PS	PS
[Some rows removed]	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Medical clinic									PS	PS	PS	PS	PS	PS
Office business									PS	PS	PS	PS	PS	PS
Office professional					E	E	E	E	PS	PS	PS	PS		
Pawn shop											PS			
Photography studio****									PS	PS	PS		PS	
Restaurant									PS	PS	PS	PS	PS	
Satellite simulcast betting facility											PS		PS	PS
Country inn	E	E												
Facility for functions	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>

13

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§ 1-19-8.356 FACILITY FOR FUNCTIONS.

The following provisions shall apply to a facility for functions under §1-19-8.600:

(A) A property which has been listed on the Frederick County Register of Historic Places may apply for a special exception under this section.

(B) The minimum lot size and setbacks shall be as follows;

<u>Zoning</u>	<u>Minimum Lot Area</u>	<u>Lot Width</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
<u>RC</u>	<u>10 Acres</u>	<u>300</u>	<u>50</u>	<u>50</u>	<u>50</u>
<u>AG</u>	<u>10 Acres</u>	<u>200</u>	<u>40</u>	<u>50</u>	<u>50</u>
<u>R1 through R16</u>	<u>10 Acres</u>	<u>200</u>	<u>40</u>	<u>50</u>	<u>50</u>
<u>VC</u>	<u>None</u>	<u>65</u>	<u>***</u>	<u>10****</u>	<u>40</u>
<u>GC</u>	<u>12,000</u>	<u>100</u>	<u>25</u>	<u>8</u>	<u>25</u>
<u>MX</u>	<u>12,000</u>	<u>75</u>	<u>20</u>	<u>8</u>	<u>35</u>
<u>LI</u>	<u>40,000</u>	<u>100</u>	<u>25</u>	<u>15</u>	<u>40</u>
<u>GI</u>	<u>40,000</u>	<u>100</u>	<u>25</u>	<u>15</u>	<u>40</u>
<u>ORI</u>	<u>40,000</u>	<u>100</u>	<u>25</u>	<u>15</u>	<u>40</u>

*** For development within the Village Center Zoning District see also §§ [1-19-7.500\(B\)\(2\)](#) and (3)

**** Or as determined under §§ [1-19-7.500\(B\)\(3\)](#), whichever is greater

(D) The maximum height shall be the height of the existing primary historic structure, or as otherwise determined by the Historic Preservation Commission (HPC). For new structures to be built on the historic site, or additions to a historic structure, the maximum height shall be determined by the HPC, but in no event shall the height exceed 10% more than the height of the primary historic structure on the site.

(E) Parking will not be permitted within the required setback areas.

(F) The events shall occur only in an existing historic structure or at a designated historic site, each of which must be currently listed on the Frederick County Register of Historic Places.

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1 Conversion of existing historic structures or sites may include the expansion of structures or
2 alterations to the historic site. However, the existing external appearance of a historic structure
3 must be maintained, although it may be upgraded, repaired, or expanded with approval of the
4 Historic Preservation Commission as provided in Chapter 1-23 of this Code. New structures
5 that are proposed to be erected on the historic site must receive approval of the Historic
6 Preservation Commission as well as all other approvals required under this Chapter.

7
8
9 (G) Each event may begin no earlier than 10am and end no later than 10:00 p.m. The hours of
10 operation may be further reduced if determined necessary to protect nearby properties from
11 noise, light, or other disturbances. This determination will be based on the site and neighborhood
12 characteristics, such as distance between the activities and the property lines, proximity to
13 neighboring homes, topography, existing and proposed screening, and other aspects that may
14 increase or decrease the potential impacts to the neighborhood.

15
16 (H) The location where music will be played and the time by which music must end shall be
17 identified in the application. Music shall not exceed 40 decibels as measured at the property
18 lines. Outdoor music may be prohibited when it is determined to be detrimental to nearby
19 property owners. Indoor music may be restricted or prohibited where sound is not adequately
20 contained within the walls of the structure and impacts adjoining properties.

21
22 (I) The maximum number and location(s) of potential tents must be identified in the application.
23 Audible and visual impacts to adjoining properties and the neighborhood shall be considered in
24 determining if the number and location of the tent(s) are appropriate and where outdoor activities
25 may occur.

26
27 (J) A traffic management plan shall be provided by the applicant that demonstrates how vehicles
28 will safely enter and exit the site during the peak hours of operation with minimal interruption
29 to the traffic flow on the public street.

30

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1 (K) The owner of the property must enter into a Facility for Functions Memorandum of
2 Understanding (Facility MOU) with the County, which shall be negotiated with Division staff
3 and approved by the Zoning Administrator based on the Board of Appeals' conditions of
4 approval of the special exception, prior to making application for Site Plan approval. The
5 Facility MOU must include;

6 1. A statement that the owner agrees to comply with any limitations and conditions of
7 approval established by the Board of Appeals and agrees to comply with all of the
8 requirements for establishing the use as outlined under subsection (P) below.

9 2. An acknowledgement by the owner that failure to comply with the provisions of the
10 MOU at any time, whether prior to or after the establishment of the use, will be a violation
11 of Chapter 1-19 of the County Code and that enforcement action may be taken by the
12 County in accordance with §1-19-2.110 and §1-19-2.210 through §1-19-2.230.

13 3. An agreement by the owner to notify the Zoning Administrator prior to the sale or
14 transfer of the property.

15 4. A condition stating that, if a facility for functions changes ownership, the new owner
16 will enter into a MOU in accordance with subsection (K) prior to engaging in any facilities
17 for functions activities, and apply for and receive an occupancy permit.

18 5. A statement that the owner agrees to work with the Zoning Administrator to resolve
19 noise, light, and traffic related complains that are received by the County from neighboring
20 property owners.

21
22 (L) All exterior changes to the structures and/or site must be approved by the Historic
23 Preservation Commission

24
25
26 (M) One freestanding sign no more than 15 feet in height and 25 square feet in area is permitted
27 and shall be subject to the normal setback requirement in the zoning district.

28
29 (N) Within the RC District, the requirements of § 1-19-7.200 of this Code will be met.
30

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1 (O) After a special exception and Facility MOU has been approved under this section the
2 following requirements must be satisfied prior to establishing the use:

3 (1) A site development plan application must be filed with the County;

4 (2) The site plan must be reviewed by the Historic Preservation Commission;

5 (3) Any proposed alterations to the exterior of structures or the site must receive
6 approval from the Historic Preservation Commission in accordance with Chapter
7 1-23 of the County Code;

8 (4) The Planning Commission will review and approve the site plan if it meets the
9 requirements under this chapter; and

10 (5) The use may be established on the property only after site development plan
11 approval from the Historic Preservation Commission and the Planning
12 Commission, and after all necessary Certificates of Appropriateness and permits
13 have been applied for, approved, and a Certificate of Occupancy issued.

14
15 *****
16

17 **§ 1-19-8.600. HISTORIC STRUCTURES OR SITES.**

18 The Board of Appeals may grant a special exception in any zoning district, for the conversion of
19 an existing historic structure or site into a restaurant, country inn, antique shop, museum,
20 ~~[information center,]~~ business or professional office, group home use, or a facility for functions
21 ~~[such as seminars, festivals, cultural or social events, or other similar activities of historic interest],~~
22 provided that other applicable requirements of this chapter are met. Such conversion shall not
23 result in any substantial external alteration of the appearance of the historic structure or site.
24 Historic structure or site as used in this section only means a structure or site listed on or eligible
25 for the National Register of Historic Places or on the Maryland Inventory ~~[Register]~~ of Historic
26 Properties ~~[Places]~~ ~~or the~~ and listed on the Frederick County Register of Historic Places. All
27 ~~[requests]~~ properties requesting a ~~[for]~~ special exception under this section shall be listed on ~~[be~~
28 ~~referred to the Frederick County Historic Preservation Commission for determination of eligibility~~
29 ~~for placement on]~~ the Frederick County Register of Historic Places~~], and for review and comment]~~
30 prior to making application for a special exception. ~~Before the special exception can take effect,~~

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1 ~~the historic structure or site must be listed on the Frederick County Register of Historic Places.~~ If
2 the special exception is granted, the Applicant must complete the steps outlined in § 1-19-8.356(P)
3 before the special exception is utilized;

4 [~~be listed on the Frederick County Register of Historic Places;~~]

5

6 **§ 1-19-11.100. DEFINITIONS.**

7 **[Subsection (A) remains unchanged.]**

8 (B) In this chapter the following terms are used as defined unless otherwise apparent from the
9 context.

10

11 **FACILITY FOR FUNCTIONS.** A structure or site listed on the Frederick County Register of
12 Historic Places, which receives a special exception approval to hold events such as seminars,
13 cultural or social events, or other similar activities.

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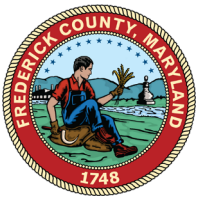
16

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FREDERICK COUNTY GOVERNMENT
COUNTY COUNCIL

To: County Council
From: Council Member Jessica Fitzwater
Date: April 12, 2022
Subject: Facilities for Functions

Issue:

Should the Frederick County Council amend Chapter 1-19 of the Frederick County Code to create a new Special Exception use category in Frederick County?

Background:

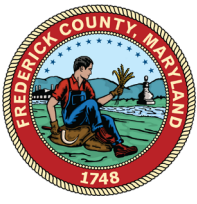
Frederick County is rich with history and historic structures. Allowing additional public uses of these structures enriches the lives of Frederick County residents while preserving these significant sites. Our current code language on historic sites and structures allows a wide variety of uses with varying levels of detail on those uses. One of the uses listed is “facility for functions,” however this is not defined anywhere in the Zoning Ordinance.

The current code language also references that requests for special exceptions for these uses “shall be referred to the Frederick County Historic Preservation Commission for determination of eligibility for placement on the Frederick County Register of Historic Places.” This language has led to a somewhat unclear process about which of these actions needs to occur first.

There are several properties listed on the register that have previously received special exceptions for the “facility for functions” use and are currently operational. Based on inquiries, feedback, and concerns shared with planning staff and Council Members, it was determined that some amendments to the Zoning Ordinance were needed.

What will the new bill do?

The bill would create a new use category and definition called “facility for functions.” This use may only be established in or on historic structures or sites, and will allow seminars, cultural or social events, or other similar activities. There is also a new section that specifies certain conditions that apply to this use in any Zoning District.



FREDERICK COUNTY GOVERNMENT

COUNTY COUNCIL

Another important component of the bill is the outline of the approval processes for special exception use within historic structures or sites. The bill presents a clear order of operations for each step of the process and which bodies will be involved (i.e. Historic Preservation Commission or Planning Commission) which should significantly improve the implementation of these sections of the code.

This bill also amends and clarifies the definition of "County Inn."

The predominant goal of this legislation is to facilitate a continued interest, and investment, in historic properties while establishing reasonable limitations on their usage as private, commercial event venues in our rural areas.



FREDERICK COUNTY COUNCIL

Local Government Fiscal and Policy Note

CONTACT INFORMATION AND GENERAL INSTRUCTIONS

Bill Number/Reference:	22-12
Bill Title:	Facilities for Functions
Local Government Agency:	Finance Division
Prepared By:	Erin White
Title:	Director of Finance
Phone Number:	301-600-1193
E-Mail Address:	ewhite@frederickcountymd.gov
Due Date:	June 7, 2022
Date Submitted:	June 10, 2022

FREDERICK COUNTY COUNCIL

Local Government Fiscal and Policy Note

Date:						
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.						
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>					
This legislation amends Chapter 1-19 of the Frederick County Code (Zoning Ordinance) to create a new Special Exception use category – Facility for Functions. This use category may only be established in or on historic structures or sites, and will allow seminars, cultural or social events, or other similar activities. It is not anticipated that County revenues or operating expenses will be impacted as result of the proposed amendment to the County Code.						
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.					
N/A						
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.					
	<u>Source</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</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 – It is not anticipated that this legislation would create additional revenue nor decrease any revenue of the County.						

FREDERICK COUNTY COUNCIL

Local Government Fiscal and Policy Note

<u>EXPENDITURES</u>						
4.	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.					
A. Salaries & Wages		FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
FTE Employees - _____ # of positions						
Fringe Benefits						
TOTAL (Salaries, wages & benefits)		\$	\$	\$	\$	\$
		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. Other Operating Expenses		FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
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)		\$	\$	\$	\$	\$
		On the next page, please provide brief descriptions/breakdowns of the above "Other Operating Expenses."				
		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.				
N/A – This legislation should not have an impact on County expenditures						

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 2021 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 2023 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	\$

FREDERICK COUNTY COUNCIL

Local Government Fiscal and Policy Note

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

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