

**THE CITY OF FREDERICK
MAYOR AND BOARD OF ALDERMEN**

ORDINANCE NO: G-19-31

AN ORDINANCE concerning

the Manufacturing/Office (MO) zoning district and administrative offices

FOR the purpose of allowing certain land uses as permitted uses and conditional uses in the MO district; defining "Building Trades"; and generally relating to zoning within The City of Frederick.

BY repealing and reenacting, with amendments,
Sec. 401
Appendix A, "Land Management Code"
The Code of the City of Frederick, 1966 (as amended)

BY repealing and reenacting, with amendments,
Sec. 404
Appendix A, "Land Management Code"
The Code of the City of Frederick, 1966 (as amended)

BY repealing and reenacting, with amendments,
Sec. 405
Appendix A, "Land Management Code"
The Code of the City of Frederick, 1966 (as amended)

BY repealing and reenacting, with amendments,
Sec. 406
Appendix A, "Land Management Code"
The Code of the City of Frederick, 1966 (as amended)

BY repealing and reenacting, with amendments,
Sec. 832
Appendix A, "Land Management Code"
The Code of the City of Frederick, 1966 (as amended)

BY repealing and reenacting, with amendments,
Sec. 1002
Appendix A, "Land Management Code"
The Code of the City of Frederick, 1966 (as amended)

SECTION I. BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, that The Code of the City of Frederick, 1966 (as amended), Appendix A (Land Management Code), § 401 be repealed and reenacted, with amendments, as follows:

Sec. 401 ESTABLISHMENT AND PURPOSES OF ZONING DISTRICTS

For the purposes of this Code, the incorporated territory of the City of Frederick, Maryland is divided into the zoning districts enumerated in Table 401-1, Column A. Column B of Table 401-1 describes the purpose of each district.

Table 401-1 Zoning Districts and Purpose Statements

District Established	Purpose
Base Districts	
RC (Resource Conservation)	Privately owned land for agricultural, recreation, resource-based, or open space uses.
R4 (Low Density Residential)	The R4 District is intended to provide for residences in an urban residential environment with a maximum density of four dwellings per acre. In addition, this district is intended to accommodate a complement of residential support uses normally utilized during the daily activities of residents, to protect these areas from the encroachment of incompatible uses and to guide development within the district to occur in a manner that complies with the Comprehensive Plan.
R6 (Low Density Residential)	The R6 District is intended to provide for residences in an urban residential environment with a maximum density of six dwellings per acre. In addition, this district is intended to accommodate a complement of residential support uses normally utilized during the daily activities of residents, to protect these areas from the encroachment of incompatible uses and to guide development within the district to occur in a manner that complies with the Comprehensive Plan.
R8 (Medium Density Residential)	The R8 District is intended to provide for residences in an urban residential environment with a maximum density of eight dwellings per acre. In addition, this district is intended to accommodate a complement of residential support uses normally utilized during the daily activities of residents, to protect these areas from the encroachment of incompatible uses and to guide development within the district to occur in a manner that complies with the Comprehensive Plan.
R12 (Medium Density Residential)	The R12 District is intended to provide for residences in an urban residential environment with a maximum density of 12 dwellings per acre. In addition, this district is intended to accommodate a complement of residential support uses normally utilized during the daily activities of residents, to protect these areas from the encroachment of incompatible uses and to guide development within the district to occur in a manner that complies with the Comprehensive Plan.
R16 (High Density Residential)	The R16 District is intended to provide for residences in an urban residential environment with a maximum density of 16 dwellings per acre. In addition, this district is intended to accommodate a complement of residential support uses normally utilized during the daily activities of residents, to protect these areas from the encroachment of incompatible uses and to guide development within the district to occur in a manner that complies with the Comprehensive Plan.
R20 (High Density Residential)	The R-20 District is intended to provide for residences in an urban residential environment with a maximum density of 20 dwellings per acre. In addition, this district is intended to accommodate a complement of residential support uses normally utilized during the daily activities of residents, to protect these areas from the encroachment of incompatible uses and to guide development within the district to occur in a manner that complies with the

	Comprehensive Plan.
RO (Residential - Office)	The RO district is intended to provide for the option of converting dwellings to professional office uses in predominantly low and medium density residential areas where neither commercial zoning nor high density residential zoning are appropriate, and on sites that because of adjacent commercial activity, heavy vehicular traffic or other similar factors negatively impacting the economic feasibility of residential use of the site.
PB (Professional Business)	The purpose of this zone is to provide land for high quality office, medical office, and research and development with limited retail, service and residential uses. The intent of this designation is to enhance existing and future office lands by integrating uses that serve the businesses and employees in the office area and may include amenities or services such as meals, banks, personal services, housing, day care, recreation and business support services.
NC (Neighborhood Commercial)	The purpose of this district is to provide for limited retail uses, personal services and offices in freestanding parcels or small shopping centers to serve residential neighborhoods. This district shall only be applied at appropriate locations: to supply the daily retail and service needs of such neighborhoods; compatible with surrounding land uses and zoning districts; conform to the goals, objectives, policies and locational criteria of the Comprehensive Plan; where it will not adversely impact the facilities and services of the City, where it will not set a precedent for the introduction of inappropriate uses into an area; and so as not to encourage non-residential strip development along streets.
GC (General Commercial)	The purpose of this district is to provide for a variety of retail use and services in free-standing parcels or shopping centers to serve the community's general commercial needs. This district shall only be applied at appropriate locations that conveniently meet these needs; conform to the goals, objectives and policies and locational criteria of the Comprehensive Plan; are compatible with the surrounding land uses and zoning districts; do not adversely impact the facilities and services of the City; do not set a precedent for the introduction of inappropriate uses into an area; and do not encourage non-residential strip development along streets.
DR (Downtown Residential)	The DR district is intended to provide a mix of single-family and multi-family dwellings.
DBO (Downtown Office Commercial)	The DBO district is intended for professional and business offices with a limited number of supporting retail commercial activities. High-density residential activities are allowed as well.
DB (Downtown Commercial/Residential)	The DB district is intended to encourage the development of the Center City's commercial areas. It allows most office and retail activities as well as high density residential uses. To encourage the implementation of this objective, certain parking requirements are relaxed for development or redevelopment in this district.
M1 (Light Industrial)	The M1 district is intended to provide for offices and those industrial activities which do not require special measures to control odor, dust or noise and which do not involve hazardous materials and whose environmental impacts are contained within the property limits. Residential uses are not appropriate for this zone.
M2 (Heavy Industrial)	The M2 district is intended to permit general or heavy industrial activities not able to meet the criteria applicable in the M1 districts. General retail and residential uses are not appropriate for this zone.

MO (Manufacturing/Office)	The M/O district is intended to provide a park-like setting for a community of industries, having no nuisance factors as a means of protecting investments within the district, and reducing the impact of industrial uses on surrounding districts. Though leeway is provided concerning the type of industry permitted within the district the appearance and means of operation shall be scrutinized and compared to the performance standards provided herein. See Section 406.
MU-1 (Mixed Use)	Mixed Use district is intended to provide a planned district that allows for the integration of residential and nonresidential uses, provides for mixed dwelling unit types and housing densities, provides for compatible and complimentary retail, office, and employment uses; provides for greater flexibility than single-use districts through a planned review process that insures safe, efficient, convenient, harmonious groupings of structures, uses, facilities, and support uses; and provides for the appropriate relationships of space, inside and outside buildings. See Section 417.
Overlay Districts	
AO (Airport Overlay)	This proposed zone is designated for lands around the airport to control land uses to address safety issues and to notify contract purchasers of noise and other impacts on lands near the airport. This district implements the Airport Master Plan. See Section 419.
CCO (Carroll Creek Overlay)	purpose of this overlay district is to reinforce the planned high-quality, pedestrian-friendly environment and control signage and visual clutter along the Carroll Creek Corridor, an important focal point and economic development area of downtown Frederick. See Section 420.
HPO (Historic Preservation Overlay)	The purpose of this overlay district, in accordance with the Land Use Article of the Annotated Code of Maryland, is for the City of Frederick to designate boundaries for sites, structures, or districts which are deemed to be of historic, archeological, or architectural significance. This overlay district also codifies the requirements of the Historic Preservation Commission. See Section 423.
HNO (Highway Noise Impact Overlay)	This overlay district establishes setback, lot and structure design standards for "noise impacted residential uses" from certain highways. See Section 422.
WHO (Wellhead Protection Overlay)	The purpose of this overlay district is to protect the public health, safety, and welfare through the preservation of the ground water resources of community public water supplies to ensure a future supply of safe and healthful drinking water. The designation of the wellhead protection districts, and careful regulation of development activities within these districts, can reduce the potential for ground and surface water contamination. See Section 743.
Floating District	
IST (Institutional)	The purpose of this floating district is to provide for public, private or non-profit owned areas when the public is invited or permitted to congregate. This includes hospitals, houses of worship, schools, government offices and facilities, and other similar facilities. See Section 409.
MXE (Mixed Use Employment Center)	The purpose of this floating district is to encourage the incorporation into larger industrial/light industrial developments of a compatible mixture of commercial, employment, recreational, civic and/or cultural uses, and limited multi-family residential use in larger developments, which are developed under an overall master plan of the unified planned development. The

	primary objective for a property developed under the Mixed Use Employment Center (MXE) zoning district is to provide for a mixture of uses in an integrated manner while encouraging efficient use of the land, in an environment that ensures the integration and compatibility of the project with existing and proposed surrounding developments, while acting as a focal point for the area of the City in which the MXE is proposed. See Section 418.
MU-2 (Mixed Use)	This district is a floating zone that permits the development of mixed-use communities pursuant to a Master Plan submitted by the developer. This district is the floating zone version of MU-1. See Section 417.
PRK (Open Space)	The purpose of this floating district is to identify and protect the lands and facilities owned by the City or other level of government for the purpose of recreation or publicly accessible open space.

SECTION II. BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, that The Code of the City of Frederick, 1966 (as amended), Appendix A (Land Management Code), § 404, Table 404-1 be repealed and reenacted with amendments, as follows:

Sec. 404. USE REGULATIONS

(a) ***

(b) ***

Table 404-1 Use Matrix

Use	R C	R O	R 4	R 6	R 8	R 1 2	R 1 6	R 2 0	P B	N C	G C	M O	M 1	M 2	D B	D R	DB O	M U	M XE	IS T	P R K	LBCS Func tion	LBCS Struct ure	NAICS	
Residential Uses																									
Accessory Apartments			C	C	C	C	C	C	P	C	C		C	C	P	C	C	P	P	C					
Accessory Detached Dwelling Unit			P	P	P	P	P	P								P		P							
Duplex					P	P	P	P							P	P	P	P				1100	1202	-	
Multi-Family					P	P	P	P	C						P	P	P	P	P			1100	1200		
Multi-Family with Accessory Retail							C	C							P	C	C	P				-	-	-	
Single-family	P	P	P	P	P	P	P	P	A						P	P	P	P				1100	1120	-	
Townhouse					P	P	P	P							P	P	P	P				1100	1140	-	
Two-family					P	P	P	P							P	P	P	P				1100	-	-	
Accommodations and Group Living																									
Bed and			C	C	C	C	C	C	C	C					C	C	C	M				1310	-	72119	

Use	R C	R O	R 4	R 6	R 8	R 1 2	R 1 6	R 2 0	P B	N C	G C	M O	M 1	M 2	D B	D R	DB O	M U	M X E	IS T	P R K	LBCS Funct ion	LBCS Struct ure	NAICS
breakfast inn																								1
Group Home					P	P	P	P							P	P	P	P		P		6520 6561	-	62322 0 62399 0
Hotel, Motel, and tourist court									P		P	P	P	P	P		P	P	P			1330	1330	-
Senior Living & Retirement Facilities					C	C	C	C	C						C	C		M		P		1200 - 1210	-	62331 2
Nursing Home/Domiciliar y Care/Adult Living Facility		C	C	C	C	C	C	C	C	C		C			C	C		M	C	P		1230 1250 6520	-	62311 0 62311 1 62311 2 62331 2 62331 1
Rooming House			C	C	C	C	C	C							P	C	P	C	C			1320	-	72131 0
General Sales or Service																								
Accessory Drive Through Facilities									A	A	A	A	A	A	C		C	A	A	C				
Animal Care Services (including grooming & boarding)											P		P	P					P					
Animal Grooming (Excluding Boarding)									S	P					P			P	P			2720	-	54194 0
Antiques									P	P					P		P	P	P			2145	-	-
Apparel									S	P					P			P	P			2133	-	-
Arts, crafts, or hobby supplies									P	P					P		P	P	P			2134	-	45112 , 45113
Art Gallery, including									P	P	P				P		P	P	P			-	4410	45392

Use	R C	R O	R 4	R 6	R 8	R 1 2	R 1 6	R 2 0	P B	N C	G C	M O	M 1	M 2	D B	D R	DB O	M U	M X E	IS T	P R K	LBCS Func tion	LBCS Struct ure	NAICS	
framing																									
Automobile Filling Station										P	P	C	P	P				P	P				2116	2270	4471
Automobile Parts or Accessories											P				P			P	P				2115	-	4413
Automobile Sales & Service Center (dealership)											P		P						P				2111	2280	4411, 4413
Automobile Sales Lot (new or used)											P		P						P				2111	-	44111 - 44113
Bakery, Baked Goods Store									A	P	P				P		P	P	P				2151	-	44529 1
Barber/Cosmetology									P	P	P				P		P	P	P				2600	-	8121
Bicycle (non motorized) Sales and/or Repair										P	P				P			P	P				2113	-	-
Boats & Marine Supplies											P		P						P				2114	-	44122
Books, Magazines, newspapers, etc.									A	P	P	A			P		A	P	P				2135	-	4512
Brewery											C	C	C		C			C	C						
Broadcasting, Recording Studio									P		P	P	P	P				P	P				4220, 4223	-	5151, 5122
Building Supplies, lumber												P		P	P				P				2126, 2122, 3510	-	44410, 44419, 44419 0, 42132 0
Building Tradesmen (office, workshop, storage yard)																									
Appliance Repair											P	P	P	P					P						

Use	R C	R O	R 4	R 6	R 8	R 1 2	R 1 6	R 2 0	P B	N C	G C	M O	M 1	M 2	D B	D R	D B O	M U	M X E	I S T	P R K	LBCS Funct ion	LBCS Struct ure	NAICS
Carpenter, Cabinetmaker									C		P	P	P	P			M		P			-	-	44419 0
Electrician									C		P	P	P	P			M		P			7330	-	23821
General Building Contractor (without outdoor storage areas)									C		P	P	P	P			M		P			7110 — 7450	-	23110 — 23599 0
General Building Contractor (with outdoor storage areas)													P	P					P			7110 — 7450	-	23110 — 23599 0
Heating, Air Conditioning, Refrigeration											P	P	P	P					P			2127, 7370	-	23822 , 44419 0, 81131 0
Locksmith									C	S	P	P	P	P			M	P	P			2100	-	56162 2
Plumber											P	P	P	P					P			7370		23822
Pipe Fitter, Construction Equipment Fabricator											P		P	P					P			-	-	32612
Rofer											P	P	P	P					P			7380	-	23816
Sheet Metal Shop											P		P	P					P			-	-	32232 2
Sign Contractor									C		P	P	P	P			M		P			-	-	-
Utility Contractor											P		P	P					P			-	-	23899
Window, Glass, Mirror									C		P	P	P	P			M		P			-	-	-
Building Tradesmen Not Otherwise Listed											P	P	P	P					P			7100 — 7450	-	23110 — 23599 0
Business Machines/Busine ss Service Centers										S	P	P	P	P	P			P	P			2424	-	56143
Camera sales &									A	P	P			P			A	P	P			2132	-	44313

Use	R C	R O	R 4	R 6	R 8	R 1 2	R 1 6	R 2 0	P B	N C	G C	M O	M 1	M 2	D B	D R	DB O	M U	M X E	IS T	P R K	LBCS Funct ion	LBCS Struct ure	NAICS	
photo processing (including development & printing services)																									
Car Wash											P		P	P				M	P				-	2593	81119 2
Cards, stationary									A	P	P				P			P	P				2135	-	-
Caterer									S	P	P				P				P				2560	-	72232
Commercial Use in Historic Structures	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	C	C	C	C	C	C	-	-	-
Construction Equipment, Sales, Service & Rental											P		P	P					P				-	-	44419 0
Convenience Stores, with gas sales										C	P		P		C			C	P				2152	2591	44512 0
Convenience Stores, without gas sales									A	P	P				P			P	P				2152	2591	44512 0
Dance, Music Instruction										P	P	P			P		P	P	P				6145	-	61161 0
Delicatessen									A	P	P	A	A	P	P			P	P				2151	-	72221 1
Department stores										S	P				P			P	P				2145	2240	4521
Discount Store										S	P				P			P	P				-	2250	45211 2
Drugs, cosmetics									A	P	P				P			P	P				2621	-	44611 0
Dry Cleaning									A	S	P				P			P	P				2600	-	81231
Electrical Systems Service											P	P	P	P	P			P	P				-	-	32711 3, 33319
Eyeglasses, hearing aids									P	S	P				P		P	P	P				2163	-	44613
Fabrics, Sewing Supplies & Machines										S	P				P			P	P				-	-	45113

Use	R C	R O	R 4	R 6	R 8	R 1 2	R 1 6	R 2 0	P B	N C	G C	M O	M 1	M 2	D B	D R	D B O	M U	M X E	I S T	P R K	LBCS Funct ion	LBCS Struct ure	NAICS
Farm Brewery											C		C		C			C	C					
Farm Machinery Rental, Sales and Service											P		P	P					P			2000	-	42182 0
Farm Supplies & Hardware (including landscape, and garden supply sales)											P		P	P					P			2123	-	42491 , 44422
Farmers Markets									P	P	P		P	P	P			P	P			-	2260	-
Fertilizer Sales													P	P								2000	-	42182 0
Financial Services (Bank, Savings and Loan, Credit Union office)									P	P	P	P	P	P	P			P	P			2200 — 2250	2100	521, 52211
Floor covering									S	P	P				P			P	P			-	-	44221
Flowers (Florist Shop)									A	P	P				P			P	P			2141	-	4531
Furniture and/or Appliances									S	P					P			P	P			2121, 2125	-	4431, 42321 , 442
Garden center, including sales of trees, shrubs, garden supplies									P	P			P	P	P				P			2123, 9140	8400	1114
Gun Sales											P								P					
Grocery Stores									S	P					P			P	P			2151	-	44511 0
Handicraft Items (such as Pottery, Stained Glass, Woodwork)									P	P					P		P	P	P			-	-	-
Hardware, inside storage									S	P					P			P	P			2122	2592	44413 0
Ice Cream Parlor									P	P					P			P	P			2530	-	72221 3 31132 0 31133

Use	R C	R O	R 4	R 6	R 8	R 1 2	R 1 6	R 2 0	P B	N C	G C	M O	M 1	M 2	D B	D R	DB O	M U	M X E	IS T	P R K	LBCS Funct ion	LBCS Struct ure	NAICS	
																								0 31134 0	
Industrial equipment, plumbing supplies and other heavy consumer goods not otherwise listed, sales and service, with outdoor storage.											P		P	P									2120 2127	-	44419 0 81131 0
Interior Decorator		P							P	P	P				P		P	P	P				2414	-	54141
Jewelry										S	P				P				P	P			2133	-	-
Laundromat										S	P				P				P	P			2600	-	8123
Lighting, Electrical Supplies										S	P	P			P				P	P			2122	2592	44413 0
Liquor, Beer, Wine										P	P				P				P	P			2155	2,155	4453
Luggage, Leather Goods										S	P				P				P	P			2133	-	44832
Meats, butcher shop										S	P				P				P	P			-	-	44521
Medical Cannabis Dispensary									P		P				P				P	P					
Medical Supplies									P	S	P				P				P	P			2120	-	42145 0 53249 0
Mobile Homes, Trailers, Recreational Vehicles											P		P							P			2112	-	45393
Motorcycles, ATV's, Sales and Repair											P		P							P			2112 - 2114	-	44122 1 89149 0
Music &										P	P				P				P	P			2135	-	4512

Use	R C	R O	R 4	R 6	R 8	R 1 2	R 1 6	R 2 0	P B	N C	G C	M O	M 1	M 2	D B	D R	D B O	M U	M X E	I S T	P R K	LBCS Funct ion	LBCS Struct ure	NAICS	
Records, Sales and Repair																									
Musical Instruments										S	P				P				P	P			2134	-	45114
Novelties, Souvenirs, Gifts									A	P	P				P				P	P			2135	-	45322
Office Furniture										S	P	P			P				P	P			-		44211
Office Supplies										S	P				P				P	P			-		4532
Offices, Business & Professional																							2200 — 2455 5140 — 5160 6800 — 6820	2100	-
Offices, Regional (Bank, Savings and Loan, Credit Union, Insurance)										P		P	P	P	P				P	P			2200 — 2250	2100	521, 52211
Paint, Wallpaper										S	P	P			P				P	P			2130	2592	44413 0
Personal Services (e.g., nail salons, barbers, shoe repair, and similar establishments), not otherwise listed										A	S	P			P				P	P			2600	-	812
Pet store or pet supply store										S	P				P				P	P			2710	-	45391 0
Photography Studio										P	P	P			P			P	P	P			-	-	-
Picture Framing										S	P				P				P	P			-	-	-
Professional services not otherwise listed										P		P	P		P				P	P					
Radio, TV Sales and Repair											P				P				P	P			2125	-	42362

Use	R C	R O	R 4	R 6	R 8	R 1 2	R 1 6	R 2 0	P B	N C	G C	M O	M 1	M 2	D B	D R	DB O	M U	M X E	IS T	P R K	LBCS Funct ion	LBCS Struct ure	NAICS
																								44311 2
Restaurant, General									C	P	P	C	P	P	P			P	P			2500 — 2520	2220	722
Restaurant, Fast Food									S	P		P	P	C				P	P			2520	2220	72221
Restaurant with Entertainment									S	C				C				C	C			2510	2220	-
Retail Sales not otherwise listed									S	P				P				P	P					
Shoes									S	P				P				P	P			2133, 2600	-	4483
Shopping Center									P	P				P				P	P			2500	2510 — 2560	44— 45
Sporting goods									S	P				P				P	P			2134	-	45111
Stone Monuments (excludes engraving)										P		P	P	C					P			4700	-	-
Stone Monuments (including engraving)										P		P	P						P			4700	-	-
Tailoring									A	A	P			P				P	P			3130	-	31521 1 31521 2
Taxidermy													P	P					P			-	-	-
Tires, Batteries, Mufflers											P		P						P			2115	-	44132 0 81119 8
Tobacco Products									A	A	P			P		P	P	P	P			2143	-	42294 0
Toys									S	P				P				P	P			2134	-	42392 45112
Truck Sales & Rental (Over 1 ton)										P		P	P						P			2112, 2332	-	53212

Use	R C	R O	R 4	R 6	R 8	R 1 2	R 1 6	R 2 0	P B	N C	G C	M O	M 1	M 2	D B	D R	D B	O	M U	M X E	I S T	P R K	LBCS Funct ion	LBCS Struct ure	NAICS	
Truck Wash											P		P	P							P					
Upholstery, Curtain, Drapery Service										S	P		P	P	P					P	P			2120, 2454	-	56174 , 81142 0
Used Merchandise Auction											P		P	P	P						P			2140	-	45399 8
Vehicle Services, Auto Repair Shop											P		P	P							P			2110	2280	81119
Vehicle Services, Truck (1-ton+) Service and Repair Shop											P		P	P							P			2110	2280	81119
Veterinary Clinic/Hospital without boarding		P									P	P	P	P	P					P	P			2418	-	54194 0
Veterinary Clinic w/Boarding											P		P	P							P					
Video/DVD (Sales or Rental)										P	P				P					P	P			-	-	53223
Warehouse clubs and superstores											P										P			2124	2250	45291 0
Winery											C		C	P	C					C	C			-	-	-
Industrial & Manufacturing Uses																										
Aircraft, Industrial Assembly Production													P	P							P			3370	-	33641 1
Appliances, Assembly Production											P	P	P	P							P			3360	2621	33441 8
Automobile, Assembly Production													P	P							P			-	-	33611
Brick, Tile, Clay Products Manufacture													P	P							P			-	-	32712 1
Cement Manufacture														P										-	-	3272

Use	R C	R O	R 4	R 6	R 8	R 1 2	R 1 6	R 2 0	P B	N C	G C	M O	M 1	M 2	D B	D R	D B O	M U	M X E	I S T	P R K	LBCS Func tion	LBCS Struct ure	NAICS	
Chemicals & Plastics Manufacturing and Processing													C	C					C			3320	-	325110-325199	
Clothing, Cloth Goods Manufacturing and Processing												P	P	P					M	P			3130	-	313
Concrete, Asphalt Batching														P									-	-	327310
Construction Equipment, Assembly Production											P	P		P						P			-	-	33312
Distilled Products, Manufacturing and Processing												P	P	P					M	P			-	-	-
Electronic Components, Manufacturing and Processing											P	P	P	P						P			-	-	334
Electronic Equipment, Assembly Production											P	P	P	P					M	P			3360	2621	334418
Fabricated Metal Products, Manufacturing and Processing													P	P						P			3300	2622	331
Farm Equipment & Machinery, Assembly Production														P									-	-	333111
Fertilizer, Manufacturing and Processing															C								-	-	32531
Food & Beverage Manufacturing													P	P						P			3110		311
Glass, Ceramic Products, Manufacturing and Processing												P	P	P					M	P			3330	-	3272

Use	R C	R O	R 4	R 6	R 8	R 1 2	R 1 6	R 2 0	P B	N C	G C	M O	M 1	M 2	D B	D R	D B O	M U	M X E	I S T	P R K	LBCS Funct ion	LBCS Struct ure	NAICS	
Infectious Waste Disposal Service													C	C								4342	-	5622	
Janitorial Services											P	P	P	P	P				P	P			2452	-	56172
Manufacturing, Not Otherwise Listed														P									3000 - 3440	-	31- 33
Medical Laboratory									P		P	P	P	P	P				M	P			6513	2615	62151 1
Natural Resource, Bulk Plant														P									-	-	-
Newspaper Printing											P	P	P	P	P				M	P			4211	-	51111
Laboratories & Testing Offices in Conjunction with Scientific or Industrial Research & Development									P		P	P	P	P	C				M	P			2416 3000	-	33911
Laboratories, Testing, Manufacturing & Processing in Conjunction with Scientific or Industrial Research & Development												P	P	P					M	P			2416 3000	-	33911
Other Industrial Assembly, Production, Manufacturing, or Processing uses not otherwise listed														C									-	-	-
Paint, Allied Product, Manufacturing and Processing													C	P									-	-	3255
Paper Product, Manufacturing and Processing													C	C					M				3220	-	32312 1

Use	R C	R O	R 4	R 6	R 8	R 1 2	R 1 6	R 2 0	P B	N C	G C	M O	M 1	M 2	D B	D R	D B	O U	M X	I S T	P R K	LBCS Func tion	LBCS Struct ure	NAICS	
Pharmaceutical, Cosmetic, Manufacturing and Processing									P			P	P	P						P			-	-	3254
Primary Metals, Foundries, Manufacturing and Processing													C	C									3340	2622	331
Printing, Bulk Photo Processing, Blueprinting Services											P	P	P	P					P	P			4210	-	32311
Quarries; sand, gravel or clay extraction (Mineral Extraction & Processing)														C									8000 — 8500	-	212
Salvage Yards														C									2120		-
Sawmill														P									-	-	32111 3
Small Scale Craft Distillery/Brewer y/Winery											P	P	P	P	P					P			3110	-	312
Solar Energy Products Manufacturing												P	P	P						P			4314	6460	-
Stone Crushing															C								8500	-	21231 2, 21231 9, 21232
Textiles, Synthetic Fabrics												P	P	P						P			3130	-	313
Tools, Industrial Machinery, Mechanical Equipment												P	P	P									-	-	333
Trucks, Trailers and Other Vehicle, Industrial													P	P						P			-	-	-

Use	R C	R O	R 4	R 6	R 8	R 1 2	R 1 6	R 2 0	P B	N C	G C	M O	M 1	M 2	D B	D R	DB O	M U	M XE	IS T	P R K	LBCS Funct ion	LBCS Struct ure	NAICS	
Assembly Production																									
Vehicle Storage Yards (RVs, etc.)											A		P	P						P			-	-	
Wood Products													P	P						P			3210	-	321
Wood, Pressure Treating of														C									-	-	3219
Warehousing and Storage Uses																									
Bulk Plants for Non-hazardous liquids & gases														P									-	-	
Coal Storage														P									-	-	45431 9
Distribution Center, Freight Terminal											A		P	P						P			-	2760	4841
Moving and Storage Facility											P		P	P						P					
Outdoor Storage of construction equipment, generally													P	P						P			3600 7100	-	-
Self Storage											P	P	P	P						P			3600	2710 2720	
Storage Warehouse											P	P	P	P					M	P			3600	2730 2740 2760	493
Storage Yards													P	P						P			3600	-	49311
Trucking Offices & Storage, Repair Shop											P		P	P						P			-	-	-
Arts, Recreation & Entertainment																									
Adult Bookstore and/or Adult Entertainment Centers											P		P	P					P	P			-	-	-
Arcade (pinball, video)										S	P				P				P	P			5320	-	71312
Bowling										P					P				P	P			5380	-	71395
Carnival, Circus										T		T	T						T	T	T	T	5310	-	

Use	R C	R O	R 4	R 6	R 8	R 1 2	R 1 6	R 2 0	P B	N C	G C	M O	M 1	M 2	D B	D R	D B O	M U	M X E	I S T	P R K	LBCS Funct ion	LBCS Struct ure	NAICS	
Community Events	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T			-	
Conference Center									P		P	P	P	P	P			P	P	P		-	3400	-	
Fair											T	T	T					T	T	T		5310	-	-	
Fairgrounds/Agriculture and Special Event Center													P	P						P					-
Fine Arts Studio									P	S	P				P		P	P	P			5210	4410	71211	
Golf Course & Club	P										P	P	P					P	P		P	5370	-	71391	
Golf Driving Range	P										P	P	P						P		P	5370	-	-	
Health Club or Spa									P	S	P	P	P	P	P			P	P		P	5370	-	71394 51213 1	
Indoor Sports Complex									C		C	C	C	[P C]				C	C			5380	3200	71312	
Indoor Recreation Complex									P		P	P						P	P						
Miniature Golf											P							P	P		P	5340	-	-	
Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	5500	-	71219 0
Pool, Billiards										S	P				P			P	P			5380	-	-	
Private Club											P				P			P	P	P		6830	-	71391	
Reception Facility											P	P	P	P	P			P	P			-	3700 3800	-	
Recreation, Social Service Center											P	P			P					P	P	-	3700 3800	-	
Skating Rink											P	P						P	P		P	5390	-	-	
Swimming (Residential Development/HOA specific-accessory) pools			P	P	P	P	P	P	P						P	P		P							
Swimming (non-										P	P				P			P	P		P	-	-	-	

Use	R C	R O	R 4	R 6	R 8	R 1 2	R 1 6	R 2 0	P B	N C	G C	M O	M 1	M 2	D B	D R	DB O	M U	M X E	IS T	P R K	LBCS Funct ion	LBCS Struct ure	NAICS	
accessory) pools																									
Tennis, Racquet Sports										P	P	P			P				P	P		P	-	-	-
Theater, movie											P				P				P	P		T	5110	3110	51213 1
Theater, stage	T									A	P				P				P	P		P			
Education, Public Administration, Health Care, and Institutional																									
Academic, Colleges																					P	6124 — 6140	4220	6113	
Adult Day Care Center		C	C	C	C	C	C	C	P	P	P					C	C	C	P	P		6566	-	62412 0	
Administrative Offices, Public Building										P											P	6200 — 6221	-	92	
Cemetery																					P	-	4700	-	
Child Day Care Center		P	C	C	C	C	C	C	P	P	P				P				P	P	A	6562	-	62441 0	
<u>[Church] Places of Worship</u>										P	P				P						P	6600	3500	-	
Cultural Centers (Museum, Library, etc.)															P				P	P	P	4242, 5200 — 5230	4300 — 4550	71211	
Funeral Home									C	P	P				P		P	P	P			6710	4700	81211	
Funeral Home with crematorium									C		P				P		P	C	P			6710, 6720	4700, 4800	81221	
Hospital																					P	6530	4110	622	
Post Offices																									
Public Safety (police, fire, ambulance)										A	A	A	P	P	P	A		A	A	A	P	6400 — 6430	4500 — 4530	92216	
Public Storage Yards, Shops, Maintenance Areas													P	P							P	3600	-	49311	
Religious or Social Mission																					P	6600	3500		

Use	R C	R O	R 4	R 6	R 8	R 1 2	R 1 6	R 2 0	P B	N C	G C	M O	M 1	M 2	D B	D R	DB O	M U	M X E	IS T	P R K	LBCS Funct ion	LBCS Struct ure	NAICS	
Schools, Public/Private											P	P			P					P		6110 -- 6123	4210	6111	
Sheltered Workshop											P		P	P						P	P				
Vo-tech, Trade Schools & Training Centers										S	P	P	P	P	P				P	P	P		6140	4230	6115
Transportation Communication, Information, and Utilities																									
Airfield, General Aviation																				P		4110 -- 4114	3920 5600 -- 5650	481	
Bus Depot													P	P						P		4133	5300	-	
Heliport											A	P	P	P					M	P		4110 -- 4114	3920 5600 -- 5650	481	
Helistop											A	P	P	P					M	P		-	-	-	
Parking Lot, Parking Garage, private									P		P		P	P	P			C	P	P		-	5210, 5230	81293	
Parking Lot, Parking Garage, public													P	P	P					P					
Truck Stop											P		P	P						P		-	-	-	
Telecommunicati on Antenna on existing city- owned water towers, high voltage electric transmission towers, and existing athletic lighting structures, over 60 feet in height, on public land																				C	C	4230	6510	-	
Telecommunicati ons Facility									C		C	C	C	C					C	C	C	C	4230	6500	-
Telecommunicati	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	

Use	R C	R O	R 4	R 6	R 8	R 1 2	R 1 6	R 2 0	P B	N C	G C	M O	M 1	M 2	D B	D R	DB O	M U	M XE	IS T	P R K	LBCS Funct ion	LBCS Struct ure	NAICS	
ons Antennas enclosed within an existing structure or building subject to Section 866(b)																									
Agriculture																									
Agricultural Production	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
Agricultural Production & Support Functions, Not Otherwise Mentioned													P	P						P			9100 — 9240 9300 — 9510	8100 — 8300 8700	11, 12
Canning													P	P						P			-	-	-
Commercial kennel													P	P						P			6730	8700	81291
Dairy, bottling													P	P						P			9320	2622	31151 1 31151 2 31151 3 31151 4 31152 0
Feed, grain mill													P	P						P			9110 — 9115	8100	3112
Feed, Grain, & Seed Sales													P	P						P			-	-	42451
Fertilizer Sales													P	P						P			-	-	-
Greenhouse, commercial											P		P	P	P					P			9140	8500	1114
Livestock Sales														C									9200	-	42452
Meat, poultry packing or processing													P	P						P			9340	-	11232
Roadside Stand	T	T	T	T	T	T	T	T	T	T	T		T	T						T	T	T	-	6920	-
Temporary	See Article 8 Temporary Use Regulations																								

Use	R C	R O	R 4	R 6	R 8	R 1 2	R 1 6	R 2 0	P B	N C	G C	M O	M 1	M 2	D B	D R	DB O	M U	M XE	IS T	P R K	LBCS Funct ion	LBCS Struct ure	NAICS
buildings, incidental to development																								
* Land Use Coding Columns will be completed prior to approval.																								

SECTION III. BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, that The Code of the City of Frederick, 1966 (as amended), Appendix A (Land Management Code), §405 be repealed and reenacted with amendments, as follows:

Sec. 405 - DIMENSIONAL AND DENSITY REGULATIONS

Purpose: This section establishes minimum standards for the height, number of stories, and size of buildings and other structures; the percentage of a lot that may be occupied; the size of yards, courts, and other open spaces; the density of population; and the location and use of buildings, signs, structures and land pursuant to Section 4-104 of the Land Use Article of the Annotated Code of Maryland.

- (a) Generally. No building permit or zoning certificate shall be issued unless the proposed development conforms to the design regulations prescribed within the applicable zoning district. The design regulations for each district are included in Table 405-1 below. Specific rules of interpretation and exceptions to the zoning district design regulations are as set forth below and in the Lot and Block regulations (Section 606).

Table 405-1 Dimensional Regulations

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)
Zoning District	Minimum Lot Size (square feet)	Maximum Density	Minimum Frontage (feet)	Maximum Building Height (feet)	Minimum Street Setback (feet)	Minimum Interior Setback (feet)	Minimum Rear Setback (feet)	Impervious Surface Ratio
RC	15,000	0.2	80	40	30	15	40	.10
R4 Single-Family Dwelling	8,000	4.0	65	see subsection (f) of this section	25	8	30	.4

R6 Single-Family Dwelling	7,000	6.0	50	see subsection (f) of this section	25	8	30	.5
R8 Single-Family Dwelling	6,000	8.0	50	40	25	8	30	.5
Duplex Dwelling	4,000	8.0	40	40	25	8 ^(*)	25	.5
Townhouse Dwelling	1,400	8.0	20	45	15	5 ^(*)	25	.5
Multiple family Dwelling	16,335	8.0	50	45	25	10	25	.5
R12 Single-Family Dwelling	5,000	12.0	50	40	20	8	30	.5
Duplex Dwelling	4,000	12.0	40	40	10	8 ^(*)	25	.5
Townhouse Dwelling	1,400	12.0	20	45	10	5 ^(*)	25	.5
Multiple family Dwelling	10,890	12.0	50	60	25	10	25	.5
R16 Single-Family Dwelling	5,000	16.0	50	45	20	5	25	.7
Duplex Dwelling	3,500	16.0	25	45	10	5 ^(*)	20	.7
Townhouse Dwelling	1,400	16.0	20	50	10	5 ^(*)	20	.7
Multiple family Dwelling	8,168	16.0	50	65	25	10	20	.7
R20 Single-Family Dwelling	5,000	20.0	50	45	20	5	25	.7
Duplex Dwelling	3,500	20.0	25	45	10	5 ^(*)	20	.7

Townhouse Dwelling	1,400	20.0	15	50	10	5 (*)	20	.7
Multiple family Dwelling	6,534	20.0	50	65	25	10	20	.7
RO	10,000	4.0	65	40	20	10	40	.24
DBO/DB Single-Family Dwelling	2,000	40.0	20	45	0	3(**)	20	—
Two-Family Dwelling	3,000	40.0	20	45	0	3(**)	20	—
Duplex Dwelling	1,500	40.0	15	45	0	3(*)	20	—
Townhouse Dwelling	1,500	40.0	15	50	0	3(*)	20	—
Multiple family Dwelling	3,000	75.0	30	75	0	3(**)	20	—
Mixed-Use (Commercial/Residential)	3,000	75	—	75	0	0	10	—
All other permitted uses	—	—	—	75	0	0	10	—
DR Single-Family Dwelling	2,000	40.0	20	45	0	3(**)	20	—
Two-Family Dwelling	3,000	40.0	20	45	0	3(**)	20	—
Duplex Dwelling	1,500	40.0	15	45	0	3(*)	20	—
Townhouse Dwelling	1,500	40.0	15	50	0	3(*)	20	—
Multiple family Dwelling	5,000	40.0	30	65	0	5	20	—
PB	—	—	—	45	15	6	6	.7

NC	—	—	15	40	0	0	6	.7
GC	—	—	50	90	15	0	6	.9
M1	—	—	50	90	30	10	10	.9
M2	—	—	50	90	30	10	10	.9
MO	2 acres	—	50	60	30	See Section 405(c) below		.9

(*) end units only

(**) at least one side

Rules for Interpretation of Table 405-1:

Generally. Refer to Appendix A for definitions. A dash ("—") indicates that the requirement does not apply within the particular zoning district.

Column (A): Refers to the applicable Zoning District.

Column (B): The minimum lot size is the size of a lot measured within the lot lines and expressed in terms of square feet.

Column (C): The maximum density requirements (Column (C)) are expressed in dwelling units per gross acre.

Column (D): The frontage of a parcel of land is that distance where a property line is common with a street right-of-way line. Where a lot fronts on two or more streets, minimum street frontage width requirements shall be considered met if the frontage along any one of such streets meets the minimum street frontage width requirements.

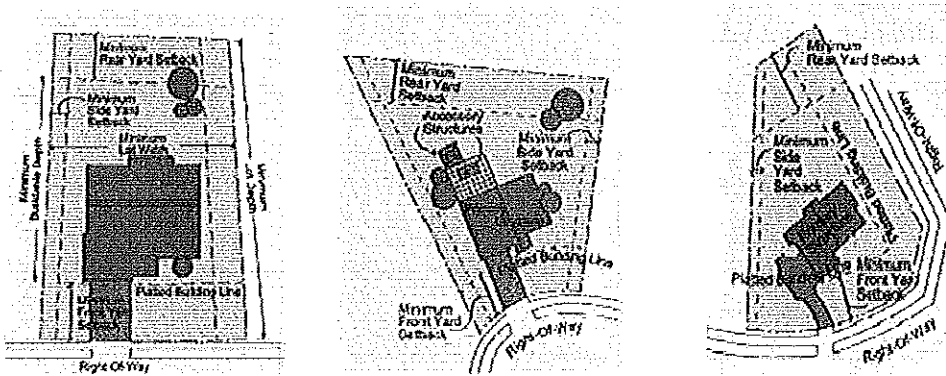
Column (E): Building height is expressed in feet. See subsection (f) of this section for rules of measurement for residential structures.

Columns (F): The street setback refers to the distance from the street right-of-way line to the nearest enclosed portion of the principal building or group of buildings. A street lot line or front lot line means any lot line that abuts a street.

Column (G): The interior setback is the horizontal distance extending from the side property line to the nearest enclosed portion of the principal building or group of buildings. The side property line is any lot line other than a front lot line or a rear lot line as defined for Columns (F) or (H).

Column (H): The rear setback is a line extending from the rear lot line to the nearest enclosed portion of the principal building or group of buildings. The rear lot line is the lot line that is opposite and most parallel to the front lot line. If the rear lot line is less than ten feet long or the lot comes to a point at the rear, the rear lot line is assumed to be a line not less than ten feet long, which lies wholly within the lot and is parallel to the front lot line. The rear lot line is parallel to the chord of the arc of the lot's front lot line.

Column (I): The impervious surface ratio establishes the maximum amount of new impervious surface on a lot, including building footprints and paved parking areas, by multiplying the gross land area of the lot by the ratio established in Column (I).



(b) Structures Permitted Above Height Limit.

- (1) The building height limitations of this Code shall not apply to the following elements, subject to subsections (2) through (4), below:

Table 405-2 Permitted Height Encroachments

A	B	C
Element or Feature	All Districts	Commercial, Institutional, or Industrial Zones
Belfries	✓	
Bulkheads		✓
Chimneys	✓	
Commercial or Industrial Radio or Transmission Towers		✓
Cooling Towers		✓
Derricks		✓
Domes	✓	
Elevator Penthouses		✓

Fire or parapet walls	✓	
Fire Towers		✓
Flagpoles	✓	
Gas Holders		✓
Grain Elevators		✓
Hose Towers		✓
Masts	✓	
Monitors and scenery lofts provided no linear dimension of any such structure exceeds 50 percent of the corresponding street lot line frontage		✓
Monuments		✓
Monuments, cupolas, or similar roof superstructures	✓	
Public radio or transmission towers	✓	
Roof structures for housing elevators	✓	
Smoke stacks		✓
Stairways	✓	
Steeples	✓	
Tanks	✓	
Towers		✓
Ventilating fans or similar equipment required to operate and maintain a building	✓	

Public Water tanks	✓	
Commercial/Industrial Water Tanks		✓
Windmills		✓

Rules of Interpretation for Table 405-2: A check mark (✓) in Column B means that the element or feature is permitted in any district or any use, subject to the requirements below. A check mark (✓) in Column C means that the element or feature is permitted in any commercial or industrial district.

- (2) In commercial or industrial zoning districts:
 - A. The Zoning Administrator may approve a height encroachment for a feature not expressly listed in Table 405-2 if he finds that the manufacturing process or use requires a greater height.
 - B. No structure shall exceed 150 feet in total height above ground.
 - C. All such structures above the heights otherwise permitted in the district shall not occupy more than 25 percent of the area of the lot, and shall be located at least 25 feet in all parts from every lot line other than a street lot line.
- (3) The building height limitations of this Code shall not apply to churches, schools, institutional buildings, or public utility buildings and structures, if:
 - A. The building or structure is located at least 600 feet from any Residential, DR, PB, or DB-O district; and
 - B. For each three feet by which the height of such building or structure exceeds the maximum height otherwise permitted in the district, its side and rear yards, where required, shall be increased in width or depth by an additional foot over the minimum side and rear yards required for the highest building otherwise permitted in the district; and
 - C. Where not otherwise required, a side yard on each side and a rear yard shall be provided equal in width or depth to one foot for each three feet of such excess height.
- (4) The building height limitation of this Code for buildings or structures in the M1 and M2 districts may be modified by the Planning Commission provided the following conditions are met:
 - A. The building or structure is located at least 600 feet from any Residential, DR, PB, or DB-O district; and
 - B. For each three feet by which the height of such building or structure exceeds the maximum height otherwise permitted in the district, its side and rear yards, where required, shall be increased in width or depth by an additional foot over the minimum side and rear yards required for the highest building otherwise permitted in the district; and
 - C. Where not otherwise required, a side yard on each side and a rear yard shall be provided equal in width or depth to one foot for each three feet of such excess height.
- (5) Within the Historic District Overlay (HDO) or the Carroll Creek Overlay (CCO), no height encroachment listed in subsections (1)—(4) is permitted unless it is approved by the Reviewing Authority. A copy of the approved HDC Level I Plan shall be submitted to the Planning Commission for review at the time of submittal of the site plan.
- (6) In the R16 and R20 districts, building heights exceeding the maximum prescribed by Table 405-1 are authorized as a conditional use if three additional feet of side yard setback is provided for each story in excess of three.

~~[(c) — MO District — Standards setback and modifications.~~

~~(1) — Standards.~~

~~A. — In the MO district, building setbacks for side and rear yards shall be 30 feet on each side if adjacent to a commercial or employment district and 100 feet if adjacent to any other district or an Interstate Highway unless modified by the Planning Commission.~~

~~B. — Maximum building coverage on any lot in the MO district shall be 30 percent.~~

~~C. — Minimum landscaped area on any lot in the MO district shall be 20 percent.~~

~~D. — Predominant exterior building materials must not include the following: smooth-faced concrete block, smooth-faced tilt-up concrete panels, or pre-fabricated steel panels. Loading docks, service areas or other similar features shall be screened from view from all public streets and under no circumstances shall outdoor material storage areas be permitted in the MO district. Screening in any portion of the MO district that abuts any "R" district shall be at a minimum, Level II screening. The Planning Commission must approve the landscaping plan and may require screening above the level of Level II screening depending on the type of development within the 100-foot yard and adjacent land uses. To ensure aesthetically pleasing development compatible with adjacent or neighboring buildings, all applications for site plan approval in the MO district shall include architectural renderings or other information concerning the design and materials of the proposed building.~~

~~(2) — Modifications. The Planning Commission may modify the following standards provided a finding is made that the park-like intent of the MO district is being achieved and adjacent properties are being adequately buffered.~~

~~A. — The minimum side and rear yard of 100 feet, when adjacent to adjacent to a district other than commercial or employment or abutting an interstate highway, may be modified to 50 feet if the Planning Commission approves a landscaping plan which, in the Commission's opinion, provides an adequate buffer for adjacent property or meets the park-like setting standards of the MO district.~~

~~B. — The building heights for all development in the MO district shall not exceed 60 feet, except for motel or hotel use, which may be modified by the Planning Commission to a maximum of 90 feet. For any proposed building over 40 feet, one foot of additional of setback is required for every foot of building height over 40 feet.]~~

~~[d](c) Modification to Front and Interior yard setbacks. Section 606(j) of the LMC provides for modification of front and interior yard requirements in primarily developed portions of the City.~~

~~[e](d) Density Bonus for MPDUs.~~

~~(1) In General. As an incentive to developers to construct more than the minimum required number of MPDUs, a development project that is subject to the requirements of Chapter 19 of the City Code may deviate from the density regulations set forth in this article, as described in this subsection (e).~~

~~(2) Euclidean Zoning Districts. For a development project located in any of the zoning districts established in Table 401-1 of this LMC, the maximum density set forth in Table 405-1, Column (C) may be exceeded with a corresponding increase in the MPDU requirement as set forth in subsection (e)(7) of this section.~~

~~(3) Planned Neighborhood Developments. For a PND project, the maximum density calculated pursuant to Section 410(f)(3) of this LMC may be exceeded with a corresponding increase in the MPDU requirement as set forth in subsection (e)(7) of this section.~~

~~(4) Traditional Neighborhood Developments. For a TND project, the maximum density for multiple-family or detached dwellings set forth in Table 411-1, Column (E) may be exceeded with a corresponding increase in the MPDU requirement as set forth in subsection (e)(7) of this section.~~

- (5) Mixed Use Districts. For a MU-1 or MU-2 project, the maximum density for residential uses set forth in Table 417-1, Column (E) may be exceeded with a corresponding increase in the MPDU requirement as set forth in subsection (e)(7) of this section.
- (6) Mixed Use Employment Center. For a MXE project, the maximum density for multiple-family dwelling units set forth in Section 418(d) may be exceeded with a corresponding increase in the MPDU requirement as set forth in subsection (e)(7) of this section.
- (7) Density Bonus.

Table 405-3 Density Bonuses

Density Bonus (Percentage Increase Over Maximum Density)	MPDUs Required
0%	12.5%
Up to 1%	12.6%
Up to 2%	12.7%
Up to 3%	12.8%
Up to 4%	12.9%
Up to 5%	13.0%
Up to 6%	13.1%
Up to 7%	13.2%
Up to 8%	13.3%
Up to 9%	13.4%
Up to 10%	13.5%
Up to 11%	13.6%
Up to 12%	13.7%
Up to 13%	13.8%

Up to 14%	13.9%
Up to 15%	14.0%
Up to 16%	14.1%
Up to 17%	14.2%
Up to 18%	14.3%
Up to 19%	14.4%
Up to 20%	14.5%
Up to 22%	15.0%

[f](e) Building Height in Residential Districts.

- (1) In any residential district a lot of record may not be graded prior to construction for the sole purpose of increasing the average finished grade from which the height is measured.
- (2) In the R4 and R6 districts, the maximum building height of a structure;
 - (A) with a flat roof is 35 feet as measured to the highest point of the roof; and
 - (B) with a pitched roof is 35 feet as measured at the midpoint between the eaves and the highest point of the roof, not to exceed 40 feet at its highest point.

[g](f) Building Envelope. Except as otherwise provided in this LMC. No part of any structure may project beyond the building envelope defined by the minimum street and interior setbacks and the maximum building heights applicable to the zoning district in which the structure is located.

SECTION IV. BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, that The Code of the City of Frederick, 1966 (as amended), Appendix A (Land Management Code), §406, be repealed and reenacted, with amendments, as follows:

Sec. 406 - SPECIFIC BASE ZONING DISTRICT CRITERIA

- (a) Buildings within the specified DB district. Within an area enclosed by All Saints Street and Commerce Street to the south, Wisner Street to the east, Church Street to the north, and Bentz Street to the west; buildings within the DB district only may exceed the 75 feet maximum height limitation provided that no building shall exceed an elevation of 365 feet above mean sea level.
- (b) Residential—Office.
 - (1) Establishment, Generally. In accordance with the provisions of this section 406(b), a professional office may be established in the RO district in: (A) A "Building" (not including an "Accessory Structure") existing as of August 15, 2005; (B) An "Addition" to a Building (not including an Accessory Structure) existing as of August 15, 2005 that is added to the existing

- Building after August 15, 2005; or (C) A new Building. Before the construction of, or change of use to, a professional office, final major site plan approval is required.
- (2) Establishment—Improved Properties. A professional office may be established in the RO district within any "Building" (not including an Accessory Structure), existing as of August 15, 2005.
 - (3) Establishment—Additions. In considering an Addition after August 15, 2005 to a Building existing as of August 15, 2005 for the purposes of professional office use, the Planning Commission may approve a final site plan for an Addition only if it finds that:
 - A. The Addition will be attached to the rear of the existing Building;
 - B. The Addition will not exceed the height of the existing Building;
 - C. The Addition is compatible with the existing Building, and the existing Building as improved by the Addition, is compatible with other buildings in the surrounding block, neighborhood, or subdivision. For purposes of this subsection, compatibility is evaluated in terms of alignment, setbacks, orientation, size, appearance, and character. In demonstrating that the proposed Addition is compatible, the applicant must submit architectural elevations of the proposed Addition in relation to the existing Building and must clearly describe in a narrative format the existing block, neighborhood or subdivision area in which the proposed Addition to the existing Building is to be compared. The Planning Commission may accept or modify the applicant's description or delineation of this area.
 - (4) Establishment—Unimproved Properties. On any property in the RO district that, as of August 15, 2005, has not been improved with a Building, a Building (not including an Accessory Structure) may be constructed for use as a professional office if the Planning Commission finds that the Building is compatible with other buildings in the surrounding block, neighborhood, or subdivision in terms of its alignment, setbacks, orientation, size, appearance, and character. In demonstrating that the proposed Building is compatible, the applicant must submit architectural elevations of the proposed Building and must clearly describe in a narrative format the existing block, neighborhood or subdivision area in which the proposed Building is to be compared. The Planning Commission may accept or modify the applicant's description or delineation of this area.
 - (5) Alterations. The Planning Commission may approve an application for "Alteration" to the elevation or façade of any Building used as a professional office in the RO district if:
 - A. The proposed Alteration will not change the existing entryway, roof pitch, roof type, building materials, window proportions, or entryway proportions; or
 - B. The Planning Commission has granted major site plan approval for the Alteration, finding that the Alteration will not change the residential appearance or character of the Building.
 - C. An "Addition" shall not be considered an "Alteration" for the purposes of this section 406(b)(5).
 - (6) Entrances. Common entrances are permitted in the RO district. Entrances of at least 24 feet wide for the depth of at least one car length must be provided for two-way traffic entrances. One-way in and one-way out access is permitted for entrances that are at least 14 feet wide. If needed to preserve the residential appearance of the lot and Building, access drives may be as narrow as ten feet wide in the front yard and side yard leading to the parking area.
 - (7) Parking. A Building within the RO district used as both a residence and a professional office will be treated as a professional office for purposes of the parking standards of Section 607 of this Code. A parking area within the RO district must be completely screened.
 - (8) Traffic Impact Study. If a Building used as a dwelling unit is converted to non-residential use, the applicant shall provide a traffic impact study as required by this Code. The Zoning Administrator may waive the traffic impact study requirement if the applicant submits a cross-

access easement that provides an alternative point of access from any parking or traffic circulation area on site.

(c) RC Resource Conservation District Provisions.

- (1) Provisions for Section 309, site plan review shall not apply to construction or alteration to farm buildings or structures, however, a zoning certificate is required per Section 302 and all setbacks must be observed.
- (2) Farm structures and accessory structures, except for fences, may not be placed in required yards. Fences may be located in any yard not withstanding Article 7, Section 720, provided visibility at a public road intersection is not obstructed.
- (3) A farm may include one wall or freestanding sign no larger than 20 square feet.
- (4) The operation of any machinery used in farming procedures and all customary agricultural procedures is permitted.

(d) M1 and M2 Districts.

- (1) Generally. The M1 or M2 district may, if approved by the Board of Aldermen, be developed pursuant to the MXE Mixed-Use Employment Center Development floating zone, pursuant to the provisions of Section 418 of this Code.
- (2) Screening and Landscaping.
 - A. The Planning Commission may increase the buffer yard planting minimum height prescribed in Section 605(d)(2) (landscaping standards) to seven feet. The appropriate tree species shall be selected for mature heights to effectively shield the industrial buildings.
 - B. The Planning Commission may increase any fence or wall up to ten feet in height if the M1 or M2 zoned lot abuts a parcel in a residential zoning district, and the increase is needed to mitigate the impacts of the use on the residential property.
 - C. The determination of appropriate screening requirements to be used in the M1 or M2 district that are adjacent to R districts shall be based on the property development status as follows:
 1. Any new expansion plan of an existing industrial site shall comply with either Level III or IV, as applicable, and nonconforming lots with existing uses or proposed downtown areas shall use Level III.
 2. Any existing recorded lot not developed prior to August 26, 2001 shall be required to use Level IV screening. However, the Planning Commission may approve Level III screening if the associated landscape plan provides an equivalent buffer for the adjacent residential property.

(e) General Commercial (GC) District. In the GC zoning district, buildings that exceed 60 feet in height shall be setback one foot from all property lines for each foot of building height.

(f) Manufacturing/Office District.

(1) Standards.

- A. In the MO district, building setbacks for side and rear yards shall be 30 feet on each side if adjacent to a commercial or employment district and 100 feet if adjacent to any other district or an Interstate Highway unless modified by the Planning Commission.
- B. Maximum building coverage on any lot in the MO district shall be 30 percent.
- C. Minimum landscaped area on any lot in the MO district shall be 20 percent.
- D. Predominant exterior building materials must not include the following: smooth-faced concrete block, smooth-faced tilt-up concrete panels, or pre-fabricated steel panels. Loading docks, service areas or other similar features shall be screened from view from all

public streets and under no circumstances shall outdoor material storage areas be permitted in the MO district. Screening in any portion of the MO district that abuts any "R" district shall be at a minimum, Level II screening. The Planning Commission must approve the landscaping plan and may require screening above the level of Level II screening depending on the type of development within the 100-foot yard and adjacent land uses. To ensure aesthetically pleasing development compatible with adjacent or neighboring buildings, all applications for site plan approval in the MO district shall include architectural renderings or other information concerning the design and materials of the proposed building.

- (2) Modifications. The Planning Commission may modify the following standards provided a finding is made that the park-like intent of the MO district is being achieved and adjacent properties are being adequately buffered.
- A. The minimum side and rear yard of 100 feet, when adjacent to a district other than commercial or employment or abutting an interstate highway, may be modified to 50 feet if the Planning Commission approves a landscaping plan which, in the Commission's opinion, provides an adequate buffer for adjacent property or meets the park-like setting standards of the MO district.
- B. The building heights for all development in the MO district shall not exceed 60 feet, except for motel or hotel use, which may be modified by the Planning Commission to a maximum of 90 feet. For any proposed building over 40 feet, one foot of additional setback is required for every foot of building height over 40 feet.

SECTION V. BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, that The Code of the City of Frederick, 1966 (as amended), Appendix A (Land Management Code), §832, be repealed and reenacted, with amendments, as follows:

Sec. 832 - INDOOR SPORTS COMPLEX

An Indoor Sports Complex is permitted as a conditional use in the [~~GC, MU, MXE, PB, and M4 districts, and in the M2 district where it adjoins the Carroll Creek Overlay district~~] certain zoning districts as specified in the Use Matrix (Table 404-1 of this LMC) provided all the following conditions are met:

- (a) The use of the property as an Indoor Sports Complex will not constitute a nuisance to other adjoining properties because of the increased pedestrian or vehicular traffic, noise, or other activity associated with such use of the property. Such use of the property shall be compatible with the existing industrial uses.
- (b) In industrial zones an Indoor Sports Complex shall be located to assure the safety of the users of the facilities from industrial activities.
- (c) A minimum floor area of 40,000 square feet and contain at least one playing surface or field, with a minimum of 25,000 square feet of playing surface, and include designated areas for teams, coaches, and spectators within the facility. The facility shall meet the following criteria:
- (1) Team and individual sports that may be played at an Indoor Sports Complex shall include, but not be limited to, soccer, lacrosse, field hockey, roller hockey, ice hockey, flag football, volleyball, basketball, badminton, weight lifting, roller skating, squash, handball, racquetball, track and field events and functionally similar sporting activities.
- (2) The combined playing surface(s), coaches and spectator areas shall encompass at least 70 percent of the total useable square feet of the Indoor Sports Complex.
- (3) Areas for personal fitness shall encompass no more than 15 percent of the total useable square feet of the Indoor Sports Complex, and may include areas for weight training, aerobic conditioning, and other fitness development regimens.

- (4) Offices for sports-related professional businesses shall encompass no more than seven and one-half percent of the total useable square feet of the Indoor Sports Complex, and may include offices for personal trainers, coaches, sports medical professionals, sports associations and functionally similar users.
- (5) Ancillary support services shall encompass no more than seven and one-half percent of the total useable square feet of the Indoor Sports Complex, and may include food service, sports retailers, sports-related entertainment and similar related uses.
- (d) All boundaries of the Indoor Sports Complex adjoining a residential district use shall be screened with a minimum of Level III screening or be protected with a berm or a sound attenuation wall, if necessary, along such boundary lines as specified by Section 605 of this Code, and shall be screened along such other property lines as the Zoning Board of Appeals shall require.
- (e) Parking shall be provided at the rate of one space for every two and two-tenths persons based upon one-third of the maximum occupants of the facility pursuant to the fire safety code. Additionally, a graded grassy area adjacent to the parking lot(s) shall be established for overflow parking spaces. The rate of additional overflow parking spaces shall be a minimum of 20 percent of the required parking spaces. Frequent use of the public street or the overflow area for parking, as determined by the Planning Commission based on a staff report prepared by the Planning Department, shall require pavement of the overflow area.
- (f) An Indoor Sports Complex that will host paid spectator's events will require submittal of a traffic study that will address traffic flow and additional parking requirements. The traffic study shall be submitted with the conditional use application and shall be sealed by a licensed traffic engineer.
- (g) As provided for in Section 308, the Board may terminate this conditional use if the conditions of approval are violated.
- (h) The Zoning Board of Appeals may modify the 50-foot building setback line to no less than 20 feet if there are extenuating circumstances based on the irregular shape of the lot or other natural features that make it impractical to maintain a 50-foot setback. In such cases, a sound attenuation wall, earthen berms, or additional landscaping must occupy the square footage of the area that has been modified.
- (i) The applicant must establish to the Zoning Board of Appeals that the conditional use is in compliance with the definition of an Indoor Sports Complex as defined in Article 10.
- (j) The applicant shall submit a floor plan for the Indoor Sports Complex with the application.

SECTION VI. BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, that The Code of the City of Frederick, 1966 (as amended), Appendix A (Land Management Code), §1002, be repealed and reenacted, with amendments, by amending or adding certain definitions as indicated below:

Building Trades

Trades that are essential to and chiefly practiced in connection with building construction. Building trades may include wholesale, distribution and storage of goods, and manufacturing processes that create finished products from already manufactured components and materials, including assembly of finished components and refinement of semi-finished materials or components into finished products.

SECTION VII. BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, that in the event any provision, section, sentence, clause, or part of this ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of this ordinance, it being the intent of the City that such remainder shall be and shall remain in full force and effect.

SECTION VIII. BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, that this ordinance shall take effect on October 27, 2019, and all other ordinances or parts of ordinances inconsistent with the provisions of this ordinance will as of that date be repealed to the extent of such inconsistency.

NOTE: [~~Bold Brackets and strikethrough~~] indicates material deleted
Underlining indicates material added
*** indicates no change

APPROVED: October 17, 2019

PASSED: October 17, 2019

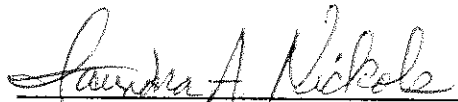


Michael C. O'Connor, Mayor



Michael C. O'Connor, President,
Board of Aldermen

Approved for Legal Sufficiency:



Sandra A. Nickels
City Attorney

