

THE EFFECTIVE DATE OF THIS ORDINANCE IS APRIL 27, 2012

ORDINANCE NO. 12-08-603

RE: Zoning Text Amendments ZT-12-01, ZT-12-02, ZT-12-04,
ZT-12-05, ZT-12-06, ZT-12-07, ZT-12-08, ZT-12-09, ZT-12-10,
ZT-12-11, ZT-12-12 and ZT-12-13

Pursuant to Maryland Annotated Code, Article 66B, the Board of County Commissioners for Frederick County, Maryland ("Board") has the authority to adopt and amend zoning regulations and restrictions (§4.05).

The Board finds it necessary and proper, and in the best interests of the health, safety and welfare of citizens of Frederick County to amend and enact certain sections of the Frederick County Code as follows:

Amend Sections 1-6A-5, 1-19-3.110.2, 1-19-4.300, 1-19-4.300.1, 1-19-4.300.2, 1-19-5.310, 1-19-6.220, 1-19-6.310, 1-19-6.320, 1-19-8.240, 1-19-8.320, 1-19-8.325, 1-19-8.326, 1-19-8.410, 1-19-8.420.2, 1-19-8.620.2, 1-19-8.620.3, 1-19-8.620.5, 1-19-8.800, 1-19-10.400.1, 1-19-10.400.2, 1-19-11.100, and create 1-19-8.230.1, 1-19-10.400.3, 1-19-10.400.4, 1-19-10.400.5, 1-19-10.400.6, 1-19-10.400.7, and 1-19-10.400.8

The amendments are intended to:

- Create 'Limited agricultural activity' to permit keeping of farm animals on parcels containing less than 3 acres in a residential district
- Create 'Limited funeral establishment' to permit the practice of mortuary science as an accessory use to a single family residence in the RC district
- Amend existing provisions to require removal of communication towers in existence prior to 1999, if they cease to be used for wireless communications for 12 months
- Permit 'Bed and breakfast' establishments in the residential districts
- Clarify permitted signage for professional offices as an accessory use to a single family residence

- Remove the prohibition of 'Video lottery facilities' from the zoning ordinance
- Permit bus shelter signage within the right-of-way
- Remove the limitation of April and October submissions of individual zoning map amendment applications
- Permit the development of Moderately Priced Dwelling Units within the R1 zoning district
- Reorganize the Mineral Mining floating zoning district and amend provisions to remove conflicts with State surface mining permit requirements
- Consolidate existing provisions related to accessory structures on residential properties into one section of the zoning ordinance
- Provide consistency between State and local regulations regarding Family Child Care Home
- Permit Farm Winery Tasting Room and Farm Brewery Tasting Room in RC Zoning District

The Frederick County Planning Commission held a duly advertised public hearing concerning this Ordinance on April 11, 2012.

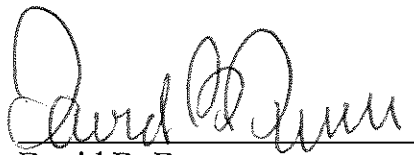
The Board of County Commissioners held a duly advertised public hearing concerning this Ordinance on April 17, 2012. The public had an opportunity to comment on this ordinance at this public hearing.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that the Frederick County Code is hereby amended as shown on the attached Exhibits 1 through 13.

AND BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect on April 27, 2012.

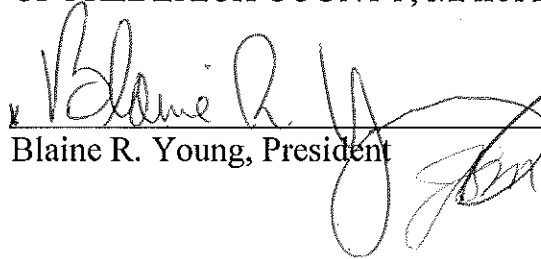
The undersigned hereby certifies that this Ordinance was approved and adopted on the 17th day of April, 2012.

ATTEST:

A handwritten signature in cursive script, appearing to read "David B. Dunn", written over a horizontal line.

David B. Dunn
County Manager

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND

A handwritten signature in cursive script, appearing to read "Blaine R. Young", written over a horizontal line. To the right of the signature is a large, sweeping flourish or checkmark-like mark.

Blaine R. Young, President

ARTICLE V: ZONING MAP AND DISTRICTS

DIVISION 3. USE TABLE

§ 1-19-5.310. USE TABLE.

(A) *Permitted uses and required development review.*

P Principal permitted use subject to design regulations

PS Principal permitted use subject to site development plan approval. See §§ 1-19-2.160, and 1-19-3.300 through 1-19-3.300.4

E Principal permitted use as a special exception with site development plan approval. See §§ 1-19-8.320 and following

T Permitted as temporary use as a special exception. See § 1-19-8.300

X Permitted as temporary use only. See § 1-19-8.700

SW Solid Waste Floating Zone

A blank indicates that the use is not permitted under any situation

	Zoning Districts													
Uses	RC	A	R1	R3	R5	R8	R12	R16	VC	MX	GC	ORI	LI	GI
<i>Natural Resources Uses</i>														
Agricultural activities	[Remains Unchanged]													
LIMITED AGRICULTURAL ACTIVITY			E	E	E	E	E	E						
APIARY	P	P	P	P	P	P	P	P	P	P	P	P	P	P

ARTICLE VIII: SPECIFIC USE REGULATIONS

DIVISION 2. ACCESSORY USES

§ 1-19-8.240. ACCESSORY USES ON RESIDENTIAL PROPERTIES.

(A) Customary accessory uses permitted on residential properties include the following.

[(1) and (2) (a) remain unchanged]

(b) Keeping of farm animals in residential districts on a lot containing 3 acres or more provided no pens, stalls or runs will be located closer than 50 feet of any lot line, **UNLESS APPROVED AS A LIMITED AGRICULTURAL ACTIVITY AS PROVIDED IN § 1-19-5.310 AND § 1-19-8.325.**

[(3) through (6) remain unchanged]

[(B) remains unchanged]

DIVISION 3. SPECIAL EXCEPTION USES

§ 1-19-8.325. ~~RESERVED~~ **LIMITED AGRICULTURAL ACTIVITY IN THE RESIDENTIAL DISTRICTS.**

A LIMITED AGRICULTURAL ACTIVITY SHALL BE PERMITTED IN THE RESIDENTIAL DISTRICTS WHERE THE FOLLOWING PROVISIONS ARE MET:

(A) **THE KEEPING OF FARM ANIMALS IN CONJUNCTION WITH A SINGLE FAMILY RESIDENCE, ON LOTS LESS THAN 3 ACRES, SHALL BE PERMITTED IN RESIDENTIAL DISTRICTS PROVIDED THAT NO PENS, STALLS, OR RUNS WILL BE LOCATED CLOSER THAN 50 FEET OF ANY LOT LINE (SEE ALSO § 1-19-8.240).**

(B) **ALL CRITERIA IN SECTION 1-19-3.210 AND ALL OTHER PROVISIONS OF THIS CHAPTER SHALL BE MET.**

(C) **THE LIMITED AGRICULTURAL ACTIVITY SHALL NOT CAUSE ANY ODOR, DUST, SMOKE, VIBRATION OR UNREASONABLE NOISE WHICH CAN BE DETECTED AT OR BEYOND THE PROPERTY LINE.**

ARTICLE VIII: SPECIFIC USE REGULATIONS

DIVISION 4. PERMITTED USES

§ 1-19-8.407. APIARY

THE FOLLOWING PROVISIONS SHALL APPLY TO APIARIES IN THE R1, R3, R5, R8, R12, R16, VC, MX GC, ORI, LI, AND GI ZONING DISTRICTS.

- (1) THE APIARY SHALL BE LOCATED AT LEAST 10 FEET FROM ANY LOT LINE.
- (2) THE APIARY SHALL BE LOCATED BEHIND A SOLID FENCE, HEDGE, OR OTHER BARRIER THAT IS AT LEAST 6 FEET IN HEIGHT, RUNS PARALLEL TO THE PROPERTY LINE, AND EXTENDS 10 FEET BEYOND THE APIARY IN EACH DIRECTION.
- (3) A WATER SUPPLY SHALL BE PROVIDED TO MINIMIZE HONEYBEES FROM SEEKING WATER OFF-SITE.
- (4) APIARIES SHALL COMPLY WITH MARYLAND DEPARTMENT OF AGRICULTURE REGULATIONS AS THEY PERTAIN TO BEEKEEPING.
- (5) BEEKEEPERS SHALL BE REGISTERED BY MARYLAND DEPARTMENT OF AGRICULTURE AND FAILURE TO MAINTAIN REGISTRATION WITH THE STATE CONSTITUTES A VIOLATION OF THIS SECTION.

ARTICLE XI: DEFINITIONS

DIVISION 1. DEFINITIONS

§ 1-19-11.100 DEFINITIONS.

APIARY. A COLLECTION OF ONE OR MORE BEE COLONIES.

BEE COLONY. THE BEE HIVE, INCLUDING BEES, COMBS, HONEY, AND RELATED EQUIPMENT.

AGRICULTURAL ACTIVITY, LIMITED. THE KEEPING OF FARM ANIMALS IN RESIDENTIAL DISTRICTS ON LOTS WITH LESS THAN 3 ACRES. APIARIES ARE EXCLUDED FROM THIS DEFINITION. (SEE ALSO §1-19-8.325 AND §1-19-8.407).