



ORDINANCE

Action:

PLANNING COMMISSION: June 5, 2024 Recommended Adoption

BOARD OF SUPERVISORS: July 10, 2024 Adopted

TO AMEND CHAPTER 165- ZONING

ARTICLE I

GENERAL PROVISIONS; AMENDMENTS; AND CONDITIONAL USE PERMITS

Part 101-General Provisions

§165-101.02. Definitions and word usage

ARTICLE II

SUPPLEMENTARY USE REGULATIONS; PARKING; BUFFERS; AND REGULATIONS FOR SPECIFIC USES

Part 204-Additional Regulations for Specific Uses

§165-204.08. Grocery and food stores

§165-204.39. Retail Stores (Drug, Health, and Personal Care)

ARTICLE V

PLANNED DEVELOPMENT DISTRICTS

Part 504 – MS (Medical Support) Districts

§165-504.02(B). Permitted Uses

§165-504.02(B)(2) Flex-tech performance standards

ARTICLE VI

BUSINESS AND INDUSTRIAL ZONING DISTRICTS

Part 602-B1 Neighborhood Business District

§165-602.02. Allowed Uses

Part 603-B2 General Business District

§165-603.02. Allowed Uses

Part 604-B3 Industrial Transition District

§165-604.02. Allowed Uses

Part 605-TM Technology-Manufacturing Park District

§165-605.02. Permit Uses

Part 606 -M1 Light Industrial District

§165-606.02. Allowed Uses

§165-606.03. Conditional uses

WHEREAS, a proposal was presented to amend Chapter 165 – Zoning Ordinance to remove data centers from the B2 (General Business District), and to make minor corrections to the General Provisions, Supplementary Use Regulations, Planned Development Districts, and Business and Industrial Zoning District Sections; and

WHEREAS, the Planning Commission held a public hearing on the proposed ordinance amendment on June 5, and recommended approval of the ordinance amendment; and


WHEREAS, the Frederick County Board of Supervisors held a public hearing on this proposed ordinance amendment on July 10, 2024.

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors, that in the interest of public health, safety, general welfare, and good zoning practice, the amendment to Chapter 165 – Zoning Ordinance to remove data centers from the B2 (General Business District), and to make minor corrections to the General Provisions, Supplementary Use Regulations, Planned Development Districts, and Business and Industrial Zoning District Sections; is adopted.

Passed this July 10, 2024, by the following recorded vote:

Josh Ludwig, Chairman	Aye	John Jewell	Aye
Heather H. Lockridge	Aye	Robert W. Wells	Aye
Blaine P. Dunn	Aye	Robert Liero	Aye
Judith McCann-Slaughter	Aye		

A COPY ATTEST



Michael L. Bollhoefer
Frederick County Administrator



MEMORANDUM

TO: Frederick County Board of Supervisors
FROM: Amy Feltner, Planner
SUBJECT: Ordinance Amendment – Allowed Uses – Public Hearing
DATE: June 24, 2024

Proposal:

The proposed amendments to the ordinance were initiated by staff.

This is a proposal to change the definitions, to update standards, correct errors, and to remove multiple types of public garage.

The amendment will specifically list the allowance of *conference/event centers* and *data centers* in the B2 (General Business) and B3 (Industrial Transition) Districts; *Data centers* in the M1 (Light Industrial), M2 (Industrial General), and TM (Technology-Manufacturing Park) Districts; *Commercial Sport and Recreation Clubs* in the B2 (General Business); *Continuing-Care Retirement Community (CCRC)* in the MS (Medical Support) District; and clarify the *recycling operation* and *recreational facilities* in the M1 (Light Industrial) District. The B1 (Neighborhood Business) District square foot limitation for retail stores and grocery/food stores has been relocated. The amendments are not adding additional permitted uses, but rather clarifying that these are permitted uses. These uses were previously allowed under the Standard Industrial Classification (SIC) use tables that were replaced with NAICS terminology in 2023.

Definitions §165-101.02

The spelling for *Country General Store* was corrected. Country General Stores without fuel sales have specific requirements in the RA (Rural Area) Districts and must comply with §165-204.32 in the Supplementary Use Regulations.

The definition for *Caliper* was updated to reference the current standard. The American Association of Nurseryman was removed and replaced with the American Standard for Nursery Stock (ANSI Z60.1). A link will be provided on the Frederick County website. https://cdn.ymaws.com/americanhort.site-ym.com/resource/collection/38ED7535-9C88-45E5-AF44-01C26838AD0C/ANSI_Nursery_Stock_Standards_AmericanHort_2014.pdf

Body Repair Garage was removed, and the definition of *Public Garages* was adjusted to remove the exclusion of *spray painting, body or fender repair*. The North American Industry Classification System (NAICS) codes combine automotive repair and maintenance into 8111-Automotive Repair and Maintenance. This section includes automotive mechanical, electrical, general, and specialized repairs, as well as automotive body, paint, and glass repair. A repair garage is permitted in the RA (Rural Area) with a conditional use permit. Although it was the intent of the ordinance to distinguish these two operations separately, the majority of the conditional use permits have allowed the combination of these two activities.

Conference/Event Centers

§165-603.02 B2 (General Business) and §165-604.02 B3 (Industrial Transition).

Conference/Event Centers is defined in §165-101.02 and are permitted in the B2 and B3 Zoning Districts. The NAICS conversion placed Banquet and Conference Centers within two separate categories based on the service of food or without service of food. For clarity and consistency, Conference/Event Centers have been added as a permitted use. The definition includes facilities with or without the service of food.

Computing Infrastructure Providers, Data Processing, and Data Centers

§165-603.02 B2 (General Business), §165-604.02 B3 (Industrial Transition), §165-606.02 M1 (Light Industrial) and §165-605.02 TM (Technology-Manufacturing Park) Districts

Under the old Standard Industrial Classification (SIC), Data Centers were permitted by the ordinance in the B2, B3, M1, M2, and TM Districts. The conversion to the NAICS Code placed Data Centers under a Telecommunications umbrella, or similar term, but should be specifically called out. At the May 8, 2024, Board of Supervisors meeting, staff was directed to remove Data Centers as an allowed use in the B2 District. This item is moving forward to public hearing reflective of that modification.

Commercial Sport and Recreation Clubs

§165-603.02 B2 (Business General) District

The ordinance provides for a more detailed definition of Commercial Sport and Recreation Clubs. This use was previously permitted in the B2 (Business General) District prior to the NAICS conversion. The use has been specifically noted for clarity and consistency.

Continuing-Care Retirement Community (CCRC)

§165-504.02 MS (Medical Support) District

The ordinance provides for a specific definition for Continuing-Care Retirement Community (CRRC) and was specific to the MS (Medical Support District) under the original Standard Industrialized Classification (SIC). This language was removed and consolidated into *Ambulatory Health Care Services, Hospitals, Nursing and Residential Care Facilities*. Additionally, the referenced requirement that the manufacturing and wholesaling uses follow flex-tech performance standard was removed. Adding Continuing-Care Retirement Community (CRRC) to the allowed use table and re-establishing the requirement to follow flex-tech performance standards are to correct an omission that previously existed prior to the NAICS conversion.

Solid Waste Collection & Materials Recovery Facilities and Commercial Recreation, Indoors

§165-606.02 M1 (Light Industrial) District

“Waste Management and Remediation Services, limited to glass, plastics, and excluding incinerators” omitted certain types of uses, specifically metal recycling, in the M1 (Light Industrial) District. The current wording is replaced with “Solid Waste Collection, Materials Recovery Facilities, Septic Tank and Related Services, and Other Miscellaneous Waste Management Services” which better serves the intent. Solid Waste encompasses mixed recyclable materials and excludes any hazardous materials. Hazardous waste, treatment, and disposal are in separate sections. Additionally, Materials Recovery allows for the sorting of non-hazardous recyclable materials. Septic Tank and Other Miscellaneous address the septic, tank, and boiler cleaning services that were permitted in the ordinance prior to the NAICS conversion.

The ordinance permitted limited recreational facilities in the M1 (Light Industrial District); however, these activities were limited to indoor operations. Additionally, specific regulations apply in §165-204.29 to indoor recreational facilities in the M1 Zoning District. The addition of *Commercial Recreation, Indoors* reestablishes these requirements by reference.

Miscellaneous Retail Stores

§165-602.02 B1 (Neighborhood Business) District

The square footage limitation has been relocated to the Supplementary Use Regulations §165-204.08 *Grocery and food stores* and a new section addressing *retail* has been added in §165-204.39. The square footage limitation should not be located in the Allowed Use Table, rather a special section addressing any restrictions should be properly located in the Special Use Regulations Section. Section 165-204.08 was expanded to include the restriction in B1 (Neighborhood Business) District and §165-207.39 was added. The relocation conforms to the traditional zoning ordinance format.

DRRC, Planning Commission & Board of Supervisors Discussion Summary

The Development Review & Regulations Committee (DRRC) discussed these items on March 28, 2024. In discussing the updated “caliper” definition, the committee suggested providing a link on the Frederick County web site for ease in finding the information. The committee was not supportive of the continued inclusion of “data centers” in the B2 (General Business) Zoning District. If “data centers” were to be permitted, additional buffer requirements, size limitations, and other requirements should be added in the “Additional Regulations for Specific Uses” section of the zoning ordinance. The committee was supportive of all other proposed amendments and offered no comments.

The Planning Commission discussed these items on April 17, 2024, and were supportive of the DRRC recommendations. The Planning Commission agreed with the DRRC Committee recommendations.

The Board of Supervisors discussed this item at their May 8, 2024, meeting. The Board of Supervisors were supportive in moving the proposed ordinance amendments forward to public hearing and recommended removal Data Centers from the B2 (General Business) District. The Board of Supervisors directed staff to add specific regulations directed toward Data Centers to address the impacts of adjacent landowners for all remaining zoning districts permitting Data Centers as a by-right use. Staff will present the additional regulations for Data Centers at a later date.

Conclusion and Requested Action:

The Planning Commission held a public hearing on June 5, 2024, and there were no speakers. The Planning Commission unanimously recommended approval of the proposed amendments (definition changes, clarification of allowed uses, and relocation of size restrictions). The attached documents show the existing ordinance with the proposed changes as drafted by Staff and modified by the Board of Supervisors.

Staff is seeking a decision by the Board of Supervisors on this proposed amendment.

ALF/pd

- Attachments:**
- 1. Definitions §165-101.02**
 - 2. B1 (Neighborhood Business) District**
 - 3. B2 (General Business) District**
 - 4. B3 (Industrial Transition) District**
 - 5. M1 (Light Industrial) District**

6. TM (Technology-Manufacturing Parks) District

7. MS (Medical Support) District

8. Supplementary Use Regulations; Parking; Buffers; and Regulations for Specific Uses

Part 101 General Provisions

§ 165-101.02 Definitions and word usage.

CALIPER

The diameter of a tree as defined by the ~~American Association of Nurserymen~~ American Standard for Nursery Stock (ANSI Z60.1).

COUNTRY GENERAL STORE

A retail business, without accessory fuel sales, not to exceed 3,500 square feet gross retail floor area, allowed where specified in the rural zoning districts which sells groceries along with a variety of other retail goods.

~~GARAGE, BODY REPAIR~~

~~A building or portion thereof, other than a private garage or public garage, designed or used for body or fender repair or spray painting.~~

GARAGE, PUBLIC

A building or portion thereof, other than a private garage, designed or used for servicing, repairing or equipping motor vehicles, but not including ~~spray painting, body or fender repair~~, service stations or vehicle sales.

§ 165-602.02 **Allowed uses.**

Uses allowed in the B1 Neighborhood Business District are as follows:

Allowed Uses

Veterinary services for animal specialties (excluding horses), with all activities and animals kept within a fully enclosed primary structure

Miscellaneous Retail Stores including Food, Drug, Health, and Personal Care ~~not to exceed 15,000 square feet~~, excluding Fruit and Vegetable Stands

Offices of Real Estate, Finance, and Insurance

Personal and Laundry Services excluding Industrial Launderers

Death Care Services excluding cemeteries

Offices of Physicians, Dentists and Other Health Practitioners

Adult and Child Day-Care Facilities

Religious, Grantmaking, Civic, Professional, and Similar Organizations

Public Administration and Government Buildings, including fire and ambulance services

Public Utilities excluding power generating facilities

Residential uses which are accessory to allowed business uses

Parks

Food Services, Restaurants and Other Eating Places excluding drive-thru facilities

Fitness and Recreational Sports Centers no larger than 10,000 square feet

Part 603
B2 General Business District
[Amended 6-20-2023]

§ 165-603.01 Intent.

The intent of this district is to provide large areas for a variety of business, office and service uses. General business areas are located on arterial highways at major intersections and at interchange areas. Businesses allowed involve frequent and direct access by the general public but not heavy truck traffic on a constant basis other than that required for delivery of retail goods. General business areas should have direct access to major thoroughfares and should be properly separated from residential areas. Adequate frontage and depth should be provided, and access should be properly controlled to promote safety and orderly development. Nuisance factors are to be avoided. The North American Industry Classification System (NAICS) may be used to assist the Zoning Administrator in classifying the permitted uses.

§ 165-603.02 Allowed uses.

Allowed uses shall be as follows:

Allowed Uses
Veterinary services with all activities and animals kept within the fully enclosed primary structure, excluding livestock
Pet Care (excluding Veterinary) Services, with all activities and animals kept within fully enclosed primary structure
Wired and Wireless Telecommunication Carriers (excluding Satellite)
Broadcasting and Content Providers
Building Materials and Garden Equipment Supplies Dealers
Retail Trade excluding Manufactured (Mobile Home) Dealers and Tire Dealers
Food and Beverage Retailers, excluding Fruit and Vegetable Stands
Motor Vehicle and Parts Dealers
Gasoline Stations with or without Convenience Stores, excluding Fuel Dealers
Automotive Oil Change and Lubrication Shops
Food Services, Restaurants and Other Eating Places
Offices of Real Estate, Finance, and Insurance
Hotels and Motels, Dormitories, Rooming/Boarding Houses, and Travelers accommodations excluding RV Parks and Camps
Personal Care Services including Hair, Nail, Beauty Salon, and Barber Shops, excluding Escort Services; Turkish Baths; and Steam Baths
Coin-Operated Laundries and Drycleaners
Death Care Services excluding Cemeteries
Professional, Scientific, and Technical Services, excluding the following: Outdoor Display Advertising, Research and Development Services, and Test Laboratories including General Business Offices

Services to Building and Dwellings including Pest Control, Janitorial Services, and Carpet Cleaning Services excluding Landscape Service and Product Sterilization
Car washes
Personal and Household Goods Repair and Maintenance excluding Motorcycle Repair
Consumer Goods Rental excluding Lawn and Garden equipment
Movie Theaters, excluding Drive-In Theaters
Amusement, Arts, Gambling, and Recreation Industries excluding Amusement Parks, Theme Parks, and Outdoor Shooting
<u>Commercial Sport and Recreation Clubs (as defined)</u>
Health Care Services including Skilled Nursing Facilities
Adult and Child Day-Care Facilities
Model Homes Sales Offices
Self-Service Storage Facilities
Public Administration and Government Support Buildings, including Fire and Ambulance Services
Public Utilities excluding Energy-Generating Facilities
Residential uses which are accessory to allowed business uses
Parks
Religious, Grantmaking, Civic, Professional, and Similar Organizations
Libraries
Household Appliances and Electrical and Electronic Goods Merchant Wholesalers excluding accessory outdoor storage
Hardware, and Plumbing and Heating Equipment and Supplies Merchant Wholesalers excluding accessory outdoor storage
Social Assistance Services excluding services that offer residential or housing accommodations
Technical and Trade Schools
<u>Conference/Event Center (as defined)</u>

Part 604
B3 Industrial Transition District
[Amended 5-19-2023]

§ 165-604.01 Intent.

The intent of this district is to provide for heavy commercial activities, involving larger scale marketing or wholesaling, in locations that are separate from but in the vicinity of business and industrial areas. In some cases, such areas may be transitional, located between business and industrial areas. In these areas, there will be a mixture of automobile and truck traffic. Some of the uses in this district will require large areas of land and may have outdoor storage and display. It is intended that the uses in this district shall not be sources of noise, dust, smoke or other nuisances. Such industrial transition areas shall be provided with safe and sufficient access. The North American Industry Classification System (NAICS) may be used to assist the Zoning Administrator in classifying the permitted uses.

§ 165-604.02 Allowed uses.

Allowed uses are as follows:

Allowed Uses
Veterinary services with all activities and animals kept within the fully enclosed primary structure excluding livestock.
Pet Care Services (excluding Veterinary), with all activities and animals kept within the fully enclosed primary structure
Landscape and Horticultural Services
Offices and Storage Facilities for Building Construction Contractors, Heavy Construction Contractors and Special Trade Contractors
Commercial Printing
Transit and Ground Passenger Transportation and related support activities
Truck Transportation and related support activities
Air Transportation and related support activities
Travel Arrangement and Reservation Services
Telecommunication Facilities and Offices, Broadcasting and Content Providers, including wired and wireless telephone, radio, television, and other satellite communications.
Electric, Gas, and other utility facilities and offices excluding Sanitary Services
<u>Computing Infrastructure Providers, Data Processing, and Data Centers</u>
Warehousing and Storage

Advertising Specialties – wholesale
Building Materials, Hardware, Garden Supply, and Retail Nurseries
Manufactured (Mobile) Home Dealers
Motor Vehicle and Parts Dealers
Gasoline Stations, with or without, Convenience Stores excluding Fuel Dealers
Wholesale Trade Businesses excluding livestock, farm products, mining and chemical storage
Food and Beverage Retailers
Food Services, Restaurants and Other Eating Places
Industrial Launderers, Dry-Cleaning and Laundry Services
Administrative and Support Services
Professional, Scientific, and Technical Services including Testing Laboratories and General Business Offices
General Automotive, Motorcycle, and Truck Repair, Services and Parking
Personal and Household Goods Repair and Maintenance
Electronic Precision Equipment Repair and Maintenance
Movie Theaters, including Drive-In Theaters
Amusement, Arts, Gambling, and Recreation Industries excluding the following: Amusement Parks or Theme Parks and Outdoor Shooting Ranges
Self-Service Storage Facilities
Vocational Schools (Technical, Trade, Business, Computer and Management Training)
Religious, Grantmaking, Civic, Professional, and Similar Organizations
General Business Offices
Model Home Sales
Accessory Retailing
Public Administration and Government Support Buildings, including fire and ambulance services
Public Utilities
Residential uses which are accessory to allowed business uses
Parks
Flex-Tech
Consumer Goods Rentals
Car, Truck, Utility Trailers, and RV (Recreational Vehicle) Rental and Leasing

Conference/Event Center

Part 606
M1 Light Industrial District

[Amended 6-14-2023]

§ 165-606.01 **Intent.**

The intent of this district is to provide for a variety of light manufacturing, commercial office and heavy commercial uses in well-planned industrial settings. Uses are allowed which do not create noise, smoke, dust or other hazards. Uses are allowed which do not adversely affect nearby residential or business areas. Such industrial areas shall be provided with safe and sufficient access. The North American Industry Classification System (NAICS) shall be used to assist the Zoning Administrator in classifying the permitted uses.

§ 165-606.02 **Allowed uses.**

Allowed uses are as follows:

Allowed Uses
Landscape and Horticultural Services
Offices and Storage Facilities for Building Construction Contractors, Heavy Construction Contractors and Special Trade Contractors
Food, Beverage, and Tobacco Manufacturing excluding Seafood Product Preparation and Packaging and Animal Slaughtering and Processing
Textile Products and Textile Mill Products
Apparel Manufacturing
Veneer, Plywood, and Engineered Wood Product Manufacturing
Furniture and Related Production Manufacturing
Converted Paper Product Manufacturing
Printing, Publishing and Allied Industries
Pharmaceutical and Medicine Manufacturing
Plastics and Rubber Products Manufacturing including Footwear Manufacturing
Miscellaneous Manufacturing
Concrete Block and Brick and Related Products
Fabricated Metal Products Manufacturing, excluding Coating, Engraving and Allied Services, Ammunition (except for small arms), Ordnance and Accessories.
Machinery Manufacturing and Computer & Electrical Product Manufacturing
Electrical Equipment, Appliance, and Component Manufacturing

Storage Batteries and Primary Battery Manufacturing
Transportation Equipment Manufacturing
Transit and Ground Passenger Transportation
Truck Transportation
Air Transportation
Travel Arrangement and Reservation Services
Telecommunication Facilities and Offices, Broadcasting and Content Providers, including wired and wireless telephone, radio, television and other satellite communications.
<u>Computing Infrastructure Providers, Data Processing, and Data Centers</u>
Public Utilities
Wholesale Trade
Food Services, Restaurants, and Other Eating Places
Linen Supply and Drycleaning and Laundry Services except Coin Operated Laundries
Professional, Scientific and Technical Services, including Business Offices not providing services to the general public on a primary basis
Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing
General Automotive, Motorcycle and Truck Repair, Services and Parking
Commercial and Industrial Machinery and Equipment Repair and Maintenance
Machinery Cleaning
<u>Waste Management & Remediation Services limited to glass, cardboard, and plastics recycling and excluding incinerators. Solid Waste Collection, Materials Recovery Facilities, Septic Tank and Related Services, and Other Miscellaneous Management Services</u>
Fabricated Metal Product Manufacturing
Technical and Trade Schools
Business, Professional, Labor, Political and Similar Organizations
Public Administration and Government Support Buildings including Fire and Ambulance Services
Residential uses which are accessory to allowed business uses

Public Utilities
Parks
Regional Criminal Justice, Enforcement, and Detention Facilities
Truck or Fleet Maintenance Facilities
Self-Service Storage Facilities
Flex-Tech

§ 165-606.03 **Conditional uses.**

Uses permitted with a conditional use permit shall be as follows:

Conditional Uses

Tractor Truck and Tractor Truck Trailer Parking

Commercial Recreation, Indoors (as defined) including Fitness and Recreational Sports Centers

PART 605
TM Technology-Manufacturing Park District
[Amended 6-20-2023]

§ 165-605.01. Intent.

The TM District is designed to provide areas for Economic Development Authority (EDA) targeted industries, data centers, offices, low-impact industrial, assembly, and manufacturing uses. Uses are allowed which do not create significant noise beyond the property line, smoke, dust or other hazards. This district shall be located in a business campus-like setting with direct access to major transportation networks and/or rail facilities and areas where there is availability and/or close-proximity to overhead electrical transmission lines. Buildings should include attractive architectural features utilizing high quality building materials comparable to brick, stone, and glass. The North American Industry Classification System (NAICS) shall be used to assist the Zoning Administrator in classifying the permitted uses.

§ 165-605.02. Permitted uses.

Permitted uses are as follows:

Permitted Uses
Food, Beverage, and Tobacco Manufacturing excluding Seafood Product Preparation and Packaging and Animal Slaughtering and Processing
Furniture and Related Product Manufacturing
Converted Paper Product Manufacturing
Printing, Publishing and Allied Industries
Pharmaceutical and Medicine Manufacturing
Plastics and Rubber Products Manufacturing excluding Tire Manufacturing
Fabricated Metal Products Manufacturing, excluding the following: Engraving and Allied Services, Ammunition, Ordnance and Accessories
Machinery Manufacturing and Computer and Electrical Product Manufacturing
Electrical Equipment, Appliance, and Component Manufacturing
Storage Batteries and Primary Battery Manufacturing
Aircraft Manufacturing
Guided Missiles and Space Vehicles Manufacturing
Miscellaneous Manufacturing
Telecommunication Facilities and Offices, Broadcasting and Content Providers,

including wired and wireless telephone, radio, television and other satellite communications.
<u>Computing Infrastructure Providers, Data Processing, and Data Centers</u>
Finance, Insurance, Legal and Offices of Real Estate
Professional, Scientific and Technical Services including Testing Laboratories
Health Care Services
Medical and Dental Laboratories
Technical and Trade Schools
Business, Professional, Labor, Political and Similar Organizations
Public Administration and Government Support Buildings
Public Utilities
Flex-Tech

Part 504
MS (Medical Support) District
[Amended 8-10-2023]

§ 165-504.01 **Intent.**

The MS (Medical Support) District is intended to provide for areas to support hospitals, medical centers, medical offices, clinics, and schools of medicine. These areas are intended to allow for a variety of support services and related residential land uses to be within close proximity of each other to provide for professional and patient convenience. All land to be contained within the Medical Support District shall be included within a master development plan to ensure that land uses are compatibly mixed, designed in a harmonious fashion, and developed to minimize adverse impacts to adjoining properties. The North American Industry Classification System (NAICS) shall be used to assist the Zoning Administrator in classifying the permitted uses.

§ 165-504.02 **Permitted uses.**

- A. All land uses shall be developed in accordance with an approved master development plan that meets the criteria in Article **VIII** of this chapter.
- B. Structures are to be erected or land used for one or more of the identified uses.

Permitted Uses
Colleges, Universities, Professional Schools, and Junior Colleges
Libraries
Pharmaceutical and Medicine Manufacturing
Scientific Research and Development Services including Testing Agencies
Food and Beverage Retailers excluding Fruit and Vegetable Stands and Vending Machine Operators
Food Services and Drinking Places excluding Mobile Food Services
Health and Personal Care Retailers
Miscellaneous Retailers limited to Bookstores, News Stands/Dealers, Stationary Stores, Gift Shops, Florists, and Uniform Stores
Finance and Insurance, Holding, and Office of Real Estate
Hotel and Motels, including Rooming and Boarding Houses, and Dormitories; excluding Workers Camps
Coin Operated Laundries, Drycleaners, and Linen Supplies
Personal Care Services
Photocopying and duplicating services

Medical equipment rental and leasing
Data entry, data processing, data verification, and optical scanning data services
Product sterilization services
Electronic & Precision Equipment Repair and Maintenance
Physical fitness facilities
Civic and Social Organizations
Ambulatory Health Care Services, Hospitals, Nursing and Residential Care Facilities
<u>Continuing-Care Retirement Community (CCRC) (as defined)</u>
Adult day-care centers
Child day-care services
Public buildings, including Social Service Offices
Pharmaceutical Machinery Manufacturing
Medical Equipment and Supplies Manufacturing
Medical, Dental, and Hospital Equipment Merchant Wholesalers
Ophthalmic Goods Merchant Wholesaler
Drugs & Druggists' Sundries Merchant Wholesalers
Dormitories, Medical and Allied Health (as defined)
Halfway House (as defined)
Treatment Home (as defined)
Family Care Home (as defined)
Group Home (as defined)
Protected Populations Home (as defined)
Places of Religious Worship
Fire Protection
Conference/Event Centers (as defined)

Fleet Maintenance Facility
On-site Utility Systems (as defined
Telecommunications Towers and Facilities (as defined)
Warehousing, Medical and Allied Health Services (as defined)
Wellness Centers (as defined)

(1) Residential care facilities.

- (a) Residential care facilities may consist of any of the following residential structures: single-family small lot, duplex, multiplex, atrium house or garden apartments.
- (b) Residential care facilities may include home occupations (as defined).
- (c) Residential care facilities must conform to the following performance standards:
 - [1] Maximum residential density shall not exceed 10 units per acre, provided the following:
 - [a] Single-family detached and single-family attached residential structures having individual access shall have an average lot area of 3,000 square feet per dwelling unit.
 - [b] All other residential land uses shall provide a minimum of 1,000 square feet of average lot area per bedroom.
 - [2] The residential care facilities must consist of residential units which provide all of the following for its residents: independent-living facilities, congregate-care assisted-living facilities, and nursing home care.
 - [3] Occupancy of the dwelling units is restricted to older persons [as such term is used in the definition of "housing for older persons" in § 36-96.7 of the code of Virginia (1950, as amended)], with the following exceptions:
 - [a] The spouse of a resident, regardless of age; and
 - [b] The child of a resident, provided that the child requires convalescent care, regardless of the age of the child; and
 - [c] Resident staff necessary for operation of the facility are also allowed to live on site.
 - [4] The communities may provide ancillary services and facilities, such as, but not limited to, transportation, a common dining room and kitchen, recreation area, meeting or activity rooms, library, chapel, convenience commercial area, or other services and facilities for the enjoyment, service or care of the residents. Such facilities must be conveniently located in relation to the remainder of the development, particularly the dwelling units; they must not be externally advertised. The Board of Supervisors may restrict their use to residents and staff only.

(2) Manufacturing and wholesaling support services shall meet the flex-tech performance standards as identified in §165-204.06C of this chapter.

§ 165-504.03 **District area, floor-to-area ratios and residential gross densities.**

- A. All parcels that are zoned MS (Medical Support) District shall contain a minimum of 20 acres. These parcels shall be required to receive approval of a master development plan which meets all applicable requirements of Article **VIII** of this chapter.
- B. Parcels that are less than 20 acres in size that are contiguous to a master-planned MS (Medical Support) District development, including those parcels that are directly across public rights-of-way to a master-planned MS (Medical Support) District development, may be rezoned to the MS District.
- C. The Board of Supervisors may provide for the administrative approval of a parcel subdivision which fronts on private street systems during the master development plan review process.
- D. Hospitals, office buildings, conference/events centers, wellness centers, and all land use permitted under § **165-504.02B**, Educational support services, shall be allowed to develop a maximum floor-to-area ratio (FAR) of two. The maximum FAR shall be based on the total site area for a master-planned MS (Medical Support) District development that is to be developed as one parcel, or for the total site area of individual parcels in the development that are subdivided for development purposes.
- E. All permitted land uses other than those described in § **165-504.03B** providing support services to this district shall be allowed to develop a maximum floor-to-area ratio (FAR) of one. The maximum FAR shall be determined as described in § **165-504.03D**.
- F. The overall gross densities for permitted land uses identified in § **165-504.02B** shall be calculated as described under this subsection:
 - (1) Single-family detached and single-family attached residential structures having individual access may have a minimum lot size or average lot area of 3,000 square feet per dwelling unit.
 - (2) All other related residential land uses shall provide a minimum of 1,000 square feet of lot size or average lot area per bedroom.

§ 165-504.04 **Access regulations.**

- A. All land uses permitted in this Part 504 shall be served by street systems that are constructed to the geometric design standards for urban collector streets and urban local streets. Such street systems may be private or may be dedicated to Frederick County for eventual acceptance into the state secondary road system.
- B. Parcels that contain portions of collector street systems that are intended to continue through to other parcels to meet the intent of the Frederick County Comprehensive Policy Plan shall be built to applicable state secondary road standards and shall be dedicated to Frederick County for eventual acceptance into the state secondary road system.
- C. Commercial entrances for permitted support services and entrances for related residential developments on urban collector streets shall have a minimum spacing requirement of 250 feet or minimum VDOT spacing, whichever is greater, between entrances.
- D. Commercial entrances for permitted support services and entrances for related residential developments shall have a minimum spacing requirement satisfying VDOT spacing standards, , from street intersections to provide for adequate vehicle stacking.
- E. Driveways serving individual related residential land uses shall only be permitted along urban local

streets.

- F. All permitted land uses shall be designed to provide for internal traffic circulation and interparcel connectors to adjoining land uses to provide for access between uses without entering onto urban collector streets. The Zoning Administrator may grant a waiver to this requirement if topographic constraints or land use conflicts prevent interparcel connectivity or make it undesirable.

§ 165-504.05 **Structure and parking lot setback regulations.**

- A. All permitted educational, research, professional, commercial, and other related support services shall have a minimum front yard setback of 50 feet from any urban collector street and a minimum front yard setback of 35 feet from any urban local street.
- B. All permitted related residential uses and continuing care retirement communities shall have a minimum front yard setback of 25 feet from any public urban local street and a front yard setback of 20 feet from any private urban local road. On residential units utilizing a rear alley for access, the setback off of a private road may be reduced by 10 feet, provided there are not driveways on the private road to the residential unit. Structural front yard setbacks from private roads shall be measured from the edge of the access easement.
- C. Residential housing units within a continuing-care retirement community, to include single-family small lot, duplex and multiplex, shall have a minimum building spacing of 10 feet between units and no building can be within 50 feet of the perimeter boundary of the development, provided that all requirements of § **165-504.07** have been satisfied.
- D. All permitted support services and related residential land uses other than those described in § **165-504.05C** are not proposed to have minimum side or rear yard setbacks. Individual parcels which are designed to have structures placed on a side or rear property line shall be provided with a maintenance easement on the adjoining parcel that is a minimum of 10 feet in width.
- E. Parking lots shall be set back a minimum of 20 feet from urban collector streets and shall be set back a minimum of 10 feet from urban local streets to provide for safe ingress and egress into developed parcels.
- F. Parking lots located between the urban collector street and the building front shall be developed to include an earth berm or natural topography that is a minimum of three feet in height above the finished grade developed at a slope of 3:1. Evergreen shrubbery that is a minimum of two feet in height at the time of planting shall be provided along the apex of the berm at a rate of 25 plantings per 100 linear feet. This element shall begin at the street right-of-way and end at the beginning of the parking lot. Parking lots located between the urban local street and the building front shall be developed to the standards set forth in § **165-202.01** of this chapter.
- G. Parcels which are designed to have parking lots located behind the building may have a reduced front yard setback of 20 feet from any urban collector street and 15 feet from any urban local street.

§ 165-504.06 **Height regulations.**

- A. The maximum structural height for hospitals, office buildings, and all land use permitted under § **165-504.02B**, shall be 90 feet.
- B. The maximum structural height for residential care facilities, nursing and personal care facilities, dormitories, garden apartments and automobile parking structures shall be 70 feet.
- C. The maximum structural height for all other land uses permitted in this Part 504 shall be 35 feet.

- D. Structural setbacks for all land uses permitted under § **165-504.06A** and **165-504.06B** shall be increased one foot for every foot that the structure exceeds 35 feet in height. The increased structural setback shall be measured as follows:
- (1) From the minimum front yard setback established along urban collector streets and urban local streets for a master-planned MS (Medical Support) District development that is to be developed as one parcel, or from the minimum front, side, and rear yards of individual parcels that are subdivided for development purposes.
 - (2) From any required buffer area for a master-planned MS (Medical Support) District that is to be developed as one parcel, or for individual parcels that are subdivided for development purposes.
 - (3) From the minimum building separation distance established between residential and nonresidential land uses.
- E. A clear zone void of structures, signage, vegetation, and berms shall be established in areas determined by the Fire Marshal to ensure appropriate emergency access for all land uses permitted under § **165-504.06A** and **165-504.06B**. These identified areas shall begin at a distance of 25 feet from the structure and shall have a minimum width of 20 feet. An easement shall be obtained on adjoining properties to establish required clear zone areas if they cannot be provided on the individual lot proposed for development.

§ 165-504.07 **Open space, landscaped area, and buffer and screening regulations.**

- A. The minimum open space percentage for the MS (Medical Support) District shall include:
- (1) Twenty percent of the overall gross area of a master-planned MS (Medical Support) District that is to be developed as one parcel.
 - (2) Twenty-five percent of the total site area of individual parcels that are subdivided for support services and 30% of the total site area of individual parcels that are subdivided for related residential land uses.
- B. All open space areas shall be landscaped to provide for a grass cover and vegetative elements as required under § **165-202.01D(13)**, regarding parking lot landscaping, and § **165-203.02**, Buffer and screening requirements, of this chapter. Minimum standards for required vegetative elements include two-inch caliper trees and three-foot shrubs at the time of planting. Stormwater management facilities and landscaped parking lot raised islands shall be permitted to be calculated as part of the overall open space percentage.
- C. Buffer and screening requirements for the MS (Medical Support) District shall include:
- (1) Master development planned area that is to be developed as one parcel.
 - (a) A fifty-foot perimeter buffer from all adjoining parcels. The first 25 feet of this buffer area, measured from the adjoining property line, shall provide vegetative plantings, including a single row of evergreen trees on ten-foot centers that are a minimum of four feet at the time of planting, and a single row of deciduous trees spaced 30 feet apart that have a minimum two-inch caliper at the time of planting. An earth berm that is four feet in height and constructed on a slope of 3:1 shall be provided in addition to the vegetative plantings if the primary use of the adjoining property is residential. Parking and maneuvering areas may be established within the remainder of the buffer area, provided that all requirements of § **165-202.01D(13)**, regarding parking lot landscaping, are met.

- (b) A fifty-foot internal separation buffer between all support service land uses and related residential land uses meeting the vegetative planting and earth berm requirements specified in § **165-504.07C(1)(a)** of this Part 504.
 - (c) An internal residential separation buffer between detached, semi-detached, and all other related residential land uses containing a twenty-five-foot buffer with a single row of evergreen trees on ten-foot centers that are a minimum of four feet at the time of planting.
 - (d) Continuing-care retirement communities (as defined) shall be exempt from internal separation and internal residential separation buffers.
- (2) Master development planned area that is to be developed as individual parcels.
- (a) Buffer and screening requirements between all land uses which are not contained within the same categories identified in § **165-504.02B** of this Part 504.
 - (b) All land uses required to provide buffers and screening internal to the MS (Medical Support) District shall meet the requirements of a B Category buffer as described in § **165-203.02** of this chapter; as well as all other applicable provisions of this section.
- (3) All parcels within the MS (Medical Support) District which adjoin parcels that are utilized for agricultural activities shall provide the following buffers:
- (a) A one-hundred-foot buffer adjacent to a parcel whose primary use is agriculture. Agricultural land use shall be considered to be any parcel zoned RA (Rural Areas) District whose primary use is not residential or orchard. A twenty-foot landscaped easement, measured from the adjoining property line, shall be provided which contains a single row of evergreen trees on ten-foot centers that are a minimum of four feet at the time of planting and an earth berm that is three feet in height and constructed on a slope of 3:1. Parking and maneuvering areas may be established within the remainder of the buffer area, provided that all requirements of § **165-202.01D(13)**, regarding parking lot landscaping, are met.
 - (b) A two-hundred-foot buffer adjacent to a parcel whose primary use is orchard. A forty-foot landscaped easement, measured from the adjoining property line, shall be provided which contains a double row of evergreen trees on ten-foot centers that are a minimum of four feet at the time of planting and an earth berm that is six feet in height and constructed on a slope of 3:1. Parking and maneuvering areas may be established within the remainder of the buffer area, provided that all requirements of § **165-202.01D(13)**, regarding parking lot landscaping, are met.
- (4) A road efficiency buffer meeting the requirements § **165-203.02E** of this chapter shall be provided for all related residential land uses permitted in § **165-504.02B(5)** of this Part 504.

ARTICLE II
Supplementary Use Regulations; Parking; Buffers; and Regulations for Specific Uses

Part 204
Additional Regulations for Specific Uses

§165-204.08 Grocery and food stores.

Grocery or food stores ~~located in the B3 (Industrial Transition) Zoning District~~ shall meet the following requirements:

A. In the B3 (Industrial Transition) Zoning District: Maximum building square footage used for retail sales of grocery or food products shall not exceed 10,000 square feet. The 10,000 square feet shall not include area used for storage and warehousing of products.

A.B. In the B1 (Neighborhood Business) Zoning District: Maximum building square footage used for retail sales of grocery or food products shall not exceed 15,000 square feet.

§ 165-204.39 Retail Stores (Drug, Health, and Personal Care).

Retail Stores (Drug, Health, and Personal Care) located in the B1 (Neighborhood Business) District shall meet the following requirements:

A. Maximum building square footage used for retail sales shall not exceed 15,000 square feet.