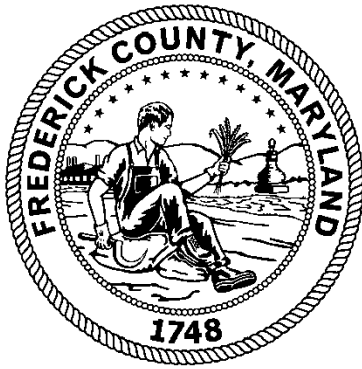




Bill No. 24-17

Concerning: Amendment to Chapter 1-19 (Zoning Ordinance) to Update Certain Existing Definitions and Add New Definitions.

Introduced: September 17, 2024

Revised: _____ Draft No. _____

Enacted: _____

Effective: _____

Expires: December 16, 2024

Frederick County Code, Chapter 1-19

Section(s) 11.100

COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council President Brad W. Young on behalf of County Executive Jessica Fitzwater

AN ACT to: Amend Chapter 1-19 of the Zoning Ordinance to Update Certain Existing Definitions and Add New Definitions.

Date Council Approved: _____ Date Transmitted to Executive: _____

Executive: _____ Date Received: _____

Approved: _____ Date: _____

Vetoed: _____ Date: _____

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

By amending:

Frederick County Code, Chapter 1-19 Section(s) 11.100

Other: _____

Boldface

Underlining

[Single boldface brackets]

Heading or defined term.

Added to existing law.

Deleted from existing law.

Existing law unaffected by bill.

Bill No. 24-17

WHEREAS the County Council of Frederick County, Maryland, finds it necessary and appropriate to amend the Frederick County Code to update certain existing definitions that are outdated and require clarity, and to add definitions for terms currently used in the Zoning Ordinance that are not defined.

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

Brad W. Young, President
County Council of Frederick County,
Maryland

§ 1-19-11.100. DEFINITIONS.

[Subsection (A) remains unchanged.]

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

AUCTION HOUSE. A building, area, or areas within a building used for the public sale of goods, wares, merchandise, or equipment to the highest bidder.

BARBER AND BEAUTY SHOPS. A retail establishment whose business is cutting and dressing hair, tattoos, body piercing, nails, and performing related services.

BASEMENT. ~~[An enclosed area which is below grade on all 4 sides.]~~ The area within the foundation walls or lower part of a wall or structure. A basement is one or more floors of a building that are completely or partially below the ground floor.

BOATS, SALES AND SERVICE. A lot, parcel, or structure used for the sales and servicing of boats.

BOTTLING PLANT. A facility principally engaged in filling empty containers with a liquid product. May include production of liquid product or incidental services to prepare that product for market.

BUILDING FOOTPRINT. The area of a lot or site included within the surrounding exterior walls of a building or portion of a building, exclusive of courtyards. In the absence of surrounding exterior walls, the building footprint shall be the area under the horizontal projection of the roof.

Underlining indicates matter added to existing law.

[Single boldface brackets and strikethrough] indicate matter deleted from existing law.

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Bill No. 24-17

BUS DEPOT. A site or structure where passenger transport vehicles load or unload passengers. Includes the storage of buses or motor coaches and the layover of passengers. Does not include repair work or service other than minor incidental repairs to the passenger buses or coaches.

BUSINESS OFFICE. Rooms or buildings used as offices, where the business of a commercial or industrial organization is conducted. Does not include Professional Offices.

CONTRACTORS, EQUIPMENT AND MATERIALS STORAGE YARD. An enclosed or unenclosed portion of a lot or parcel upon which a construction contractor maintains its principal office and stores or maintains construction equipment or other materials customarily used by the business.

DANCE OR MUSIC STUDIO. An establishment where classes in dance, music, or similar artistic expressions are taught or recorded.

DRIVEWAY. A paved or graveled travelway that provides vehicular access to a property from the public right of way.

DRY CLEANING AND LAUNDROMAT. Dry cleaning is an establishment or business maintained for the pickup and delivery of clothing or laundry and may include incidental maintenance or repair of any laundry or dry-cleaning equipment or machinery on the premises. Laundromat is an establishment where patrons wash or dry clothing or other fabrics in machines operated by the patrons.

FUNERAL HOME. A building or part thereof used for human funeral, memorial, or celebration of life services. Such building may contain space and facilities for: (a) embalming and the performance of other services used in the preparation of a dead body for burial; (b) the

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Bill No. 24-17

performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; (d) the storage of funeral vehicles; (e) facilities for cremation; or (f) may include accessory space to receive friends and family in conjunction with funeral services.

FURNITURE REPAIR. The craft of refurbishing broken or worn furniture. It may include the preservation or restoration of furniture. Furniture repair includes accessory space or facilities for woodworking, metalworking, wood finishing, caning (furniture), woodturning, and upholstery.

GENERAL MANUFACTURING. The processing or treatment of raw material or the creation of products that require additional processing, fabrication, or assembly for final use.

GUNSMITH. A person who holds an appropriate license from the United States Bureau of Alcohol, Tobacco, and Firearms (ATF), and performs services on an existing firearm that is not for sale or distribution by the licensee, devotes time, attention, and labor to repairing or customizing that existing firearm, making or fitting special barrels, stocks, or trigger mechanisms to an existing firearm, and returning the existing firearm to the customer after the work has concluded as a regular course of trade or business. Manufacturing of firearms is not permitted in conjunction with this use as a Home Occupation.

INDUSTRIAL LAUNDRY AND DRY CLEANING. A building, portion of a building, or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion or agitation, in volatile solvents including, but not by way of limitation, solvents of the petroleum distillate type, or the chlorinated hydrocarbon type, or the processes incidental thereto.

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Bill No. 24-17

1 **LABORATORY, RESEARCH, EXPERIMENTAL AND TESTING.** Facilities for
 2 biotechnology, scientific study, investigation, testing, or experimentation, which may include
 3 accessory uses of warehousing, manufacturing, or offices.

4 ***

5 **LIMITED LANDSCAPE CONTRACTOR.** A business that is limited in scope regarding
 6 structures, total impervious areas, and employees and is principally engaged in the designing,
 7 installing, planting, or maintaining of yards, gardens, or other grounds offsite, including landscape
 8 installation, care and maintenance services; lawn care services (i.e., fertilizing, mowing, seeding,
 9 sod laying, spraying); plant, shrub or tree services (i.e., bracing, planting, pruning, removal,
 10 spraying, trimming); and seasonal property maintenance services (i.e., snow plowing in winter,
 11 landscaping during other seasons).

12 ***

13 **LIMITED MANUFACTURING AND ASSEMBLY.** The use of previously prepared materials
 14 to make finished products or parts, including processing, fabrication, assembly, treatment and
 15 packaging of such products, and incidental storage, sales, or distribution of such products.

16 ***

17 **LIQUOR STORE.** A retailer which sells or offers to sell alcoholic beverages or related goods.

18 ***

19 **LUMBER YARD.** An area used for the storage, distribution, or sale of finished lumber and
 20 lumber products, which may include an accessory use of fabricating lumber products.
 21 Lumberyards may provide for the sale of associated products including tools and fasteners.

22 ***

23 **MINERAL EXTRACTION.** The excavation or extraction of any solid mineral, aggregate, or
 24 substance of commercial value, whether consolidated or loose, found in natural deposits on or in
 25 the earth, including clay, diatomaceous earth, gravel, marl, metallic, ores, sand, shell, soil, and
 26 stone. The term does not include extraction of coal.

27
 28 **MINERAL PROCESSING.** The sorting, breaking, beneficiation, storage, or compounding of
 29 mineral resources.

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Bill No. 24-17

MINERAL SITE. An area comprising, or comprised of, one or more contiguous parcels that is zoned Mineral Mining.

PART SALES AND INSTALLATION. Any building or structure used for the sales and installation of a variety of mechanical parts for repair.

PHOTOGRAPHY STUDIO. A facility primarily engaged in photographic portraits, graphic art, digital art, or video graphic art of a non-obscene nature.

RACETRACKS. A facility built for racing of vehicles, boats, athletes, or animals. A racetrack also may feature grandstands or concourses or other uses that directly support or are ancillary to the use of the racetrack.

RESTAURANT. An establishment where food and beverages are prepared and served for onsite consumption, carry out, or delivery.

SALVAGE YARD. A location where automobile and related materials or parts are stored, bought, sold, accumulated, exchanged, packaged, disassembled, or handled.

SCHOOL, PUBLIC. An educational program for students approved by the Maryland State Department of Education for the teaching of children or adults including elementary and secondary schools, and similar facilities. Charter schools funded by the state are included in this definition. School bus parking is permitted as an accessory use.

SIGN, FREESTANDING OR PYLON. A sign supported by one or more posts, columns, or other vertical structures or supports, and not attached to or dependent on support from any building.

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Bill No. 24-17

SIGN, MONUMENT. A sign supported primarily by an internal ground-mounted structural framework, integrated into landscaping, or other solid structural features but does not include support poles.



START OF CONSTRUCTION.

1. The date the building permit was issued for any development, including new construction and substantial improvements to existing structures, provided that the actual start of construction or improvement was inspected within 180 days of the permit issuance, and;
2. The actual ***START OF CONSTRUCTION***, which is the placement of slab or footings, piles, columns, or any work beyond the stage of excavation; or the actual placement of a manufactured home on the site. For substantial improvement, the ***START OF CONSTRUCTION*** is the first alteration of any structural part of the building. Permanent construction, as used in this definition, does not include land preparation such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basements, footings, piers, foundations, or erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not as part of the main structure.
3. For developments that do not include approval of buildings or structures where grading is the most significant element to establishing the new use, such as recreational fields, the final grading associated with the construction of non-structural improvements.

STONE MONUMENT PROCESSING. The cutting, shaping, engraving, or finishing of marble, granite, slate, or other stone.

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Bill No. 24-17

STONE MONUMENT SALES. Retail sales of stone or other types of monuments manufactured offsite.

TENANT FARMHOUSE. ~~[A single-family detached dwelling or a separate dwelling unit within the principal structure located on a farm.]~~ An accessory residential dwelling used exclusively for the housing of persons who are actively and currently working on the farm.

TOBACCO STORE. A retailer whose business exclusively or primarily involves the sale of tobacco products and related goods.

VARIANCE. A modification of [~~yards, areas or other dimensional requirements~~] height, lot area or yard regulations in this chapter which are not contrary to the public interest. A ***VARIANCE*** may be allowed only when conditions peculiar to the property and not caused by the applicant's actions would make literal enforcement of the dimensional requirements of this chapter an unnecessary hardship.

WAREHOUSE. A use engaged in storage or distribution of manufactured products, supplies, and equipment.

WHOLESALEING. The selling or distributing of merchandise to retailers, to professional businesses, to other wholesalers, or acting as agents or brokers and buying merchandise for or selling merchandise to such individuals or companies.

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