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Frederick County, Maryland Code of Ordinances

DIVISION 3. USE TABLE**§ 1-19-5.300. GENERALLY.**

(A) The official schedule of district regulations follows in §§ 1-19-5.310 and 1-19-6.100 of this Code.

(B) Additional supplementary district regulations are found in §§ 1-19-7.100 through 1-19-7.620 of this Code.

(Ord. 77-1-78, § 40-61, 1-24-1977)

The specific district regulations are set out in § 1-19-5.300 of this Code and are in 2 tables.

(C) Table I is § 1-19-5.310 of this Code and sets out the permitted uses in each zoning district and the type of required development review.

(D) Table II is § 1-19-6.100 of this Code and sets out the minimum lot area, frontage, yards and the maximum building height allowed for permitted uses in each zoning district.

(E) *Unlisted uses.*

(1) A use not specifically listed in § 1-19-5.310 Use Table is presumed to be prohibited, except when:

(a) Permitted in any zoning district by state statute; or

(b) The Zoning Administrator upon request provides a written determination that a proposed use is permitted due to its similarity to a particular use permitted within the zoning district.

(F) A proposed public building or facility owned by, or located on property owned by, the county will be submitted to the Frederick County Planning Commission (FCPC) for nonbinding review and comment. The FCPC will hold a public meeting on the proposed public building or facility, after nonbinding review and comment by the Community Development Division in accordance with §§ 1-19-3.300.1(D)(1) and 1-19-3.300.3 of this chapter.

(Ord. 77-1-78, § 40-60, 1-24-1977; Ord. 08-26-502, 10-14-2008; Ord. 09-21-525, 6-4-2009; Ord. 09-22-526, 7-14-2009; Ord. 14-23-678, 11-13-2014)

§ 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

Uses	Zoning Districts													
	RC	A	R1	R3	R5	R8	R12	R16	VC	MX	GC	ORI	LI	GI
Natural Resources Uses														
Agricultural activities	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Limited agricultural activity			E	E	E	E	E	E						
Apiary	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Agricultural value added processing	P ***	P ***												
Agritourism enterprise	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Nursery retail	PS	PS									PS		PS	PS
Nursery wholesale	P	P									P		P	P
Farm distillery	P***	P***												
Farm distillery tasting room	PS** *	PS** *												
Farm winery	P ***	P ***												
Farm winery tasting room	PS ***	PS ***												
Limited farm alcoholic beverages tasting room	P***	P***												

Farm brewery	P ***	P ***												
Farm brewery tasting room	PS ***	PS ***												
Limited roadside stand	P	P	PS	PS					PS	P S	PS			
Commercial roadside stand	PS	PS	PS	PS					PS	P S	PS			
Forestry	P	P	P	P	P	P	P	P			P		P	P
Sawmill	E	E												PS
Mineral extraction														PS
Mineral processing														PS
Spring water harvesting and storage	E													
Intensive swine farm														
Residential Uses														
Single-family detached	P	P	P	P	P	P	P	P	P	P				
Duplex dwelling			P	P	P	P	P	P	P	P				
Two-family dwelling		P	P	P	P	P	P	P	P	P				
Townhouse				PS *	PS	PS	PS	PS	PS	P S				
Multifamily dwellings						PS	PS	PS	PS	P S				
Multifamily group developments						PS	PS	PS	PS	P S				
Mobile homes	P	P												
Caretaker residence in	PS	PS								PS	P S	P		P

conjunction with a permitted use														
Accessory dwelling unit *****	E	E	E	E	E	E	E	E	E	E				
Temporary Housing														
Bed and breakfast	PS	PS	E	E	E	E	E	E	PS	PS	PS			
Motel, hotel									PS	PS	PS	PS	PS	
Commercial Uses – Retail														
Antique, artisan and craft shops									PS	PS	PS		PS	
Apparel store									PS	PS	PS			
Appliance sales and service									PS	PS	PS			
Auction house									PS		PS		PS	PS
Food stores									PS	PS	PS			
Boats, sales and service											PS		PS	PS
Book and magazine									PS	PS	PS			
Camera									PS	PS	PS			
Convenience stores									PS	PS	PS			
Department store or variety store									PS	PS	PS			
Farm equipment sales or service ****		E							PS		PS		PS	PS
Feed and grain mill		E											PS	PS
Florist									PS	PS	PS			
Furniture									PS	PS	PS		PS	PS

repair														
Shopping center									PS		PS			
Gift/souvenir									PS	PS	PS			
Hardware/garden center									PS	PS	PS			
Hobby shop									PS	PS	PS			
Horse tack and saddlery shop									PS	PS	PS			
Household furnishing									PS	PS	PS			
Jewelry									PS	PS	PS			
Lumber yard											PS		PS	PS
Mobile home sales											PS		PS	PS
Music and record shops									PS	PS	PS			
Office equipment									PS	PS	PS			
Paint store									PS	PS	PS			
Pet store									PS	PS	PS			
Pet training/day care/grooming facility									PS	PS	PS			
Pharmacy									PS	PS	PS			
Radio and TV sales and service									PS	PS	PS			
Shoe store									PS	PS	PS			
Sporting goods									PS	PS	PS			
Stone monument sales									PS	PS	PS		PS	PS
Tobacco									PS	PS	PS			

store														
Toy store									PS	PS	PS			
Liquor store									PS	PS	PS			
Commercial Business and Personal Services														
Advertising agency									PS	PS	PS			
Bank or savings and loan									PS	PS	PS	PS		
Broadcasting studio									PS	PS	PS	PS	PS	PS
Communication towers**	E	E									PS	PS	PS	PS
Barber and beauty shops									PS	PS	PS			
Bus depot											PS		PS	PS
Carpentry, electrical, plumbing, welding, printing, upholstering									PS	PS	PS		PS	PS
Contractors, fencing, pool and siding											PS		PS	PS
Commercial school or education program										PS	PS	PS	PS	
Dance or music studio									PS	PS	PS			
Dry cleaning and laundromat ****									PS	PS	PS			
Funeral home										PS	PS			
Limited landscape contractor		PS												

Landscape contractor		E									PS		PS	PS
Medical clinic									PS	PS	PS	PS	PS	PS
Office business									PS	PS	PS	PS	PS	PS
Office professional					E	E	E	E	PS	PS	PS	PS		
Pawn shop											PS			
Photography studio ****									PS	PS	PS		PS	
Restaurant									PS	PS	PS	PS	PS	
Satellite simulcast betting facility											PS		PS	PS
Country inn	E	E												
Wholesaling and Processing														
Agricultural products processing	E	E									PS		PS	PS
Bottling plant											PS		PS	PS
Contractors, equipment and material storage yard														PS
Carpet or rug cleaning ****											PS		PS	PS
Contractors office and storage													PS	
Petroleum products storage ****													PS	PS
Laboratory research, experimental or testing											PS	PS	PS	PS
Industrial laundry and													PS	PS

dry cleaning ****														
Self-storage units											PS		PS	PS
Stone monument processing											PS		PS	PS
Wholesaling and/or warehouse											PS		PS	PS
Yard storage														PS
Automobile and Related Services														
Part sales and installation										PS	PS	PS		PS
Automobile filling and service station ****										PS	PS	PS		PS PS
Carwash										PS		PS		PS
Automobile repair or service shop ****										E	E	PS		PS PS
Sales and service center ****												PS		PS PS
Salvage yard ****														PS
School bus parking	E	E								E		PS		PS PS
Truck stop and filling station service facility ****														PS
Recreational vehicle storage facility		E										PS		PS PS
Motor freight terminal ****														PS PS

Animal Care and Service

Animal hospital or veterinary clinic		E							E	PS	PS			
Kennel		E							E		E			
Auction sales – animals		PS									PS		PS	PS

Commercial Amusements

Bowling alley									PS	PS	PS			
Carnival, circus		X	X						X	X	X		X	X
Race tracks											PS		PS	PS
Motorcycle hill climb														T
Health club, fitness center, vocational training facility									PS	PS	PS		PS	
Tennis club				E	E	E	E	E		PS	PS			
Golf course ****			PS	PS	PS	PS	PS	PS						
Skating rink										P S	PS			
Swimming pool, commercial										P S	PS			
Theater, drive-in or outdoor stage											PS		PS	PS
Theater, indoor									PS	PS	PS		PS	
Zoo/botanical garden/arboretum											PS			
Museums/gallery									PS	PS	PS			
Night club, tavern,											PS		PS	

lounge														
Outdoor sports recreation facility		PS									PS		PS	PS
Rodeo		E												
Indoor sports recreation facility										PS	PS		PS	
Industrial Uses														
Limited manufacturing and assembly use												PS	PS	PS
General manufacturing														PS
Open Space and Institutional														
Airports, public ****													PS	PS
Cemetery/memorial gardens		PS	PS											
Fairground											PS		PS	PS
Shooting range/club - trap, skeet, rifle, archery	E	E											PS	PS
Aircraft landing and storage areas, private		E											E	E
Aircraft landing and storage areas, private - commercial use		E											E	E
Tent campground	E	E												
Rustic retreat/cam	E	E												

p/outdoor club														
<i>Institutional</i>														
Child care center/nursery school		E	E	E	E	E	PS	PS	PS	PS	PS		E	
Civic community center		E	PS	PS	PS	PS	PS	PS	PS	PS	PS			
Civic service clubs		E	P				PS	PS	PS	PS	PS			
Comprehensive physical rehabilitation facility								PS	PS	PS	PS	PS		
Group homes, small private	P	P	P	P	P	P	P	P	P	P				
Group home, large		PS	PS	PS	PS	PS	PS	PS	PS	PS				
Hospital								PS	PS	PS	PS			
Assisted living facility			PS	PS	PS	PS	PS	PS	PS	PS	PS			
Nursing home			PS	PS	PS	PS	PS	PS	PS	PS				
Place of worship	E	PS	PS	E	PS	PS	PS	PS	PS	PS	PS		PS	
Private school		PS	PS	PS	PS	PS	PS	PS	PS	PS	T	T	T	
Community fire and rescue service		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
<i>Governmental and Nongovernmental Utilities</i>														
Arena or stadium											PS		PS	PS
College or university			PS	PS	PS	PS	PS	PS	PS	PS	PS			
Public school	-	PS	PS	PS	PS	PS	PS	PS	PS	PS	T	T	T	
Nongovern	E	E	E	E	E	E	E	E	E		PS		PS	PS

mental utility														
Nongovernmental electric substation													E	E
Solar facility, commercial													PS	PS
Solid Waste Operations														
Borrow pit operations		PS											PS	PS
Industrial waste landfill ****		E												E
Rubble landfill		SW												SW
Recycling pickup and distribution centers													PS	PS
RRF (Resource Recovery Facility - Separated Recyclables)		SW											SW	SW
RRF (Resource Recovery Facility - Nonseparated Materials)														SW
Composting :														
Limited food waste composting : agricultural activity ****		P												
Limited food waste composting : commercial activity ****		PS												
Limited		E												E

wood waste recycling facility														
Unlimited wood waste recycling facility		SW												SW
Sludge amended yard waste		SW											SW	SW
Solid waste composting		SW											SW	SW
Sludge pit		E												

* Townhouses will be permitted only within MPDU developments; however, in no event shall the number of townhouses exceed 50% of the total number of units within the MPDU project.

** Communication towers not permitted in residential districts, PUD, or MXD districts with a residential component

*** A zoning certificate is required to be obtained prior to the initiation of the processing operation and/or prior to any building construction related to farm winery, farm brewery, farm distillery, farm distillery tasting room, farm winery tasting room, farm brewery tasting room, or limited farm alcoholic beverages tasting room.

**** These uses are prohibited within wellhead protection areas; outside of WHPA the location and containment of hazardous substance for these uses must meet the requirements of § 1-6-50.

***** A limited accessory dwelling unit may be approved as an accessory use where the provisions in § 1-19-8.212 are met (see also § 1-19-8.240, and § 1-19-8.321)

(B) *Permitted uses and required development review for limited zoning districts.*

(1) *Euclidean Institutional Zoning District (Ie).* The following uses are permitted within the Euclidean Institutional Zoning District:

(a) College or university, public school, private school, private school in conjunction with a place of worship, or residential treatment center in conjunction with a private school, a continuing care retirement community (CCRC), and agricultural activities as defined in § 1-19-11.100, subject to all other requirements of this chapter. The continued or further application of this zoning district to land uses not meeting these standards is not permitted. Caretaker residence in conjunction with a permitted use is specifically allowed as an accessory use. (See also § 1-19-8.480.)

(Ord. 77-1-78, §40-61A, 1-24-1977; Ord. 79-5-131, 3-27-1979; Ord. 79-19-145, 8-7-1979; Ord. 80-24-176, 8-26-1980; Ord. 80-25-177, 8-26-1980; Ord. 80-31-183, 10-7-1980; Ord. 81-2-192, 1-27-1981; Ord. 81-29-219, 9-29-1981; Ord. 82-19-263, 9-7-1982; Ord. 83-15-282, 6-7-1983; Ord. 83-23-290, 10-11-1983; Ord. 83-29-296, 12-20-1983; Ord. 84-5-301, 4-3-1984; Ord. 84-34-331, 12-24-1984; Ord. 85-6-338, 1-8-1985; Ord. 85-34-366, 8-8-1985; Ord. 85-45-377, 12-3-1985; Ord. 86-5-382, 4-22-1986; Ord. 86-16-393, 5-13-1986; Ord. 86-37-414, 8-26-1986; Ord. 86-49-426, 9-23-86; Ord. 86-53-130, 10-28-1986; Ord. 88-12-489, 5-3-1988; Ord. 89-1-532, 1-3-1989; Ord. 89-14-545, 3-7-1989; Ord. 89-51-582, 8-15-1989; Ord. 90-03-601, 2-6-1990; Ord. 90-30-628, 6-19-1990; Ord. 90-44-642, 11-20-1990; Ord. 90-46-644, 11-20-1990; Ord. 91-02-

002, 3-22-1991; Ord. 91-13-013, 6-4-1991; Ord. 91-32-032, 11-19-1991; Ord. 92-22-057, 10-06-1992; Ord. 92-23-058, 10-6-1992; Ord. 93-19-083, 9-13-1993; Ord. 93-28-092, 11-9-1993; Ord. 95-02-126, 3-2-1995; Ord. 95-28-152, 12-5-1995; Ord. 96-26-178, 12-17-1996; Ord. 97-17-195, 12-2-1997; Ord. 98-08-210, 4-21-1998; Ord. 99-02-229, 3-16-1999; Ord. 99-06-233, 5-18-1999; Ord. 99-14-241, 11-23-1999; Ord. 00-04-246, 4-4-2000; Ord. 00-28-270, 9-7-2000; Ord. 01-03-277, 3-6-2001; Ord. 03-09-332, 6-3-2003; Ord. 05-25-386, 9-27-2005; Ord. 05-29-390, 10-25-2005; Ord. 06-42-438, 11-30-2006; Ord. 07-16-456, 5-15-2007; Ord. 07-27-467, 6-19-2007; Ord. 07-31-471, 10-15-2007; Ord. 08-07-483, 4-10-2008; Ord. 08-26-502, 10-14-2008; Ord. 09-21-525, 6-4-2009; Ord. 09-22-526, 7-14-2009; Ord. 10-04-539, 3-11-2010; Ord. 10-18-533, 5-4-2010; Ord. 10-20-555, 8-24-2010; Ord. 10-26-561, 11-9-2010; Ord. 10-31-566, 12-21-2010; Ord. 11-06-572, 5-17-2011; Ord. 11-25-591, 10-27-2011; Ord. 11-28-594, 11-22-2011; Ord. 12-08-603, 4-17-2012; Ord. 12-23-618, 9-6-2012; Ord. 13-25-653, 10-31-2013; Ord. 14-23-678, 11-13-2014; Bill No. 17-04, 5-2-2017; Bill No. 17-07, 5-16-2017; Bill No. 17-11, 7-18-2017; Bill No. 18-10, 5-1-2018; Bill No. 18-16, 8-21-2018; Bill No. 18-22, 10-16-2018)