

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

ORDINANCE NO: G-18-17

AN ORDINANCE concerning residential building heights in the R4 and R6 zoning districts

FOR the purpose of reducing the allowable building height of certain single family dwelling units; clarifying language; and generally relating to building heights within The City of Frederick

BY repealing and reenacting, with amendments,

§ 405

Appendix A, "Land Management Code"

The Code of the City of Frederick, 1966 (as amended)

BY repealing and reenacting, with amendments,

§ 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OF FREDERICK, that The Code of the City of Frederick, 1966 (as amended), Appendix A (Land Management Code), § 405 be repealed and reenacted, with amendments, as follows: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	[40] See subsection (f) of this section.	25	8	30	.4
R6 Single-Family Dwelling	7,000	6.0	50	[40] 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, 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.

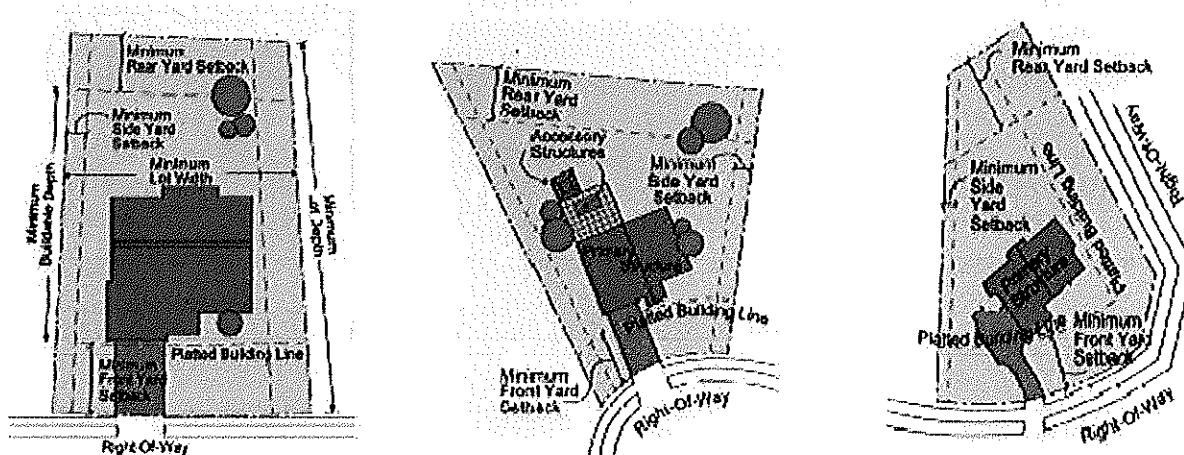
Column (E): Building height is expressed in feet. See subsection (f) of this section for rules of measurement for residential structures. [Except as specifically provided elsewhere in the LMC, no part of any structure shall project beyond the building envelope defined by the minimum street and interior setbacks and the maximum heights established in the Dimensional Matrix for the zoning district in which such structure is located.]

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 Limits ***
- (c) MO District—Standards setback and modifications ***
- (d) Modification to Front and Interior yard setbacks***
- (e) Density Bonus for MPDUs. ***
- (f) 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' as measured to the highest point of the roof; and
 - (B) with a pitched roof is 35' as measured at the midpoint between the eaves and the highest point of the roof, not to exceed 40' at its highest point.
- (g) 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 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), § 1002, be repealed and reenacted, with amendments, by amending a certain definition as indicated below:


Building Height. The height is measured from the average finished grade ground level along the [side of the building nearest the street] front façade to either the highest point of a flat roof or to the point one-half the distance between the eaves and the highest point of a pitched roof.

SECTION III. 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 IV. BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, that his ordinance shall take effect on September 16, 2018 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] indicate material deleted
Underlining indicates material added
*** indicates no change

APPROVED: September 6, 2018



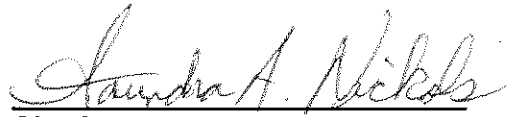
Michael C. O'Connor, Mayor

PASSED: September 6, 2018



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

Approved for Legal Sufficiency:



City Attorney