



FREDERICK COUNTY PLANNING COMMISSION
December 11, 2019 9:30 a.m.

TITLE: Bill #19-16 Scuba Facility in Mineral Mining Districts

FILE NUMBER: N/A

REQUEST: Bill #19-16 Scuba Facility in Mineral Mining Districts Public Hearing

PROJECT INFORMATION: N/A

APPLICANT/REPRESENTATIVES: Council Vice President Michael Blue

STAFF:

RECOMMENDATION: That the Planning Commission provide a recommendation to the Frederick County Council regarding the Text Amendment.

ATTACHMENTS:
Proposed Bill
Summary Memorandum



FREDERICK COUNTY GOVERNMENT

Jan H. Gardner
County Executive

DIVISION OF PLANNING & PERMITTING

Steven C. Horn, Division Director

To: Frederick County Planning Commission

From: Steven C. Horn, Director, Planning & Permitting Division *sch.*

Date: November 13, 2019

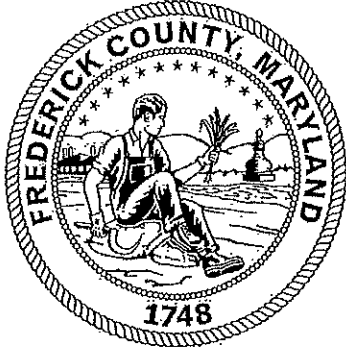
Subject: Bill #19-16 Scuba Facility in Mineral Mining Districts

Attached, please find the proposed Bill and related fiscal and policy note received from Council Vice President Michael Blue. The Council has requested a review and comment from the Planning Commission on this Bill.

Thank you for your attention to this matter.

Attachment

Proposed Bill
Council Memo



Bill No. 19-16

Concerning: Scuba Facility in Mineral Mining Districts

Introduced: November 5, 2019

Revised: _____ Draft No. _____

Enacted: _____

Effective: _____

Expires: February 3, 2020

Frederick County Code, Chapter 1-19

Section(s) 10, 11

COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council Vice President Michael Blue

AN ACT to: Add "scuba facility" to the list of permitted uses within the Mineral Mining Districts.

Executive: _____ Date Received: _____

Approved: _____ Date: _____

Vetoed: _____ Date: _____

By amending:

Frederick County Code, Chapter, 1-19 Section(s) 10, 11

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. 19-16

The County Council of Frederick County, Maryland, finds it necessary and appropriate to amend §1-19-10 and §1-19-11 Land Use in the Mineral Mining Districts of the Frederick County Zoning Ordinance to define and add “scuba facility” to the list of permitted uses within the mineral mining district. This will also add a new §1-19-8 Accessory Uses In The Mineral Mining Districts.

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.

M.C. Keegan-Ayer, President
County Council of Frederick County,
Maryland

§ 1-19-8.251. ACCESSORY USES IN THE MINERAL MINING DISTRICTS.

(A) A scuba facility is permitted as an accessory use in a mineral mining district provided the scuba facility:

- (1) Utilizes an existing, open-pit mine fed by a natural spring;
- (2) Has setbacks a minimum of 50 feet from all property lines and 300 feet from all mineral extraction, hauling, and processing operations; and
- (3) Receives approval from the Maryland Department of the Environment prior to site plan approval.

(B) Other uses operated in conjunction with the mineral extraction such as business office, caretaker or watchman structures, or facilities for the repair of equipment used in conjunction with the mining operation are permitted as accessory uses in a mineral mining district.

(C) All accessory uses in a mineral mining district shall occupy no more than 25% of the land zoned mineral mining.

§ 1-19-10.400.6 LAND USE

Mineral mining, as used herein, applies to the extraction and processing of crushed stone, building stone, sand, clay, limestone, gravel deposits, and other minerals mined in a quarry type operation. The standards set forth in this section do not regulate or permit the extraction of metallic minerals, fossil fuels or other minerals not specifically enumerated above.

(A) The uses permitted in the mineral mining district shall be agricultural activities and forestry activities permitted in the agricultural zone over which the mineral mining designation was attached and the following:

- (1) Mineral extraction and processing, including grinding, polishing, washing, mixing and sorting, stockpiling, and manufacture of finished products which contain at least 40% of material derived on site;
- (2) Borrow pits and rubble fills; and
- ~~(3) Accessory uses operated in conjunction with the mineral extraction such as business office, caretaker's or watchman's structures, or facilities for the repair of equipment used in conjunction with the mining operation.~~
- (4) All accessory uses shall occupy no more than 25% of the land zoned mineral mining.]
- (3) Those accessory uses listed under § 1-19-8.251

Underlining indicates entirely new matter added to existing law.

[Single boldface brackets] indicates matter deleted from existing law.

*** - indicates existing law unaffected by bill

Bill No. 19-16

§ 1-19-11.100. DEFINITIONS.

SCUBA FACILITY. Any building, structure or area of land and water that is used for scuba diving education and recreation. A Scuba Facility may include facilities for bathrooms, showers, storage of supplies, scuba tank refueling, and other uses that are customarily incidental to a scuba facility.

Underlining indicates entirely new matter added to existing law.
[Single boldface brackets] indicates matter deleted from existing law.
*** - indicates existing law unaffected by bill

Bill No. 19-16



FREDERICK COUNTY GOVERNMENT
COUNTY COUNCIL

To: County Council
From: Council Vice President Michael Blue
Date: November 5, 2019
Subject: Scuba Facility in the Mineral Mining Districts

Issue:

Should the Frederick County Council amend Chapter 1-19 of the Frederick County Code (Land Use) and create a new § 1-19-8.251 Accessory Uses in the Mineral Mining Districts?

Background:

Currently there is no definition for scuba diving in the Frederick County Code. Accessory uses in the mineral mining districts do not include a scuba facility.

What will the new bill do?

This bill will define a scuba facility and add it as an accessory use in a Mineral Mining District permitting scuba diving education and recreation, including bathrooms, showers, storage, and scuba tank refueling center.

