



Bill No. _____
Concerning: Sugarloaf Rural Heritage Overlay
District and related provisions.
Introduced: _____
Revised: _____ Draft No. _____
Enacted: _____
Effective: _____
Expires: _____
Frederick County Code, Chapter 1-19
Section(s) 7.700, 7.710, 7.720, 7.730, 7.740, 8.332,
10.700 and 11.100

COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: TRACK CHANGES Version 4-11-2023

AN ACT to: Add the Sugarloaf Rural Heritage Overlay District to the County Zoning Code, and provisions governing uses, activities and design standards. Supplement existing Code provisions related to Communication Towers and Commercial Solar Facilities to include criteria for those facilities located in the Sugarloaf Rural Heritage Overlay District. Add a definitions of Timber Harvest Streamside Management Zone, Limited Outdoor Sports Recreation Facility, and Temporary Sawmill.

Date Council Approved: _____ Date Transmitted to Executive: _____

Executive: _____ Date Received: _____

Approved: _____ Date: _____

Vetoed: _____ Date: _____

Date returned by County Executive with no action: _____

By amending:

Frederick County Code, 1-19 Sections 7.700, 7.710, 7.720, 7.730, 7.740, 8.332, 10.700 and 11.100

Other: _____

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law.</i>
[Single boldface brackets]	<i>Deleted from existing law.</i>
* * *	<i>Existing law unaffected by bill.</i>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Bill No. _____

The County Council of Frederick County, Maryland, finds it necessary and appropriate to add the Sugarloaf Rural Heritage Overlay District to the County Zoning Code, and provisions governing uses, activities and design standards. Supplement existing Code provisions related to Communication Towers and Commercial Solar Facilities to include criteria for those facilities located in the Sugarloaf Rural Heritage Overlay District. Add ~~a~~ definitions of Timber Harvest Streamside Management Zone, Limited Outdoor Sports Recreation Facility, and Temporary Sawmill.

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~~ Brad Young, President
County Council of Frederick County,
Maryland

Chapter 1-19 (Zoning)

ARTICLE VII: SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 7. SUGARLOAF DISTRICT

§1-19-7.700. SUGARLOAF RURAL HERITAGE OVERLAY DISTRICT

Purpose and Intent

The Sugarloaf Planning Area contains high quality natural resources and unique features that support a vast, diverse, and healthy environment. Special protection measures are appropriate to protect those resources, environments, and features. The intent in creating this Overlay District is to ensure the long-term sustainability, health, and integrity of natural environmental systems, and maintain and protect the ecological function and rural qualities of the landscapes that comprise the Sugarloaf Planning Area. The criteria, standards, and review procedures for proposed land development activities within the Overlay District are intended to minimize or eliminate adverse impacts to water quality, forest resources, wildlife habitats, and scenic and rural landscape elements.

§1-19-7.710. DEVELOPMENT IN THE SUGARLOAF RURAL HERITAGE OVERLAY ZONING DISTRICT.

(A) Applications for a subdivision, site development plan, special exception, individual zoning map amendment, or floating zone approval must include an environmental and natural features map at a minimum scale of 1 inch = 100 feet, and identify the existing conditions (e.g., pre-development) and features of the site proposed for development, including the following:

- (1) Intermittent and perennial streams, drainage courses, and flow paths, including stream setbacks as required in 1-19-9.400 of this chapter;
- (2) Areas of 100-year floodplain as depicted by the Federal Emergency Management Agency (FEMA) flood insurance rate maps, or amendments thereto, including floodplain as required in 1-19-9.110 of this chapter;
- (3) Topography at a minimum of 5 foot contours unless otherwise required by the Division;
- (4) Moderate Slopes (15% to <25%) and Steep Slopes (25% and greater);
- (5) Wet soils and flooding soils, including buffers;
- (6) Tree lines, forested areas, and rock formations and outcroppings;
- (7) Wetlands and their buffers, including the total acreage; and
- (8) Any other relevant information as required by the Division.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37

(B) Forest cutting or clearing activities associated with land development must be minimized. All forest cutting or clearing activities are subject to the forest resource regulations in Chapter 1-21 of this Code.

(C) Applications for a subdivision, site development plan, individual zoning map amendment, or floating zone for a site identified by the Maryland Department of Natural Resources as a Green Infrastructure Hub or Corridor will be referred by the County to the Maryland Department of Natural Resources' Wildlife and Heritage Service for comment.

(D) To ensure safety and full consideration of the impact on the transportation network, natural resources, and the rural character of the Overlay District, site development plans must be submitted for the development of:

(1) A Wholesale Nursery if a structure or building or greenhouse or other indoor growing facility is proposed;

(2) An Agritourism Enterprise that proposes a new structure or building ~~intended to be open to the public or invited groups for education or recreational purposes, including party facilities. intended to be used as a farm museum, for agricultural products or skills classes, or as a picnic and party facility.~~

(3) Site development plans will be reviewed by the Planning Commission ~~and approved if all applicable criteria have been satisfied.~~

§1-19-7.720. DESIGN STANDARDS NON-RESIDENTIAL DEVELOPMENT.

(A) Except for ~~non-residential structures, storage structures less than 300 square feet in area, and or~~ buildings used solely for Agricultural Activity as defined in 1-19-11.440100, all new ~~non-residential~~ improvements, including an expansion or enlargement of an existing ~~non-residential~~ structure or building within the Overlay District must incorporate the following design standards in addition to all other applicable requirements of the Zoning Ordinance:

(1) Structure and building design must include architectural elements at entrances and areas where the structure or building is visible from a road or public right-of-way including, but not limited to: changes in building plane, windows, doorways, overhanging eaves, and shutters. Structures and buildings may not include large expanses of undifferentiated facades or long plain wall sections. Mechanical equipment, utilities, and facilities such as, refuse containers or outside storage must be located away from primary access points to the greatest extent practicable;

(2) Only ground level (<4 ft.) and non-residential building-mounted ~~or pole-mounted~~ lighting not exceeding ~~44~~18 feet in height is permitted, and are in addition to the other applicable requirements in 1-19-6.500 of the Zoning Ordinance;

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

1 (a) Modification. An applicant may request that the Planning Commission approve a
2 modification to the requirements of §1-19-7.720 (2) or that the Zoning Administrator or
3 Planning Commission authorized representative approve a modification to the
4 requirements of §1-19-7.720 (2) of this section. The applicant's request shall include
5 written justification describing why taller or additional lighting fixtures are required or
6 beneficial for the proposed use.

7 (3b) Lighting plans approved under §1-19-7.720(2)(a) must include elements that
8 reduce negative impacts to wildlife migration, nocturnal habits, and circadian rhythms,
9 such as the utilization of lights with amber or yellow tints instead of blue or white light and
10 the use of timers, motion detectors, and light-sensitive switches to actively regulate the
11 emission of light from light fixtures; and

12 (3) If located within 100 feet of the paved surface of a public road, Site-site entrance
13 walls, bridges, guardrails, fencing, signage, and lighting proposed in conjunction with non-
14 residential site improvements, must be designed and styled with treatments and materials
15 compatible with the rural and natural setting.

16 (B) Size of Structures and Buildings.

17 Unless exempt under subsection (3) or approved pursuant to subsection (4) below,
18 the footprint of all non-residential structures and buildings constructed on a lot or parcel
19 after **effective date of this Bill**, ~~2022–2023~~ may not exceed ~~4510,000~~
20 square feet.

21 (1) An expansion or enlargement of an existing non-residential structure or building
22 may not increase the footprint of the structure or building above ~~4510,000~~ square feet.

23 (2) “Footprint” includes the boundaries of the exterior walls, areas covered by a roof
24 structure, decks, porches, concrete or asphalt slabs in proximity to or associated with a
25 structure or building.

26 (3) New or expanded non-residential structures or buildings are exempt from the
27 ~~4510,000~~ square foot footprint limit if the structure or building is used solely for:

- 28 (a) Agricultural Activity, as defined in 1-19-11.100;
- 29 (b) Apiary;
- 30 (c) Agricultural value added processing;
- 31 (d) Agritourism enterprises;
- 32 (e) Nursery, retail;
- 33 (f) Nursery, wholesale;
- 34 (g) Farm distillery;
- 35 (h) Farm distillery tasting room;
- 36 (i) Farm winery;
- 37 (j) Farm winery tasting room;
- 38 (k) Limited farm alcoholic beverages tasting room;

Underlining indicates entirely new matter added to existing law.

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

*** - indicates existing law unaffected by bill

- 1 (l) Farm brewery;
- 2 (m) Farm brewery tasting room;
- 3 (n) Limited roadside stand;
- 4 (o) Commercial roadside stand;
- 5 (p) Feed and grain mill
- 6 (q) Agricultural products processing

7

8 In conjunction with a Site Plan Submission, a request may be made to exceed the
 9 1510,000 square foot building footprint limitation. Approval may be granted by the
 10 Planning Commission if it finds that:

- 11
- 12 (a) The specialized functional and operational needs of the proposed use requires
 13 that the non-residential structure or building footprint exceed 1510,000 square
 14 feet; and
- 15
- 16 (b) The proposed site design elements, ~~and~~ building design features, ~~such as~~
 17 ~~enhanced energy efficiency, water conservation (e.g., re-use, consumption~~
 18 ~~reductions), and stormwater runoff controls, or other measures utilized will~~
 19 minimize or eliminate the negative impacts on natural resources, local
 20 infrastructure such as roads and bridges, the aural environment, and the
 21 character of other properties located within the Overlay District surrounding
 22 ~~properties~~ that result from the development proposal and the increased building
 23 footprint.

24 **§ 1-19-7.730. TREE CUTTING AND FORESTRY ACTIVITIES.**

25 Commercial logging or timber harvest operations require the issuance: of a grading
 26 permit, an approved timber harvest plan, an approved sediment and erosion control plan,
 27 and stream crossing/wetlands permits if wetlands are impacted.

28 (A) The Frederick County Forest Conservancy Board is the reviewing and approval
 29 agency for the timber harvest plan.

30 An application for approval of a timber harvesting plan must include:

- 31 (1) A forest harvest map that graphically depicts the following:
- 32
- 33 (a) steep slopes and moderate slopes;
- 34 (b) intermittent and perennial streams and associated;
- 35 (c) drainage networks/flow paths;
- 36 (d) locations of all crossings of perennial and intermittent streams;
- 37 (e) wetlands, springs, seeps;
- 38 (f) property boundaries;

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

- 1 (g) locations of plots for harvest;
- 2 (h) location of all forested areas on the parcel/lot;
- 3 (i) streamside management zone/riparian areas;
- 4 (j) no-cut areas;
- 5 (k) planned skid trails – numbers and locations;
- 6 (l) planned haul roads – numbers and locations;
- 7 (m) planned landing area(s)- location(s) and approximate size(s);
- 8 (n) site entrance/access location(s); and
- 9 (o) map title, scale, north arrow.

10
11 (2) A written narrative that identifies:

- 12
- 13 (a) Landowner objectives;
- 14 (b) Size of parcel(s);
- 15 (c) Total acreage in planned harvest;
- 16 (d) Location of forest;
- 17 (e) Type of cutting (e.g., intermediate thinning, clearcut, shelterwood, seed tree,
- 18 uneven-aged selection, etc.);
- 19 (f) Description of forest stand characteristics (pre- and post-harvest), including
- 20 species composition, age class diversity, tree species diversity, presence of
- 21 non-native, invasive species and measures to manage non-native invasive
- 22 species post-harvest;
- 23 (g) Flagging and tree marking guide details for log landing areas, streamside
- 24 management zones, and contemplated skids trails and haul roads;
- 25 (h) Techniques, methods, and devices proposed to minimize runoff and erosion,
- 26 and to reduce sedimentation in perennial and intermittent streams, river, lakes,
- 27 and ponds from harvest areas, haul roads, skid trails, log landings, and site
- 28 entrances; and
- 29 (i) Name, address, phone number, email address of property owner and report
- 30 preparer(s).

31 (B) The Frederick Soil Conservation District is the reviewing and approval agency for an

32 erosion and sediment control plan.

33 (C) The Maryland Department of the Environment is the reviewing and approval agency

34 for permits for perennial and intermittent stream crossings, and for wetland impacts.

35 (D) For property located within a Timber Harvest Streamside Management Zone, the

36 following restrictions apply:

- 37 (1) No tree harvest or removal may occur within 50 feet of the bank along all sides of
- 38 a perennial or intermittent stream, river, lake, or pond;
- 39 (2) No refueling or cleaning of equipment may occur;
- 40 (3) No log landing areas are permitted; and

Underlining indicates entirely new matter added to existing law.

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

*** - indicates existing law unaffected by bill

1 (4) Skid trails and haul roads must be minimized

2
3 **§ 1-19-7.740. PROHIBITED USES.**

4 In addition to the prohibited uses set forth in §1-19-5.310. Use Table, ~~The~~ the following
5 uses are prohibited on properties in the Sugarloaf Rural Heritage Overlay Zoning District
6 with Agricultural zoning:

7 (a) Sawmill;

8 ~~(b) springwater harvesting and storage;~~

9 ~~(e)(b)~~ recreational vehicle storage facility;

10 ~~(d)(c)~~ carnival/circus;

11 ~~(e)(d)~~ rodeo;

12 ~~(f)(e)~~ shooting range/club-trap, skeet, rifle, archery;

13 ~~(g)(f)~~ aircraft landing and storage areas for private-commercial use;

14 ~~(h)(g)~~ outdoor sports recreation facility;

15 ~~(i)(h)~~ borrow pit operations;

16 ~~(j)(i)~~ industrial waste landfill;

17 ~~(k)(j)~~ rubble landfill;

18 ~~(l)(k)~~ resource recovery facility-separated recyclables;

19 ~~(m)(l)~~ limited food waste composting-commercial activity;

20 ~~(n)(m)~~ unlimited wood waste recycling facility;

21 ~~(o)(n)~~ sludge amended yard waste;

22 ~~(p)(o)~~ solid waste composting;

23 ~~(q)(p)~~ sludge pit.

24 In addition to the prohibited uses set forth in §1-19-5.310. Use Table, the following uses
25 are prohibited on properties in the in the Sugarloaf Rural Heritage Overlay Zoning District
26 with Resource Conservation zoning:

27 (a) sawmill;

28 (b) shooting range/club-trap, skeet, rifle, archery.

29
30 The following uses are exempt from the specific restrictions set forth in §1-19-7.710
31 through §1-19-7.740 Sugarloaf Rural Heritage Overlay Zoning District:

32 (a) limited outdoor sports recreation facility;

33 (b) temporary sawmill;

34 (c) archery as an accessory to a permitted use.

35
36

Underlining indicates entirely new matter added to existing law.

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

*** - indicates existing law unaffected by bill

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

ARTICLE VIII: SPECIFIC USE REGULATIONS
DIVISION 3. SPECIAL EXCEPTION USES

§ 1-19-8.332. COMMUNICATION TOWERS IN RC AND A DISTRICTS.

(G) Within the Sugarloaf Rural Heritage Overlay District, towers must be camouflaged, disguised, or concealed to provide an appearance, texture, and color that is compatible and blends in with the native vegetation of the area and maintains a physical and locational contextual scale. If a tower or antenna is incorporated into, or located on, adjacent, or near to an existing structure or building, the tower or antenna design must be compatible with the scale, size, and architectural style of the structure or building, surrounding buildings, and surrounding infrastructure.

(H) ~~(G)~~ The zoning certificate issued for a special exception shall be valid for a period of 5 years from the date that the decision of the Board of Appeals is signed. This zoning certificate shall be renewed for additional 5 year periods after review by the Board of Appeals at a regular meeting. The following are the only grounds on which renewal of a certificate may be denied.

- (1) The permittee has failed to comply with the conditions of the special exception approval.
- (2) The facility has not been maintained in a safe condition.
- (3) The Board of Appeals determines that the use of the tower for wireless communications has ceased for a period of 6 months.

(I) ~~(H)~~ All special exception approvals must also comply with the requirements of § 1-19-8.420.2.

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

1
2
3 **ARTICLE X: OPTIONAL METHODS OF DEVELOPMENT**
4 **DIVISION 7. SOLAR FACILITY, COMMERCIAL FLOATING ZONE**
5 **DISTRICT**

6
7 **§ 1-19-10.700. SOLAR FACILITY - COMMERCIAL FLOATING ZONE DISTRICT.**

8 *****

9 (C) Approval criteria.

10 *****

11 ~~(8) Within the Sugarloaf Rural Heritage Overlay Zoning District, solar facilities and~~
12 ~~panels may not be constructed or installed on gradients of 15% or greater; solar facilities~~
13 ~~and panels must be set back not less than 100 feet from a perennial or intermittent stream.~~
14 ~~Not more than 12% of the existing forest cover the tract or tracts of land can be removed~~
15 ~~or cleared for the construction or installation of solar facilities and panels. In buffering and~~
16 ~~screening areas not required to be used for forest mitigation, native grasses and~~
17 ~~wildflowers must be planted and maintained.~~

18 ~~(9)(8)~~ The applicant must comply with all applicable federal and state regulations,
19 including but not limited to obtaining a certificate of public convenience and necessity
20 from the Public Service Commission if required, and in the removal and disposal of the
21 solar facility and all of its components.

22 ~~(10)(9)~~ All solar facilities and panel disconnects must be mapped and registered with
23 the Frederick County Division of Fire and Rescue Services.

24 ~~(11)(10)~~ If for a period of 6 months, the solar facility ceases to generate electricity or
25 is disconnected from the electric grid, the approval will terminate. The property owner
26 shall remove the solar facility within 90 days after termination. The property owner shall
27 ensure the solar facility removal and disposal by posting an acceptable monetary
28 guarantee with the County on forms provided by the office of the Zoning Administrator.
29 The guarantee shall be for an amount equal to a cost estimate approved by the Zoning
30 Administrator for the removal and disposal of the solar facility, plus a 15% contingency. If
31 a guarantee for the cost of removal and disposal of the solar facility is required by and
32 provided to a state entity, the Zoning Administrator may accept documentation of the
33 posting of the guarantee with the state entity as satisfaction of this requirement.

34 ~~(12)(11)~~ If approval of the application is granted it may include conditions and
35 restrictions deemed necessary to fulfill these criteria and to protect the intent of the
36 agricultural/rural land use designation.

Underlining indicates entirely new matter added to existing law.

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

*** - indicates existing law unaffected by bill

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

Article XI: Definitions

§1-19-11.100. DEFINITIONS.

Timber Harvest Streamside Management Zone. The area within 50 feet of the bank along all sides of a perennial or intermittent stream, river, lake, or pond.

Sawmill, Temporary. The temporary use of property where logs are debarked and sawn into dimensional lumber utilizing a portable sawmill. Such operations may include but are not limited to, processing, drying, finishing, or shipping of lumber, and commercial firewood processing. A temporary sawmill shall operate for no longer than one year.

Limited Outdoor Sports Recreation Facility The use of property for outdoor recreational activities including but not limited to field sports, equestrian activities, or any combination thereof, where amplified sound is prohibited, lighting is limited to what is necessary for safety purposes and does not enable nighttime recreation, clearing is minimized, and the total developed area of the site does not exceed 10 acres. This use may also include buildings accessory to the primary use of limited outdoor sports recreation 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. _____
Concerning: Sugarloaf Rural Heritage Overlay
District and related provisions.
Introduced: _____
Revised: _____ Draft No. _____
Enacted: _____
Effective: _____
Expires: _____
Frederick County Code, Chapter 1-19
Section(s) 7.700, 7.710, 7.720, 7.730, 7.740, 8.332,
10.700 and 11.100

COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: CLEAN Version 4-11-2023

AN ACT to: Add the Sugarloaf Rural Heritage Overlay District to the County Zoning Code, and provisions governing uses, activities and design standards. Supplement existing Code provisions related to Communication Towers and Commercial Solar Facilities to include criteria for those facilities located in the Sugarloaf Rural Heritage Overlay District. Add definitions of Timber Harvest Streamside Management Zone, Limited Outdoor Sports Recreation Facility, and Temporary Sawmill.

Date Council Approved: _____ Date Transmitted to Executive: _____

Executive: _____ Date Received: _____

Approved: _____ Date: _____

Vetoed: _____ Date: _____

Date returned by County Executive with no action: _____

By amending:

Frederick County Code, 1-19 Sections 7.700, 7.710, 7.720, 7.730, 7.740, 8.332, 10.700 and 11.100

Other: _____

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law.</i>
[Single boldface brackets]	<i>Deleted from existing law.</i>
* * *	<i>Existing law unaffected by bill.</i>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Bill No. _____

The County Council of Frederick County, Maryland, finds it necessary and appropriate to add the Sugarloaf Rural Heritage Overlay District to the County Zoning Code, and provisions governing uses, activities and design standards. Supplement existing Code provisions related to Communication Towers and Commercial Solar Facilities to include criteria for those facilities located in the Sugarloaf Rural Heritage Overlay District. Add definitions of Timber Harvest Streamside Management Zone, Limited Outdoor Sports Recreation Facility, and Temporary Sawmill.

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 Young, President
County Council of Frederick County,
Maryland

Chapter 1-19 (Zoning)

ARTICLE VII: SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 7. SUGARLOAF DISTRICT

§1-19-7.700. SUGARLOAF RURAL HERITAGE OVERLAY DISTRICT

Purpose and Intent

The Sugarloaf Planning Area contains high quality natural resources and unique features that support a vast, diverse, and healthy environment. Special protection measures are appropriate to protect those resources, environments, and features. The intent in creating this Overlay District is to ensure the long-term sustainability, health, and integrity of natural environmental systems, and maintain and protect the ecological function and rural qualities of the landscapes that comprise the Sugarloaf Planning Area. The criteria, standards, and review procedures for proposed land development activities within the Overlay District are intended to minimize or eliminate adverse impacts to water quality, forest resources, wildlife habitats, and scenic and rural landscape elements.

§1-19-7.710. DEVELOPMENT IN THE SUGARLOAF RURAL HERITAGE OVERLAY ZONING DISTRICT.

(A) Applications for a subdivision, site development plan, special exception, individual zoning map amendment, or floating zone approval must include an environmental and natural features map at a minimum scale of 1 inch = 100 feet, and identify the existing conditions (e.g., pre-development) and features of the site proposed for development, including the following:

- (1) Intermittent and perennial streams, drainage courses, and flow paths, including stream setbacks as required in 1-19-9.400 of this chapter;
- (2) Areas of 100-year floodplain as depicted by the Federal Emergency Management Agency (FEMA) flood insurance rate maps, or amendments thereto, including floodplain as required in 1-19-9.110 of this chapter;
- (3) Topography at a minimum of 5 foot contours unless otherwise required by the Division;
- (4) Moderate Slopes (15% to <25%) and Steep Slopes (25% and greater);
- (5) Wet soils and flooding soils, including buffers;
- (6) Tree lines, forested areas, and rock formations and outcroppings;
- (7) Wetlands and their buffers, including the total acreage; and
- (8) Any other relevant information as required by the Division.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

(B) Forest cutting or clearing activities associated with land development must be minimized. All forest cutting or clearing activities are subject to the forest resource regulations in Chapter 1-21 of this Code.

(C) Applications for a subdivision, site development plan, individual zoning map amendment, or floating zone for a site identified by the Maryland Department of Natural Resources as a Green Infrastructure Hub or Corridor will be referred by the County to the Maryland Department of Natural Resources' Wildlife and Heritage Service for comment.

(D) To ensure safety and full consideration of the impact on the transportation network, natural resources, and the rural character of the Overlay District, site development plans must be submitted for the development of:

(1) A Wholesale Nursery if a structure or building or greenhouse or other indoor growing facility is proposed;

(2) An Agritourism Enterprise that proposes a new structure or building intended to be open to the public or invited groups for education or recreational purposes, including party facilities. .

(3) Site development plans will be reviewed by the Planning Commission.

§1-19-7.720. DESIGN STANDARDS NON-RESIDENTIAL DEVELOPMENT.

(A) Except for residential structures, storage structures less than 300 square feet in area, and buildings used solely for Agricultural Activity as defined in 1-19-11.100, all new improvements, including an expansion or enlargement of an existing structure or building within the Overlay District must incorporate the following design standards in addition to all other applicable requirements of the Zoning Ordinance:

(1) Structure and building design must include architectural elements at entrances and areas where the structure or building is visible from a road or public right-of-way including, but not limited to: changes in building plane, windows, doorways, overhanging eaves, and shutters. Structures and buildings may not include large expanses of undifferentiated facades or long plain wall sections. Mechanical equipment, utilities, and facilities such as, refuse containers or outside storage must be located away from primary access points to the greatest extent practicable;

(2) Only ground level (<4 ft.) and non-residential building-mounted or pole-mounted lighting not exceeding 18 feet in height is permitted, and are in addition to the other applicable requirements in 1-19-6.500 of the Zoning Ordinance;

(a) Modification. An applicant may request that the Planning Commission approve a modification to the requirements of §1-19-7.720 (2) or that the Zoning Administrator or Planning Commission authorized representative approve a modification to the requirements of §1-19-7.720 (2) of this section. The applicant's request shall include

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

1 written justification describing why taller or additional lighting fixtures are required or
2 beneficial for the proposed use.

3 (b) Lighting plans approved under §1-19-7.720(2)(a) must include elements that
4 reduce negative impacts to wildlife migration, nocturnal habits, and circadian rhythms,
5 such as the utilization of lights with amber or yellow tints instead of blue or white light and
6 the use of timers, motion detectors, and light-sensitive switches to actively regulate the
7 emission of light from light fixtures; and

8 (3) If located within 100 feet of the paved surface of a public road, site entrance walls,
9 bridges, guardrails, fencing, signage, and lighting proposed in conjunction with non-
10 residential site improvements must be designed and styled with treatments and materials
11 compatible with the rural and natural setting.

12 (B) Size of Structures and Buildings.

13 Unless exempt under subsection (3) or approved pursuant to subsection (4) below,
14 the footprint of all non-residential structures and buildings constructed on a lot or parcel
15 after **effective date of this Bill**, 2023 may not exceed 10,000 square feet.

16 (1) An expansion or enlargement of an existing non-residential structure or building
17 may not increase the footprint of the structure or building above 10,000 square feet.

18 (2) "Footprint" includes the boundaries of the exterior walls, areas covered by a roof
19 structure, decks, porches, concrete or asphalt slabs in proximity to or associated with a
20 structure or building.

21 (3) New or expanded non-residential structures or buildings are exempt from the
22 10,000 square foot footprint limit if the structure or building is used solely for:

- 23 (a) Agricultural Activity, as defined in 1-19-11.100;
- 24 (b) Apiary;
- 25 (c) Agricultural value added processing;
- 26 (d) Agritourism enterprises;
- 27 (e) Nursery, retail;
- 28 (f) Nursery, wholesale;
- 29 (g) Farm distillery;
- 30 (h) Farm distillery tasting room;
- 31 (i) Farm winery;
- 32 (j) Farm winery tasting room;
- 33 (k) Limited farm alcoholic beverages tasting room;
- 34 (l) Farm brewery;
- 35 (m) Farm brewery tasting room;
- 36 (n) Limited roadside stand;
- 37 (o) Commercial roadside stand;
- 38 (p) Feed and grain mill

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

1 (q) Agricultural products processing

2
3 In conjunction with a Site Plan Submission, a request may be made to exceed the
4 10,000 square foot building footprint limitation. Approval may be granted by the
5 Planning Commission if it finds that:

6
7 (a) The specialized functional and operational needs of the proposed use requires
8 that the non-residential structure or building footprint exceed 10,000 square
9 feet; and

10
11 (b) The proposed site design elements, building design features, or other
12 measures utilized will minimize or eliminate the negative impacts on natural
13 resources, local infrastructure such as roads and bridges, the aural
14 environment, and the character of other properties located within the Overlay
15 District that result from the development proposal and the increased building
16 footprint.

17 **§ 1-19-7.730. TREE CUTTING AND FORESTRY ACTIVITIES.**

18 Commercial logging or timber harvest operations require the issuance: of a grading
19 permit, an approved timber harvest plan, an approved sediment and erosion control plan,
20 and stream crossing/wetlands permits if wetlands are impacted.

21 (A) The Frederick County Forest Conservancy Board is the reviewing and approval
22 agency for the timber harvest plan.

23 An application for approval of a timber harvesting plan must include:

24 (1) A forest harvest map that graphically depicts the following:

- 25
26 (a) steep slopes and moderate slopes;
27 (b) intermittent and perennial streams and associated;
28 (c) drainage networks/flow paths;
29 (d) locations of all crossings of perennial and intermittent streams;
30 (e) wetlands, springs, seeps;
31 (f) property boundaries;
32 (g) locations of plots for harvest;
33 (h) location of all forested areas on the parcel/lot;
34 (i) streamside management zone/riparian areas;
35 (j) no-cut areas;
36 (k) planned skid trails – numbers and locations;
37 (l) planned haul roads – numbers and locations;
38 (m) planned landing area(s)- location(s) and approximate size(s);
39 (n) site entrance/access location(s); and

Underlining indicates entirely new matter added to existing law.

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

*** - indicates existing law unaffected by bill

1 (o) map title, scale, north arrow.

2
3 (2) A written narrative that identifies:

4
5 (a) Landowner objectives;

6 (b) Size of parcel(s);

7 (c) Total acreage in planned harvest;

8 (d) Location of forest;

9 (e) Type of cutting (e.g., intermediate thinning, clearcut, shelterwood, seed tree, uneven-aged selection, etc.);

10 (f) Description of forest stand characteristics (pre- and post-harvest), including species composition, age class diversity, tree species diversity, presence of non-native, invasive species and measures to manage non-native invasive species post-harvest;

11 (g) Flagging and tree marking guide details for log landing areas, streamside management zones, and contemplated skids trails and haul roads;

12 (h) Techniques, methods, and devices proposed to minimize runoff and erosion, and to reduce sedimentation in perennial and intermittent streams, river, lakes, and ponds from harvest areas, haul roads, skid trails, log landings, and site entrances; and

13 (i) Name, address, phone number, email address of property owner and report preparer(s).

14
15 (B) The Frederick Soil Conservation District is the reviewing and approval agency for an erosion and sediment control plan.

16
17 (C) The Maryland Department of the Environment is the reviewing and approval agency for permits for perennial and intermittent stream crossings, and for wetland impacts.

18
19 (D) For property located within a Timber Harvest Streamside Management Zone, the following restrictions apply:

20 (1) No tree harvest or removal may occur within 50 feet of the bank along all sides of a perennial or intermittent stream, river, lake, or pond;

21 (2) No refueling or cleaning of equipment may occur;

22 (3) No log landing areas are permitted; and

23 (4) Skid trails and haul roads must be minimized

24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

Underlining indicates entirely new matter added to existing law.

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

*** - indicates existing law unaffected by bill

1 **§ 1-19-7.740. PROHIBITED USES.**

2 In addition to the prohibited uses set forth in §1-19-5.310. Use Table, the following
3 uses are prohibited on properties in the Sugarloaf Rural Heritage Overlay Zoning District
4 with Agricultural zoning:

- 5 (a) Sawmill;
- 6 (b) recreational vehicle storage facility;
- 7 (c) carnival/circus;
- 8 (d) rodeo;
- 9 (e) shooting range/club-trap, skeet, rifle, archery;
- 10 (f) aircraft landing and storage areas for private-commercial use;
- 11 (g) outdoor sports recreation facility;
- 12 (h) borrow pit operations;
- 13 (i) industrial waste landfill;
- 14 (j) rubble landfill;
- 15 (k) resource recovery facility-separated recyclables;
- 16 (l) limited food waste composting-commercial activity;
- 17 (m) unlimited wood waste recycling facility;
- 18 (n) sludge amended yard waste;
- 19 (o) solid waste composting;
- 20 (p) sludge pit.

21 In addition to the prohibited uses set forth in §1-19-5.310. Use Table, the following uses
22 are prohibited on properties in the in the Sugarloaf Rural Heritage Overlay Zoning District
23 with Resource Conservation zoning:

- 24 (a) sawmill;
- 25 (b) shooting range/club-trap, skeet, rifle, archery.

26
27 The following uses are exempt from the specific restrictions set forth in §1-19-7.710
28 through §1-19-7.740 Sugarloaf Rural Heritage Overlay Zoning District:

- 29 (a) limited outdoor sports recreation facility;
- 30 (b) temporary sawmill;
- 31 (c) archery as an accessory to a permitted use.

32
33
34
35

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

ARTICLE VIII: SPECIFIC USE REGULATIONS
DIVISION 3. SPECIAL EXCEPTION USES

§ 1-19-8.332. COMMUNICATION TOWERS IN RC AND A DISTRICTS.

(G) Within the Sugarloaf Rural Heritage Overlay District, towers must be camouflaged, disguised, or concealed to provide an appearance, texture, and color that is compatible and blends in with the native vegetation of the area and maintains a physical and locational contextual scale. If a tower or antenna is incorporated into, or located on, adjacent, or near to an existing structure or building, the tower or antenna design must be compatible with the scale, size, and architectural style of the structure or building, surrounding buildings, and surrounding infrastructure.

(H) ~~(G)~~ The zoning certificate issued for a special exception shall be valid for a period of 5 years from the date that the decision of the Board of Appeals is signed. This zoning certificate shall be renewed for additional 5 year periods after review by the Board of Appeals at a regular meeting. The following are the only grounds on which renewal of a certificate may be denied.

- (1) The permittee has failed to comply with the conditions of the special exception approval.
- (2) The facility has not been maintained in a safe condition.
- (3) The Board of Appeals determines that the use of the tower for wireless communications has ceased for a period of 6 months.

(I) ~~(H)~~ All special exception approvals must also comply with the requirements of § 1-19-8.420.2.

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

1 *****

2 **Article XI: Definitions**

3 **§1-19-11.100. DEFINITIONS.**

4 *****

5 **Timber Harvest Streamside Management Zone.** The area within 50 feet of the bank
6 along all sides of a perennial or intermittent stream, river, lake, or pond.

7 **Sawmill, Temporary.** The temporary use of property where logs are debarked and sawn
8 into dimensional lumber utilizing a portable sawmill. Such operations may include but are
9 not limited to, processing, drying, finishing, or shipping of lumber, and commercial
10 firewood processing. A temporary sawmill shall operate for no longer than one year.

11 **Limited Outdoor Sports Recreation Facility** The use of property for outdoor
12 recreational activities including but not limited to field sports, equestrian activities, or any
13 combination thereof, where amplified sound is prohibited, lighting is limited to what is
14 necessary for safety purposes and does not enable nighttime recreation, clearing is
15 minimized, and the total developed area of the site does not exceed 10 acres. This use
16 may also include buildings accessory to the primary use of limited outdoor sports
17 recreation facility.

18
19
20 *****

21
22
23
Underlining indicates entirely new matter added to existing law.
[Single boldface brackets] indicates matter deleted from existing law.
*** - indicates existing law unaffected by bill