



Bill No. \_\_\_\_\_  
Concerning: Sugarloaf Rural Heritage Overlay \_\_\_\_\_  
District \_\_\_\_\_  
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

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By: Council President MC Keegan-Ayer on behalf of County Executive Jan Gardner

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**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. Add a definition of Timber Harvest Streamside Management Zone.

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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: \_\_\_\_\_

<b>Boldface</b> <u>Underlining</u> [Single boldface brackets] * * *	<i>Heading or defined term.</i> <i>Added to existing law.</i> <i>Deleted from existing law.</i> <i>Existing law unaffected by bill.</i>
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1 Bill No. \_\_\_\_\_

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3 The County Council of Frederick County, Maryland, finds it necessary and appropriate to  
4 add the Sugarloaf Rural Heritage Overlay District to the County Zoning Code, and provisions  
5 governing uses, activities and design standards. Supplement existing Code provisions related to  
6 Communication Towers and Commercial Solar Facilities to include criteria for those facilities  
7 located in the Sugarloaf Rural Heritage Overlay. Add a definition of Timber Harvest Streamside  
8 Management Zone.

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

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

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## Chapter 1-19 (Zoning)

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### ARTICLE VII: SUPPLEMENTARY DISTRICT REGULATIONS

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#### DIVISION 7. SUGARLOAF DISTRICT

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

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###### Purpose and Intent

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The Sugarloaf Planning Area contains high quality natural resources and unique  
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features that support a vast, diverse, and healthy environment. Special protection  
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measures are appropriate to protect those resources, environments, and features. The  
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intent in creating this Overlay District is to ensure the long-term sustainability, health, and  
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integrity of natural environmental systems, and maintain and protect the ecological  
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function and rural qualities of the landscapes that comprise the Sugarloaf Planning Area.  
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The criteria, standards, and review procedures for proposed land development activities  
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within the Overlay District are intended to minimize or eliminate adverse impacts to water  
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quality, forest resources, wildlife habitats, and scenic and rural landscape elements.  
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##### §1-19-7.710. DEVELOPMENT IN THE SUGARLOAF RURAL HERITAGE OVERLAY 19 ZONING DISTRICT.

20  
(A) Applications for a subdivision, site development plan, special exception, individual  
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zoning map amendment, or floating zone approval must include an environmental and  
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natural features map at a minimum scale of 1 inch = 100 feet, and identify the existing  
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conditions (e.g., pre-development) and features of the site proposed for development,  
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including the following:25  
    (1) Intermittent and perennial streams, drainage courses, and flow paths, including  
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    stream setbacks as required in 1-19-9.400 of this chapter;27  
    (2) Areas of 100-year floodplain as depicted by the Federal Emergency Management  
28  
    Agency (FEMA) flood insurance rate maps, or amendments thereto, including floodplain  
29  
    as required in 1-19-9.110 of this chapter;30  
    (3) Topography at a minimum of 5 foot contours unless otherwise required by the  
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    Division;32  
    (4) Moderate Slopes (15% to <25%) and Steep Slopes (25% and greater);33  
    (5) Wet soils and flooding soils, including buffers;34  
    (6) Tree lines, forested areas, and rock formations and outcroppings;35  
    (7) Wetlands and their buffers, including the total acreage; and36  
    (8) Any other relevant information as required by the Division.

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

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

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

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

14       (2) An Agritourism Enterprise that proposes a new structure or building intended to  
15      be used as a farm museum, for agricultural products or skills classes, or as a picnic and  
16      party facility.

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

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#### 20       **§1-19-7.720. DESIGN STANDARDS NON-RESIDENTIAL DEVELOPMENT.**

21       (A) Except for non-residential structures or buildings used solely for Agricultural Activity  
22      as defined in 1-19-11.110, all new non-residential improvements, including an expansion  
23      or enlargement of an existing non-residential structure or building within the Overlay  
24      District must incorporate the following design standards in addition to all other applicable  
25      requirements of the Zoning Ordinance:

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

33       (2) Only ground level (<4 ft.) and non-residential building-mounted lighting not  
34      exceeding 14 feet in height is permitted, and are in addition to the other applicable  
35      requirements in 1-19-6.500 of the Zoning Ordinance;

36       (3) Lighting must include elements that reduce negative impacts to wildlife migration,  
37      nocturnal habits, and circadian rhythms, such as the utilization of lights with amber or

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1 yellow tints instead of blue or white light and the use of timers, motion detectors, and light-  
2 sensitive switches to actively regulate the emission of light from light fixtures; and

3 (4) Site entrance walls, bridges, guardrails, fencing, signage, and lighting proposed  
4 in conjunction with non-residential site improvements, must be designed and styled with  
5 treatments and materials compatible with the rural and natural setting.

6 (B) Size of Structures and Buildings.

7 Unless exempt under subsection (3) or approved pursuant to subsection (4) below,  
8 the footprint of all non-residential structures and buildings constructed on a lot or parcel  
9 after **effective date of this Bill** , 2022 may not exceed 15,000 square feet.

10 (1) An expansion or enlargement of an existing non-residential structure or building  
11 may not increase the footprint of the structure or building above 15,000 square feet.

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

15 (3) New or expanded non-residential structures or buildings are exempt from the  
16 15,000 square foot footprint limit if the structure or building is used solely for:

- (a) Agricultural Activity, as defined in 1-19-11.100;
- (b) Apiary;
- (c) Agricultural value added processing;
- (d) Agritourism enterprises;
- (e) Nursery, retail;
- (f) Nursery, wholesale;
- (g) Farm distillery;
- (h) Farm distillery tasting room;
- (i) Farm winery;
- (j) Farm winery tasting room;
- (k) Limited farm alcoholic beverages tasting room;
- (l) Farm brewery;
- (m) Farm brewery tasting room;
- (n) Limited roadside stand;
- (o) Commercial roadside stand;
- (p) Feed and grain mill
- (q) Agricultural products processing

35 (4) In conjunction with a Site Plan Submission, a request may be made to exceed the  
36 15,000 square foot building footprint limitation. Approval may be granted by the Planning  
37 Commission if it finds that:

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- (a) The specialized functional and operational needs of the proposed use requires that the non-residential structure or building footprint exceed 15,000 square feet; and
- (b) The proposed site design elements and building design features, such as enhanced energy efficiency, water conservation (e.g., re-use, consumption reductions), and stormwater runoff controls, or other measures utilized will minimize the negative impacts on natural resources and the surrounding properties that result from the development proposal and the increased building footprint.

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

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

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

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

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

- (a) steep slopes and moderate slopes;
- (b) intermittent and perennial streams and associated;
- (c) drainage networks/flow paths;
- (d) locations of all crossings of perennial and intermittent streams;
- (e) wetlands, springs, seeps;
- (f) property boundaries;
- (g) locations of plots for harvest;
- (h) location of all forested areas on the parcel/lot;
- (i) streamside management zone/riparian areas;
- (j) no-cut areas;
- (k) planned skid trails – numbers and locations;
- (l) planned haul roads – numbers and locations;
- (m) planned landing area(s)- location(s) and approximate size(s);
- (n) site entrance/access location(s); and
- (o) map title, scale, north arrow.

(2) A written narrative that identifies:

- (a) Landowner objectives;
- (b) Size of parcel(s);

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- (c) Total acreage in planned harvest;
- (d) Location of forest;
- (e) Type of cutting (e.g., intermediate thinning, clearcut, shelterwood, seed tree, uneven-aged selection, etc.);
- (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;
- (g) Flagging and tree marking guide details for log landing areas, streamside management zones, and contemplated skids trails and haul roads;
- (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
- (i) Name, address, phone number, email address of property owner and report preparer(s).

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

(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.

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

- (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;
- (2) No refueling or cleaning of equipment may occur;
- (3) No log landing areas are permitted; and
- (4) Skid trails and haul roads must be minimized

## **§ 1-19-7.740. PROHIBITED USES.**

The following uses are prohibited in the Sugarloaf Rural Heritage Overlay Zoning District:

- (a) Sawmill;
- (b) springwater harvesting and storage;
- (c) recreational vehicle storage facility;
- (d) carnival/circus;
- (e) rodeo;
- (f) shooting range/club-trap, skeet, rifle, archery;
- (g) aircraft landing and storage areas for private-commercial use;
- (h) outdoor sports recreation facility;

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1        (i) borrow pit operations;  
2        (j) industrial waste landfill;  
3        (k) rubble landfill;  
4        (l) resource recovery facility-separated recyclables;  
5        (m) limited food waste composting-commercial activity;  
6        (n) unlimited wood waste recycling facility;  
7        (o) sludge amended yard waste;  
8        (p) solid waste composting;  
9        (q) sludge pit.

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11        **ARTICLE VIII: SPECIFIC USE REGULATIONS**

12        **DIVISION 3. SPECIAL EXCEPTION USES**

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14        **§ 1-19-8.332. COMMUNICATION TOWERS IN RC AND A DISTRICTS.**

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16        (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.

17        (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.

18        (1) The permittee has failed to comply with the conditions of the special exception approval.  
19        (2) The facility has not been maintained in a safe condition.

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(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.

## **ARTICLE X: OPTIONAL METHODS OF DEVELOPMENT**

### **DIVISION 7. SOLAR FACILITY, COMMERCIAL FLOATING ZONE DISTRICT**

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

(C) Approval criteria.

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

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

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

**(11)(10)** If for a period of 6 months, the solar facility ceases to generate electricity or is disconnected from the electric grid, the approval will terminate. The property owner shall remove the solar facility within 90 days after termination. The property owner shall ensure the solar facility removal and disposal by posting an acceptable monetary guarantee with the County on forms provided by the office of the Zoning Administrator. The guarantee shall be for an amount equal to a cost estimate approved by the Zoning Administrator for the removal and disposal of the solar facility, plus a 15% contingency. If

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1 a guarantee for the cost of removal and disposal of the solar facility is required by and  
2 provided to a state entity, the Zoning Administrator may accept documentation of the  
3 posting of the guarantee with the state entity as satisfaction of this requirement.

4 **(12)(11)** If approval of the application is granted it may include conditions and  
5 restrictions deemed necessary to fulfill these criteria and to protect the intent of the  
6 agricultural/rural land use designation.

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## 9 Article XI: Definitions

### 10 **§1-19-11.100. DEFINITIONS.**

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

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