

THE EFFECTIVE DATE OF THIS ORDINANCE IS MAY 26, 2007

ORDINANCE NO. 07-16-456

AN ORDINANCE TO AMEND AND REVISE CERTAIN PROVISIONS
OF CHAPTERS 1-19 AND 1-6 OF THE FREDERICK COUNTY CODE
REGARDING WELLHEAD PROTECTION

The Board of County Commissioners of Frederick County, Maryland recognizes that protection of water resources enhances the health, safety and well-being of County residents. The Board notes that a number of municipal wells are located in the unincorporated areas of the County, as a result of which the respective municipalities are unable to effectively manage and protect municipal water resources.

The Board observes that protection of water resources has many aspects, including assuring the integrity of underground storage tanks near municipal and community wellheads and limiting uses of property in proximity to municipal and community wellheads that involve the storage of materials which constitute a hazard to water resources within the unincorporated areas of the County.

The Board desires to address in a comprehensive manner some of these aspects of real property use and development which in the opinion of the Board create an imminent potential of hazard to municipal and community wellheads.

The Board of County Commissioners held a duly advertised public hearing on proposed revisions and amendments to Chapters 1-19 and 1-6 of the Frederick County Code on May 15, 2007, at which time the public had an opportunity to comment on the proposed revisions and amendments. Pursuant to Sections 1-19-60 through 64, the Board of County Commissioners received a recommendation from the Frederick County Planning Commission recommending the proposed amendments to Chapter 1-19 of the Frederick County Code. The Board of County Commissioners deems the amendments to Chapters 1-19 and 1-6 of the Frederick County Code, as such amendments are set forth in

this Ordinance, to be in the best interests of the citizens of Frederick County and designed to preserve and protect the health, safety and general welfare of County citizens.

NOW, THEREFORE, be it enacted and ordained by the Board of County Commissioners for Frederick County, Maryland, that:

I. Amendments to Section 1-6-50 Storage Tanks be made as follows:

(A) As used in this article, the following words have the meanings indicated.

COMMUNITY WATER SUPPLY SYSTEM (WELL). ~~A publicly owned water supply system well that has at least 15 service connections or serves an average of at least 25 individuals throughout the year.~~ **A SOURCE OF WATER AND A DISTRIBUTION SYSTEM, INCLUDING TREATMENT AND STORAGE FACILITIES, WHETHER PUBLICLY OR PRIVATELY OWNED, SERVING TWO OR MORE INDIVIDUAL LOTS.**

HAZARDOUS SUBSTANCE. Any substance, including oil or its by-products, that:

(a) Conveys toxic, lethal, or other injurious effects or which causes sub lethal harmful alterations to plant, animal, or aquatic life;

(b) May be injurious to human beings; and

(c) Persists in the environment; AND

(d) ANY MATTER IDENTIFIED AS A "HAZARDOUS WASTE" BY THE ENVIRONMENTAL PROTECTION AGENCY OR A "CONTROLLED HAZARDOUS SUBSTANCE" BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT. FOR THE PURPOSES OF THIS SECTION, EXCLUDING PROPANE AND NATURAL GAS.

STORAGE TANK. A storage tank above or below ground with a capacity of 270 gallons or more, connected piping, ancillary equipment and containment system, if any, other than a private 1-unit residence which stores oil within the residence for personal use.

WELLHEAD RESERVE PROTECTION AREA. ~~An area designated on the master water and sewerage plan for Frederick County as a publicly owned wellhead reserve area which provides for the space to drill future replacement wells.~~ **THE GEOGRAPHIC BOUNDARIES OF MUNICIPAL AND COMMUNITY WELLHEAD PROTECTION AREAS DELINEATED BY THE SOURCEWATER ASSESSMENTS**

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PERFORMED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT,
AS AMENDED.

(B) A permit shall be obtained from the Frederick County Office of Permits and Inspections for the placement or installation of any hazardous substance storage tank and a new permit obtained for any change in the substance stored in the storage tank.

(C) (1) A hazardous substance storage tank shall not be located within ~~200~~ 500 feet of a community water supply system well ~~or wellhead reserve area~~.

(2) A hazardous substance storage tank to be located within ~~an~~ A WELLHEAD PROTECTION Area AND more than 200 ~~and less than 500 feet from a~~ 500 FEET FROM A COMMUNITY WATER SUPPLY SYSTEM WELL, shall be placed above ground and be surrounded by a continuous dike, wall, or basin capable of effectively holding the total volume of the tank. ~~The construction and composition of this emergency holding area shall prevent the movement or discharge of the contents of the tank to the surrounding land surface.~~ ONE HUNDRED PERCENT (100%) CATCHMENT BASIN OR DOUBLE-WALLED CONTAINMENT AND A SPILL PROTECTION OVERFILL ALARM.

(3) A hazardous substance storage tank to be located within an area ~~between 500 feet and 750 feet of a community water supply system well or wellhead reserve area~~ OUTSIDE THE BOUNDARIES OF THE WELLHEAD PROTECTION AREA, may be located underground but shall meet all current state and federal requirements or may be placed as described in subsection (2) above. In addition, if the tank is to be placed underground, the county ~~permit~~ DIVISION OF PERMITTING AND DEVELOPMENT REVIEW ~~office~~ shall be furnished with a report from a hydrogeologist which states: the nature of the underlying soil, geologic structure, and aquifer, and the likelihood of contamination of neighboring water sources in the event the contents of the storage tank are discharged, and an estimate of the groundwater travel time which might be expected from the location of the storage tank to the community supply well; based on the report, or on its own studies or information or expertise, the county government shall refuse to issue the permit if there is undue danger to the public health, safety or general welfare in the opinion of the county government or its consultant.

(4) All permits for hazardous substance storage tanks shall be ~~checked~~ REVIEWED by the ~~Planning and Zoning Department~~ DIVISION OF PERMITTING AND DEVELOPMENT REVIEW for compliance with the ~~above-mentioned setback~~ LIMITING requirements OF THE FREDERICK COUNTY CODE, INCLUDING THOSE SET FORTH IN THIS PARAGRAPH.

~~(D) If the hazardous substance storage tank is determined to be within 750-1000 feet of a water supply system well or wellhead reserve area, then the applicant for the~~

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~~permit will be required to provide a surveyor's drawing indicating the specific distance from the proposed storage tank to the nearest water supply well or wellhead reserve area.~~

~~(E) (D) The applicant for a hazardous substance storage tank permit shall submit its an application TO THE DIVISION OF PERMITTING AND DEVELOPMENT REVIEW and a fee of \$50. This fee shall include monies for the direct cost of the revised procedures and for a zoning certificate.~~

(E) Any person, partnership, firm or corporation who directs or permits any violations of any of the provisions of this section or who aids or assists therein, either on his own behalf or in the interest of his employer or principal shall, upon conviction thereof by a court of competent jurisdiction, be guilty of a misdemeanor punishable by a fine of not more than \$100 or by imprisonment for not more than 30 days or both for each separate offense. Every day each violation exists shall constitute a separate offense and be punishable as such.

(F) THIS SECTION SUPPLEMENTS OTHER LAWS AND REGULATIONS. WHERE THIS ARTICLE OR ANY PORTION THEREOF IMPOSES A GREATER RESTRICTION THAN IS IMPOSED BY OTHER LAWS OR REGULATIONS, THE PROVISIONS OF THIS ARTICLE SHALL CONTROL. HOWEVER, NOTHING IN THIS SECTION RELIEVES THE APPLICANT FROM COMPLIANCE WITH OTHER SECTIONS OF THE FREDERICK COUNTY CODE, THE MARYLAND CODE OR REGULATIONS ENACTED THEREUNDER, OR FEDERAL LAW OR REGULATION.

II. Amendments to Section 1-19-4 be made as follows:

AQUIFER. ANY FORMATION OF SOIL, SAND, ROCK, GRAVEL, LIMESTONE, SANDSTONE, OR OTHER MATERIAL, OR ANY CREVICE FROM WHICH UNDERGROUND WATER IS OR MAY BE PRODUCED.

CONTAINMENT DEVICE. A DEVICE THAT IS DESIGNED TO CONTAIN AN UNAUTHORIZED RELEASE, RETAIN IT FOR CLEANUP, AND PREVENT RELEASED MATERIALS FROM PENETRATING INTO THE GROUND.

EPA. THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

ETHANOL. THE INTOXICATING AGENT IN FERMENTED AND DISTILLED LIQUORS; USED PURE OR DENATURED AS A SOLVENT OR IN MEDICINES AND COGNES AND CLEANING SOLUTIONS AND ROCKET FUEL; AND AS A RENEWABLE CLEAN-BURNING ADDITIVE TO GASOLINE.

FLAMMABLE LIQUID. ANY LIQUID WHICH HAS A FLASH POINT OF 100 DEGREES FAHRENHEIT, (37.8 DEGREES CELSIUS) OR HIGHER, THE TOTAL

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OF WHICH MAKES UP 99% OR MORE OF THE TOTAL VOLUME OF THE MIXTURE.

GASOLINE. A VOLATILE MIXTURE OF FLAMMABLE LIQUID HYDROCARBONS DERIVED CHIEFLY FROM CRUDE PETROLEUM AND USED PRINCIPALLY AS A FUEL FOR INTERNAL-COMBUSTION ENGINES.

HAZARDOUS MATERIAL. ~~This term shall mean:~~

~~(a) Liquid or gaseous petroleum; or~~

~~(b) Explosives; or~~

~~(c) A substance that when mixed with water or exposed to air becomes explosive in nature or reacts in such a way as to release a toxic gas or liquid or~~

~~(d) Toxic or pathogenic material (e.g. ketone).~~

HAZARDOUS SUBSTANCE. ANY SUBSTANCE, INCLUDING OIL OR ITS BY-PRODUCTS, THAT:

- (A) CONVEYS TOXIC, LETHAL, OR OTHER INJURIOUS EFFECTS OR WHICH CAUSES SUB LETHAL HARMFUL ALTERATIONS TO PLANT, ANIMAL, OR AQUATIC LIFE;
- (B) MAY BE INJURIOUS TO HUMAN BEINGS; AND
- (C) PERSISTS IN THE ENVIRONMENT; AND
- (D) ANY MATTER IDENTIFIED AS A "HAZARDOUS WASTE" BY THE ENVIRONMENTAL PROTECTION AGENCY OR A "CONTROLLED HAZARDOUS SUBSTANCE" BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT.

KEROSENE. A FLAMMABLE HYDROCARBON OIL USUALLY OBTAINED BY DISTILLATION OF PETROLEUM AND USED FOR A FUEL AND AS A SOLVENT AND THINNER (AS IN INSECTICIDE EMULSIONS).

MDE. THE MARYLAND DEPARTMENT OF THE ENVIRONMENT.

NATURAL GAS. A MIXTURE OF HYDROCARBON GASES THAT OCCURS WITH PETROLEUM DEPOSITS, PRINCIPALLY METHANE TOGETHER WITH VARYING QUANTITIES OF ETHANE, PROPANE, BUTANE, AND OTHER

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GASES, AND IS USED AS A FUEL AND IN THE MANUFACTURE OF ORGANIC COMPOUNDS.

OIL, PETROLEUM PRODUCTS, AND THEIR BY-PRODUCTS. OIL OF ANY KIND AND IN ANY LIQUID FORM INCLUDING, BUT NOT LIMITED TO PETROLEUM, FUEL OIL, SLUDGE, OIL REFUSE, OIL MIXED WITH OTHER WASTE, CRUDE OILS, AND EVERY OTHER NONEDIBLE LIQUID HYDROCARBON REGARDLESS OF SPECIFIC GRAVITY. OIL INCLUDES AVIATION FUEL, GASOLINE, KEROSENE, LIGHT AND HEAVY FUEL OILS, DIESEL MOTOR FUELS, ASPHALT, AND CRUDE OILS, BUT DOES NOT INCLUDE LIQUEFIED PETROLEUM GASES, SUCH AS LIQUEFIED PROPANE, OR ANY EDIBLE OILS.

PROPANE. A COLORLESS, FLAMMABLE GAS, C₃H₈, OF THE ALKANE SERIES, OCCURRING IN PETROLEUM AND NATURAL GAS: USED CHIEFLY AS A FUEL AND IN ORGANIC SYNTHESIS. ALSO CALLED DIMETHYLMETHANE.

UNDERGROUND STORAGE TANK. AN UNDERGROUND STORAGE TANK, CONNECTED PIPING, UNDERGROUND ANCILLARY EQUIPMENT, AND CONTAINMENT SYSTEM, IF ANY.

WELLHEAD PROTECTION AREA (WHPA). THAT LAND AREA OVERLYING THE AQUIFER WHICH CONTRIBUTES WATER TO A MUNICIPAL OR COMMUNITY WATER SUPPLY WELL OR SPRING UNDER THE PERMITTED WITHDRAWAL RATE (AVERAGE ANNUAL) AND AVERAGE ANNUAL RECHARGE CONDITIONS THAT CAN BE ANTICIPATED BASED ON HISTORICAL DATA. IT IS BOUNDED AND MAY BE INFLUENCED BY THE GROUND WATER DIVIDES WHICH RESULT FROM PUMPING THE WELL AND BY THE CONTACT OF THE AQUIFER WITH LESS PERMEABLE GEOLOGIC BOUNDARIES. IN ALL CASES, THE WELLHEAD PROTECTION AREA SHALL EXTEND UPGRADIENT TO ITS POINT OF INTERSECTION WITH PREVAILING HYDROGEOLOGIC BOUNDARIES (A GROUND WATER FLOW DIVIDE, A CONTACT WITH GEOLOGIC FORMATIONS, OR A RECHARGE BOUNDARY), OR BE LIMITED BY TIME-OF-TRAVEL. THE WELLHEAD PROTECTION AREA SHALL BE DELINEATED BY MDE AND MAPPED AS A RESULT OF SOURCE WATER ASSESSMENT REPORTS.

III. Amendments to Section 1-19-289 be made as follows:

§ 1-19-289. USE REGULATIONS FOR SPECIFIC ZONING DISTRICTS.

P Principal permitted use subject to design regulations

PS Principal permitted use subject to site development plan approval. See §§ 1-19-411 through 1-19-413

E Principal permitted use as a special exception with site development plan approval. See §§ 1-19-376 and following

T Permitted as temporary use as a special exception. See § 1-19-213

X Permitted as temporary use only. See § 1-19-213

SW Solid Waste Floating Zone

A blank indicates that the use is not permitted under any situation

| | <i>Zoning Districts</i> | | | | | | | | | | | | | |
|--|-------------------------|----|----|----|----|----|-----|-----|----|----|----|-----|----|----|
| <i>Uses</i> | RC | A | R1 | R3 | R5 | R8 | R12 | R16 | VC | HS | GC | ORI | LI | GI |
| Natural Resources Uses | | | | | | | | | | | | | | |
| Agricultural activities | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Agritourism enterprise | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Commercial greenhouses and nurseries | E | E | | | | | | | | | PS | | PS | PS |
| Roadside stands – retail and wholesale | PS | PS | PS | PS | | | | | PS | PS | PS | | | |
| Forestry | P | P | P | P | P | P | P | P | P | P | P | | P | P |
| Sawmill | PS | PS | | | | | | | | | | | | PS |
| Mineral extraction | | | | | | | | | | | | | | PS |
| Mineral processing | | | | | | | | | | | | | | PS |
| Spring water harvesting and storage | E | | | | | | | | | | | | | |
| Intensive swine farm | | | | | | | | | | | | | | |

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| | <i>Zoning Districts</i> | | | | | | | | | | | | | |
|---|-------------------------|----|----|-----|----|----|-----|-----|----|----|----|-----|----|----|
| <i>Uses</i> | RC | A | R1 | R3 | R5 | R8 | R12 | R16 | VC | HS | GC | ORI | LI | GI |
| Residential Uses | | | | | | | | | | | | | | |
| Single-family detached | P | P | P | P | P | P | P | P | P | | | | | |
| Duplex dwelling | | | P | P | P | P | P | P | P | | | | | |
| Two-family dwelling | | P | P | P | P | P | P | P | P | | | | | |
| Townhouse | | | | PS* | PS | PS | PS | PS | PS | | | | | |
| Multifamily dwellings | | | | | | PS | PS | PS | PS | | | | | |
| Multifamily group developments | | | | | | PS | PS | PS | PS | | | | | |
| Mobile homes | P | P | | | | | | | | | | | | |
| Dwellings on same property and in conjunction with a permitted use, i.e. owner, caretaker | | | | | | | | | P | P | P | | P | P |
| Accessory apartments | E | E | E | E | E | E | E | E | E | | | | | |
| Transient Housing | | | | | | | | | | | | | | |
| Boarding house or tourist home | E | PS | | | | PS | PS | PS | PS | PS | PS | | | |
| Motel, hotel | | | | | | | | | PS | PS | PS | PS | PS | |
| Travel trailer park | | E | | | | | | | | E | | | | |
| Tent campground | E | E | | | | | | | | | | | | |
| Temporary mobile home | T | T | T | | | | | | | | | | | |
| Commercial Uses – Retail | | | | | | | | | | | | | | |
| Antique, artisan and craft shops | E | E | | | | | | | PS | PS | PS | | | |
| Apparel store | | | | | | | | | PS | | PS | | | |
| Appliance sales and service | | | | | | | | | PS | | PS | | | |

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| Auction house | | | | | | | | | | PS | | PS | | PS | PS |
| Food stores | | | | | | | | | | PS | | PS | | | |
| Boats, sales and service | | | | | | | | | | | | PS | | PS | PS |
| Book and magazine | | | | | | | | | | PS | | PS | | | |
| Camera | | | | | | | | | | PS | | PS | | | |
| Convenience stores | | | | | | | | | | PS | PS | PS | | | |
| Department store or variety store | | | | | | | | | | PS | | PS | | | |
| | Zoning Districts | | | | | | | | | | | | | | |
| Uses | RC | A | R1 | R3 | R5 | R8 | R12 | R16 | VC | HS | GC | ORI | LI | GI | |
| Farm equipment sales or service **** | | E | | | | | | | | PS | | PS | | PS | PS |
| Feed and grain mills | | E | | | | | | | | | | | | PS | PS |
| Retail sales and service | | | | | | | | | | | | | | | |
| Florist | | | | | | | | | | PS | | PS | | | |
| Furniture repair | | | | | | | | | | PS | | PS | | PS | PS |
| Shopping center | | | | | | | | | | PS | | PS | | | |
| Gift/souvenir | | | | | | | | | | PS | PS | PS | | | |
| Hardware | | | | | | | | | | PS | | PS | | | |
| Hobby/craft shop/gallery | | | | | | | | | | PS | | PS | | | |
| Horse tack and saddlery shop | | E | | | | | | | | PS | | PS | | | |
| Household furnishing | | | | | | | | | | PS | | PS | | | |
| Jewelry | | | | | | | | | | PS | | PS | | | |
| Lumber yard | | | | | | | | | | | | PS | | PS | PS |
| Mobile home sales | | | | | | | | | | | | PS | | PS | PS |
| Music and record shops | | | | | | | | | | PS | | PS | | | |
| Office equipment | | | | | | | | | | PS | | PS | | | |
| Paint store | | | | | | | | | | PS | | PS | | | |

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| Pharmacy | | | | | | | | | | PS | | PS | | | |
| Radio and TV sales and service | | | | | | | | | | PS | | PS | | | |
| Shoe store | | | | | | | | | | PS | | PS | | | |
| Sporting goods | | | | | | | | | | PS | | PS | | | |
| Stone monument sales | | | | | | | | | | PS | | PS | | PS | PS |
| Tobacco store | | | | | | | | | | PS | | PS | | | |
| Toy store | | | | | | | | | | PS | | PS | | | |
| Liquor store | | | | | | | | | | PS | | PS | | | |
| Commercial Business and Personal Services | | | | | | | | | | | | | | | |
| Advertising agency | | | | | | | | | | PS | | PS | | | |
| Bank or savings and loan | | | | | | | | | | PS | | PS | PS | | |
| Broadcasting studio | | | | | | | | | | PS | | PS | PS | PS | PS |
| Communication towers** | E | E | | | | | | | | | PS | PS | PS | PS | PS |
| Barber and beauty shops | | | | | | | | | | PS | | PS | | | |
| Bus depot | | | | | | | | | | | PS | PS | | PS | PS |
| Zoning Districts | | | | | | | | | | | | | | | |
| Uses | RC | A | R1 | R3 | R5 | R8 | R12 | R16 | VC | HS | GC | ORI | LI | GI | |
| Carpentry, electrical, plumbing, welding, printing, upholstery | | | | | | | | | | PS | | PS | | PS | PS |
| Contractors, fencing, pool and siding | | | | | | | | | | | PS | | PS | PS | |
| Commercial or business school | | | | | | | | | | | PS | | | | |
| Dance or music studio | | | | | | | | | | PS | | PS | | | |
| Dry cleaning and Laundromat **** | | | | | | | | | | PS | | PS | | | |
| Funeral home | | | | | | | | | | | PS | | | | |

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| Fortuneteller | | | | | | | | | | PS | | PS | | | |
| Medical clinic | | | | | | | | | | PS | | PS | PS | PS | PS |
| Office business | | | | | | | | | | PS | | PS | PS | PS | PS |
| Office professional | | | | | E | E | E | E | | PS | | PS | PS | | |
| Photography studio **** | | | | | | | | | | PS | | PS | | PS | |
| Restaurant | | | | | | | | | | PS | PS | 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 | |
| Explosive materials storage | | E | | | | | | | | | | | | | |
| Petroleum products storage **** | | | | | | | | | | | | | | PS | PS |
| Laboratory research, experimental or testing | | | | | | | | | | | | PS | PS | PS | PS |
| Industrial laundry and dry cleaning **** | | | | | | | | | | | | | | PS | PS |
| Stone monument processing | | | | | | | | | | | | PS | | PS | PS |
| Zoning Districts | | | | | | | | | | | | | | | |
| Uses | RC | A | R1 | R3 | R5 | R8 | R12 | R16 | VC | HS | GC | ORI | LI | GI | |
| Wholesaling and/or warehouse | | | | | | | | | | | PS | | PS | PS | |

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| Yard storage | | | | | | | | | | | | | | | | | PS |
| <i>Automobile and Related Services</i> | | | | | | | | | | | | | | | | | |
| Part sales and installation | | | | | | | | | | PS | | PS | | | PS | | |
| Automobile filling and service station **** | | | | | | | | | | PS | PS | PS | | | PS | PS | |
| Carwash | | | | | | | | | | PS | PS | PS | | | PS | | |
| Automobile repair or service shop **** | | E | | | | | | | | E | PS | PS | | | E | PS | |
| Sales and service center **** | | | | | | | | | | | | PS | | | PS | PS | |
| Salvage yard **** | | | | | | | | | | | | | | | | | PS |
| Storage tanks, gasoline **** | | E | E | E | E | E | E | E | E | PS | PS | PS | | | PS | PS | |
| Truck stop and filling station service facility **** | | | | | | | | | | | E | | | | | | PS |
| Motor freight terminal **** | | | | | | | | | | | | | | | PS | PS | |
| <i>Animal Care and Service</i> | | | | | | | | | | | | | | | | | |
| Animal hospital or veterinary clinic | | E | | | | | | | | E | | E | | | | | |
| Kennel | | E | | | | | | | | E | | E | | | | | |
| Pet store | | | | | | | | | | PS | | PS | | | | | |
| Riding stable – commercial or club | E | PS | | | | | | | | | | PS | | | | | |
| School bus parking | E | E | | | | | | | | E | PS | PS | | | PS | PS | |
| Auction sales – animals | | PS | | | | | | | | | | PS | | | PS | PS | |
| <i>Commercial Amusements</i> | | | | | | | | | | | | | | | | | |
| Bowling alley | | | | | | | | | | | | PS | | | | | |
| Carnival, circus | | X | X | | | | | | | X | X | X | | | X | X | |
| Race tracks | | | | | | | | | | | | PS | | | PS | PS | |

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|---|----|----|----|----|----|----|-----|-----|----|----|----|-----|----|----|
| Motorcycle hill climb | | T | | | | | | | | | | | | T |
| Golf, driving range | | E | | | | | | | | | PS | | PS | PS |
| Golf, miniature | | | | | | | | | | | PS | | PS | PS |
| Health club, fitness center, vocational training facility | | | | | | | | | | | PS | | PS | |
| Zoning Districts | | | | | | | | | | | | | | |
| Uses | RC | A | R1 | R3 | R5 | R8 | R12 | R16 | VC | HS | GC | ORI | LI | GI |
| Tennis club | | | | E | E | E | E | E | PS | | PS | | | |
| Golf course and country club **** | | PS | PS | PS | PS | PS | PS | PS | | | | | | |
| Skating rink | | | | | | | | | | | PS | | | |
| Swimming pool, commercial | | | | | | | | | | | PS | | | |
| Theater, drive-in or outdoor stage | | | | | | | | | | PS | PS | | PS | PS |
| Theater, indoor | | | | | | | | | PS | | PS | | PS | |
| Zoological gardens | | | | | | | | | | PS | PS | | | |
| Museums | | | | | | | | | PS | PS | PS | | | |
| Night club, tavern, lounge | | | | | | | | | | PS | PS | | PS | |
| Batting cage | | | | | | | | | | | PS | | PS | PS |
| Chip and putt golf course | | | | | | | | | | | PS | | SE | |
| Rodeo | | E | | | | | | | | | | | | |
| Sports training facility | | E | | | | | | | | | PS | | PS | |
| Video lottery facility | | | | | | | | | | | | | | |
| Industrial Uses | | | | | | | | | | | | | | |
| Limited manufacturing and assembly use | | | | | | | | | | | | PS | PS | PS |
| General manufacturing | | | | | | | | | | | | | | PS |

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| <i>Open Space and Institutional</i> | | | | | | | | | | | | | | |
|--|----|----|----|----|----|----|-----|-----|----|----|----|-----|----|----|
| Airports, public **** | | E | | | | | | | | | | | PS | PS |
| Cemetery/memorial gardens | E | PS | PS | | | | | | | | | | | |
| Fairground | | PS | | | | | | | | PS | PS | | PS | PS |
| Governmental, civic, nonprofit parks, recreation or educational areas | PS | P | P | P | P | P | P | P | P | P | P | PS | P | P |
| Trap, skeet, rifle, archery ranges, and hunting, fishing and gun clubs | E | E | | | | | | | | | | | PS | PS |
| Hunting and fishing clubs without shooting ranges | E | P | | | | | | | | | | | P | P |
| Aircraft landing and storage areas, private | | E | | | | | | | | | | | E | E |
| <i>Institutional</i> | | | | | | | | | | | | | | |
| Child care centers | | E | E | E | E | E | PS | PS | PS | | PS | | E | |
| Civic community center | | PS | PS | PS | PS | PS | PS | PS | PS | | PS | | | |
| <i>Zoning Districts</i> | | | | | | | | | | | | | | |
| <i>Uses</i> | RC | A | R1 | R3 | R5 | R8 | R12 | R16 | VC | HS | GC | ORI | LI | GI |
| Civic service clubs | | P | P | | | | PS | PS | PS | | PS | | | |
| Comprehensive physical rehabilitation facility | | | | | | | | PS | PS | | PS | PS | | |
| Nursery school | | E | E | E | E | E | PS | PS | PS | | PS | | | |
| Group homes | | PS | PS | PS | PS | PS | PS | PS | PS | | | | | |
| Hospital | | | | | | | | PS | PS | | PS | | | |
| Nursing home | | E | PS | PS | PS | PS | PS | PS | PS | | | | | |
| Places of worship | E | PS | PS | E | PS | PS | PS | PS | PS | | PS | | | |

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| | | | | | | | | | | | | | | |
|---|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|
| Private schools | E | E | E | E | E | E | E | E | E | | | | E | |
| Camps and retreats | E | E | | | | | | | | | | | | |
| Fire and rescue service | PS | 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 |
| Public buildings and properties | E | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS |
| College or university | | PS | PS | PS | PS | PS | PS | PS | PS | | PS | | | |
| Nursery school or day care center | | PS | PS | PS | PS | PS | PS | PS | PS | | PS | | | |
| Elementary or secondary | | PS | PS | PS | PS | PS | PS | PS | PS | | T | | T | T |
| Nongovernmental utility | E | E | E | E | E | E | E | E | E | PS | PS | | PS | PS |
| <i>Solid Waste Operations</i> | | | | | | | | | | | | | | |
| 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 (commercial and governmental): | | | | | | | | | | | | | | |
| Yard waste | | E | | | | | | | | | | | | E |
| Sludge amended yard waste | | SW | | | | | | | | | | | | SW SW |

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| | <i>Zoning Districts</i> | | | | | | | | | | | | | |
|------------------------|-------------------------|----|----|----|----|----|-----|-----|----|----|----|-----|----|----|
| <i>Uses</i> | RC | A | R1 | R3 | R5 | R8 | R12 | R16 | VC | HS | GC | ORI | LI | GI |
| 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, PUD and residential MXD Districts

*** 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 or farm winery tasting room

**** THESE USES ARE PROHIBITED WITHIN WELLHEAD PROTECTION AREAS; OUTSIDE OF WHPA'S THE LOCATION AND CONTAINMENT OF HAZARDOUS SUBSTANCE FOR THESE USES MUST MEET THE REQUIREMENTS OF §1-6-50

IV. Amendments to Division 3 be made as follows:

DIVISION 3. SUPPLEMENTARY DISTRICT REGULATIONS

§ 1-19-301. GENERALLY.

These supplementary district regulations are hereby adopted for the specific intent and purpose of protecting natural resources, scenic areas, areas of steep slope, woodlands, and areas of critical state concern. These regulations also attempt to direct anticipated growth to areas in which the provision of public services could be feasibly and economically provided.

(A) PETROLEUM, FLAMMABLE LIQUIDS AND HAZARDOUS SUBSTANCE STORAGE TANKS IN ALL ZONING DISTRICTS

THE FOLLOWING PROVISIONS SHALL BE APPLICABLE IN ALL ZONING DISTRICTS WHERE SUCH USE IS PERMITTED.

- (1) PETROLEUM OR HAZARDOUS SUBSTANCE STORAGE TANKS SHALL HAVE 100% CATCHMENT BASIN, OR DOUBLE-WALLED CONTAINMENT AND A SPILL PROTECTION OVERFILL

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ALARM. THIS DOES NOT APPLY TO PROPANE OR NATURAL GAS TANKS.

(2) SHALL COMPLY WITH § 1-6-50 WELLHEAD PROTECTION ORDINANCE.

§ 1-19-377. COMMERCIAL GREENHOUSES OR NURSERIES IN RC OR A DISTRICTS.

The following provisions shall apply in commercial greenhouses or nurseries in the RC and A Districts.

- (A) Lot size, setback and height requirements are the same as other natural resource uses.
- (B) The parking requirements of §§ 1-19-166 through 1-19-169 of this Code will be met; however, no parking area is permitted within the required yard setback.
- (C) Any proposed exterior lighting will be reviewed and approved by the Board of Appeals. Such lighting will not cause glare onto adjacent properties.
- (D) One freestanding sign no more than:
 - (1) Fifteen feet in height;
 - (2) Twenty-five square feet in area per face;
 - (3) Setback requirement for natural resource uses.
- (E) The subject property must have frontage and access on a paved public road.
- (F) Within the RC District, the requirements of § 1-19-302 of this Code will be met.
- (G) PETROLEUM, FLAMMABLE LIQUID, OR HAZARDOUS SUBSTANCE STORAGE TANKS SHALL HAVE 100% CATCHMENT BASIN, OR DOUBLE-WALLED CONTAINMENT AND A SPILL PROTECTION OVERFILL ALARM. THIS DOES NOT APPLY TO PROPANE OR NATURAL GAS TANKS.
- (H) SHALL COMPLY WITH § 1-6-50 WELLHEAD PROTECTION ORDINANCE AT SITE PLAN APPROVAL.

§ 1-19-382. FARM EQUIPMENT SALES OR SERVICE, FEED OR GRAIN MILLS IN THE A DISTRICT OR AGRICULTURAL WHOLESALING OR PROCESSING IN A AND RC DISTRICTS.

The following provisions shall apply to farm equipment sales or service, feed or grain mills in the A district or agricultural wholesaling or processing in A and RC districts.

(A) The minimum lot size setbacks and height are the same as required for natural resource uses.

(B) The subject property must have frontage and access on a paved public road.

(C) One freestanding sign is permitted and will be no more than 15 feet in height and 25 square feet in area and subject to the normal setback requirement for natural resource uses.

(D) The parking requirements of §§ 1-19-66 through 1-19-69 of this Code shall be met except, that parking areas will be permitted within the setback areas.

(E) Within the RC District, the requirements of §1-19-302 of this Code will be met.

(F) PETROLEUM, FLAMMABLE LIQUID, OR HAZARDOUS SUBSTANCE STORAGE TANKS SHALL HAVE 100% CATCHMENT BASIN, OR DOUBLE-WALLED CONTAINMENT AND A SPILL PROTECTION OVERFILL ALARM. THIS DOES NOT APPLY TO PROPANE OR NATURAL GAS TANKS.

(G) SHALL COMPLY WITH § 1-6-50 WELLHEAD PROTECTION ORDINANCE AT SITE PLAN APPROVAL.

§1-19-384 AUTO REPAIR BODY AND FENDER SHOPS IN VC DISTRICTS.

The following provisions shall apply to auto repair body and fender shop in VC Districts.

(A) No minimum lot size is required. The setbacks are as follows:

(1) Front yard, 25 feet;

(2) Rear yard, 25 feet;

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(3) Side yard, 8 feet; and

(4) Width, 60 feet.

(B) No outdoor work or outdoor storage is permitted.

(C) Parking requirements are as established in §§1-19-166 through 1-19-196 of this Code.

(D) PETROLEUM, FLAMMABLE LIQUID, OR HAZARDOUS SUBSTANCE STORAGE TANKS SHALL HAVE 100% CATCHMENT BASIN, OR DOUBLE-WALLED CONTAINMENT AND A SPILL PROTECTION OVERFILL ALARM. THIS DOES NOT APPLY TO PROPANE OR NATURAL GAS TANKS.

(E) SHALL COMPLY WITH § 1-6-50 WELLHEAD PROTECTION ORDINANCE AT SITE PLAN APPROVAL.

§ 1-19-395. GASOLINE STORAGE TANKS IN A AND RESIDENTIAL DISTRICTS, EXCEPT FARM LOTS.

Gasoline storage tanks in A and Residential Districts, except farm lots:

(A) Shall have a minimum lot size of 40,000 square feet;

(B) Shall be ~~stored underground~~ PLACED ABOVEGROUND with a capacity not to exceed 1,100 ~~600~~-gallons;

(C) Shall be located a minimum of 100 feet from a well OR AS PROVIDED IN § 1-6-50 (WELLHEAD PROTECTION ORDINANCE) WHICHEVER IS GREATER.

(D) Must have a minimum setback of 25 feet from all property lines.

(E) Shall be governed by the INTERNATIONAL BUILDING CODE 2003 ~~BOCA Building Code~~ AS AMENDED concerning ~~underground~~ storage tanks, AND THE NATIONAL FIRE PROTECTION ASSOCIATION 30 AS AMENDED.

(F) STORAGE TANKS SHALL HAVE 100% CATCHMENT BASIN, OR DOUBLE-WALLED CONTAINMENT AND A SPILL PROTECTION OVERFILL ALARM.

(G) SHALL COMPLY WITH § 1-6-50 WELLHEAD PROTECTION ORDINANCE AT SITE PLAN APPROVAL.

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§ 1-19-397. STORAGE OF FLAMMABLE LIQUIDS.

The following provisions shall apply where it is proposed to store flammable liquids in excess of 60,000 gallons in the General Commercial and Highway Service Districts.

(A) The minimum lot size shall be 40,000 square feet.

(B) The flammable liquids may be stored above or under ground.

(C) The storage shall be located a minimum of 100 feet from any well when underground OR AS PROVIDED IN § 1-6-50 (WELLHEAD PROTECTION ORDINANCE) WHICHEVER IS GREATER.

(D) That the containers shall comply with setback requirements of § 1-19-307(J)(4).

(E) Shall be governed by the INTERNATIONAL BUILDING CODE 2003 ~~BOCA Building Code AS AMENDED~~ concerning storage tanks, AND THE NATIONAL FIRE PROTECTION ASSOCIATION 30 AS AMENDED ~~shall be complied with for the storage of flammable liquids.~~

(F) FLAMMABLE LIQUID STORAGE TANKS SHALL HAVE 100% CATCHMENT BASIN, OR DOUBLE-WALLED CONTAINMENT AND A SPILL PROTECTION OVERFILL ALARM. THIS DOES NOT APPLY TO PROPANE OR NATURAL GAS TANKS.

(G) SHALL COMPLY WITH § 1-6-50 (WELLHEAD PROTECTION ORDINANCE) AT SITE PLAN APPROVAL.

§ 1-19-399. AUTOMOBILE REPAIR SHOP IN AGRICULTURAL AND LIMITED INDUSTRIAL DISTRICTS.

The following provisions shall apply to an automobile repair shop in the Agricultural and Limited Industrial Districts.

(A) An automobile repair shop building shall be set back at a minimum of 80 feet from the front property line and 50 feet from the side and rear property lines for the proposed building. Such building shall be at least 100 feet from any residential buildings on adjacent properties. The enclosed vehicle parking area must be at least 50 feet from any side or rear property line.

(B) No outdoor work or outdoor storage of parts, equipment or vehicles shall be permitted except as provided in condition (D). No parking is permitted on the required setback areas.

(C) The driveway or access to the auto repair shop building shall be paved by concrete, asphalt or stone surface.

(D) No motor vehicles related to the auto repair business shall be parked outside of a screened parking area. A screened parking area shall be no larger than 2,500 square feet to allow for 5 vehicles (1 company vehicle and 1 employee vehicle are exempt from this number).

(E) Parking areas provided shall be screened from adjacent properties and roads with plantings of evergreens, at least 5 feet high, or a fence of equal eight provided to screen the parking area.

(F) One sign may be allowed which shall be not over 2 square feet in area and no greater than 6 feet in height, which shall be a freestanding sign and set back at least 30 feet from the front lot line.

(G) PETROLEUM, FLAMMABLE LIQUID, OR HAZARDOUS SUBSTANCE STORAGE TANKS SHALL HAVE 100% CATCHMENT BASIN, OR DOUBLE-WALLED CONTAINMENT AND A SPILL PROTECTION OVERFILL ALARM. THIS DOES NOT APPLY TO PROPANE OR NATURAL GAS TANKS.

(H) SHALL COMPLY WITH § 1-6-50 (WELLHEAD PROTECTION ORDINANCE) AT SITE PLAN APPROVAL.

§ 1-19-401 TRUCK STOPS IN HS DISTRICT

The following standards shall apply to a truck stop in the HS District.

(A) The minimum lot size shall be 2 acres.

(B) The minimum lot width shall be 200 feet.

(C) The setbacks shall be 50 feet on all sides except when bordering commercial or industrial uses and zoning where the regular setbacks from the HS zone would apply.

(D) At least 15% of the lot area shall be devoted to green area, with the first 15 feet of the lot perimeter being devoted to green area except driveways.

(E) If the proposed truck stop is adjacent to residential uses or land zoned in residential categories, then screening shall be provided according to the following requirements.

(1) Screening shall include a fence and a dense planting of trees and shrubs, for the full length of the lot line.

(2) The plant materials used and any fencing must be not less than 6 feet in height.

(F) Truck stops shall be located only where arterial roads intersect with freeways/expressways or at interchanges as designated on the County Master Highway Plan.

(G) PETROLEUM, FLAMMABLE LIQUID, OR HAZARDOUS SUBSTANCE STORAGE TANKS SHALL HAVE 100% CATCHMENT BASIN, OR DOUBLE-WALLED CONTAINMENT AND A SPILL PROTECTION OVERFILL ALARM. THIS DOES NOT APPLY TO PROPANE OR NATURAL GAS TANKS.

(H) SHALL COMPLY WITH § 1-6-50 (WELLHEAD PROTECTION ORDINANCE) AT SITE PLAN APPROVAL.

§ 1-19-404 SOLID WASTE OPERATION

The following provisions shall apply to solid waste operations requiring special exception approval in Agricultural and General Industrial Districts.

(A) Minimum lot area, 10 acres.

(B) Building setback shall be 150 feet from property line.

(C) The holder of the special exception must maintain all applicable valid federal, state and local permits.

(D) Conditions may be established regulating the operation of the use, including, but not limited to, routing of trucks, total number of trucks, hours of operations, volume of operation and dust control. Parking and maintenance of trucks and other equipment and activities accessory to the operations must be included within the application and will be subject to all conditions established by the Board.

(E) The use shall comply with all applicable noise, dust, and other pollutant standards set forth by federal, state and local regulations and at a minimum in the Agricultural District shall comply with § 1-19-307 as it applies to the Limited Industrial (LI) District.

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(F) The site shall have access to a collector or arterial roadway as designated on the Comprehensive Plan and shall be built to said classification requirements.

(G) The site shall have a minimum of 80 feet of road frontage. Access to a site via a panhandle is prohibited.

(H) No zoning certificate will be issued by the Zoning Administrator until all applicable permits have been reviewed by the appropriate federal, state and local agencies and with the understanding that the issuance of the corresponding permits is only dependent upon the county issuance of the zoning certificate.

(I) The use and zoning shall correspond to the Comprehensive Plan designation.

(J) PETROLEUM, FLAMMABLE LIQUID, OR HAZARDOUS SUBSTANCE STORAGE TANKS SHALL HAVE 100% CATCHMENT BASIN, OR DOUBLE-WALLED CONTAINMENT AND A SPILL PROTECTION OVERFILL ALARM. THIS DOES NOT APPLY TO PROPANE OR NATURAL GAS TANKS.

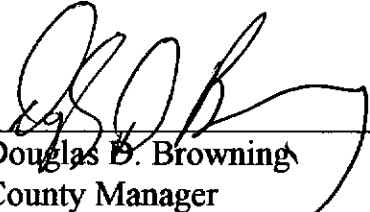
(K) SHALL COMPLY WITH § 1-6-50 (WELLHEAD PROTECTION ORDINANCE) AT SITE PLAN APPROVAL.

AND BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect on May 26, 2007.

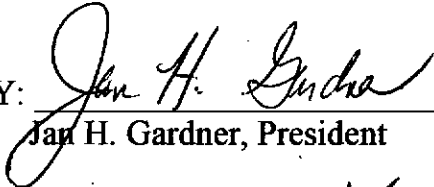
The undersigned hereby certifies that this Ordinance was approved and adopted on the 15th day of May, 2007.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND



Douglas D. Browning
County Manager

BY: 

Jan H. Gardner, President

Misc 5/16/07

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