



Bill No. 25-05  
Concerning: Design and Specific Use Regulations  
for Critical Digital Infrastructure Facilities and  
Electric Substations  
Introduced March 4, 2025  
Revised: \_\_\_\_\_ Draft No. \_\_\_\_\_  
Enacted: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Expires: June 2, 2025  
Frederick County Code, Chapter 1-19  
Section(s) 6.100, 8.402, 8.403

## COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

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By: Council Member Renee Knapp and President Brad Young

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**AN ACT** to: Update Design Requirements for Critical Digital Infrastructure Facilities and update Specific Use Regulations for Critical Digital Infrastructure Facilities and Critical Digital Infrastructure Electric Substations.

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Date Council Approved: \_\_\_\_\_ Date Transmitted to Executive: \_\_\_\_\_

Executive: \_\_\_\_\_ Date Received: \_\_\_\_\_

Approved: \_\_\_\_\_ Date: \_\_\_\_\_

Vetoed: \_\_\_\_\_ Date: \_\_\_\_\_

Date returned to Council by County Executive with no action: \_\_\_\_\_

By amending:

Frederick County Code, 1-19 Section(s) 6.100, 8.402, 8.403

Other: \_\_\_\_\_

<b>Boldface</b> <b>Underlining</b> [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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Bill No. 25-05

The County Council of Frederick County, Maryland, finds it necessary and appropriate to amend the Frederick County Code §§ 1-19-6.100, 1-19-8.402, and 1-19-8.403 to update Design Requirements for Critical Digital Infrastructure Facilities and update Specific Use Regulations for Critical Digital Infrastructure Facilities and Critical Digital Infrastructure Electric Utilities.

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

AND BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF FREDERICK  
COUNTY that the following transitional provisions shall apply:

1. Critical Digital Infrastructure Facilities that have received site plan approval or conditional site plan approval from the Planning Commission as of the effective date of this bill are exempt from the changes in this bill.
2. Critical Digital Infrastructure Electrical Substations that have received site plan approval or conditional site plan approval from the Planning Commission as of the effective date of this bill are exempt from the changes in this bill.

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Brad W. Young, President  
County Council of Frederick County,  
Maryland

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### 3    **§ 1-19-6.100. DESIGN REQUIREMENTS FOR SPECIFIC DISTRICTS.**

\* \* \*

Use Classification	Minimum Lot Area	Minimum Lot Area per Unit	Lot Width	Front Yard	Side Yard	Rear Yard	Height
<b>Limited Industrial District LI</b>							
Use Classification	Minimum Lot Area	Minimum Lot Area per Unit	Lot Width	Front Yard	Side Yard	Rear Yard	Height
<b>Limited Industrial District LI</b>							
Natural resources	5 acres	-	300	40	50	50	30'
Industrial	20,000	-	100	25	*	20	60'
Automobile services	20,000	-	100	25	*	20	60'
Wholesaling/processing	20,000	-	100	25	**	20	60'
Open space uses	No minimum	-	-	-	-	-	-
Governmental and public utility	20,000	-	200	40	40	40	30'
Nongovernmental utility, nongovernmental electric substation	20,000	-	200	50	50	50	30'
Self-storage units	20,000	-	100	25	10 ****	25 *****	60' ****
Solar facility, commercial	20,000 sq. ft.		200	50	50	50	30'
Critical digital infrastructure facility	80,000		[200] 300	[50 <sup>2</sup> ] 100 <sup>4</sup>	[50 <sup>2</sup> ] 100 <sup>4</sup>	[50 <sup>2</sup> ] 100 <sup>4</sup>	[60] 75'
Critical digital infrastructure electric substation	20,000		[200] 300	[50] <u>100</u>	[50] 100	[50] 100	30

<i>Use Classification</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Area per Unit</i>	<i>Lot Width</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Height</i>
<i>General Industrial District GI</i>							
<i>Use Classification</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Area per Unit</i>	<i>Lot Width</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Height</i>

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<b>General Industrial District GI</b>							
All permitted uses	1 acre	-	150	25	15	40	60'
Open space uses	No minimum	-	-	-	-	-	-
Governmental and public utility	1 acre	-	200	40	40	40	30'
Nongovernmental utility, nongovernmental electric substation	1 acre	-	200	50	50	50	30'
Self-storage units	20,000	-	100	25	10 ****	25 *****	60' ****
Solar facility, commercial	1 acre		200	50	50	50	30'
Critical digital infrastructure facility	80,000		[200] <u>300</u>	[50 <sup>2</sup> ] <u>100<sup>4</sup></u>	[50 <sup>2</sup> ] <u>100<sup>4</sup></u>	[50 <sup>2</sup> ] <u>100<sup>4</sup></u>	[60] <u>75</u>
Critical digital infrastructure electric substation	20,000		[200] <u>300</u>	[50] <u>100</u>	[50] <u>100</u>	[50] <u>100</u>	30

1    \* Equal to the height of structure.

2    \*\* Minimum 10' green area no parking within area

3    \*\*\* For development within the Village Center Zoning District see also §§ 1-19-7.500(B)(2)  
4 and (3)

5    \*\*\*\* Or as determined under §§ 1-19-7.500(B)(3), whichever is greater

6    \*\*\*\*\* Except as provided in § 1-19-8.450(B)(2) and § 1-19-8.450(D)(1).

7    1 Any proposed addition would have to meet setbacks required for new structures. Parking  
8 requirements of §§ 1-19-6.200 through 1-19-6.240.

9    2 As shown or equal to height of structure, whichever is greater.

10   3 Development within the VC zoning district may not exceed the density as specified within  
11 §§ 1-19-7.500(B)(1).

12   4 Or twice the height of the structure, whichever is greater.

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## **§ 1-19-8.402. CRITICAL DIGITAL INFRASTRUCTURE FACILITIES [IN THE LI AND GI DISTRICTS.]**

The following provisions apply to critical digital infrastructure [facility in the LI and GI Districts] facilities.

(A) Purpose and intent.

(1) The Critical Digital Infrastructure use is established to provide a location for facilities consisting of one or more buildings used primarily for the storage, management, processing, and transmission of digital data, which houses computer and/or network equipment, systems, servers, appliances, and other associated components related to digital data operations. The siting of these facilities is dependent upon several factors, including proximity to sufficient electrical power and data conveyance infrastructure.

### (B) Size and location.

(1) Critical Digital Infrastructure use may be established only where:

(a) The tract of land where the Critical Digital Infrastructure use is proposed has a zoning designation of Limited Industrial (LI) or General Industrial (GI);

(b) The tract of land where the Critical Digital Infrastructure use is proposed is within a Community Growth Area, as designated on the Comprehensive Plan Land Use map;

(c) The tract of land where the Critical Digital Infrastructure use is proposed is located within 2 miles of existing 69 KV or greater high-voltage electrical transmission lines.

(d) The tract of land where the Critical Digital Infrastructure use is proposed may not abut land that is zoned residential or is designated residential on the Comprehensive Plan Land Use map.

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1       (2) The tract of land proposed to be utilized for a Critical Digital Infrastructure use may  
2       not be located within a Priority Preservation Area (PPA), a Rural Legacy Area (RLA),  
3       or a Treasured Landscape Management Area.

4

5       (3) The tract of land proposed to be utilized for a Critical Digital Infrastructure use may  
6       not have a designation of No Planned Service (NPS) in the Water and Sewerage Plan.

7

8       (4) Additional size and location criteria- Applicants must demonstrate the following:

9

10      (a) The applicant must demonstrate that the visual impact of the project on the  
11       viewshed, surrounding properties, public roadways, including roadways with  
12       rustic, scenic, or historic designation, and historic sites will be avoided or  
13       minimized to the maximum extent practicable.

14

15      (b) The applicant must demonstrate that schools, college and universities, daycare  
16       centers, health care facilities, houses of worship, residences, and other non-  
17       industrial uses in the vicinity have been identified and negative impacts to these  
18       uses will be avoided or minimized to the maximum extent practicable.

19

20      (c) The applicant must demonstrate that fragile ecosystems and watersheds in the  
21       vicinity have been identified, and negative impacts will be avoided or minimized  
22       to the maximum extent practicable.

23

24      (d) The applicant must demonstrate that negative impacts to local, state, and federal  
25       recreational amenities and private parks, as defined in §1-19.11.100, will be  
26       avoided or minimized to the maximum extent practicable.

27

28      (e) The applicant must demonstrate that the siting of the proposed use(s) will not  
29       disproportionately negatively impact overburdened communities or underserved

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1                   communities as those terms are defined in Md. Code Ann., Environmental  
2                   Article, § 1-701.

3           ([A] C) *Bulk regulations.*

5           (1) The Planning Commission may approve a reduction to, but not elimination of, the  
6 required yard setbacks in § 1-19-6.100 between adjoining critical digital infrastructure facilities  
7 [in the LI and GI Districts] during the site plan review process, if the Planning Commission finds  
8 that reducing the setbacks:

9           (a) Increases the size and usability of open space areas;  
10  
11           (b) Increases the landscape buffer areas along other adjacent property lines with different  
12 land uses;  
13  
14           (c) Provides additional buffer areas for environmentally sensitive areas or resources; or  
15  
16           (d) Facilitates compliance with the design criteria listed under § 1-19-8.402(B).

18           (2) Notwithstanding any reduction approved by the Planning Commission, the distance  
19 between structures must comply with applicable building code requirements.

20           ([B] D) *Design requirements.*

21           (1) Buildings must be predominantly designed and constructed to include finishes and  
22 materials of consistent quality and design on all sides. All building facades that are in public  
23 view must avoid the use of undifferentiated facades and long, plain wall sections by including a  
24 combination of the following design elements: change in building height, building step-backs or  
25 recesses, windows, doors, changes in building material, patterns, textures, colors, or use of  
26 accent materials. Architectural renderings or plans must be submitted as part of the site  
27 development plan application for approval by staff and the Planning Commission to assure that  
28 the appearance, type of building materials, or other aspects of the building are consistent with the  
29 purposes and intent of the critical digital infrastructure design requirements.

30           (2) Visual impacts of the critical digital infrastructure on designated preservation areas, such  
31           as rural legacy areas, agricultural preservation areas, critical farms, Monocacy scenic river,  
32           designated heritage areas, historic sites, and sites eligible for historic designation, must be  
33           avoided or minimized to the maximum extent practicable. A viewshed analysis must be  
34           submitted as part of the site development plan application for approval by staff and the Planning  
35           Commission to assure that visual impacts are avoided or minimized to the maximum extent  
36           practicable through such means as building placement, building materials, landscaping, and  
37           screening.

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1       ([2] 3) Building entrances must be designed and oriented in terms of their relationship to the  
2 human scale and must reflect this relationship through the inclusion of human-scaled  
3 architectural elements.

4       ([3] 4) Refuse and recycling dumpsters, service doors, and mechanical equipment must face  
5 away from roadways, pedestrian routes, and public areas.

6       ([4] 5) In order to minimize visibility from adjacent roads and adjacent properties, ground  
7 level and roof top mechanical equipment, power generators, water cooling and storage facilities,  
8 utility substations, and other associated utility infrastructure to support sustained operations of  
9 the infrastructure must be screened. This screening may be provided by a principal building.  
10 Mechanical equipment not screened by a principal building must be screened by a visually  
11 opaque fence, screen wall or panel, parapet wall, or other visually opaque screen that must be  
12 constructed of materials compatible with those used in the exterior architectural finishes of the  
13 principal building.

14       ([5] 6) Staff shall refer site plans to the Architectural Review Committee, if the committee  
15 exists in good standing, for review prior to the site plan being scheduled for Planning  
16 Commission. The recommendations of the Architectural Review Committee may be considered  
17 by the Planning Commission.

18       ([6] 7) In addition to meeting the requirements of § 1-19.6.400, the following landscaping,  
19 screening, and buffering requirements must be met.

20       (a) Front yard(s) abutting a roadway must include a landscaped buffer.

21       (b) Except where adjoining a critical digital infrastructure use, side and rear yards must  
22 include a landscaped buffer.

23       (c) A landscaped buffer must include a four-season visual screen resulting in multi-  
24 layered, staggered rows of overstory and understory trees and shrubs that are a mix of evergreen  
25 and deciduous vegetation, with an emphasis on species that are native to Frederick County.

26       (d) The minimum height of overstory trees within a landscape screen or buffer at planting  
27 must be a minimum of 6 feet with a minimum caliper of 2 inches. The minimum height of  
28 understory trees and shrubs at the time of planting must be 3 gallon or larger. Trees and shrubs  
29 larger than the minimum sizes listed above will be required where the minimum planting sizes  
30 will not provide adequate screening or buffering within 2 years. Vegetation used to establish a  
31 visual screen shall not be trimmed so as to stunt upward and outward growth or to otherwise  
32 limit the effectiveness of the visual screen.

33       (e) A berm, wall, or fence may be used in combination with vegetation to satisfy the  
34 screening requirement where deemed appropriate by County Staff and the Planning Commission.  
35 Walls and fences must be made of quality materials and enhance rather than detract from the  
36 beautification of the site. Walls and fences that are in public view must avoid long,  
37 undifferentiated facades and long, plain sections by including a combination of the following  
38 design elements: variations in height, step-backs or recesses, changes in material, patterns,  
39 textures, colors, or use of accent materials.

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1       (f) If security fencing is proposed, vegetative screening must be placed between the fence  
2 and the public view. Fencing must be made of high quality materials. Chain-link and similar  
3 woven metal or plastic fencing shall not be used.

4       (g) If forest or hedgerows exist where screening or buffering is required, it must be  
5 preserved to the maximum extent practicable and supplemented with new plantings where  
6 necessary to provide the desired screening or buffering.

7       (h) All landscaping, screening, and buffering must be maintained in living condition.

8       (i) Applicant must submit a landscape, buffering, and screening plan as part of the site  
9 plan application addressing the requirements and timing of plantings. Screening and buffering  
10 must be installed as early in the development process as possible. Occupancy shall not be granted  
11 if screening and buffering requirements are not installed in accordance with the approved site  
12 plan.

13       (j) The Planning Commission may approve a modification to the landscaping, buffering,  
14 and screening standards where an alternate landscaping, buffering, and screening plan is  
15 provided that meets the purpose and intent of these design requirements.

16       ([7] 8) Parking, loading, and signage must be provided in accordance with § 1-19-  
17 6.200 through § 1-19-6.340.

18       ([8] 9) [Lighting must comply with § 1-19-6.500, but light poles must not exceed a height of  
19 18 feet. The Planning Commission may require more restrictive lighting heights where deemed  
20 appropriate by the Planning Commission.] In addition to meeting the requirements of § 1-19-  
21 6.500, the following lighting requirements must be met:

22       (a) Pole mounted and building mounted lights must not exceed a height of 18 feet.

23       (b) Lighting shall include elements that reduce negative impacts to wildlife migration,  
24 nocturnal habits, and circadian rhythms, such as the utilization of lights with amber or yellow  
25 tints instead of blue or white light and the use of timers, motion detectors, and light-sensitive  
26 switches to actively regulate the emission of light from light fixtures.

27       (c) The Planning Commission may require more restrictive lighting standards where  
28 deemed appropriate by the Planning Commission.

29       ([9] 10) Bicycle rack requirements shall be in accordance with industrial parks in table § 1-  
30 19-6.220 (H)(1).

31       ([10] 11) Critical digital infrastructure facilities must meet all criteria found in §§ 1-19-  
32 7.600 and 1-19-7.610.

33       ([C] E) *Subdivision and street frontage.*

34       (1) Subdivision of lot(s) for critical digital infrastructure uses shall comply with Chapter 1-  
35 16 of the County Code.

36       (2) Where two or more lots are proposed for critical digital infrastructure uses, the lot  
37 frontage requirement of § 1-19-4.520 may be met by construction of a private street subject to  
38 Planning Commission approval and the following:

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1       (a) The lot or parcel from which the new lot is being created has fee-simple frontage on a  
2 public street.

3       (b) The private street connects directly to a public road.

4       (c) The private street will not serve any uses that would be frequented by the general  
5 public.

6       (d) For the purposes of establishing bulk regulations (setbacks, lot width, etc.), the  
7 measurements along the portion of the lot(s) fronting a private street must be the same as  
8 established for public streets.

9       (e) The design of the private street must comply with Chapter 1-16 of the County Code.

10      (f) Private streets may not create long, dead-end street networks and must serve a limited  
11 number of lots and sites, as determined by the Planning Commission.

12      (g) Private streets must be maintained by a property owner association or similar  
13 organization.

14      (h) Easements, maintenance agreements, and covenants must be provided to the County  
15 for review with the submission of a final plat, and must be recorded by the applicant prior to lot  
16 recordation and the recording reference noted on the final plat.

17      ([D] F) *Performance standards.* These performance standards for critical digital infrastructure  
18 facilities are intended to mitigate potential detrimental effects on adjacent properties and the  
19 neighborhood. All applications for site plan approval must be accompanied by a registered  
20 engineer's certification that the use complies with all of the performance standards. If, after  
21 occupancy of the structures, continuous or frequent (even if intermittent) violations of the  
22 performance standards occur, and after notice is given, bona fide and immediate corrective work  
23 is not performed which successfully prevents the violation(s) from reoccurring, the Zoning  
24 Administrator may suspend or revoke the Zoning Certificate and the Certificate of Occupancy  
25 and require the operations and occupancy to immediately cease. The Zoning Certificate and  
26 Certificate of Occupancy will be reinstated after the property owner demonstrates to the Zoning  
27 Administrator's satisfaction, that operation of the facilities is able to conform to these  
28 requirements.

29      (1) *Noise.*

30      (a) Noise must be measured with a sound level meter.

31      (b) The maximum sound pressure levels permitted from any source, including but not  
32 limited to air handlers, generators, and other mechanical devices, measured within an adjacent  
33 property line, are set forth below:

<i>Sound Measured To</i>	<i>Decibels Continuous Slow Meter Responses</i>
Industrial uses	70
Commercial uses	64

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Residential uses in any zoning district	55
Institutional uses	55
All other uses	55

1  
2       (c) All applications for site plan approval must include a sound study that is prepared by a  
3       qualified engineer with experience in environmental acoustics. The purpose of the detailed  
4       study is to assess the impact of all noise sources and determine the appropriate layout, design,  
5       and control measures. The study must include:

- 6       1. Details of assessment methodology.
- 7       2. List of all air handlers, generators, and other mechanical devices that are included in  
8       the sound evaluation, including manufactures specifications.
- 9       3. Predicted sound levels for three scenarios:
  - 10      a. All mechanical and electrical equipment required for normal operation  
11       at 100% load.
  - 12      b. Generator testing and maintenance.
  - 13      c. Emergency scenario with all generators, mechanical equipment, and  
14       electrical equipment operating at 100%.
- 15      4. When multiple buildings are proposed on the site plan application, the study must  
16       include sound levels for each phase of building construction to ensure that the sound  
17       levels listed in the table in (F)(1)(b) above are met during all phases of buildout.
- 18      5. Summary of the results and recommended control measures.

19       (d) Within 6 months of the date of occupancy of any completed CDI building, and bi-annually  
20       thereafter, actual sound levels for scenarios a and b listed under (F)(1)(c)(3). above must be  
21       measured by a qualified engineer with experience in environmental acoustics and a final sound  
22       level report must be submitted to the County for review and approval. If actual sound levels  
23       exceed the maximum sound pressure levels listed in (F)(1)(b) above, corrective actions must be  
24       executed as soon as reasonably possible, but no later than 180 days from the date of the  
25       submission of the report.

26  
27       ([c] e) The provisions of this section do not apply to:

- 28       1. Transportation vehicles not under the control of the use.
- 29       2. Occasionally used safety signals, warning devices, and emergency pressure relief  
30       valves.
- 31       3. Temporary construction activity between 7:00 a.m. and 7:00 p.m.
- 32       4. Emergency and o[O]ther exemptions identified in § 1-11-6(F).

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1        [(d) Air handlers, generators, and other mechanical devices must comply with subsection  
2 (1)(b) above.]

3        (2) *Vibration.*

4        (a) No vibration may be produced which is transmitted through the ground and is  
5 discernible without the aid of instruments at any point beyond the property line; nor may any  
6 vibration produce a particle velocity of 2 inches per second measured at or beyond the property  
7 line. This provision does not apply between adjoining critical digital infrastructure facilities uses.

8        (b) All applications for site plan approval must include a vibration impact study that is  
9 prepared by a qualified individual with experience in vibration analysis.

10        (c) Within 6 months of the date of occupancy of any completed CDI building, and bi-  
11 annually thereafter actual vibration levels must be measured by a qualified individual and a  
12 vibration report must be submitted to the County for review and approval. If vibration levels  
13 exceed the maximum listed in (F)(2)(a) above, corrective action must be taken as soon as  
14 reasonably possible but no later than 180 days from the date of the submission of the report.

15

16        (3) *Generators.*

17        (a) Generators must meet or exceed Tier 4 or equivalent emission standards as defined  
18 by the United States Environmental Protection Agency.

19        (b) Generator testing shall be limited to Monday thru Friday, 8am to 5pm. Only one  
20 generator per building, or the minimum number necessary to meet operational standards, may be  
21 tested at a time and for a period not to exceed 60 minutes, unless Federal or State law, rule or  
22 regulation, or utility company restrictions prevent testing during such time.

23        (c) Generators must be installed at ground level.

24        (d) *Stand-alone Fuel Storage Tanks*

25        1. For the purposes of this section, fuel storage includes the storage of all  
26 petroleum bases fuels, natural gas liquids, biofuels, and liquids derived from other hyrdocarbon  
27 sources.

28        2. The storage tank shall be placed above ground with a capacity not to exceed  
29 20,000 gallons.

30        3. Only one storage tank is permitted per critical digital infrastructure building.

31        4. The storage tank shall be located a minimum of 100 feet from a well or as  
32 provided in § 1-6-50 of the County Code (Wellhead Protection Ordinance), whichever is greater.

33        5. The storage tank shall be governed by the International Fuel Gas Code  
34 concerning storage tanks, and the National Fire Protection Association 30 standards.

35        6. Storage tanks shall have 100% catchment basin, or double-walled containment,  
36 and a spill protection overfill alarm.

37        7. Shall comply with § 1-6-50 of the County Code (Wellhead Protection  
38 Ordinance).

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1                   8. The storage tank must have a minimum setback of 100 feet from all property  
2                   lines.

3                   9. Storage tanks must meet all applicable State and Federal regulations for above  
4                   ground storage tanks.

5                   (e) Fuel storage tanks attached to stationary equipment:

6                   1. For the purposes of this section, fuel storage includes the storage of all  
7                   petroleum bases fuels, natural gas liquids, biofuels, and liquids derived from other  
8                   hydrocarbon sources.

9                   2. Shall not have a capacity greater than 10,000 Gallons per attached storage tank.

10                   3. The storage tank and stationary equipment shall be located a minimum of 100  
11                   feet from a well or as provided in § 1-6-50 of the County Code (Wellhead Protection  
12                   Ordinance), whichever is greater.

13                   4. The storage tank shall be governed by the International Building Code 2006 as  
14                   amended concerning storage tanks, and the National Fire Protection Association 30, as  
15                   amended.

16                   5. Storage tanks shall have 100% catchment basin, or double-walled containment,  
17                   and a spill protection overfill alarm.

18                   6. Shall comply with § 1-6-50 of the County Code (Wellhead Protection  
19                   Ordinance).

20                   7. The storage tank must have a minimum setback of 100 feet from all property  
21                   lines.

22                   8. Storage tanks must meet all applicable State of Maryland and Federal  
23                   regulations for above ground storage tanks.

25                   \*\*\*

26                   **§ 1-19-8.403. CRITICAL DIGITAL INFRASTRUCTURE ELECTRIC SUBSTATION [IN**  
27                   **THE LI AND GI DISTRICTS].**

28                   The following provisions apply to critical digital infrastructure electric substations [in the LI  
29                   and GI Districts]:

30                   (A) Size and location.

31                   (1) Critical Digital Infrastructure Electric Substation use may be established only where:

32                   (a) The tract of land where the Critical Digital Infrastructure is proposed has a zoning  
33                   designation of Limited Industrial (LI) or General Industrial (GI);

34                   (b) The tract of land where the Critical Digital Infrastructure Electric Substation use is  
35                   proposed is within a Community Growth Area, as designated on the Comprehensive  
36                   Plan Land Use map;

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(c) The tract of land where the Critical Digital Infrastructure Electric Substation use is proposed is located within 2 miles of existing 69KV or greater high-voltage electrical transmission lines.

(2) The tract of land proposed to be utilized for a Critical Digital Infrastructure Electric Substation use may not be located within a Priority Preservation Area (PPA), a Rural Legacy Area (RLA), or a Treasured Landscape Management Area.

(3) The tract of land proposed to be utilized for a Critical Digital Infrastructure Electric Substation use may not have a designation of No Planned Service (NPS) in the Water and Sewerage Plan.

**(4) Additional size and location criteria- Applicants must demonstrate the following:-**

(a) The applicant must demonstrate that the visual impact of the project on the viewshed, surrounding properties, public roadways, including roadways with Rustic, scenic, or historic designation, and historic sites will be avoided or minimized to the maximum extent practicable.

(b) The applicant must demonstrate that schools, daycare centers, health care facilities, houses of worship, residences, and other non-industrial uses in the vicinity have been identified and negative impacts to these uses will be avoided or minimized to the maximum extent practicable.

(c) The applicant must demonstrate that fragile ecosystems and watersheds in the vicinity have been identified, and negative impacts will be avoided or minimized to the maximum extent practicable.

(d) The applicant must demonstrate that negative impacts to local, state, and federal recreational amenities and private parks, as defined in §1-19.11.100, will be avoided or minimized to the maximum extent practicable.

(e) The applicant must demonstrate that the siting of the proposed use(s) will not disproportionately negatively impact overburdened communities or underserved communities as those terms are defined in Md. Code Ann., Environmental Article, § 1-701.

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2   ([A] B) A critical digital infrastructure electric substation may only be constructed for the  
3   purpose of providing power to critical digital infrastructure facilities, and when a critical digital  
4   infrastructure facility has received site plan approval from the Planning Commission. An  
5   application for a critical digital infrastructure electric substation may be processed concurrently  
6   with an application for a critical digital infrastructure facility.

7   ([B] C) A critical digital infrastructure electric substation may be connected to another  
8   electrical system within the region. Any expansion of a critical digital infrastructure electric  
9   substation for the purpose of supporting other uses or users must follow the rules, regulations,  
10   and procedures applicable to nongovernmental electric substation use.

11   ([C] D) An application for a critical digital infrastructure electric substation must include the  
12   following:

13       (1) Information indicating the general conditions of use and existing improvements on  
14       adjoining properties within a 1,000-foot radius surrounding the subject property.

15       (2) A description of the potential environmental and ecological (including water, air,  
16       wildlife, and vegetation) effects of the proposed critical digital infrastructure electric substation  
17       on properties in the vicinity of the proposed development.

18       (3) An assessment of the impact on nearby properties from electromagnetic fields to be  
19       generated by the critical digital infrastructure electric substation.

20       (4) An assessment of safety and reliability, including provisions for emergency operations  
21       and shutdowns.

22       (5) Information as to how the applicant proposes to address the visual impact of the critical  
23       digital infrastructure electric substation on designated preservation areas, such as rural legacy  
24       areas, agricultural preservation areas, critical farms, Monocacy scenic river, designated heritage  
25       areas, historic sites and sites eligible for historic designation.

26       (6) A description of methods to be utilized to mitigate any waste disposal, air quality, visual  
27       or noise impacts associated with the development or operation of the critical digital infrastructure  
28       electric substation.

29       ([D] E) *Design requirements.*

30       (1) *Landscaping, screening, and buffering.*

31           (a) A landscaped buffer must include a four-season visual screen resulting in multi-  
32           layered, staggered rows of overstory and understory trees and shrubs that are a mix of evergreen  
33           and deciduous vegetation, with an emphasis on species that are native to Frederick County.

34           (b) The minimum height of overstory trees within a landscape screen or buffer at planting  
35           must be a minimum of 6 feet with a minimum caliper of 2 inches. The minimum height of  
36           understory trees and shrubs at the time of planting must be 3 gallon or larger. Trees and shrubs  
37           larger than the minimum sizes listed above will be required where the minimum planting sizes  
38           will not provide adequate screening or buffering within 2 years. Vegetation used to establish a  
39           visual screen shall not be trimmed so as to stunt upward and outward growth or to otherwise  
40           limit the effectiveness of the visual screen.

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1       (c) A berm, wall, or fence may be used in combination with vegetation to satisfy the  
2 screening requirement where deemed appropriate by County Staff and the Planning Commission.  
3 Walls and fences must be made of quality materials and enhance rather than detract from the  
4 beautification of the site. Walls and fences that are in public view must avoid long,  
5 undifferentiated facades and long, plain sections by including a combination of the following  
6 design elements: variations in height, step-backs or recesses, changes in material, patterns,  
7 textures, colors, or use of accent materials.

8       (d) If security fencing is proposed, vegetative screening must be placed between the fence  
9 and the public view. Fencing must be made of high quality materials. Chain-link and similar  
10 woven metal or plastic fencing shall not be used.

11       (e) If existing forest or hedgerows exist where screening or buffering is required, it must  
12 be preserved to the maximum extent practicable and supplemented with new plantings where  
13 necessary to provide the desired screening or buffering.

14       (f) All landscaping, screening, and buffering must be maintained in living condition.

15       (g) The Planning Commission may approve a modification to the landscaping, buffering,  
16 and screening standards where an alternate landscaping, buffering, and screening plan is  
17 provided that meets the purpose and intent of this section.

18       (h) Applicant must submit a landscape, buffering, and screening plan as part of the site  
19 plan application addressing the requirements and timing of plantings. Screening and buffering  
20 must be installed as early in the development process as possible. Occupancy shall not be granted  
21 if screening and buffering requirements are not installed in accordance with the approved site  
22 plan.

23       (2) Lighting, if provided, must comply with § 1-19-6.500, and light poles shall not exceed a  
24 height of 18 feet. The Planning Commission may reduce lighting height(s) where deemed  
25 appropriate by the Planning Commission.

26       (3) *Noise.*

27       (a) Noise will be measured with a sound level meter.

28       (b) The following table describes the maximum sound pressure level permitted from any  
29 source and measured at any adjacent property line.

<i>Sound Measured To</i>	<i>Decibels Continuous Slow Meter Responses</i>
Industrial uses	70
Commercial uses	64
Residential uses in any zoning district	55
Institutional uses	55
All other uses	55

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2       (c) All applications for site plan approval must include a sound study that is prepared by a  
3       qualified engineer with experience in environmental acoustics. The purpose of the detailed  
4       study is to assess the impact of all noise sources and determine the appropriate layout, design,  
5       and control measures. The study must include:

6           1. Details of assessment methodology.  
7           2. List of all devices that are included in the sound evaluation, including manufacturers  
8       specifications.  
9           3. Predicted sound levels.  
10          4. Summary of the results and recommended control measures.

11       (d) Within 6 months of the beginning date of operation, actual sound levels must be  
12       measured, and bi-annually thereafter by a qualified engineer with experience in environmental  
13       acoustics and a sound level report must be submitted to the County for review and approval. If  
14       actual sound levels exceed the maximum sound pressure levels listed in (b) above, corrective  
15       actions must be executed as soon as reasonably possible, but no later than 180 from the  
16       submission of the report.

17       ([c]e) The following sources of noise are exempt:  
18           1. Transportation vehicles not under the control of the use.  
19           2. Occasionally used safety signals, warning devices, and emergency pressure relief  
20       valves.  
21           3. Temporary construction activity between 7:00 a.m. and 7:00 p.m.

22       (4) *Vibration.* No vibration may be produced which is transmitted through the ground and is  
23       discernible without the aid of instruments at any point beyond the property line; nor may any  
24       vibration produce a particle velocity of 2 inches per second measured at any point beyond the  
25       property line. All applications for site plan approval must include a vibration impact study that is  
26       prepared by a qualified individual with experience in vibration analysis. This provision does not  
27       apply between adjoining critical digital infrastructure uses.

28       (5) *Height.* The Planning Commission may approve an increase in the maximum height  
29       established in § 1-19-6.100, if it finds the increased height would not have an adverse impact on  
30       properties in the vicinity of the proposed critical digital infrastructure electric substation. For  
31       each 3-foot increase in the height above the maximum height established in § 1-19-6.100, the  
32       required front, side, and rear yards set back measurements must be increased by one additional  
33       foot.

34       (Bill. No. 22-05, 3-15-2022)

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