

1 **AMENDMENT 1 on Bill No. 25-09**
2

3 **Introduced By:** Council Member Steve McKay (District 2)
4 **Introduction Date:** August 19, 2025
5 **Adopted/Rejected/Withdrawn:** **REJECTED**
6

7

8 **AN ACT** Establish a Critical Digital Infrastructure Overlay Zone for the purpose of directing
9 Critical Digital Infrastructure Facilities and Critical Digital Infrastructure Electric
10 Substations to industrial lands in proximity to data conveyance infrastructure and
11 other industrial uses, while minimizing impacts to non-compatible uses and
12 allowing for development of industrial lands not included in the Critical Digital
13 Infrastructure Overlay Zone for other industrial uses.

14

15 On Exhibit 1, it is hereby amended as follows:

16 **§ 1-19-8.402. CRITICAL DIGITAL INFRASTRUCTURE FACILITIES**

17 ***

18 (B) Size and location.

19 ***

20 ~~([e]b) [The tract of land where the Critical Digital Infrastructure use is proposed is located within~~
21 ~~2 miles of existing 69 KV or greater high voltage electrical transmission lines;]~~ The tract of land
22 where the Critical Digital Infrastructure use is proposed is within the Critical Digital
23 Infrastructure Overlay Zone (CDI-OZ); and].

24 ***

25 ~~[([e]c) [Notwithstanding subsection (d);] Critical Digital Infrastructure may only be established~~
26 ~~on a tract of land that abuts land that is zone Residential or is designated Residential on the~~
27 ~~Comprehensive Plan Land Use map [so long as] if the front, side, and rear yard setbacks set for~~
28 ~~in section 1-19-6.100 for a Critical Digital Infrastructure facility are increased to [200]500 feet~~
29 ~~from any property line abutting such Residentially zoned or Designated land.]~~

30 ***

31 **§ 1-19-10.1100. Critical Digital Infrastructure Overlay Zone (CDI-OZ)**

32 ***

33 **(B) Establishment of Critical Digital Infrastructure Overlay Zone.**

34 ***

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.
[Brackets and ~~strike through~~] indicate matter deleted from the bill.

AMENDMENT 2 on Bill No. 25-09

Introduced By: Council Member Steve McKay (District 2)
Introduction Date: August 19, 2025
Adopted/Rejected/Withdrawn: **REJECTED**

AN ACT Establish a Critical Digital Infrastructure Overlay Zone for the purpose of directing Critical Digital Infrastructure Facilities and Critical Digital Infrastructure Electric Substations to industrial lands in proximity to data conveyance infrastructure and other industrial uses, while minimizing impacts to non-compatible uses and allowing for development of industrial lands not included in the Critical Digital Infrastructure Overlay Zone for other industrial uses.

On page 1, it is hereby amended as follows:

* * *

[—— It is the intention of the County, in accordance with § 1-19-10.110(B), that for every acre of land within the Overlay Zone that is in the agricultural district and approved for a rezoning to Limited Industrial (LI) or General Industrial (GI), five acres of nonpreserved agricultural land shall be preserved at the applicant's expense by providing the necessary funding through a Community Benefit Agreement negotiated with the County Executive to secure this preservation, with all funds dedicated to the Frederick County Agricultural Preservation Fund.]

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.
[Brackets and ~~strikethrough~~] indicate matter deleted from the bill.

(7) THE TRACT OF LAND WHERE THE CRITICAL DIGITAL INFRASTRUCTURE OVERLAY ZONE IS PROPOSED MAY NOT INCLUDE OR ABUT LAND THAT IS ZONED RESIDENTIAL OR IS DESIGNATED RESIDENTIAL ON THE COMPREHENSIVE PLAN LAND USE MAP.

* * *

6 § 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
<i>Limited Industrial District LI</i>							
Use Classification	Minimum Lot Area	Minimum Lot Area per Unit	Lot Width	Front Yard	Side Yard	Rear Yard	Height
<i>Limited Industrial District LI</i>							
Critical digital infrastructure facility	80,000		300	100 ⁴ [*****]	100 ⁴ [*****]	100 ⁴ [*****]	75'
<i>General Industrial District GI</i>							
Use Classification	Minimum Lot Area	Minimum Lot Area per Unit	Lot Width	Front Yard	Side Yard	Rear Yard	Height
<i>General Industrial District GI</i>							
Critical digital infrastructure facility	80,000		300	100 ⁴ [*****]	100 ⁴ [*****]	100 ⁴ [*****]	75'

* Equal to the height of structure.

** Minimum 10' green area no parking within area

12 *** For development within the Village Center Zoning District see also §§ 1-19-7.500(B)(2) and
13 (3)

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

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

16 [***** Except as provided in 1-19-8.402(B)(1)(e)]

EXPLANATION

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.
[Brackets and ~~strike-through~~] indicate matter deleted from the bill.

AMENDMENT 3 on Bill No. 25-09

Introduced By: Council Member Steve McKay (District 2)
Introduction Date: August 19, 2025
Adopted/Rejected/Withdrawn: **REJECTED**

AN ACT Establish a Critical Digital Infrastructure Overlay Zone for the purpose of directing Critical Digital Infrastructure Facilities and Critical Digital Infrastructure Electric Substations to industrial lands in proximity to data conveyance infrastructure and other industrial uses, while minimizing impacts to non-compatible uses and allowing for development of industrial lands not included in the Critical Digital Infrastructure Overlay Zone for other industrial uses.

On Exhibit 1, it is hereby amended as follows:

§ 1-19-8.402. CRITICAL DIGITAL INFRASTRUCTURE FACILITIES

* * *

(B) Size and location.

* * *

(2) The tract of land proposed to be utilized for a Critical Digital Infrastructure use may not be located within a Priority Preservation Area (PPA), a Rural Legacy Area (RLA), or a Treasured Landscape Management Area **AS OF JUNE 17, 2025, WITH THE EXCEPTION OF SUCH TRACTS LOCATED WITHIN AN EXISTING COMMUNITY GROWTH AREA.**

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.
[Brackets and strikethrough] indicate matter deleted from the bill.

1 **AMENDMENT 4 on Bill No. 25-09**
2

3 **Introduced By:** Council Member Steve McKay (District 2)
4 **Introduction Date:** August 19, 2025
5 **Adopted/Rejected/Withdrawn:** **REJECTED**
6

7

8 **AN ACT** Establish a Critical Digital Infrastructure Overlay Zone for the purpose of directing
9 Critical Digital Infrastructure Facilities and Critical Digital Infrastructure Electric
10 Substations to industrial lands in proximity to data conveyance infrastructure and
11 other industrial uses, while minimizing impacts to non-compatible uses and
12 allowing for development of industrial lands not included in the Critical Digital
13 Infrastructure Overlay Zone for other industrial uses.

14

15 On Exhibit 1, it is hereby amended as follows:

16

17 **§ 1-19-8.402. CRITICAL DIGITAL INFRASTRUCTURE FACILITIES**

18 ***

19 (B) Size and location.

20 ***

21 (4) Additional size and location criteria - Applicants must demonstrate [the following] that:

22

23 (a) [The applicant must demonstrate that] the visual impact of the project on the viewshed,
24 surrounding properties, public roadways, including roadways with rustic, scenic, or historic
25 designation, and historic sites will be avoided or minimized[to the maximum extent
26 practicable];[-]

27

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

32

33 (c) [The applicant must demonstrate that] fragile ecosystems and watersheds in the vicinity
34 have been identified, and negative impacts will be avoided or minimized[to the maximum
35 extent practicable];[-]

36

37 (d) [The applicant must demonstrate that] negative impacts to local, state, and federal

EXPLANATION:

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1 recreational amenities and private parks, as defined in §1-19-11.100, will be avoided or
2 minimized[~~to the maximum extent practicable~~];[-] and

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.
[Brackets and ~~strikethrough~~] indicate matter deleted from the bill.

AMENDMENT 5 on Bill No. 25-09

Introduced By: Council Member Steve McKay (District 2)

Introduction Date: August 19, 2025

Adopted/Rejected/Withdrawn: **REJECTED**

AN ACT Establish a Critical Digital Infrastructure Overlay Zone for the purpose of directing Critical Digital Infrastructure Facilities and Critical Digital Infrastructure Electric Substations to industrial lands in proximity to data conveyance infrastructure and other industrial uses, while minimizing impacts to non-compatible uses and allowing for development of industrial lands not included in the Critical Digital Infrastructure Overlay Zone for other industrial uses.

On Exhibit 1, it is hereby amended as follows:

§ 1-19-8.403. CRITICAL DIGITAL INFRASTRUCTURE ELECTRIC SUBSTATIONS

* * *

(A) Size and location.

* * *

(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 **AS OF JUNE 17, 2025, WITH THE EXCEPTION OF SUCH TRACTS LOCATED WITHIN AN EXISTING COMMUNITY GROWTH AREA.**

EXPLANATION

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.
[Brackets and ~~strikethrough~~] indicate matter deleted from the bill.

AMENDMENT 6 on Bill No. 25-09

Introduced By: Council Member Steve McKay (District 2)
Introduction Date: August 19, 2025
Adopted/Rejected/Withdrawn: **ADOPTED**

AN ACT Establish a Critical Digital Infrastructure Overlay Zone for the purpose of directing Critical Digital Infrastructure Facilities and Critical Digital Infrastructure Electric Substations to industrial lands in proximity to data conveyance infrastructure and other industrial uses, while minimizing impacts to non-compatible uses and allowing for development of industrial lands not included in the Critical Digital Infrastructure Overlay Zone for other industrial uses.

On Exhibit 1, it is hereby amended as follows:

§ 1-19-10.1100. Critical Digital Infrastructure Overlay Zone (CDI-OZ).

* * *

(B) Establishment of Critical Digital Overlay Zone.

* * *

21 (3) In establishing the area of the Critical Digital Overlay Zone, the County Council
22 [may]SHALL consider proximity to schools, colleges and universities, daycare centers,
23 healthcare facilities, and residential uses.

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.
[Brackets and ~~strikethrough~~] indicate matter deleted from the bill

AMENDMENT 7 on Bill No. 25-09

Introduced By: Council Member Steve McKay (District 2)
Introduction Date: August 19, 2025
Adopted/Rejected/Withdrawn: **ADOPTED**

AN ACT Establish a Critical Digital Infrastructure Overlay Zone for the purpose of directing Critical Digital Infrastructure Facilities and Critical Digital Infrastructure Electric Substations to industrial lands in proximity to data conveyance infrastructure and other industrial uses, while minimizing impacts to non-compatible uses and allowing for development of industrial lands not included in the Critical Digital Infrastructure Overlay Zone for other industrial uses.

On Exhibit 1, it is hereby amended as follows:

§ 1-19-10.1100. Critical Digital Infrastructure Overlay Zone (CDI-OZ).

(B) Establishment of Critical Digital Overlay Zone.

(6) (a) Individual zoning map amendments for properties located within the Critical Digital Infrastructure Overlay Zone shall be subject to the approval criteria in [§]§ 1-19-3.110.4[(A) but shall not be subject to the additional criteria listed under §§ 1-19-3.110.4(B)];

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.
[Brackets and strikethrough] indicate matter deleted from the bill.

AMENDMENT 8 on Bill No. 25-09

Introduced By: Council Member Jerry Donald (District 1)
Introduction Date: August 19, 2025
Adopted/Rejected/Withdrawn: **REJECTED**

AN ACT Establish a Critical Digital Infrastructure Overlay Zone for the purpose of directing Critical Digital Infrastructure Facilities and Critical Digital Infrastructure Electric Substations to industrial lands in proximity to data conveyance infrastructure and other industrial uses, while minimizing impacts to non-compatible uses and allowing for development of industrial lands not included in the Critical Digital Infrastructure Overlay Zone for other industrial uses.

On page 7, it is hereby amended as follows:

* * *

(B) Establishment of Critical Digital Infrastructure Overlay Zone.

(1) A Critical Digital Infrastructure Overlay Zone may be created by the County Council, with the boundaries established by ordinance and identified on the Zoning Map.

(2) A Critical Digital Infrastructure Overlay Zone shall be established by the County Council only on lands with a comprehensive plan land use designation of Limited Industrial (LI) or General Industrial (GI) uses.

(3) A CRITICAL DIGITAL INFRASTRUCTURE OVERLAY ZONE MAY NOT BE ESTABLISHED BY THE COUNTY COUNCIL ON LAND THAT IS ZONED AGRICULTURAL.

[§3](4) In establishing the area of the Critical Digital Infrastructure Overlay Zone, the County Council may consider proximity to schools, colleges and universities, daycare centers, healthcare facilities, and residential uses.

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.
[Brackets and ~~strikethrough~~] indicate matter deleted from the bill.

1 [4][5] The Critical Digital Infrastructure Overlay Zone, as approved by the County
2 Council, shall include less than 1% of the total land area of the County.

3 [5][6] Development of Critical Digital Infrastructure Facilities and Critical Digital
4 Infrastructure Electric Substations in the Critical Digital Infrastructure Overlay Zone
5 shall comply with § 1-19-8.402. CRITICAL DIGITAL INFRASTRUCTURE
6 FACILITIES and § 1-19-8.403. CRITICAL DIGITAL INFRASTRUCTURE
7 ELECTRIC SUBSTATIONS.

8 [6][7] (a) Individual zoning map amendments for properties located within the Critical
9 Digital Infrastructure Overlay Zone shall be subject to the approval criteria in §§ 1-19-
10 3.110.4(A) but shall not be subject to the additional criteria listed under §§ 1-19-
11 3.110.4(B);

12 (b) In the event that the County Council approves removal of a property within the CDI-
13 OZ from the Rural Legacy Area, an individual zoning map amendment application shall
14 not be accepted or processed until final State approval of the revised Rural Legacy Area
15 map is received

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.
[Brackets and ~~strikethrough~~] indicate matter deleted from the bill.

1 **AMENDMENT 9 on Bill No. 25-09**
2

3 **Introduced By:** Council Member Steve McKay (District 2)
4 **Introduction Date:** August 19, 2025
5 **Adopted/Rejected/Withdrawn:** **REJECTED**
6

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8 **AN ACT** Establish a Critical Digital Infrastructure Overlay Zone for the purpose of directing
9 Critical Digital Infrastructure Facilities and Critical Digital Infrastructure Electric
10 Substations to industrial lands in proximity to data conveyance infrastructure and
11 other industrial uses, while minimizing impacts to non-compatible uses and
12 allowing for development of industrial lands not included in the Critical Digital
13 Infrastructure Overlay Zone for other industrial uses.

14

15 On Exhibit 1, it is hereby amended as follows:

16

17 **§ 1-19-8.402. CRITICAL DIGITAL INFRASTRUCTURE FACILITIES**

18 ***

19 (B) Size and location.

20 ***

21 (4) Additional size and location criteria - Applicants must demonstrate [the following] that:

22 ***

23

24 (b) [The applicant must demonstrate that] schools, college and universities, daycare
25 centers, health care facilities, houses of worship, residences, and other non-industrial uses
26 in the vicinity have been identified and negative impacts to these uses will be avoided or
27 minimized to the maximum extent practicable, **INCLUDING BUT NOT LIMITED TO**
28 **THE USE OF NATURAL TOPOGRAPHY, PHYSICAL BERMS, AND**
29 **INCREASED SETBACKS BETWEEN PROPOSED CRITICAL DIGITAL**
30 **INFRASTRUCTURE FACILITIES AND STRUCTURES ASSOCIATED WITH**
31 **THESE SENSITIVE USES. THE PLANNING COMMISSION SHALL HAVE THE**
32 **AUTHORITY TO REQUIRE THESE MEASURES, INCLUDING INCREASED**
33 **SETBACKS, AT SITE PLAN APPROVAL: [-]**

34 ***

35

36 **EXPLANATION:**

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.
[Brackets and ~~strike through~~] indicate matter deleted from the bill.

AMENDMENT 10 on Bill No. 25-09

Introduced By: Council Member Steve McKay (District 2)
Introduction Date: August 19, 2025
Adopted/Rejected/Withdrawn: **ADOPTED**

AN ACT Establish a Critical Digital Infrastructure Overlay Zone for the purpose of directing Critical Digital Infrastructure Facilities and Critical Digital Infrastructure Electric Substations to industrial lands in proximity to data conveyance infrastructure and other industrial uses, while minimizing impacts to non-compatible uses and allowing for development of industrial lands not included in the Critical Digital Infrastructure Overlay Zone for other industrial uses.

On Exhibit 1, it is hereby amended as follows:

§ 1-19-10.1100. Critical Digital Infrastructure Overlay Zone (CDI-OZ)

(B) Establishment of Critical Digital Infrastructure Overlay Zone.

(1) A Critical Digital Infrastructure Overlay Zone may be created by the County Council, with the boundaries established by ordinance and identified on the Zoning Map.

(2) A Critical Digital Infrastructure Overlay Zone shall be established by the County Council only on lands with a comprehensive plan land use designation of Limited Industrial (LI) or General Industrial (GI) uses. THE OVERLAY MAY BE ESTABLISHED ON LOTS OR PARCELS OF LAND THAT ARE DESIGNATED LI OR GI AND WHICH INCLUDE PORTIONS DESIGNATED NATURAL RESOURCE (NR), PROVIDED THAT NR LAND WILL NOT BE INCLUDED FOR ANY DENSITY CALCULATION AND NO ALLOWABLE OVERLAY USES WILL BE PERMITTED ON THE NR LAND.

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL. [Brackets and ~~strikethrough~~] indicate matter deleted from the bill.

AMENDMENT 11 on Bill No. 25-09

Introduced By: Council President Brad W. Young on behalf of County Executive Fitzwater

Introduction Date: August 19, 2025
Adopted/Rejected/Withdrawn: **ADOPTED**

AN ACT Establish a Critical Digital Infrastructure Overlay Zone for the purpose of directing Critical Digital Infrastructure Facilities and Critical Digital Infrastructure Electric Substations to industrial lands in proximity to data conveyance infrastructure and other industrial uses, while minimizing impacts to non-compatible uses and allowing for development of industrial lands not included in the Critical Digital Infrastructure Overlay Zone for other industrial uses.

On Exhibit 1, it is hereby amended as follows, starting on page 3 after line 24:

Industrial Uses

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.
[Brackets and ~~strikethrough~~] indicate matter deleted from the bill.

Critical Digital Infrastructure Facility												[PS] CDI-OZ	[PS] CDI-OZ
Critical Digital Infrastructure Electric Substation												[PS] CDI-OZ	[PS] CDI-OZ
Nongovernmental Utility	E	E	E	E	E	E	E	E		PS		PS	PS
Nongovernmental electric substation												E	E

1

2

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.
 [Brackets and ~~strike through~~] indicate matter deleted from the bill.