

Chapter 1-19 (Zoning)

Article VII: Supplementary District Regulations

New Division 7 (Sugarloaf District) within Article 7 in Zoning Ordinance. New Section 1-19-7.700  
Sugarloaf Rural Heritage Overlay District

Purpose/Intent

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

Regulatory Components for Overlay Zone

Non-residential buildings, with the \*Exception noted below, constructed on a lot or parcel (after effective date) shall not exceed a 15,000 square foot building footprint. (In this context, footprint refers to the boundaries of the exterior walls, the covered area of the roof structure, and uncovered decks and porches, and concrete or asphalt slabs associated with a building). An expansion or enlargement of an existing non-residential building shall not increase the non-residential building beyond a 15,000 square foot building footprint. A request to exceed the 15,000 square foot building footprint for new non-residential buildings or expansions/enlargements may be granted by the body or entity with specific approval authority upon review of a justification statement from the applicant/owner that addresses and describes, in detail, the following:

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

For permitted uses (marked P in the Use Table), the approval authority will be County staff. For uses that require Board of Appeals approval (marked E in the Use Table), the approval authority will be the Board of Appeals. For uses that require site plan approval (marked PS in the Use Table), the approval authority will be the Planning Commission or their authorized representatives.

\*Exception: The 15,000 square foot building footprint limit does not apply to new or expanded non-residential structures used only for agricultural activities, as defined in 1-19-11.100, and the following uses.

Natural Resource Uses (listed in Section 1-19-5.310)

- Apiary
- Agricultural value added processing
- Agritourism enterprises
- Nursery, retail
- Nursery, wholesale
- Farm distillery
- Farm distillery tasting room
- Farm winery
- Farm winery tasting room
- Limited farm alcoholic beverages tasting room
- Farm brewery
- Farm brewery tasting room
- Limited roadside stand
- Commercial roadside stand

Commercial Use – Retail (listed in Section 1-19-5.310)

- Feed and grain mill

Wholesaling and Processing Use (listed in Section 1-19-5.310)

- Agricultural products processing

Design Standards

All new non-residential development within the Sugarloaf Rural Heritage Overlay Zoning District shall incorporate the following design standards in addition to all other applicable requirements of the Zoning Ordinance:

Non-residential building design shall include architectural elements at entrances and where visible from a road or public right-of-way including, but not limited to: changes in building plane, windows, doorways, overhanging eaves, and shutters. Non-residential buildings shall not include large expanses of undifferentiated facades or long plain wall sections. Mechanical equipment, utilities, and non-public facilities (i.e., refuse containers or outside storage) shall be designed away from primary public access areas to the greatest extent practicable.

For all non-residential buildings and associated development proposals, only ground level (<4 ft.) and non-residential building-mounted lighting not exceeding 14 feet in height is permitted, in addition to all other applicable requirements in 1-19-6.500 of the Zoning Ordinance. Lighting for all new non-residential buildings and associated development shall include elements that reduce negative impacts to wildlife migration, nocturnal habits, and circadian rhythms, such as the utilization of lights with amber or

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

If any of the following elements are proposed in association with non-residential site improvements, they shall be uniquely designed and styled with treatments and materials compatible with the rural and natural setting: site entrance walls, bridges, guardrails (provided ASHTO standards are met), fencing, signage, and lighting.

#### Additional Requirements in the Sugarloaf Rural Heritage Overlay Zoning District

All applications for subdivision, site development plan, individual zoning map amendments, or floating zones involving a site identified by the Maryland Department of Natural Resources as a Green Infrastructure Hub or Corridor or an Ecologically Significant Area shall be referred by the County to the Maryland Department of Natural Resources' Wildlife and Heritage Service for comment.

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

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

To ensure safe and efficient development with careful consideration of the impacts on site design, the transportation network, natural resources, and the rural character of the area, site development plan approval from the Planning Commission is required prior to establishment or development of a Wholesale Nursery that proposes any structure or greenhouse or other such indoor growing facility. Site development plan approval from the Planning Commission is also required prior to establishment of an Agritourism Enterprise that proposes a new structure(s) intended or planned for use as a farm museum, for agricultural products or skills classes, or as a picnic and party facility.

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

Sawmill; springwater harvesting and storage; recreational vehicle storage facility; carnival/circus; rodeo; shooting range/club-trap, skeet, rifle, archery; aircraft landing and storage areas private-commercial use; outdoor sports recreation facility; borrow pit operations; industrial waste landfill; rubble landfill;

resource recovery facility-separated recyclables; limited food waste composting-commercial activity; unlimited wood waste recycling facility; sludge amended yard waste; solid waste composting; sludge pit.

#### Tree cutting and forestry activities

(1) Forest cutting or clearing activities in connection with land development shall be minimized. All activities to which the forest resource regulations in Chapter 1-21 of this Code apply shall be subject to the regulations and requirements set forth in that Chapter. In addition to the requirements in Chapter 1-21, no more than 40,000 square feet shall be cleared for each home site. For all permitted nonresidential uses, site development plan approval shall require that site clearing is minimized.

(2) The following shall be included with the application for a grading permit for commercial logging or timber harvest operations in which 5,000 or more square feet of earth will be disturbed:

A. A timber harvest plan that includes the following materials:

1. A forest harvest map that graphically depicts the following:

- steep slopes and moderate slopes
- intermittent and perennial streams and associated drainage networks/flow paths
- locations of all crossings of perennial and intermittent streams
- wetlands, springs, seeps
- property boundaries
- locations of plots for harvest
- location of all forested areas on the parcel/lot
- streamside management zone/riparian area
- no-cut areas
- planned skid trails – numbers and locations
- planned haul roads – numbers and locations
- planned landing area(s)- location(s) and approximate size(s)
- site entrance/access location(s)
- map title, scale, north arrow

2. A written narrative that addresses the following:

- Landowner objectives
- Size of parcel(s)
- Total acreage in planned harvest
- Location of forest
- Type of cutting (e.g., intermediate thinning, clearcut, shelterwood, seed tree, uneven-aged selection, etc.)
- Description of forest stand characteristics (pre- and post-harvest), including species composition, age class diversity, tree species diversity, presence of non-native, invasive species and measures to manage non-native invasive species post-harvest
- Flagging and tree marking guide details for log landing areas, streamside management zones, and contemplated skids trails and haul roads
- Techniques, methods, and devices proposed to minimize runoff and erosion, and to reduce sedimentation in perennial and intermittent streams, river, lakes, and ponds from harvest areas, haul roads, skid trails, log landings, and site entrances

Name, address, phone number, email address of property owner and report preparer

B. Review and approval of a timber harvest plan and a forest harvest map by the Frederick County Forest Conservancy Board, following a site inspection of the property by the Forestry Board.

C. Approval of an erosion and sediment control plan by the Frederick Soil Conservation District.

D. Approval of a stream crossing permit by the Maryland Department of the Environment for perennial and intermittent stream crossings or wetland impacts.

Within a Timber Harvest Streamside Management Zone, the following requirements apply,

- 60 square feet of basal area per acre with evenly distributed trees, which are six (6) inches or greater in diameter, must be maintained post-harvest
- No tree harvest or removal shall occur within 50 feet of the banks of a perennial or intermittent stream, or a river, lake, or pond
- No refueling or cleaning of equipment shall occur
- No log landing areas are permitted
- Skid trails and haul roads shall be minimized

#### 1-19-10.700 – Solar Facility – Commercial Floating Zone District

(B)(5) Within the Sugarloaf Rural Heritage Overlay Zoning District, the following standards apply: Solar facilities or panels may not be constructed or installed on gradients of 15% or greater; solar facilities or panels must maintain a 100 foot setback from all perennial and intermittent streams. In areas not required to be used for forest mitigation as specified in Chapter 1-21 of this Code, native grasses and wildflowers shall be planted; No more than 12% of the existing forest cover on a lot, parcel, or tract may be removed or cleared for the construction or installation of solar facilities or panels.

#### 1-19-8.332 Communication Towers in RC and A Districts

- (I) Within the Sugarloaf Rural Heritage Overlay District, all special exception approvals must also comply with the following:

Communication towers shall be camouflaged, disguised, or concealed to provide an appearance, texture, and color that matches the native vegetation of the area and maintains a physical and locational contextual scale. If a communication tower or antenna is incorporated into, on, or directly adjacent to an existing building or other infrastructure, the communication tower or antenna shall be designed to be compatible with the scale, size, and architectural style of the building, surrounding buildings, and surrounding infrastructure.

Additional Zoning Ordinance Recommendations -- February 16, 2022

Article XI: Definitions

1-19-11.100 Definitions

**Timber Harvest Streamside Management Zone**

A minimally-disturbed area at least 50 feet in width on all sides of a perennial or intermittent stream, river, lake, or pond.