

steep topographical gradients, plus soil percolation limitations, and other environmental protection measures result in far fewer lots than the theoretical maximum permitted in the RC zone.

## **Sugarloaf Rural Heritage Overlay Zoning District**

The lands owned by Stronghold, Incorporated are some of the most environmentally sensitive areas in the entire Sugarloaf Planning Area. Notwithstanding Stronghold's acquisition and conservation practices, pressure to develop the lands that comprise Sugarloaf Mountain and areas surrounding it can be expected, simply because of their natural beauty, proximity to the greater Washington-Baltimore region, and general population growth in Frederick County.

Establishment of high-impact, incompatible land uses in one of the most significant natural areas in the County — and State — has the potential to threaten and degrade the natural resources, environments, and character-defining features of the Sugarloaf area. Land development activities can increase impervious cover, traffic, and noise and negatively impact overall ecosystem health. Residential development or large-scale commercial activities adjacent to the Monocacy National Battlefield Park within the Sugarloaf Planning Area will detract from the visitor experience, the park's viewsheds, and the hallowed ground reverence. The Rural Heritage Overlay District can assist in the stewardship of our national heritage and historic landscapes associated with the "Battle that Saved Washington." The Sugarloaf Treasured Landscape Management Plan contains policies and initiatives for the protection of the Planning Area's natural resources and the long-term health and integrity of the rural landscape. For these reasons, and to help achieve the Plan's Vision, the creation of a Sugarloaf Rural Heritage Overlay Zoning District is proposed; its location is shown on Map 4-6. The proposed ordinance for the Sugarloaf Rural Heritage Overlay Zoning District, including a statement of purpose and intent, can be found in the Appendix (pp. A-21 through A-26). The objectives and goals of the Sugarloaf Rural Heritage Overlay include the following:

- To address the scale and visual impact of land uses and development that can degrade rural qualities, excessively burden the transportation network, and overwhelm the scenic and rural nature of the Sugarloaf Planning Area
- To minimize adverse impacts of land development activities on forestlands and natural habitats
- To regulate the amount of impervious surfaces to control the volume of stormwater runoff and stream bank erosion, maintain levels of groundwater infiltration, and retain as many of the functions provided by natural land as possible

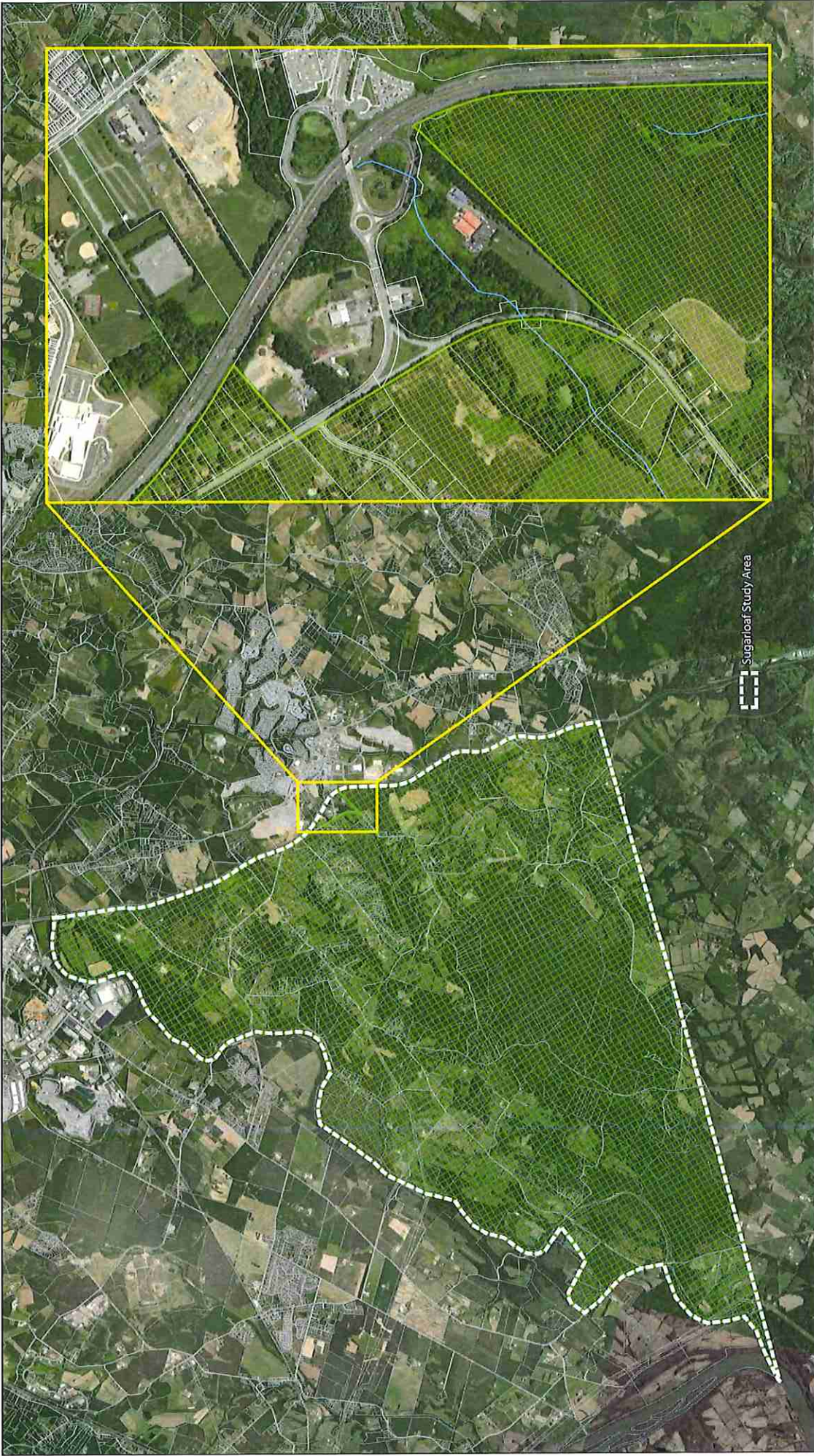
In addition to the Sugarloaf Rural Heritage Overlay Zoning District, a new use definition is recommended for adoption in the Zoning Ordinance to specifically address activities and operations at Sugarloaf Mountain. The proposed private park land use definition acknowledges the unique status of Sugarloaf Mountain and affords opportunities for future, additional functions by Stronghold, Incorporated, to advance their overall environmental conservation, education, and stewardship mission.

*Initiative 4E Adopt and apply the Sugarloaf Rural Heritage Overlay Zoning District and its ordinance to achieve the goals and vision articulated in the Sugarloaf Treasured Landscape Management Plan.*

## **Urbana Community Growth Area**

The County's Comprehensive Land Use map, the Livable Frederick Master Plan, and its Thematic Plan map all provide policy guidance for, and describe and depict, appropriate locations for future growth and development, as well as areas intended to retain rural qualities and protect natural landscapes. The Community Growth Area (CGA) boundary is a land use planning mechanism that establishes a finite geographical area where community infrastructure investments (schools, parks, roads, etc.)





**Sugarloaf Rural Heritage Overlay District**  
 Rural Heritage Overlay District

Sugarloaf Study Area



Map 4-6



## Sugarloaf Rural Heritage Overlay Zoning District – Recommended Regulatory Framework

Chapter 1-19 (Zoning), Article VII: Supplementary District Regulations, Division 7. *Sugarloaf District*

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

#### Purpose and Intent

The Sugarloaf Planning Area contains high quality natural resources and unique features that support a vast, diverse, and healthy environment. Special protection measures are appropriate to protect those resources, environments, and features. The intent in creating this Overlay District is 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 criteria, standards, and review procedures for proposed land development activities within the Overlay District are intended to minimize or eliminate adverse impacts to water quality, forest resources, wildlife habitats, and scenic and rural landscape elements.

### §1-19-7.710. DEVELOPMENT IN THE SUGARLOAF RURAL HERITAGE OVERLAY ZONING DISTRICT.

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

- (1) Intermittent and perennial streams, drainage courses, and flow paths, including stream setbacks as required in 1-19-9.400 of this chapter;
- (2) 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;
- (3) Topography at a minimum of 5 foot contours unless otherwise required by the Division;
- (4) Moderate Slopes (15% to <25%) and Steep Slopes (25% and greater);
- (5) Wet soils and flooding soils, including buffers;
- (6) Tree lines, forested areas, and rock formations and outcroppings;
- (7) Wetlands and their buffers, including the total acreage; and
- (8) Any other relevant information as required by the Division.

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

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

(D) In addition to the site development plans required per 1-19-5.310, site development plans must be submitted for the development of the following uses to ensure safety and full consideration of the impact on the transportation network, natural resources, and the rural character of the Overlay District:

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

## Sugarloaf Rural Heritage Overlay Zoning District – Recommended Regulatory Framework

- (2) An Agritourism Enterprise as defined in 1-19-11.100 that proposes a structure or building intended to be open to the public or invited groups for education or recreational purposes, including party facilities.
- (3) Site development plans will be reviewed by the Planning Commission.

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

(A) Except for residential structures, storage structures less than 300 square feet in area, and buildings used solely for Agricultural Activity as defined in 1-19-11.100, all new improvements, including an expansion or enlargement of an existing structure or building within the Overlay District must incorporate the following design standards in addition to all other applicable requirements of the Zoning Ordinance:

- (1) Structure and building design must include architectural elements at entrances and areas where the structure or building is visible from a road or public right-of-way, such as: changes in building plane, windows, doorways, overhanging eaves, and shutters. Structures and buildings may not include large expanses of undifferentiated facades or long plain wall sections. Mechanical equipment, utilities, and facilities such as, refuse containers or outside storage must be located away from primary access points to the greatest extent practicable;
- (2) Only ground level (<4 ft.) and non-residential building-mounted or pole-mounted lights not exceeding 18 feet in height are permitted, and are in addition to the other applicable requirements in 1-19-6.500 of the Zoning Ordinance;
  - (a) Modifications to the requirements of §1-19-7.720(2) may be approved by the Planning Commission, Zoning Administrator, or Planning Commission Authorized representative as specified in this chapter. The applicant's request shall include written justification describing why taller lighting fixtures are required or beneficial for the proposed use.
  - (b) Lighting plans approved under §1-19-7.720(2)(a) must 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; and
- (3) If located within 100 feet of the edge of a public road, site entrance walls, bridges, guardrails, fencing, signage, and lighting proposed in conjunction with non-residential site improvements must be designed and styled with treatments and materials compatible with the rural and natural setting.

#### (B) Size of Structures and Buildings.

Unless exempt under subsection (3) or approved pursuant to subsection (4) below, the footprint of all non-residential structures and buildings constructed on a lot or parcel after \_\_\_ effective date of this Bill \_\_\_\_\_, 2023 may not exceed 10,000 square feet.

- (1) An expansion or enlargement of an existing non-residential structure or building may not increase the footprint of the structure or building above 10,000 square feet.
- (2) "Building Footprint" includes the boundaries of the exterior walls and areas covered by a roof structure.



## Sugarloaf Rural Heritage Overlay Zoning District – Recommended Regulatory Framework

(3) New or expanded non-residential structures or buildings are exempt from the 10,000 square foot footprint limit if the structure or building is used solely for:

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

(4) In conjunction with a Site Plan Submission, a request may be made to exceed the 10,000 square foot building footprint limitation. Approval may be granted by the Planning Commission if it finds that:

- (a) The specialized functional and operational needs of the proposed use requires that the non-residential structure or building footprint exceed 10,000 square feet; and
- (b) The proposed site design elements, building design features, or other measures utilized will minimize or eliminate the negative impacts on natural resources, local infrastructure such as roads and bridges, the aural environment, and the character of other properties located within the Overlay District that result from the development proposal and the increased building footprint.

### § 1-19-7.730. COMMERCIAL LOGGING.

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

(A) The Frederick County Forest Conservancy Board is the reviewing and approval agency for the timber harvest plan. An application for approval of a timber harvesting plan must include:

- (1) A forest harvest map that graphically depicts the following:
  - (a) steep slopes and moderate slopes;
  - (b) intermittent and perennial streams and associated;
  - (c) drainage networks/flow paths;
  - (d) locations of all crossings of perennial and intermittent streams;
  - (e) wetlands, springs, seeps;
  - (f) property boundaries;
  - (g) locations of plots for harvest;

## Sugarloaf Rural Heritage Overlay Zoning District – Recommended Regulatory Framework

- (h) location of all forested areas on the parcel/lot;
- (i) streamside management zone/riparian areas;
- (j) no-cut areas;
- (k) planned skid trails – numbers and locations;
- (l) planned haul roads – numbers and locations;
- (m) planned landing area(s)- location(s) and approximate size(s);
- (n) site entrance/access location(s); and
- (o) map title, scale, north arrow.

(2) A written narrative that identifies:

- (a) landowner objectives;
- (b) size of parcel(s);
- (c) total acreage in planned harvest;
- (d) location of forest;
- (e) type of cutting (e.g., intermediate thinning, clearcut, shelterwood, seed tree, uneven-aged selection, etc.);
- (f) description of forest stand characteristics (pre- and post-harvest), including species composition, age class diversity, tree species diversity, presence of non-native, invasive species and measures to manage non-native invasive species post-harvest;
- (g) flagging and tree marking guide details for log landing areas, streamside management zones, and contemplated skids trails and haul roads;
- (h) techniques, methods, and devices proposed to minimize runoff and erosion, and to reduce sedimentation in perennial and intermittent streams, river, lakes, and ponds from harvest areas, haul roads, skid trails, log landings, and site entrances; and
- (i) name, address, phone number, email address of property owner and report preparer(s).

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

(C) The Maryland Department of the Environment is the reviewing and approval agency for permits for perennial and intermittent stream crossings, and for wetland impacts.

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

- (1) No tree harvest or removal may occur within 50 feet of the bank along all sides of a perennial or intermittent stream, river, lake, or pond;
- (2) No refueling or cleaning of equipment may occur;
- (3) No log landing areas are permitted; and
- (4) Skid trails and haul roads must be minimized.

### § 1-19-7.740. PROHIBITED USES.

In addition to the prohibited uses set forth in §1-19-5.310. Use Table, the following uses are prohibited on properties in the Sugarloaf Rural Heritage Overlay Zoning District with Agricultural zoning:

- (a) sawmill;
- (b) springwater harvesting and storage
- (c) recreational vehicle storage facility;
- (d) carnival/circus;

## Sugarloaf Rural Heritage Overlay Zoning District – Recommended Regulatory Framework

- (e) rodeo;
- (f) shooting range/club-trap, skeet, rifle, archery;
- (g) aircraft landing and storage areas for private-commercial use;
- (h) outdoor sports recreation facility;
- (i) borrow pit operations;
- (j) industrial waste landfill;
- (k) rubble landfill;
- (l) resource recovery facility-separated recyclables;
- (m) limited food waste composting-commercial activity;
- (n) unlimited wood waste recycling facility;
- (o) sludge amended yard waste;
- (p) solid waste composting;
- (q) sludge pit.

In addition to the prohibited uses set forth in §1-19-5.310. Use Table, the following uses are prohibited on properties in the in the Sugarloaf Rural Heritage Overlay Zoning District with Resource Conservation zoning:

- (a) sawmill;
- (b) shooting range/club-trap, skeet, rifle, archery.

### § 1-19-7.750. EXEMPT USES.

The following uses are exempt from the specific restrictions set forth in §1-19-7.710 through §1-19-7.740 Sugarloaf Rural Heritage Overlay Zoning District:

- (a) limited outdoor sports recreation facility as defined in 1-19-11.100;
- (b) temporary sawmill;
- (c) archery as an accessory to a permitted use.

## Chapter 1-19 (Zoning), Article VII: SPECIFIC USE REGULATIONS, DIVISION 3. *SPECIAL EXCEPTION USES*

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

(G) Within the Sugarloaf Rural Heritage Overlay District, towers must be camouflaged, disguised, or concealed to provide an appearance, texture, and color that is compatible and blends in with the native vegetation of the area and maintains a physical and locational contextual scale. If a tower or antenna is incorporated into, or located on, adjacent, or near to an existing structure or building, the tower or antenna design must be compatible with the scale, size, and architectural style of the structure or building, surrounding buildings, and surrounding infrastructure.

(H) The zoning certificate issued for a special exception shall be valid for a period of 5 years from the date that the decision of the Board of Appeals is signed. This zoning certificate shall be renewed for additional 5 year periods after review by the Board of Appeals at a regular meeting. The following are the only grounds on which renewal of a certificate may be denied.

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

(3) The Board of Appeals determines that the use of the tower for wireless communications has ceased for a period of 6 months.

(I) All special exception approvals must also comply with the requirements of § 1-19-8.420.2.



## **Sugarloaf Rural Heritage Overlay Zoning District – Recommended Regulatory Framework**

Chapter 1-19 (Zoning), Article XI: Definitions

§1-19-11.100. DEFINITIONS.

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

**Sawmill, Temporary.** The temporary use of property where logs are debarked and sawn into dimensional lumber utilizing a portable sawmill. Such operations may include but are not limited to, processing, drying, finishing, or shipping of lumber, and commercial firewood processing. A temporary sawmill shall operate for no longer than 30 days.

**Limited Outdoor Sports Recreation Facility.** The use of property for outdoor recreational activities including but not limited to field sports, equestrian activities, or any combination thereof, where amplified sound is prohibited, lighting is limited to what is necessary for safety purposes and does not enable nighttime recreation, clearing is minimized, and the total developed area of the site does not exceed 10 acres. This use may also include buildings accessory to the primary use of limited outdoor sports recreation facility.

**Spring Water Harvesting or Storage.** The use of property for collection, storage, purification and/or transportation of spring water for commercial sale.