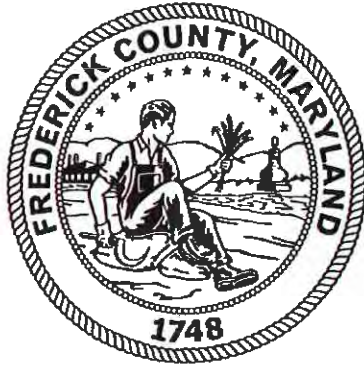




Bill No. 25-09
Concerning: Critical Digital Infrastructure Overlay
Zone _____
Introduced June 17, 2025
Revised: August 19, 2025 Draft No. _____
Enacted: September 2, 2025
Effective: November 1, 2025
Expires: September 15, 2025
Frederick County Code, Chapter 1-19
Section(s) 5.310, 8.402, 8.403, 10.1100

COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council President Brad Young on behalf of County Executive Jessica Fitzwater

AN ACT to: 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.

Date Council Approved: 9/2/2025 Date Transmitted to Executive: 9/3/2025
Executive: Jessica Fitzwater Date Received: 9/3/2025
Approved: ✓ Date: 9/12/25
Vetoed: _____ Date: _____
Date returned to Council by County Executive with no action: _____

By amending:
Frederick County Code, 1-19 Section(s) 5.310, 8.402, 8.403, 10.1100
Other: _____

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* * *

Heading or defined term.
Added to existing law.
Deleted from existing law.
Existing law unaffected by bill.

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3 The County Council of Frederick County, Maryland, finds it necessary and appropriate to
4 amend the Frederick County Code §§ 1-19-5.310, 1-19-8.402, and 1-19-8.403, and establish § 1-
5 19-10.1100 to establish a Critical Digital Infrastructure Overlay Zone for the purpose of directing
6 Critical Digital Infrastructure Facilities and Critical Digital Infrastructure Electric Substations to
7 industrial lands in proximity to data conveyance infrastructure and other industrial uses, while
8 minimizing impacts to non-compatible uses and allowing for development of industrial lands not
9 included in the Critical Digital Infrastructure Overlay Zone for other industrial uses.

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

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

19 AND BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF FREDERICK
20 COUNTY that the provisions of this bill shall apply only to Critical Digital Infrastructure Facilities
21 applications and Critical Digital Infrastructure Electric Substation applications submitted on or
22 after the effective date of this bill.

23

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

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§ 1-19-5.310. USE TABLE.

(A) *Permitted uses and required development review.*

P Principal permitted use subject to design regulations

PS Principal permitted use subject to site development plan approval. See §§ [1-19-2.160](#), and [1-19-3.300](#) through [1-19-3.300.4](#)

E Principal permitted use as a special exception with site development plan approval. See §§ [1-19-8.320](#) and following

T Permitted as temporary use as a special exception. See § [1-19-8.300](#)

X Permitted as temporary use only. See § [1-19-8.700](#)

SW Solid Waste Floating Zone

CDI-OZ Principal permitted use subject to site development plan approval in the Critical Digital Infrastructure Overlay Zone

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

Industrial Uses

<i>Uses</i>	<i>RC</i>	<i>A</i>	<i>R1</i>	<i>R3</i>	<i>R5</i>	<i>R8</i>	<i>R12</i>	<i>R16</i>	<i>VC</i>	<i>MX</i>	<i>GC</i>	<i>ORI</i>	<i>LI</i>	<i>GI</i>
Cannabis growing facility												PS	PS	PS
Cannabis processing facility												PS	PS	PS

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Limited manufacturing and assembly use												PS	PS	PS
General manufacturing														PS
Critical Digital Infrastructure Facility													[[PS]] <u>CDI-</u> <u>OZ</u>	[[PS]] <u>CDI-</u> <u>OZ</u>
Critical Digital Infrastructure Electric Substation													[[PS]] <u>CDI-</u> <u>OZ</u>	[[PS]] <u>CDI-</u> <u>OZ</u>
Nongovernmental Utility	E	E	E	E	E	E	E	E	E		PS		PS	PS
Nongovernmental electric substation													E	E

§ 1-19-8.402. CRITICAL DIGITAL INFRASTRUCTURE FACILITIES

The following provisions apply to critical digital infrastructure 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~~

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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) b] [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;]~~ The tract of land where the Critical Digital Infrastructure use is proposed is within the Critical Digital Infrastructure Overlay Zone (CDI-OZ); and

~~[(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; and]~~

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

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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 Frederick County Water
7 and Sewerage Plan.

8
9 (4) Additional size and location criteria - Applicants must demonstrate ~~[the following]~~
10 that:

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

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

21
22 (c) ~~[The applicant must demonstrate that]~~ fragile ecosystems and watersheds in the
23 vicinity have been identified, and negative impacts will be avoided or minimized
24 to the maximum extent practicable;[-]

25
26 (d) ~~[The applicant must demonstrate that]~~ negative impacts to local, state, and federal
27 recreational amenities and private parks, as defined in §1-19-11.100, will be
28 avoided or minimized to the maximum extent practicable;[-] and

29
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(e) ~~[The applicant must demonstrate that]~~ the siting of the proposed use(s) will not have a negative impact that disproportionately affects ~~[negatively impact]~~ overburdened communities or underserved communities as those terms are defined in Md. Code Ann., Environmental Article, § 1-701.

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

The following provisions apply to critical digital infrastructure electric substations:

(A) Size and location.

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

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

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

~~[(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;]~~ The tract of land where the Critical Digital Infrastructure use is proposed is within the Critical Digital Infrastructure Overlay Zone (CDI-OZ);

(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.]~~

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DIVISION 11. Critical Digital Infrastructure Overlay Zone

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

(A) Purpose and Intent.

The Critical Digital Infrastructure Overlay Zone is created 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.

(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.

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

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WILL NOT BE INCLUDED FOR ANY DENSITY CALCULATION AND NO
ALLOWABLE OVERLAY USES WILL BE PERMITTED ON THE NR
LAND.

(2)

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

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

(5) Development of Critical Digital Infrastructure Facilities and Critical Digital Infrastructure Electric Substations in the Critical Digital Infrastructure Overlay Zone shall comply with § 1-19-8.402. CRITICAL DIGITAL INFRASTRUCTURE FACILITIES and § 1-19-8.403. CRITICAL DIGITAL INFRASTRUCTURE ELECTRIC SUBSTATIONS.

(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)]~~;

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

(C) Principal Permitted Uses.

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1 (1) All principal permitted uses in the underlying zoning district shall be permitted in the
2 Critical Digital Infrastructure Overlay Zone subject to site development plan
3 approval. CRITICAL DIGITAL INFRASTRUCTURE FACILITIES and CRITICAL
4 DIGITAL INFRASTRUCTURE ELECTRIC SUBSTATIONS shall be a principal
5 permitted use subject to site development plan approval in the Critical Digital
6 Infrastructure Overlay Zone only in the LI and GI zoning districts.

7
8 (D) Special Exception Uses.

9
10 (1) All uses permitted by special exception in the underlying zoning district shall be
11 permitted by special exception and site development plan approval in the Critical
12 Digital Infrastructure Overlay Zone.

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