

**COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND**

**2021 Legislative Session**

**Legislative Day No. \_\_\_\_**

**Legislative Bill 2021- \_\_\_\_**

Introduced:

Introduced by: The President of the Council at the request of the Acting County Executive

AN ACT to amend Chapter 225 of the Wicomico County Code, titled "Zoning" Part 3, titled "Basic Definitions and Interpretations," Article VI, titled "Terms Defined," Section 225-25; Part 8 titled "Special Standards for Particular Uses," Article XX, titled "Uses and Standards Enumerated," Section 225-76, titled "Agricultural Operation, Farming," and Part 6, titled "Accessory and Principal Uses," Article XVIII, titled "Principal Uses," Section 225-67, titled "Table of Permitted Uses-designations" to regulate, the construction, location and size of open top storage tanks.

WHEREAS, the County Council recognizes that changes are occurring in the agricultural sector of the local economy, as well as in many other counties on the Eastern Shore. These changes necessitated regulations governing open top storage tanks to support agriculture, minimize land use conflicts and protect areas used or designed for residential use, and

WHEREAS, the County Council of Wicomico County, Maryland, hereby finds that items stored in an open top storage container are diverse, and where zoning conditions can alleviate the various side effects.

Section I. BE IT ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION, that Chapter 225 of the Wicomico County Code, titled "Zoning" Part 3, titled "Basic Definitions and Interpretations," Article VI, titled "Terms defined," Section 225-25, Part 8 titled "Special Standards for Particular Uses," Article XX, titled "Uses and Standards Enumerated," Section 225-76, titled "Agricultural Operation, Farming" and Part 6, titled "Accessory and Principal Uses," Article XVIII, titled "Principal Uses," Section 225-67, titled "Table of Permitted Uses-designations" are hereby amended, to read as follows:

Chapter 225  
Zoning

Part 3  
Basic Definitions and Interpretations

Article VI  
Terms Defined

§225-25 Definitions of Basic Terms.

B. Definitions. As used in this chapter, the following terms shall have the meaning indicated:

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OPEN TOP STORAGE TANK

AN ABOVE GROUND OPEN TOPPED STRUCTURE, DESIGNED AND USED FOR THE STORAGE OF AN AGRICULTURAL PRODUCT, BY-PRODUCT, FERTILIZER OR SOIL AMENDMENT.

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Part 8  
Special Standards for Particular Uses

Article XX  
Uses and Standards Enumerated

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§ 225-76 Agricultural Operation, Farming

C. OPEN TOP STORAGE TANKS

1. AN OPEN TOP STORAGE TANK LESS THAN 150,000 GALLONS IN CAPACITY, OR MULTIPLE OPEN TOP STORAGE TANKS WITH AN AGGREGATE CAPACITY NOT EXCEEDING 150,000 GALLONS, ARE ONLY PERMITTED IN THE I-1 AND I-2 ZONES.
2. AN OPEN TOP STORAGE TANK WITH A CAPACITY EXCEEDING 150,000 GALLONS, OR MULTIPLE OPEN TOP STORAGE TANKS WITH AN AGGREGATE CAPACITY EXCEEDING 150,000 GALLONS, ARE PERMITTED BY SPECIAL EXCEPTION IN THE I-1 AND I-2 ZONED DISTRICTS.

3. AN OPEN TOP STORAGE TANK MUST HAVE A MINIMUM SETBACK OF 300 FEET FROM ALL PROPERTY LINES, REGARDLESS OF CAPACITY OR ZONING DISTRICT.
4. AN OPEN TOP STORAGE TANK MAY ONLY BE ACCESSED BY VEHICLE, IN THE ZONING DISTRICT, FROM A COLLECTOR STREET.
5. AN OPEN TOP STORAGE TANK ERECTED PRIOR TO THE ENACTMENT OF THIS LEGISLATION, PURSUANT TO A PERMIT BY THE COUNTY, MAY CONTINUE AS A NONCONFORMING USE IN ITS CURRENT LOCATION REGARDLESS OF ZONING DISTRICT.

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Part 6  
Accessory and Principal Uses

Article XVIII  
Principal Uses

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§225-67 Table of Permitted Uses-designations

1. The Table of Permitted Uses, Attachment 1, Part 1, Resource Conservation and Residential Districts, shall be amended to reflect the changes created by this legislation.
2. The Table of Permitted Uses, Attachment 2, Part 2, Commercial, Institutional, Business and Industrial Districts, shall be amended to reflect the changes created by this legislation.

DONE at Salisbury, Maryland this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

COUNTY COUNCIL OF WICOMICO  
COUNTY, MARYLAND

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Laura Hurley, Council Administrator

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Larry W. Dodd, Council President (SEAL)