

**FREDERICK COUNTY DIVISION OF PLANNING**

**2010 Annual Planning Report**



**Frederick County Division of Planning  
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## **Executive Summary**

The 2010 Planning Report for Frederick County, Maryland was prepared pursuant to the requirements of Article 66B of the Annotated Code of Maryland and provides a summary of the year's planning activities and development activity. Also added for this report is data regarding the Smart Growth Measures and Indicators.

The changes in development patterns are found to be consistent with the 2010 County Comprehensive Plan. The amendments to the County Zoning Ordinance and the Adequate Public Facilities Ordinance are consistent with the 2010 County Comprehensive Plan and implement the State visions.

### **Project/Activity Highlights**

- The Countywide Comprehensive Plan was adopted on April 8, 2010. Also adopted was a comprehensive zoning map and revisions to the Water and Sewerage Plan mapping. This action to adopt the Plan completed the Growth Management Initiatives that were proposed in January 2008.
- Acquired 12 land preservation easements on 1,572 acres, down from 18 easements on 2,811 ac. In 2009.
- Processed 16 Board of Zoning Appeals cases.
- Conducted 603 new and follow-up zoning inspections, down from 753 in 2009.
- Processed one (1) Zoning Map Amendment.
- Processed seven (7) Zoning Text Amendments.
- Processed fourteen (14) Water and Sewerage Plan amendments.

### **Development and Demographic Highlights**

- The 2010 U.S. Census population for the County is 233,385, which is lower than our estimated population of 235,364 as of January 1, 2010.
- The 743 permits issued for new residential dwellings in 2010 was a marginal increase from the 724 permits issued in 2009. This is the third consecutive year below 1,000 dwellings.
- Commercial and industrial construction activity increased from 2009 by 59 permits to 681 permits issued in 2010.
- The moratorium on new major residential subdivisions in the County was lifted with the adoption of the Comprehensive Plan on April 8, 2010. For the balance of 2010 there were no new major residential subdivisions either proposed or approved.
- Residential lot recordation for County subdivisions was the lowest (163 lots/units) since 1982 (231 lots).

## Planning Commission and the Division of Planning

The Frederick County Planning Commission was established in July 1955 with the responsibility for preparing and administering plans and development regulations for the County. The Planning Commission is appointed by the Board of County Commissioners and its members serve for five year terms while one County Commissioner serves as liaison to the Planning Commission. The Commission holds regular public meetings to review development and planning items. The Planning Commission has final authority over site plans, subdivision plats, modifications to the subdivision regulations and determination of Adequate Public Facilities (APFO) for new developments. On items such as zoning map amendments, zoning or subdivision text amendments, and water/sewer plan amendments, the Planning Commission has an advisory role through the provision of a recommendation to the County Commissioners, who have the final authority to adopt or amend these plans and regulations. With regard to Comprehensive Plans, the Commission has approval authority and forwards such Plans to the County Commissioners for final adoption. Planning Commission members as of December 2010 are as follows:

- Bob White, Chair
- John McClurkin, Vice-Chair
- Richard Floyd, Secretary
- Catherine Forrence
- Audrey Wolfe
- Robert Lawrence
- Billy Shreve, BOCC Liaison

### **The Division of Planning**

The Planning Division staff prepares and administers plans and regulations which fall under the purview of the Planning Commission. The Division is comprised of four sections:

#### Comprehensive Planning

- Responsible for preparation of the Countywide Comprehensive Plan and the community/corridor plans.
- Responsible for functional planning areas including water and sewer, transportation, historic preservation, and environmental planning.

- Provides staff assistance and coordination with the County's 12 municipalities.

#### Land Preservation

- Administers various State and County Agricultural Preservation programs.

#### Zoning Administration

- Enforces the Zoning Ordinance.
- Administers the Board of Zoning Appeals.

#### Mapping and Data Services

- Provides mapping and graphic services to the Division and other County agencies.
- Supports the County's Geographic Information System (GIS).
- Prepares and maintains demographic data.

The following commissions and boards are served by the Planning Division Staff:

- Board of Zoning Appeals
- Agricultural Preservation Advisory Board
- Agricultural Reconciliation Committee
- Historic Preservation Commission
- Monocacy Scenic River Board
- Transportation Services Advisory Council

The Staff also acts as planning liaison and provides occasional assistance to the following organizations:

- Parks and Recreation Commission
- Board of Education School Redistricting Committees
- Frederick County Housing Trust
- Business & Development Advisory Council

# Directory of Commissions and Staff

*As of December 2010*

## **Board of County Commissioners**

Blaine R. Young, President  
C. Paul Smith, Vice President  
Billy Shreve  
David P. Gray  
Kirby Delauter

## **Planning Commission**

Bob White, Chair  
John McClurkin, Vice-Chair  
Richard Floyd, Secretary  
Audrey Wolfe  
Catherine Forrence  
Robert Lawrence  
Billy Shreve, Commissioner Liaison

## **Board of Zoning Appeals**

Laura Roholt Westdorp, Chair  
Ronald W. Peppe Sr, Vice-Chair  
John Clapp  
Sean Michalski  
Al Duke  
Chris Manners, Alt.

## **Agricultural Preservation Advisory Board**

Alan Wilcom, Chairman  
Zene Wolfe  
Richard Grossnickle  
Thomas L. Browning  
Mehrle Ramsburg, Jr.

## **Historic Preservation Commission**

William DeMartini, Chair  
Jessica Cramer Winter, Vice-Chair  
G. Bernard Callan, Jr.  
James Moser  
Kathryn McKenzie  
Gary D. Baker  
Tyler Bastian  
Daniel Hall  
Barbara Wyatt  
Kristie Baynard  
Nicholas Redding  
Whitney Cruey, Alt.  
Don Briggs, Alt.

## **Monocacy Scenic River Citizens Advisory Board**

Jack Lynch, Chairman      Brian Cronin, Vice-Chair  
Glenn Eaves                Tom Devilbiss  
Becky Kile                  Andrew Aughenbaugh  
Bob Whiting                Scott Scarfone  
Bill Hensley                Tom Robertson, Jr.

## **Division of Planning Staff**

### **Director**

Eric E. Soter 301-600-1411

### **Deputy Director**

Mark Depo 301-600-1149

### **Special Projects**

Todd Weidman 301-600-1436  
Shawna Lemonds 301-600-1165

## **Comprehensive Planning**

### **Chief Planner**

Jim Gugel, AICP 301-600-1144

### **Historic Preservation**

Janet Davis 301-600-2958

### **Transportation**

John Thomas 301-600-6768  
Dial Keju 301-600-7402

### **Water and Sewer**

Tim Goodfellow, AICP 301-600-2508

### **Environmental Planning**

Tim Goodfellow, AICP 301-600-2508

### **Principal Planners**

John Dimitriou 301-600-1150  
Denis Superczynski, AICP 301-600-1142

## **Zoning Administration**

### **Zoning Administrator**

Larry Smith 301-600-1491

### **Board of Zoning Appeals**

Rick Brace 301-600-2940

### **Permit Review**

Craig Terry 301-600-1351  
Rick Brace 301-600-2940

### **Zoning Enforcement**

Bill Bigelow 301-600-1141

## **Mapping and Data Services**

### **GIS and Data Services Manager**

Amber DeMorett 301-600-1155

### **GIS Technician**

Mary McCullough 301-600-2324

## **Land Preservation**

### **Land Preservation Administrator**

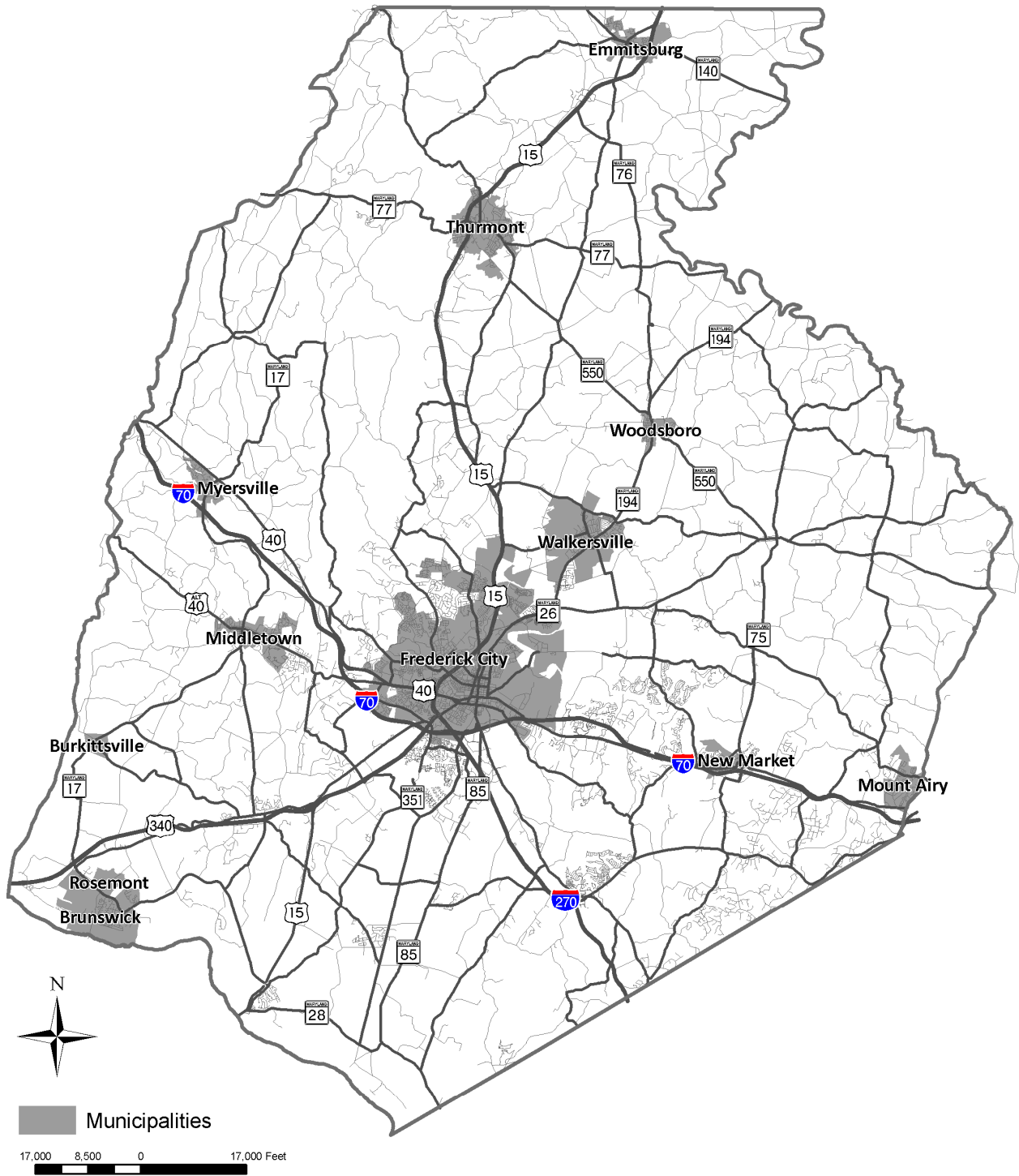
Tim Blaser 301-600-2513

### **Agricultural Preservation Planner**

Anne Bradley 301-600-1474

## **Support Staff**

Patti Garst  
Allyson DeSantis  
Erica Cooke



# Demographic and Development Activity

## Population

Frederick County's 2010 U.S. Census population total is 233,385. As is typically the case, the U.S. Census number is lower than the population estimates prepared by the Planning Division each year so a comparison with the estimated 2009 population (235,364) is not valid.

For the 10-year period since 2000 the County's population has increased by 38,108 or 19.5%. During the 1990's the County's population grew by 45,100 or 30%.

## Housing Construction

In 2010, there were 743 new residential dwelling permits issued countywide, including the municipalities, which is a marginal increase of 19 dwellings over the

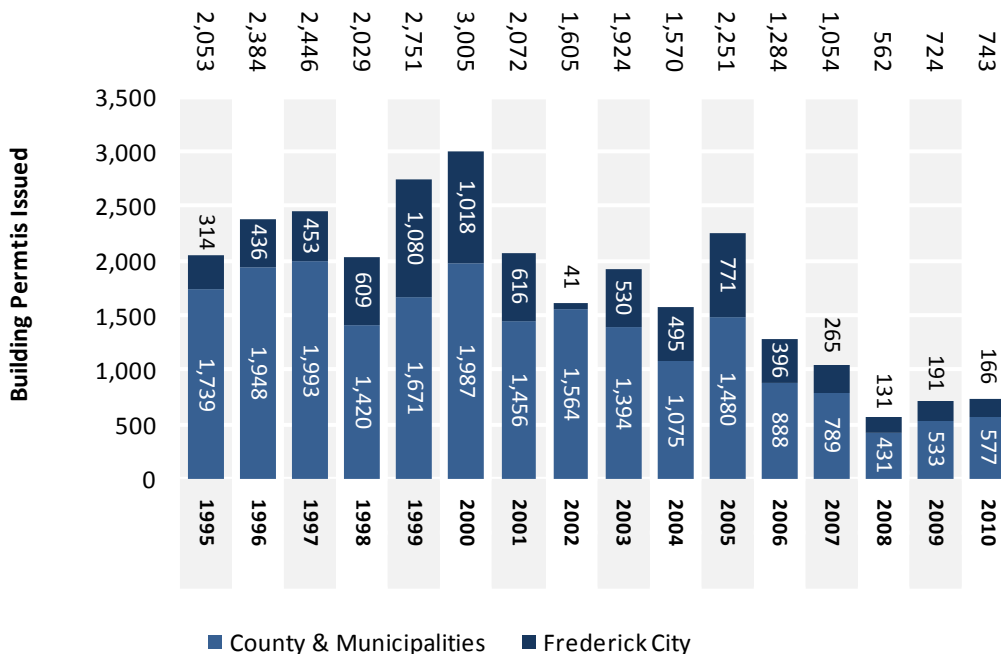
2009 activity. This is the third consecutive year the County has issued fewer than 1,000 new dwelling permits. The 2010 activity is reflective of the continuing real estate downturn. and continues a declining trend of residential construction since 2005 when 2,251 dwellings were constructed in the County.

Since 2000 the County has averaged 1,600 dwellings/year, down from an average of 2,000 dwellings/year through the 1990's.

## Commercial and Industrial Construction

There were a total of 681 commercial and industrial permits issued in Frederick County in 2010, which was an increase from 622 permits in 2009. Types of commercial and industrial permits include new buildings or businesses, additions to existing buildings, and changes in tenancy within commercial buildings. During the past 5 years, there has been an average of 708 such permits issued annually.

### Housing Units Constructed: 1995-2010



Source: Frederick County Division of Planning

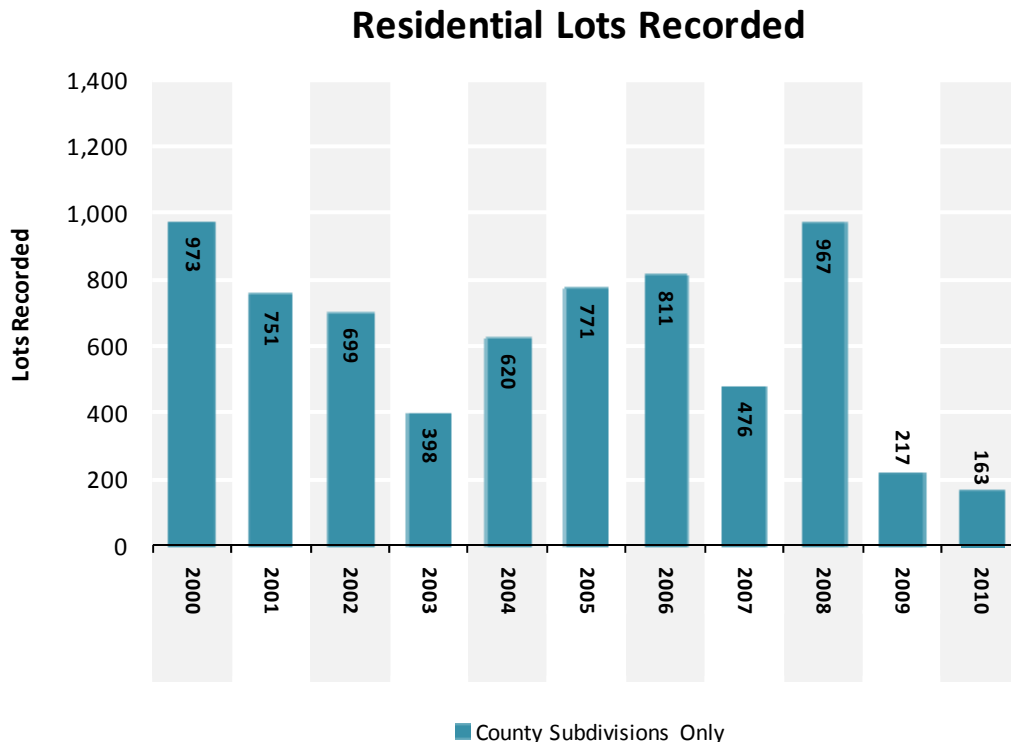
## **Residential Subdivision Activity**

As part of the Growth Management Initiatives announced by the Board of Commissioners in January 2008 a moratorium on new major (>5 lots) residential subdivisions was enacted. This moratorium was lifted with the adoption of the County Comprehensive Plan on April 8, 2010. For the remainder of 2010 after the moratorium was lifted in April there have not been any new major residential subdivisions either proposed or approved.

A gauge for upcoming housing construction is the number of lots receiving preliminary subdivision approval. In 2010 only one development, Linton at Ballenger, received preliminary subdivision approval for sections III and IV for the following:

- Single-family – 23 lots
- Attached – 139
- Multi-family - 72 total dwelling units

The graph below shows the residential lot recordation activity since 2000. This would include lots zoned Agricultural, Resource Conservation, and residential and only includes County subdivisions. For the 10-year period since 2000 there has been an average lot recordation of 668 lots/year. During the 1990's the average was 947 lots/year.



Source: Frederick County Division of Planning



## **Residential Pipeline Summary**

The pipeline describes how many residential lots/dwelling units have received some level of development approval but are not yet built. The pipeline data below captures residential developments approved under the County's jurisdiction as well as by the municipalities.

Under the County's jurisdiction the pipeline includes any lot or dwelling unit approved for residential use including those zoned Agricultural and Resource Conservation in addition to developments zoned residential, Planned Unit Development (PUD), or Mixed Use Development (MXD).

This table reflects the pipeline based on the adoption of the 2010 County Comprehensive Plan, which contracted several community growth areas. The municipal data is current through December 2010, while the county data is current to April 2010. The pipeline in December 2009 totaled 20,035 lots/dwellings.

<b>Jurisdiction</b>	<b>Traditional Pipeline</b>	<b>Recorded Lots/Dwellings Available</b>	<b>Unrecorded Pass APFO</b>	<b>Pending APFO</b>
Municipalities (except Frederick City)	2,052	258	1,703	91
Frederick City	5,030	1,079	2,464	1,487
<b>Municipal Subtotal</b>	<b>7,082</b>	<b>1,337</b>	<b>4,167</b>	<b>1,578</b>
Lots of Record	1,489	1,489	0	0
County Inside CGA's	8,396	1,183	4,234	2,979
County Outside CGA's	124	84	40	0
<b>County Subtotal</b>	<b>10,009</b>	<b>2,756</b>	<b>4,274</b>	<b>2,979</b>
<b>Total</b>	<b>17,091</b>	<b>4,093</b>	<b>8,441</b>	<b>4,557</b>

**Traditional Pipeline:** Dwelling Units Approved less the number of Building Permits Issued.

**Dwelling Units Approved:** Includes units approved at the Preliminary Plan, Phase II, or Phase I PUD or MXD Plan stage.

**Unrecorded Pass APFO:** The number of lots in a subdivision which have not yet been recorded but have passed the APFO.

**Pending APFO:** The number of lots in a subdivision which have not passed the APFO.

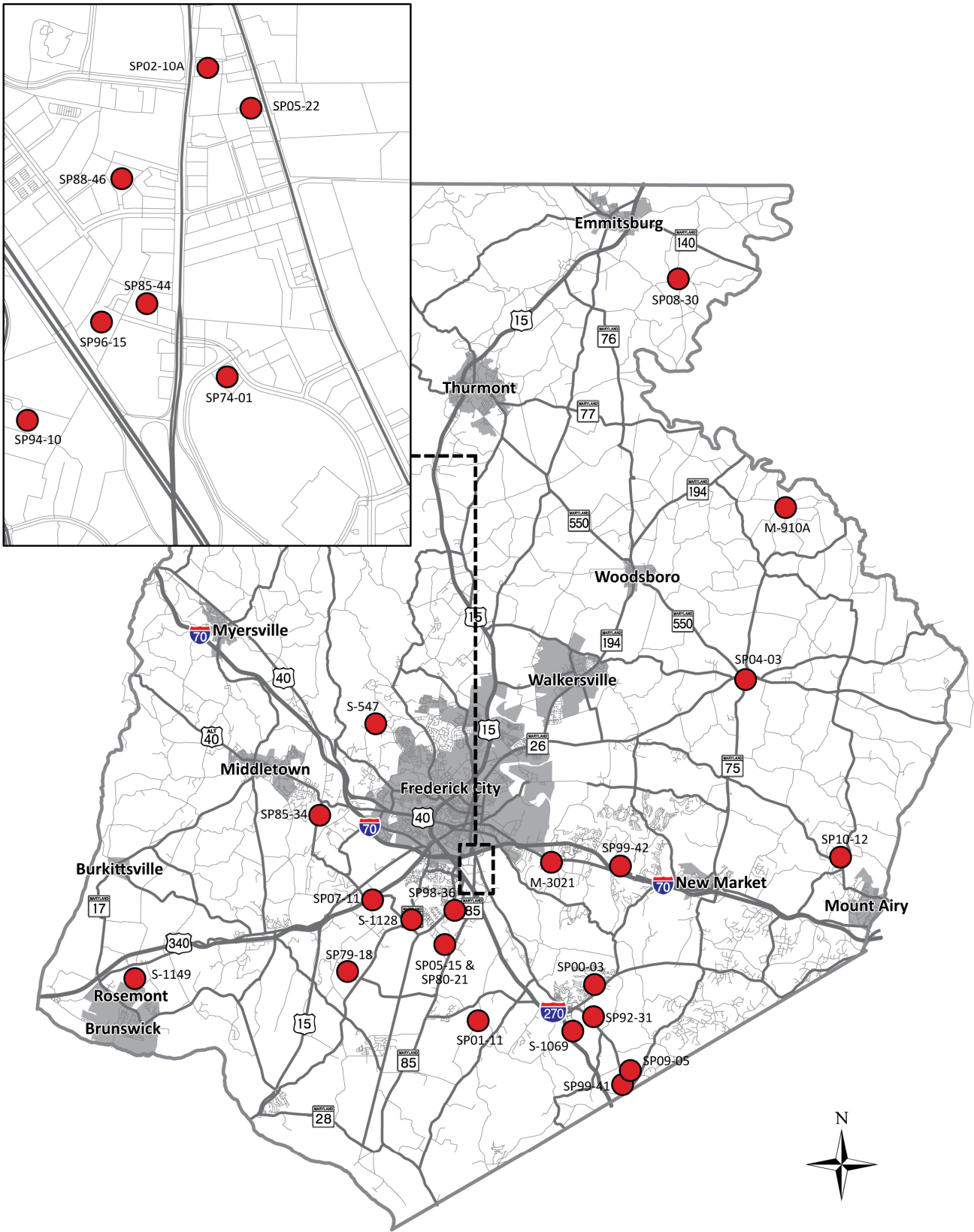
Source: Frederick County Division of Planning, City of Frederick Planning Department

## **Site Plan Activity**

The table on the following page lists the site plans approved by the County Planning Commission during 2010. The map on page 9 shows the locations of the site plans relative to the community growth areas.

## 2010 Site Plan Development Approvals

Map Number	File Number	Name	Description
1	SP07-11	Frederick County Agricultural Complex	total of 51, 786 sq. ft. of office buildings, associated parking and 9,600 sq. ft. outdoor plaza area for a complex of governmental agricultural offices
2	SP01-11	Knowledge Farms	redesign of Buildings # 2 and # 3 with revised parking lot layout. Reduced square footage from 26,000 to 17,333.3 sq.ft. for each building.
3	SP08-30	Toms Creek Church	rebuild a larger Fellowship Hall of 6,880 sq. ft. Situated on 0.97 acres
4	SP02-10A	BB&T Bank	construction of a 4,485 square foot bank with four (4) associated drive through lanes and thirty (30) parking spaces on a 1.15 acre tract.
5	SP96-15	Church of the Redeemer	change of use (old Circuit City Building) for use as a 27,600 sq. ft. place of worship. Also requesting APFO exemption under § 1-20-30 (C).
6	SP05-15	Wedgewood Business Park	addition of 9.337 acres to the existing 2.009 acre, The 9.337 acre parcel was joined to Lot 26 from the adjacent Russell Property via an addition plat which was approved on June 12, 2008.
7	SP09-05	Hyattstown Church	construction of a one-story sanctuary totaling 10,754 square foot church on 8.93 acres.
8	SP99-42	Oakdale Elementary School Expansion	addition of an two-story, totaling 18,867 square foot addition consisting of 13 classrooms and 2,491 square feet of renovations, the addition is proposed to replace the existing portable classrooms.
9	SP74-01	Red Robin	6,370 square foot restaurant on a 1.48-acre site. Located within the FSK Mall parking lot
10	SP74-01	FSK Mall	6,500 SF of new internal green space areas within affected area of the FSK Mall parking lot due to the addition of the Red Robin use. Located within the FSK Mall parking lot
11	SP85-34	Braddock Heights Volunteer Fire Dept.	4,606 square foot 2 story addition onto an existing 7,457 square foot building on a 1.73-acre site
12	SP99-41	Mid Alantic Sports, LLC	33,000 square foot addition onto an existing 28,000 square foot building as well as the relocation of a 9,500 square foot fabric tension structure on a 9.77-acre site.
13	SP79-18	Mullinix Agro	Storage Yard (with no buildings) on 25.2 acres
14	SP80-21	Wedgewood II (5th revised)	amend parking lot configuration for the warehouse portion of the building in order to provide land area for Arcadia Court public road; make SWM pond re-configuration; make subsequent landscaping and bicycle improvements; and provide for free-standing sign corrections. Parcel is 22.4 acres in size
15	SP98-36	Westview South (revised)	reduce total building square footage; change building footprint; reduce parking lot area; and make subsequent landscaping and bicycle improvements. Lot is 2.7 acres in size.
16	SP85-44	AAA Mid-Atlantic Service Center	change of use to automobile repair/service shop; and parking and landscaping modifications. Lease area is 0.89 acre.
17	SP88-46	Memar Corporation	change of use to office use; and parking and landscaping modifications. Lot is 1.7 acres in size
18	SP94-10	Danac Remainder	revision to a previously approved site plan. This application is proposing to decrease the overall building floor area as a result of a reduction in the previously approved building footprint for Building "B". The revised Building "B" is proposed to be 36,000 square feet of medical offices, with 4,000 square feet of professional offices. The internal square footage breakdown for Building "A" is being revised from the previously approved site plan to reflect 60,000 square feet of medical offices, with 5,000 square feet of professional offices. The footprint and surrounding parking for Building "A" is not proposed to be altered as part of this site plan application.
19	SP04-03	Libertytown Volunteer Fire Station	two building additions and new parking area; and also requesting landscaping, entrance spacing and parking modifications on existing fire station site, on 5.1-acre parcel.
20	SP05-22	Zimmerman Pool	expand existing facilities and also requesting landscaping & parking lot modifications. Located on a .49-acre parcel
21	SP00-03	Goddard School	expand existing building with landscape additions to parking lot. Located on a 1.6-acre lot
22	SP10-12	T-Mobile Monopole	erect new 120' communications tower with 5' extensions. Located on a 105-acre parcel,
23	SP92-31	Urbana Athletic Facility	Non-Binding Site Plan Review by Planning Commission and requesting APFO approval. Applicant intends to use two, graded areas for multi-purpose ball fields for non-profit recreational use (9.2 acres), on a 110.5-acre parcel.



# Smart Growth Goals, Measures, and Indicators

## Local Land Use Goals

The County's 2010 Comprehensive Plan includes several goals to support development within the community growth areas. The 2010 Plan continues the implementation of the Community Concept, which was first developed in the County's 1972 Plan that focuses growth into the municipal growth areas and unincorporated growth areas. Since most the designated Priority Funding Areas (PFA's) are located within the community growth areas (CGA's) are referenced as a proxy for PFA's.

- Reduce non-rural development outside of CGA's while maintaining opportunities for compatible agricultural support services and uses in Rural Communities.
- Increase the proportion – and 'per acre' unit density – of new residential development occurring within CGA's while minimizing new residential development outside of the County's CGA's.
- Establish as a targeted goal for the development and redevelopment of lands within CGA's, an average density of 7.5 dwellings/acre by the year 2025.

## Measures and Indicators

As part of the 2010 Comprehensive Plan a separate report was prepared for the *Residential Needs and Development Capacity Analysis*. A summary of the capacity analysis is provided below:

In 2010 the County acquired agricultural/land preservation easements for a total of 1,572 acres. Of this total 741 acres were preserved under the County's Installment Purchase Program (IPP). A detailed breakdown of land preservation by all programs can be found on page 19.

Of the 167 residential lots recorded in 2010, 91 (54%) were located within PFA's. It should be noted that many of the 91 lots are for multi-family developments so the number of actual dwelling units will be greater than just the number of lots.

For the non-PFA lots the average lot size is 9.5 acres and works out to a density of .1 dwellings/acre.

# Adequate Public Facilities Ordinance Restrictions

## Schools

The County's Adequate Public Facilities Ordinance (APFO) establishes the school adequacy threshold at 100% for all school levels. Based on the Frederick County Public Schools *Enrollment and Capacity Report as of December 31, 2010* there were 12 elementary, three (3) middle, and three (3) high schools whose enrollments were at or over 100 % of the state rated capacity. Many of these school districts include areas in both the county and a municipality and not all of the municipalities have their own APFO's.

**Elementary** - Five of the affected elementary schools are located within the City of Frederick with one just outside the City. Four schools are located in the Urbana, New Market, and Linganore communities in the eastern part of the county. One school, Tuscarora, is located in the Ballenger Creek community south of the City of Frederick and one, Kemptown, is in the far eastern part of the county. Only two schools, Kemptown and Yellow Springs, have school districts that are wholly or mostly outside of a Priority Funding Area (PFA).

**Middle** – All three middle schools are located in the eastern part of the county with one in Urbana, one in Linganore, and the third in the Green Valley area. This last one, Knolls of Windsor, is completely outside a PFA.

**High** – Two of the schools, Urbana and Linganore, are located in the eastern part of the county, while the third, Middletown, is in the western part of the county.

The Urbana and Middletown schools themselves are within a PFA though their enrollment districts include large areas outside of PFA's. Linganore itself is not in a PFA though its enrollment district includes some areas within PFA's.

## Roads

Recent amendments, approved in 2010, to the roads portion of the County's APFO have generally tightened the thresholds for road adequacy. The one part of the County that is particularly affected is the MD 85 corridor from I-270 south to English Muffin Way. This corridor is the County's largest commercial/employment area and has approximately 655 acres of undeveloped commercial/employment zoned land.

The Maryland State Highway Administration has an active project to widen MD 85 between Guilford Dr. and English Muffin Way. Phase 1 will widen MD 85 at the I-270 interchange and will include interim improvements to the interchange. Phase 1 is under design and is not funded for construction. Phase 2 will widen the northern portion from I-270 to Guilford Dr. and Phase 3 will widen the southern portion from I-270 to English Muffin Way. Phases 2 and 3 are not funded for design.

# Community Facilities

Coordination of the priority and location of community facilities is a key element in the comprehensive planning process. The County Comprehensive Plan identifies the general location of planned facilities expected to be needed over a 20-year time frame. The specific locations and timing for construction of the facilities is implemented through the Capital Improvements Program (CIP) and through the development process.

## Capital Improvements Program

The Division of Planning with the Budget Office and Finance Department jointly prepares a six-year Capital Improvements Program (CIP). Following submittal of requests by departments and agencies, the staff prioritizes and schedules the requests after careful review of the County Comprehensive Plan and funding resources including a debt affordability limit analysis for proposed bonding. The recommendations of the staff are then presented to the Planning Commission for review and comment and, finally, to the Board of County Commissioners for final decision on funding and timing.

The Capital Improvements Program (CIP) for FY 2011-2016 was adopted in July 2010. The CIP identified full or partial funding for 108 projects that totaled \$305,073,120 for the entire 6-year program a decrease of \$327,826,680 from the FY2010-2015 CIP. The summary of the 6-year CIP is as follows:

General Government	\$ 62.5 million
Water & Sewer	\$ 10.3 million
Solid Waste	\$ .3 million
Parks & Recreation	\$ 35.2 million
Watershed Restoration	\$ 1.1 million
Roads, Bridges, Highways	\$ 82.8 million
Frederick Com. College	\$ 15.4 million
Schools	\$101.8 million
Municipal Projects	\$ 4.7 million
Less Appropriation for future yrs (9.5 million)	
Total	\$305 million

## School Facilities

The County's FY 2011-2016 CIP includes 5 projects to increase school capacity primarily with additions to existing schools. Only one new school, North Frederick Elementary replacement, is proposed. These projects will add 1,273 elementary school seats over the next six years.

Additions to Carroll Manor Elementary School, Walkersville Elementary School, and a renovation of West Frederick Middle School were completed in 2010. The two additions added 453 seats to the existing capacity. The replacement of Linganore High School also opened in 2010 with a seating capacity of 1,624.

## Transportation Facilities

### Highways

- East St/MD 85 Extended and I-70 interchange
- I-270 Bridge over Doctor Perry Road
- MD 180 Bridge – Knoxville
- Southbound US 15 at Hayward Road Ramp Improvements
- I-70 South Mountain Welcome Centers (EB & WB)
- ARRA funded MD 80 at Ijamsville / Big Woods Road Intersection
- ARRA funded Old National Pike / Bartholows Road safety improvement
- Crestwood Blvd Intersection Improvements
- MD 75 Truck Detection Improvements

### Bicycle/Pedestrian Facilities

- Various ARRA funded ADA Sidewalk Improvements
- New Design Road & Crestwood Boulevard Pedestrian Crossing Improvements
- US 40 median Pedestrian Safety Fencing

### Transit

- MD 355 at New Design Road Park + Ride
- ARRA Funded Electronic Scheduling Signage at Brunswick Line MARC Stations

## Other Facilities

There were no other facilities such as libraries, fire stations, or parks completed/opened in 2010.

# Zoning Administration Highlights

## Board of Appeals

The total number of cases continues to decline from a high of 50 cases in 2005. The 16 cases considered in

2010 are down from 18 cases in 2009. The majority of cases involved special exceptions (11).

CASE #	APPLICANT	REQUEST	DECISION
B-10-01	American Tower	Renewal of Zoning Certificate for an existing 190 ft. high monopole/communications tower with 100 ft. x 100 ft. equipment compound at base	Granted
B-10-02	Baltimore Yearly Meeting of the Society of Friends, Inc.	Special Exception to expand an existing rustic retreat/camp facility	Granted
B-10-03	South Mountain Creamery	Variance of 34 ft. from the 65 ft. required front yard setback to expand an existing building	Granted
B-10-04	Jeffery & Susan Debad	Special Exception to establish an accessory apartment	Granted
B-10-05	Mike & Concepcion King	Variance of 5 ft. from the 30 ft. rear building restriction line in order to put a 30 ft. x 13.7 ft. addition in place	Granted
B-10-06	Lake Linganore Association	Claim of Administrative Error in the BOCC adoption of Ordinance No. 10-05-540 Re: Comprehensive Zoning Map for Frederick County including the Property Planned Unit Development (PUD) in Lake Linganore PUD	Dismissed per Co. Atty.-Legislative Action
B-10-07	Joseph & Julianne Dombek	Special Exception to replace a temporary mobile home previously granted (B-90-17) to house a caretaker for family member	Granted
B-10-08	Kempton Substation/PATH Allegheny-Potomac Edison	Special Exception to establish a Non-Governmental Utility (substation) per Zoning Ordinance Sections 1-19-3.210, 1-19-5.310, and 1-19-8.339	Denied; Appealed to Circuit Court
B-10-09	Howard & Virginia Crum	Special Exception to establish an Antique Shop	Granted
B-10-10	James R. Lee & Linda A. Linkins	Variance of 30 ft. from the required 40 ft. front yard setback to construct a garage	Granted
B-10-11	New Cingular Wireless PCS. LLC AT&T Mobility, LLC	Special Exception to establish a 142 ft. high monopole/communications tower (including a 6 ft. lightning rod) with 40 ft. x 65 ft. equipment compound at base	Granted
B-10-12	Maryland State Sportsman Association	Special Exception to expand facility by adding bathrooms and storage shed	Granted

B-10-13	Nancy Little t/a Dewlitttle Animal Health, LLC	Special Exception to establish a veterinary clinic	Granted
B-10-14	Liberty Towers, LLC.	Special Exception to establish a 195 ft. tall monopole/communications tower (including a 4 ft. lightning rod) with a 100 ft. x 100 ft. equipment compound at base	Withdrawn
B-10-15	James Testa	Special Exception to locate a temporary mobile home for a family member	Withdrawn
B-10-16	New Cingular Wireless PCS, LLC AT&T Mobility LLC.	Special Exception to establish a 150 ft. tall monopole/communications tower (including a 6 ft. lightning rod and 12 antennas attached at a centerline height of 150 ft.) with a 50 ft. x 50 ft. equipment compound at base	Approved

### **Zoning Text Amendments**

In 2007 the County initiated a comprehensive update of the Zoning Ordinance. The update is being conducted

in phases with a thematic/topical approach.

In 2010 the Board of Commissioners approved the following amendments as part of the update.

<b>CASE #</b>	<b><u>SUMMARY OF AMENDMENT</u></b>	<b>STATUS</b>
ZT-09-06	Parking, Landscaping, and Lighting - addressed development application review and approval process. Standards and requirements for these items were also revised and updated.	Approved Effective January 29, 2010
ZT-09-07	Childcare/Nursery School – permits childcare centers and nursery schools as accessory uses to a Place of Worship in Ag zone. Also allows these uses as special exception uses in Ag zone.	Approved Effective March 11, 2010
ZT-10-01	Euclidean Institutional/Euclidean Open Space Recreation (Ie/OSRe)- to Permit private school in conjunction with a place of worship within the Euclidean Institutional zoning district; Add cross references and specifically regarding design requirements within the Euclidean Institutional zoning district; Provide clarification regarding permitted uses, subdivision, and processing within the Euclidean Institutional zoning district; Delete provisions related to the Open Space Recreation zoning district	Approved Effective May 14, 2010
ZT-10-02	Co-Location of Communication Towers with Electric Transmission Towers- to Amend the definition of a communications antenna; To provide the ability to locate a support pole structure with in a transmission line lattice tower and to be permitted in all zoning districts.	Approved Effective June 25, 2010
ZT-10-03	Pawn Shop- to add “Pawn Shop” under category of Commercial Uses- Retail and add definition	Approved Effective September 4, 2010
ZT-10-04	Planned Development Districts- To organize and standardize text within the floating zoning districts: Delete existing Mixed Use Development and Planned Unit Development Floating zoning districts; Create the Planned Development Residential (PDR) and Planned Development Employment (PDE) floating zoning districts which will provide for new development and redevelopment within residential, recreational, civic and or cultural land uses, a mixture of housing types within the PDR district, and a mixture of land uses within the PDE district; Edit MXD and PUD cross references throughout the County Code to reflect the PDR and PDE zoning districts;	Approved Effective November 20, 2010



ZT-10-05	Boarding Stables, Schools, and FEMA Floodplain- To amend specific sections of zoning ordinance- Floodplain-To change the floodplain section to increase the "Freeboard" from 1 ft. to 2 ft.; Delete the Natural Resource Conservation Service (NRCS) reference from the flooding soils review. Commercial and Business Schools- Change the land use term of "Commercial or Business School" to "Commercial Schools or Education Programs" and allow the use in the ORI and LI zoning districts with Site plan approval; Add definitions for "Commercial Schools or Education Programs" and "Satellite University or College". Public and Private Schools- Allow a private school in the R1,R3, R5, R8, R12, R16, VC and LI zoning districts as 'PS' consistent with public schools; Allow private schools and public schools in the GC, ORI, and LI zoning districts as 'T' (temporary); Amend the definition of "Private Schools". Boarding Stables-Add "Equine Activities" to the definition of Agricultural Activities; Add a definition of "Equine Activities"; Remove the definitions of "Boarding Stables" and "Commercial Boarding Stables"; Remove "Boarding Stables" and "Commercial Boarding Stables" from the Use Table.	Approved Effective December 31, 2010
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**Zoning Map Amendments**

One case was considered in 2010 resulting from a mapping error in the 2010 comprehensive zoning process that was adopted as part of the Comprehensive Plan.

- R-10-1 – Frederick County Govt, request to rezone 5 acres from Agricultural to General Commercial for the Stadler Garden Center.

**Zoning Enforcement**

Over 603 initial and follow-up inspections were conducted in 2010 in order to determine if violations exist. Complaints decreased by 20% from 2009 when 251 complaints were filed.

Violations of the Zoning Ordinance are enforced through civil citations and fines. The imposition of fines is used as a deterrent and is not intended to be a revenue generator for the County insofar as ensuring compliance with the land use regulations. As a last resort, some cases are adjudicated through the District Courts.

Type of Violation or Inspection	Total	Percentage of Total
Zoning Certificate/ Permit Compliance & Follow-up	90	45%
Nuisance	42	21%
Site Plan Conformance	4	1%
Home Occupations	22	11%
Real Estate Signs	2	1%
Miscellaneous	41	21%
<b>Total</b>	<b>201</b>	<b>100%</b>

# Comprehensive Planning Highlights

The Comprehensive Planning Section is responsible for long-range planning activities including the preparation and updating of the County Comprehensive Plan. Staff also has responsibility for functional planning areas including transportation, water and sewer, historic preservation and environmental planning.

## **Growth Management Initiatives**

The Board of Commissioners launched a Growth Management Initiative in January 2008 to include three components: an update of the Countywide Comprehensive Plan, undertake a comprehensive zoning process, as well as revise the Adequate Public Facilities Ordinance (APFO). These initiatives were formally completed with the adoption of the County Comprehensive Plan on April 8, 2010.

## **County Comprehensive Plan Update**

Beginning in March 2008 the Division of Planning began work sessions with the County Planning Commission in preparing a draft plan. During 2009 the Public Hearing Draft Plan was released followed by the Planning Commission public hearing in July 2009. A Recommended Plan was forwarded to the Board of Commissioners in August 2009 and following the preparation of a draft zoning map the Board issued its Draft Plan in December 2009. The Board held public hearings in January 2010 and following a final series of work sessions adopted the Plan on April 8, 2010. The comprehensive zoning map was also adopted with the Plan.

This County Plan now supercedes the eight region plans that were previously adopted between 1997 and 2008.

## **Adequate Public Facilities Ordinance Updates**

Frederick County adopted an APFO in 1991 with the purpose of ensuring that adequate public facilities for schools, roads, and water/sewer are adequate to serve new development. As part of their Growth Management Initiative, two amendments to the APFO were approved in 2009, which addressed revisions to the school adequacy requirements and to the roads section.

## **Community and Corridor Planning Process**

The 2010 County Comprehensive Plan established a new planning process that will allow for plan updates to occur at three levels: County Plan, Community Plans, and Corridor Plans. Another update process will involve coordination with municipal plan updates, which may result in amendments to the County Comprehensive Plan. This process replaces the region plan updates, which has been practiced since 1984.

In August 2010 the Board of Commissioners provided direction to initiate the preparation of a Jefferson Community Plan and the MD 85/355 Corridor Plan. The background preparation was underway for both of these plans through the later part of 2010.

## **Historic Preservation**

The Division of Planning is responsible for administering several functions related to historic preservation. The Division's Historic Preservation Planner oversees updates of the Historic Preservation Plan, last updated in 2007 and the Historic Preservation Ordinance, which was adopted in 1997. Staff is also responsible for administering the Historic Preservation Commission (HPC).

### **County Register of Historic Places**

Through the Plan and the Ordinance the County maintains The County Register of Historic Places which currently consists of eight sites. Work performed on these designated landmarks is reviewed by the County's Historic Preservation Commission (HPC) for compliance with the Interim Design Guidelines. Its approval is issued as a Certificate of Appropriateness (COA).

### **Project Reviews**

In 2010, the County's Historic Preservation Commission commented on 9 State Highway Administration projects, 1 Maryland Transit Administration project, and 1 Communications Tower project under the Section 106 program. The HPC also provided comments on a Board of Appeals Special Exception case.

### **Coordination Activities**

The Historic Preservation Planner participated in a coordinating role with the following organizations and activities:

- Maryland Heritage Areas Authority Board related to the Heart of the Civil War Heritage Area (HCWHA).
- Catocin Mountain Scenic Byway Advisory Committee.



**Howard Marvin Jones House**

## **Environmental Planning**

The Planning Division staff primarily serves in a coordinating role with various environmental planning activities. Staff continues to work with the County's Division of Public Works on watershed restoration strategies (WRAS) as well as with regional organizations including the Upper Potomac River Tributary Team. The Division also is the primary staff to the Monocacy Scenic River Board. Activity highlights for 2010 include:

- Coordination with the Maryland Department of Natural Resources and the County's Division of Public Works in the preparation of a county-wide forestlands assessment.
- Assisted with a United States Geological Survey (USGS) study on Lake Linganore to identify the extent of sedimentation in the lake and identify strategies to address sediment issues.

## **Transportation Planning**

The Planning Division is responsible for coordinating a variety of transportation plans and studies, which involve highway, transit, and bicycle/pedestrian facilities. Primary responsibilities include long range planning and coordination with inter-agency and inter-jurisdiction transportation projects. Activity highlights for 2010 include the following:

- Continued work on the Travel Demand Model including updates to the TAZ's, land use data, and countywide roadway network edits.
- Coordinated the Annual Transportation Priorities Review with the Planning Commission and the Board of Commissioners.
- Completed work on a MWCOG Transportation Planning Board Funded Transportation and Land Use Connections review of short and long term opportunities for the MD 85/355 Corridor area.
- Initiated Countywide Bicycle and Pedestrian Plan update including outreach public meetings

### **Bicycle and Pedestrian Activities**

These programs/projects are being coordinated with the County's Division of Public Works, Division of Parks and Recreation, the Division of Permitting & Development Review, TransIT Services, the Health Department and Frederick County Public Schools.

- **Trail/Path Projects:** Assisted and coordinated with the City of Frederick on the East Street Path project, City Bicycle Friendly Community Committee, and on County projects for the Ballenger Creek Trail and a Monocacy River Greenway Trail.
- **Safe Routes to School:** Planning staff continued participation in a countywide Safe Routes to School committee to coordinate and assess needs with respect to improving conditions for bicycling and walking for students in the county. The committee prepared and submitted funding requests from FCPS in 2008 & 2009 to Maryland DOT for use of federal grant funds in 2009-2011 for education, encouragement, and infrastructure program improvements for

targeted K-8 schools countywide. Funding in the amount of \$143,500 was awarded for 2009-2010 with an additional \$185,000 awarded for 2010-2011. Implementation is ongoing.

### **Maryland DOT Project Coordination**

Transportation planning staff participates on the Project Teams for State highway projects and studies. The following were active in 2010.

- I-270/US 15 Multi-Modal Study
- MD 180/351
- I-70/Meadow Road Interchange
- US 15/Monocacy Boulevard Interchange
- I-70 Phase 2D Design / Construction
- MD 85 Phase I
- Park & Ride Planning & Development at Myersville & Mount Zion Road
- Regional 991 Commuter Bus Schedule Enhancements
- MARC Commuter Rail Project Coordination

## **Municipal Planning Services**

The Division of Planning continues to provide planner and liaison services to the County's 12 municipalities. In 2010 Planning staff served as the Town Planners to three municipalities: Rosemont, Thurmont and Woodsboro. Burkittsville now shares the town planner with the Town of Myersville. The remaining municipalities have their own planning staffs, though the Division continues to have its staff serve as liaisons to the municipalities. The following activities occurred in 2010:

- Continued with quarterly municipal planner meetings.
- County staff continued work on the Thurmont Comprehensive Plan.
- Reviewed one (1) annexation to the Town of Walkersville.
- Reviewed the Draft Comprehensive Plan for the Town of Walkersville.

## **Water & Sewer Planning**

The Planning Division administers amendments to the County's Water and Sewerage Plan. During 2010, fourteen (14) applications for changes in the Water and Sewer Plan classifications were reviewed as part of the spring, summer, and fall amendment cycles.

<b><u>Case</u></b>	<b><u>Applicant</u></b>	<b><u>Location and Request</u></b>	<b><u>Decision</u></b>
WS-10-01	Damascus Road Community Church	Request addition of a Multi-Use Sewer System. Old National Pike, Mt. Airy; TM 89, Parcel 29 & 69.	Approved
WS-10-02	BOCC	Text change to the W&S Plan to amend criteria for the "PS" and "5" categories to address municipal annexations and PUD/MXD rezonings. Replace the term "Resource Conservation" with "Natural Resource" to reflect the concomitant change in the 2010 Comprehensive Plan.	Approved
WS-10-03	Town of New Market	Request reclassification from W-5 Dev. to W-3 Dev.; located in the Town of New Market for TM 801, Parcels 3759 and 3871.	Approved
WS-10-04	Charles Castle	Request reclassification from W-5 Dev./S-5 Dev. to W-3 Dev./S-3 Dev., Jug Bridge Hill Road, Frederick.	Approved
WS-10-05	Monocacy Land Company	Request the addition of an elevated water tank symbol on the Water Plan map plus associated water infrastructure lines. TM 96, Parcel 41. Villages of Urbana	Approved
WS-10-06	Urbana Corporate Center	Request the addition of sewer infrastructure lines on the Sewer Plan map. TM 96, Parcels 113 & 162. MD 355, Urbana.	Approved
WS-10-07	JSA Commercial Realty	Request reclassification from W-5 Dev./S-5 Dev. to W-4 Dev./S-4 Dev. TM 77, Parcel 176. Reichs Ford Road at Ray Smith Road.	Approved
WS-10-08	Division of Parks and Rec.	Reclassify Ballenger Creek Park from S-5 to S-3 (parcel 132) and parcel 503 from W-5 to W-3.	Approved
WS-10-09	Town of New Market	Request reclassification from W-5 Dev. to W-3 Dev. for TM 801, Parcel 3884 on Main Street in the Town of New Market.	Approved
WS-10-10	Adcock Holdings	Request reclassification from W-5 Dev. to W-3 Dev. TM 77, Parcel 322. Urbana Pike at Francis Scott Key Drive.	Approved
WS-10-11	Town of New Market (Marley Gate)	Request reclassification from W-5 Dev. to W-3 Dev. TM 801, Parcel 3823 on Main Street in the Town of New Market.	Approved
WS-10-12	Town of New Market	Request reclassification from W-5 Dev. to W-3 Dev. TM 801, Parcel 3852 on Main Street in the Town of New Market.	Approved
WS-10-13	Monocacy Land Company	Request reclassification of lots 1—107 in the Boxwood Section of the Villages of Urbana. TM 96, Parcel 249.	Approved
WS-10-14	Segall Development Associates	Requesting reclassification of 44 acres (5 separate parcels) from W-5 Dev./S-5 Dev. and PS to W-4 Dev./ S-4 Dev. MD 144 at the Monocacy River in the City of Frederick.	Approved W-5 Dev./S-5 Dev on all parcels

# Land Preservation Activities

The Planning Division administers five land preservation programs including three State programs: the Maryland Agricultural Land Preservation Program Foundation (MALPF), Rural Legacy and Conservation Reserve Enhancement Program (CREP); and two County programs, Critical Farms and Installment Purchase Program (IPP). The County also coordinates with the Federal Farmland Protection Program (FRPP) and the State's Maryland Environmental Trust (MET) program. Additional details of activity in 2010 can be found in the County's Agricultural Land Preservation Annual Report for 2010. As of December 2010 the County had a total of 47,541 acres under permanent preservation.

## Critical Farms Program

This is a County program established in 1994 that is used to assist full-time farmers in buying farmland. The properties involved are subsequently preserved under one of the other preservation programs.

## Rural Legacy Program

This is a State Program established in 1999 and funded through grants from the Department of Natural Resources (DNR) with County matching funds. The County currently has two designated Rural Legacy Areas: The Mid-Maryland Rural Legacy Area located in the Middletown valley, and the Carrollton Manor Rural Legacy Area located in the Adamstown Region.

## MALPF

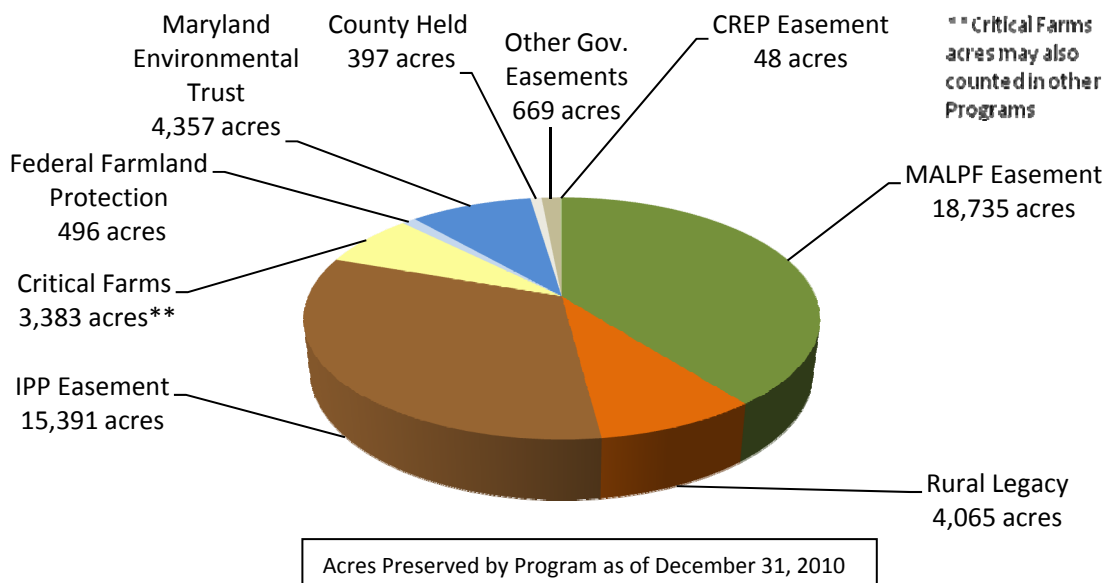
This is a State program created in the 1970's and Frederick has participated since 1979.

## Installment Purchase Program (IPP)

A County program created in 2002, the Installment Purchase Program purchases easements using Zero Coupon Bonds and revenue from a 12.5% share of the County's Recordation Tax. This process enables the County to leverage existing funding to purchase more easement acreage than through traditional lump-sum-easement purchase programs.

### 2010 Easement Acquisitions

Program	Number of Easements Acquired	Acreage
CREP	1	48
Critical Farms	0	0
FRPP	0	0
IPP	6	741
MALPF	3	484
MET	1	18
Rural Legacy	1	281
<b>Total</b>	<b>12</b>	<b>1,572 acres</b>



## GIS and Data Services

The Division of Planning Geographic Information Systems (GIS) and Data Services continues to work in cooperation with Frederick County's Enterprise GIS and other County GIS agencies to provide technical data development and mapping. In addition Planning GIS develops and maintains GIS data for zoning, comprehensive plan, master water and sewer plans, environmental plans, historic preservation, transportation plans as well as many other mapping and data projects to support the land use management decision processes in Frederick County. The work plan for GIS and Data Services for 2010 includes the following:

- Participated in the New Construction Program and the Boundary Annexation Survey for the US Census Bureau. Reviewed and updated US Census Bureau data and GIS shapefiles in order to prepare for the 2010 Decennial Census and to maintain quality, accurate geographic boundary data at the federal level.
- Finalized and completed mapping and data products associated with the 2010 Countywide Comprehensive Plan and Zoning update. This includes the final approved GIS shapefiles, report graphics, mailing lists, final signed tax map books, and large format maps for public and government distribution.
- Finalized and completed the mapping of the Water & Sewer Service areas associated with the update to the 2010 Countywide Comprehensive Plan. This included updating GIS shapefiles, tax map books, and large format maps for public and government distribution.
- Calculated developed and undeveloped land within the Community Growth Boundaries for a residential and commercial development capacity report.
- Finalized the boundaries of Frederick County Priority Funding Areas. Completed GIS shapefiles and mapping products to be distributed to the Maryland Department of Planning.
- Completed, updated and maintained the GIS shapefiles and data products associated with monthly residential permits, which includes the Housing Unit Inventory shapefile, monthly permit report, quarterly update distributed to the Maryland Department of Planning for permits issued in/out of Priority Funding Areas, biannual population estimates for Frederick County, Planning Regions, Census Designated Places, Municipalities, and Community Growth Boundaries.
- Created a variety of excel spreadsheets and mapping products in relation to the changes that occurred with the 2010 Countywide Comprehensive Plan and Zoning updates for the Board of County Commissioners and the State of Maryland Tax Assessment Office. So these agencies could update their files and demonstrate the reasons why changes were made.
- Collaborated with the Land Preservation Section to organize, update, and manage their digital files. Created processes and models for more efficient work flows, mapping templates, and create more organized file structures.
- Began collaboration with the Historic Preservation Section to scan, organize, manage, and update Historic Preservation digital files. Completed the scanning of the 8 Frederick County Registered Historic Site files. These digital files were then hyperlinked to the GIS shapefiles. Updated the National Register Sites and the Maryland Historic Trust Properties in GIS. This project is still on-going.
- Collaborated with FEMA and the Zoning Administration Section to create an efficient work flow process and GIS shapefiles for Letters of Map Amendment for the FEMA

Floodplain. This includes receiving the official document from the Zoning Administrator, scanning the document and placing the digital file in an organized file structure, digitizing the polygon or parcel where the LOMA occurs, and hyperlinking the LOMA documentation for ease of retrieval through GIS.

- Began collaboration with municipalities in order to update the Water and Sewer Service Areas. This includes meeting with municipal planners to verify which parcels or areas of the municipality are connected to Water and Sewer Service so that we can verify they are W-1 or S-1 areas. This is in preparation for the update for the Master Water and Sewer plan to be completed in 2011.
- Maintained, updated, and created web pages for the Division of Planning. There are over 200 web pages and over 1,000 documents within the main Division's web site.
- Maintained and updated PlanBase. The ArcReader application that is used by the Division of Planning, Division of Permits and Development Review, and the public in order to make sound, quality land management decisions.
- Continued technical and computer support for the Division by completing software updates, supporting good maintenance habits, inventorying and improving computers.

## Planning Publications

\* Available on our Planning Division website [www.frederickcountymd.gov/planning](http://www.frederickcountymd.gov/planning)

### **Development Ordinances**

Adequate Public Facilities Ordinance \*  
Forest Resource Ordinance\*  
Historic Preservation Ordinance\*  
Zoning Ordinance (Unbound)\*

### **Comprehensive Plans**

County Comprehensive Plan (2010)\*  
Bikeways & Trails Plan (1999)\*  
Historic Preservation Plan (2007)\*  
Land Preservation, Parks, and Rec. Plan (2006)\*  
Master Transportation Plan (2001)\*  
Water and Sewerage Plan (2008)\*

### **Special Reports**

Age Restricted Community Report (2006)\*  
Adamstown Region Historic Sites Survey Annual Report (2009)\*  
Citizens Zoning Review Committee Final Report (2002)\*  
Community Design Guidelines & Development Principles (2002)\*  
Demographic and Development Data Report (March 2004)\*  
Frederick Region Historic Sites Survey Industrial and Commercial Land Inventory (2006)\*  
Lake Linganore Source Water Protection Plan (2004)\*  
New Market Region Historic Sites Survey Pupil Yield Study (2007)\*  
Subdivision Lots Available Listing\*  
Urbana Region Historic Sites Survey Village Center Zoning Design Guide (2007)\*