



# FREDERICK COUNTY GOVERNMENT

## DIVISION OF PLANNING & PERMITTING

Jan H. Gardner  
County Executive

Steven C. Horn, Division Director  
Jim Gugel, Planning Director

TO: Frederick County Planning Commission

FROM: Tim Goodfellow, Principal Planner II

RE: Council Bill No. 15-12, "Modifying Permitted Uses in Waterbody Buffers"

DATE: November 10, 2015

### ISSUE:

Will the Planning Commission recommend approval, denial, or make no recommendation to the County Council on Bill No. 15-12, *Modifying Permitted Uses in Waterbody Buffers*?

### BACKGROUND:

On August 5, 2008, the Board of County Commissioners (BOCC) adopted an amendment to the Zoning Ordinance that created enhanced protection for County waterways and waterbodies. The initial adoption of these regulations occurred in 2007, but only applied within the Lake Linganore watershed. The waterbody buffer requirements (§ 1-19-9.400) are summarized as follows:

- 1) Establishes 3 tiers of waterbody buffer or setback, depending on the degree and extent of slope within a defined stream valley;
- 2) Addresses clearing, grading, and construction within certain distances of all rivers, lakes, ponds and lakes in the County;
- 3) Minimizes disturbance of sensitive riparian areas, but allows encroachments into the buffer in some situations.

It is important to note that these requirements only apply to parcels that are going through a subdivision or resubdivision process. It does not apply to development on existing lots of record.

In 2013, the BOCC amended the 2008 Waterbody Buffer Requirements by reducing buffer widths, and generally relaxing standards for buffer disturbance and encroachment.

Councilmember Donald, on October 6, 2015, introduced Council Bill No. 15-12 (*“Modifying Permitted Uses in Waterbody Buffers”*) (attached) that proposes a change to §1-19-400(D) of the Frederick County Code that, if approved by the Council, will eliminate some activities and structures from placement in the waterbody buffer.

Following is a summary of the changes to the existing waterbody buffer regulations proposed in Council Bill No. 15-12:

- Prohibits the construction of open shelters, pole-type structures, recreational uses and recreational equipment within the waterbody buffer
- Prohibits the placement of impervious surfaces within the waterbody buffer

**RECOMMENDATION:**

Planning Staff has no objection to the changes proposed to §1-19-9.400(D) of the existing waterbody buffer regulations, as described in Council Bill No. 15-12.

