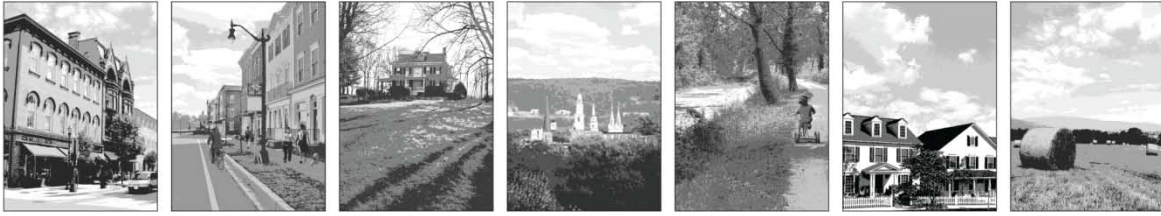


2013 Annual Planning Report

FREDERICK COUNTY, MARYLAND



MANY PLACES , ONE COMMUNITY

Maryland Department of Planning Annual Report

Prepared by Frederick County Community Development Division
30 N. Market Street | Frederick | Maryland | 21701
301-600-1138
www.frederickcountymd.gov/planning

| Table of Content | Page |
|---|-------------|
| Introduction | 1 |
| Planning Commission and the Community Development | 2 |
| County Commissions and Division Staff | 3 |
| Development Activity | 4 |
| Land Preservation Program | 12 |
| Zoning Administration | 14 |
| Comprehensive Planning | 17 |
| Maryland Department of Planning - Annual Report | 24 |

Introduction

The 2013 Planning Report for Frederick County, Maryland was prepared pursuant to the requirements of the Land Use Article of the Annotated Code of Maryland. This report provides a summary of the year's planning activities undertaken by the Community Development Division and also documents development activity.

This report also includes the Maryland Department of Planning Annual Report starting on page 24. This report documents development data, comprehensive plan implementation, ordinance revisions, and various measures and indicators relative to the Priority Funding Areas (PFA's).

The changes in development patterns are found to be consistent with the 2010 County Comprehensive Plan as amended on September 13, 2012. The amendments to the County Zoning Ordinance are consistent with the County Comprehensive Plan and implement the State visions.

This report was reviewed by the Frederick County Planning Commission on June 11, 2013.

Project/Activity Highlights

- Acquired 9 land preservation easements on 788 acres.
- Processed 19 Board of Zoning Appeals cases, up slightly from 15 cases in 2012.
- Completed and continued reviews for five (5) zoning map amendment applications submitted in 2012. An additional four (4) zoning map amendments for PUD zoning were submitted in 2013.
- Processed 9 Zoning Ordinance Text Amendments including revisions to the Streambody Buffer regulations.
- Processed 28 Water and Sewerage Plan amendments, up significantly from 10 requests in 2012.

Development Activity Highlights

- The estimated county population, as of April 2013, was 237,853. This is an increase of 1,581 or 0.7% from 2012. Since 2010 the population has increased by 4,468 at an average annual rate of 0.6%/year.
- The 1,293 permits issued for new residential dwellings in 2013 breaks the string of five consecutive years under 1,000 new residential permits from 2008 to 2012. As in 2012 most of the increase is occurring in the City of Frederick and for the first time the City permits (739) exceeds the County permits (500).
- Commercial and industrial construction permit activity continues to increase from prior years with 967 permits in 2013 up from 755 permits in 2012. As in the residential activity most of the increase is in the City of Frederick.
- The approval of preliminary subdivision plans reached an all-time high of 3,228 lots/dwellings in 2013. In 2012 only 307 lots/dwellings received preliminary subdivision plan approval.
- The development of multi-family housing continues to experience significant increases with 522 units permitted in 2013 up from 277 units in 2012. These increases can be attributed to several projects in the City of Frederick.

Planning Commission and the Community Development Division

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 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 recommending role and forwards such Plans to the County Commissioners for final adoption.

Planning Commission members during 2013

- Robert Lawrence, Chair
- William Hall, Vice-Chair
- Dwaine Robbins, Secretary
- Audrey Wolfe
- Bill Hopwood
- Anthony Bruscia (since July)
- John McClurkin (thru June)
- Blaine Young, BOCC Liaison

Community Development Division

In February 2011 the Division of Planning and the Division of Permitting and Development Review were reorganized and merged with several other offices to form the Community Development Division, which was organized with five departments/offices.

Department of Planning and Development Review

- Comprehensive planning including 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.
- Conducts planning/engineering reviews of site plans and subdivisions and administers Forest Resource Ord. and the Adequate Public Facilities Ord.
- Provides staff assistance and coordination with the County's 12 municipalities.

Zoning Administration

- Provides Zoning administration and enforcement of the Zoning Ordinance. Administers the Board of Appeals.

Office of Sustainability and Environmental Resources

- Land preservation program administration
- Manages watershed restoration projects and federal storm water permitting. Oversees sustainability projects.

Department of Permits and Inspections

- Administers building permit services and inspections
- Includes Office of Life Safety which is responsible for fire code reviews of building plans.
- Conducts grading permit reviews and inspections

Department of Business Development and Retention

- Focuses on economic development marketing and business retention.

The following commissions and boards are served by the Division staff:

- Board of Zoning Appeals
- Planning Commission
- Agricultural Preservation Advisory Board
- Agricultural Reconciliation Committee
- Historic Preservation Commission
- Monocacy Scenic River Board
- Transportation Services Advisory Council
- Business & Development Advisory Council
- Sustainability Commission

County Commissions and Division Staff

Board of County Commissioners

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

Planning Commission

Robert Lawrence, *Chair*
William Hall, *Vice-Chair*
Dwayne Robbins, *Secretary*
Anthony Bruscia
Bill Hopwood
Audrey Wolfe
Blaine Young, *Commissioner Liaison*

Board of Zoning Appeals

Al Duke, *Chair*
Mike Bowersox, *Vice-Chair*
Wayne Robinson
John Capoccia
Robert Fenimore
John Greenwell, *Alt.*

Agricultural Preservation Advisory Board

Richard Grossnickle, *Chair*
Zene Wolfe, *Vice-Chair*
Paul Spurrier
Thomas Browning
Mehrle Ramsburg, Jr.

Historic Preservation Commission

Jessica Cramer Winter, *Chair*
Gary Baker, *Vice-Chair*
William DeMartini
G. Bernard Callan, Jr.
James Moser
Kathryn McKenzie
Tyler Bastian
Barbara Wyatt
Joan Porter
Kristie Baynard
Nicholas Redding
Anthony Moscato, Jr.
Steven Pippin, *Alt.*

Monocacy Scenic River Citizens Advisory Board

Brian Cronin, *Chair*
Jack Lynch
Bob Whiting
Sam Roop
George Grillon
Bill Hensley, *Vice-Chair*
Andrew Aughenbaugh
Scott Scarfone
Tom Robertson, Jr.

Division Staff

Gary Hessong, *Acting Division Director*

Dept. of Permits and Inspections

Gary Hessong, *Director*
Bryon Mitchell, *Manager Life Safety*
Pam Moulton, *Manager Permitting Services*

Dept. of Planning and Development Review

Jim Gugel (AICP), *Planning Director*
Shawna Lemonds, *Planning Manager*
Todd Weidman

Historic Preservation

Denis Superczynski (AICP)

Transportation

Ron Burns; Dial Keju

Water and Sewer

Tim Goodfellow (AICP)

Principal Planners

Tolson DeSa
John Dimitriou (RA)
Denis Superczynski (AICP)
Mike Wilkins

Land Preservation

Anne Bradley

Zoning Administration

Larry Smith, *Zoning Administrator*
Craig Terry; Justin Horman; Bill Bigelow

Sustainability and Environmental Resources

Shannon Moore, *Director*
Heather Montgomery; Lisa Orr

Dept. of Business Development and Retention

Helen Riddle, *Manager*
Jodie Bollinger; Sherman Coleman; Sharon Hipkins;
Sandy Wagerman

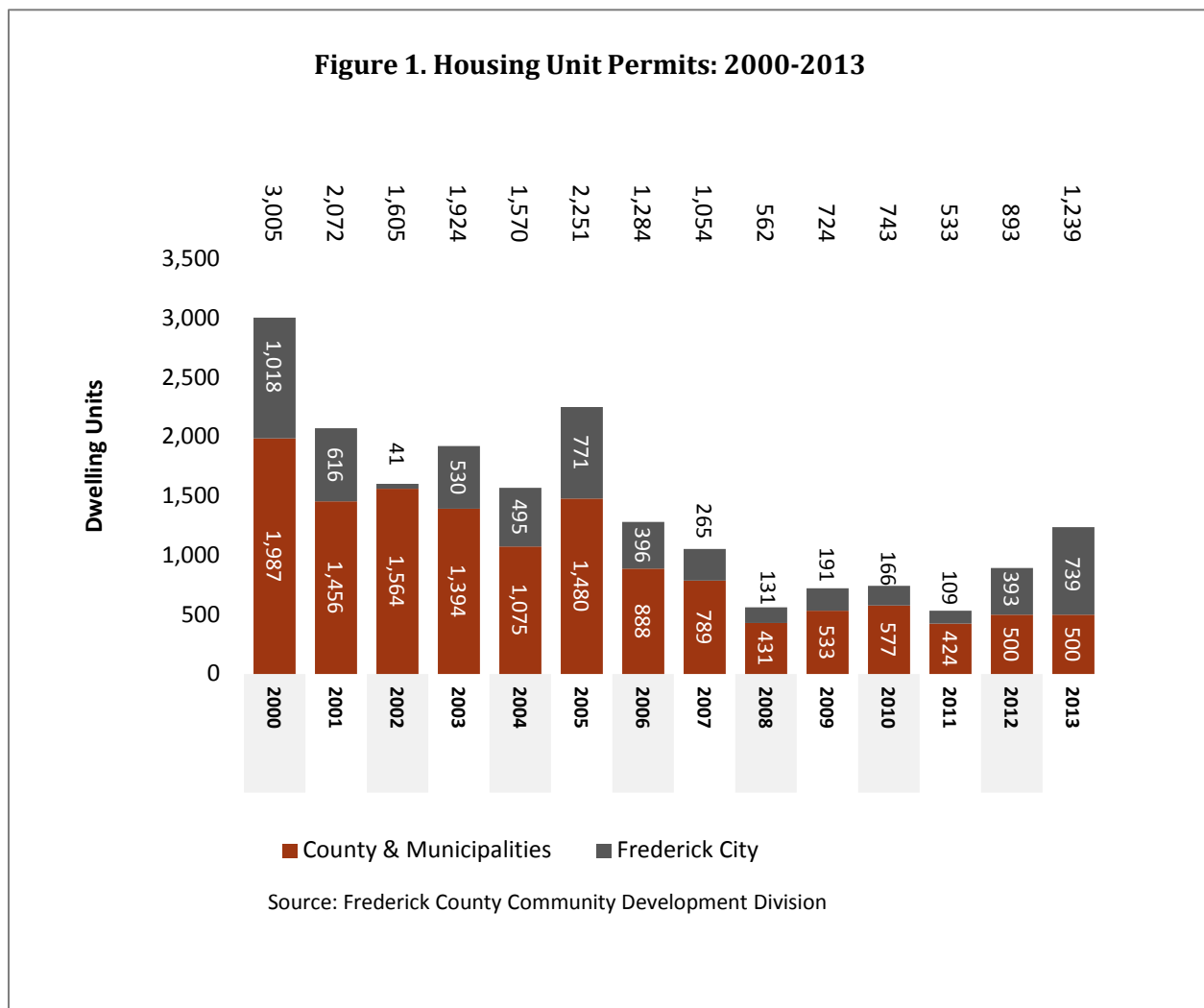
Administrative/Technical Support Staff

Lori Barlet-Chapman; Erica Cooke; Emily Roche; Linda
Williamson; Patti Wolfgang

Development Activity

Housing Construction and Permits

In 2013, the number of permits issued for residential dwellings was back above 1,000 dwellings for the first time since 2007 before the recession. Also of significance is that for the first time ever there were more new dwellings permitted in the City of Frederick than in the rest of the county. On average the City has typically accounted for about 1/3 of new dwelling permits in the county. As in 2012 most of the increase in permit activity continues to occur in Frederick City, which is likely due to having several multi-family developments getting underway. The start of the 2010 decade shows a four-year average of 852 dwellings/year. The period of 2000 to 2010 saw an average of 1,600 dwellings/year. The county's peak decade for new housing permits occurred during the 1990's with an average of 2,000 dwellings/year.



Dwelling Type

Table 1 on the following page shows the breakdown of dwelling type for new residential dwelling permits for the entire county and the municipalities. Over this 7-year period 53% of the dwellings were single-family, 24% townhouses, and

23% multi-family. For 2013 the number of multi-family units continues to increase to an overall proportion of dwellings that the county has likely never experienced before. This may be due to a long term lack of supply for multi-family projects as well as an outfall from the recession and housing bubble, which has pushed more people into the condominium and rental apartment market.

Table 1. Dwelling Unit Type Constructed

| Dwelling Type | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 |
|------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|
| | No. of unit % of total | No. of unit % of total | No. of unit % of total | No. of unit % of total | No. of unit % of total | No. of unit % of total | No. of unit % of total |
| Single Family detached | 590 56% | 361 64% | 415 57% | 463 62% | 366 69% | 448 50% | 405 33% |
| Townhouse | 246 23% | 109 19% | 218 30% | 223 30% | 121 23% | 168 19% | 312 25% |
| Multi-Family | 218 21% | 92 16% | 90 12% | 57 8% | 46 9% | 277 31% | 522 42% |
| Total | 1054 | 562 | 723 | 743 | 533 | 893 | 1239 |

Residential Subdivision Activity

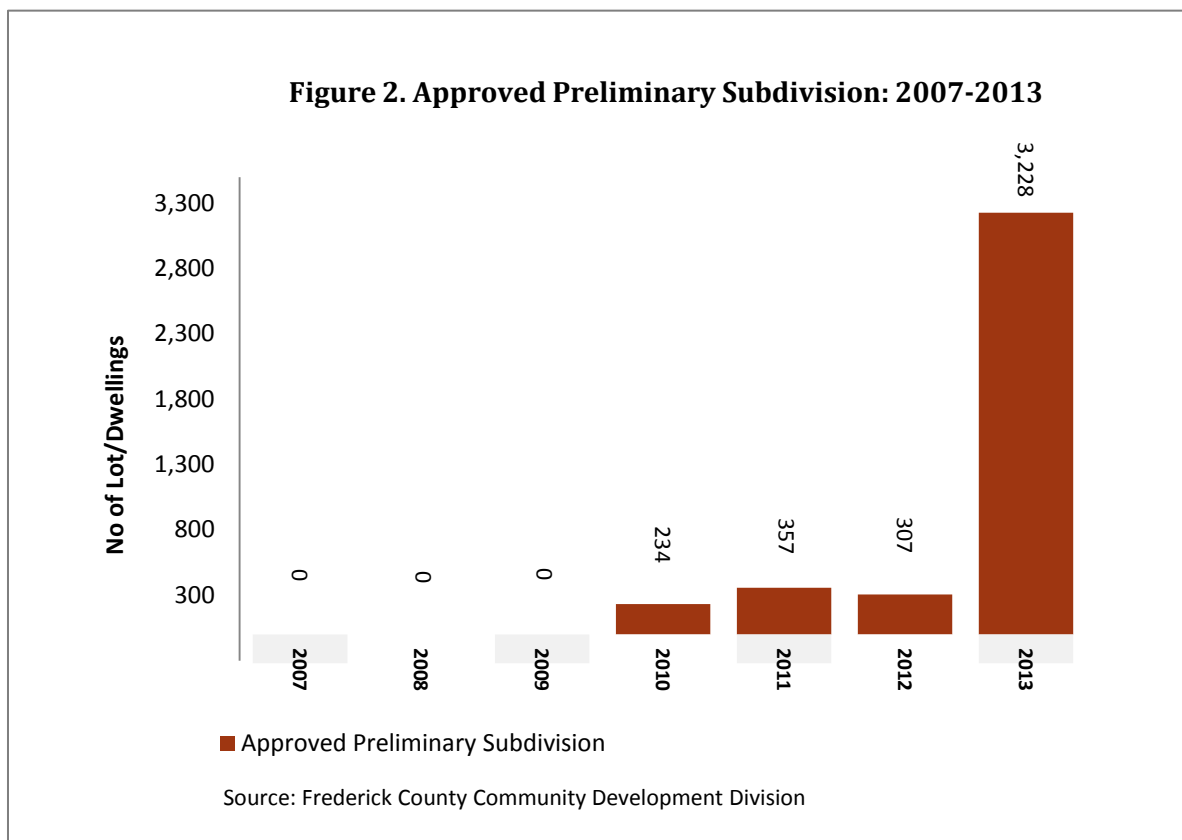
Subdivision activity took a significant jump in 2013 from the three years prior. The 3,228 lots/dwellings receiving preliminary subdivision plan approval in 2013 is an all-time high for the county. The previous high was 2,782 lots in 1988. However, residential lot recordation declined from 2012, though with the significant amount of preliminary subdivision approval in 2013 we would expect lot recordation to trend back up in 2014 and beyond. See page 7 for the subdivision location map.

Table 2. Approved Preliminary Plans - 2013

| Map # | Project | Lots/dwellings Approved | Acres | Zoning |
|-------|--------------------|---|-------|----------|
| 1 | Landsdale | 299 single family; 100 townhouses | 161.6 | PUD |
| 2 | Landsdale | 501 single family; 200 townhouse | 533 | PUD |
| 3 | Woodbourne Manor | 194 single family | 137.9 | R-3 & VC |
| 4 | Jefferson Place | 602 multifamily; 223 townhouse | 59.3 | MXD |
| 5 | Worthington Square | 61 Townhouse | 7.3 | MX & VC |
| 6 | Preston Sec.2 | 59 single family; 39 townhouse | 29.7 | R-3 |
| 7 | Cullers Retreat | 15 single family | 25.3 | R-1 |
| 8 | Lehmanns Homestead | 3 single family | 6.52 | R-1 |
| 9 | Newport Ridge | 38 single family | 7.6 | PUD |
| 10 | Yeager Subdivision | 3 Single family | 5.1 | R-1 |
| 11 | Days Range | 45 single family | 123.5 | R-1 |
| 12 | Urbana Town Center | 88 single family; 304 townhouse, 218 multi-family | 85.7 | MXD |

Table 2 (continue)

| Map # | Name | Lots/dwellings Approved | Acres | Zoning |
|-------|------------------|-------------------------|-------|--------|
| 13 | Tolley Terrace | 5 single family | 29.4 | A |
| 14 | Hatery Farm, LLC | 24 single family | 317.8 | A |
| 15 | Crossroads Farm | 41 single family | 124.9 | R-1 |
| 16 | Harvest Ridge | 136 single family | 82.2 | R-1 |
| 17 | Horan | 45 single family | 45 | R-1 |
| 18 | Breshears | 21 single family | 36.7 | R-3 |
| 19 | Boxwood - M22b | 92 townhouses | 24.4 | PUD |



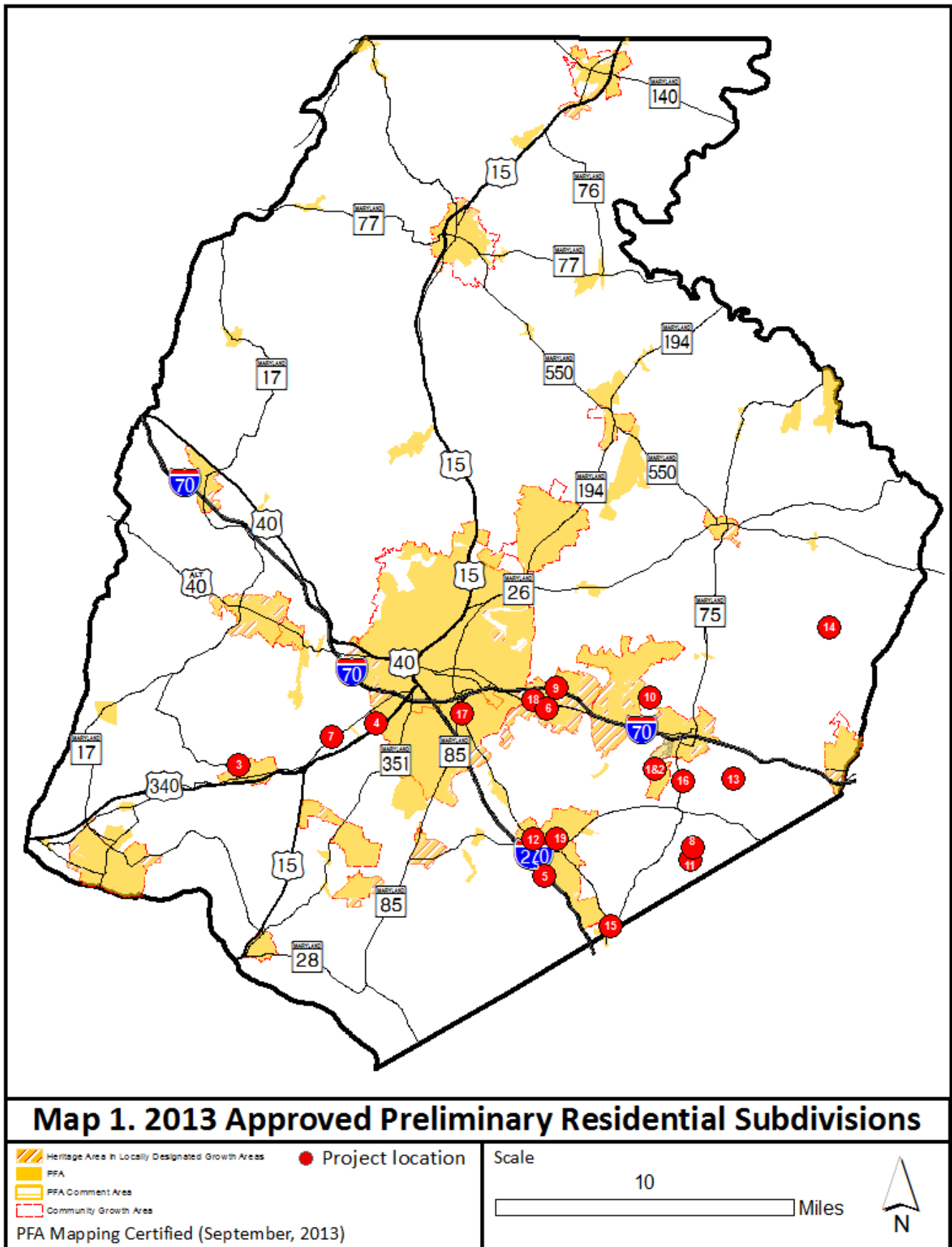
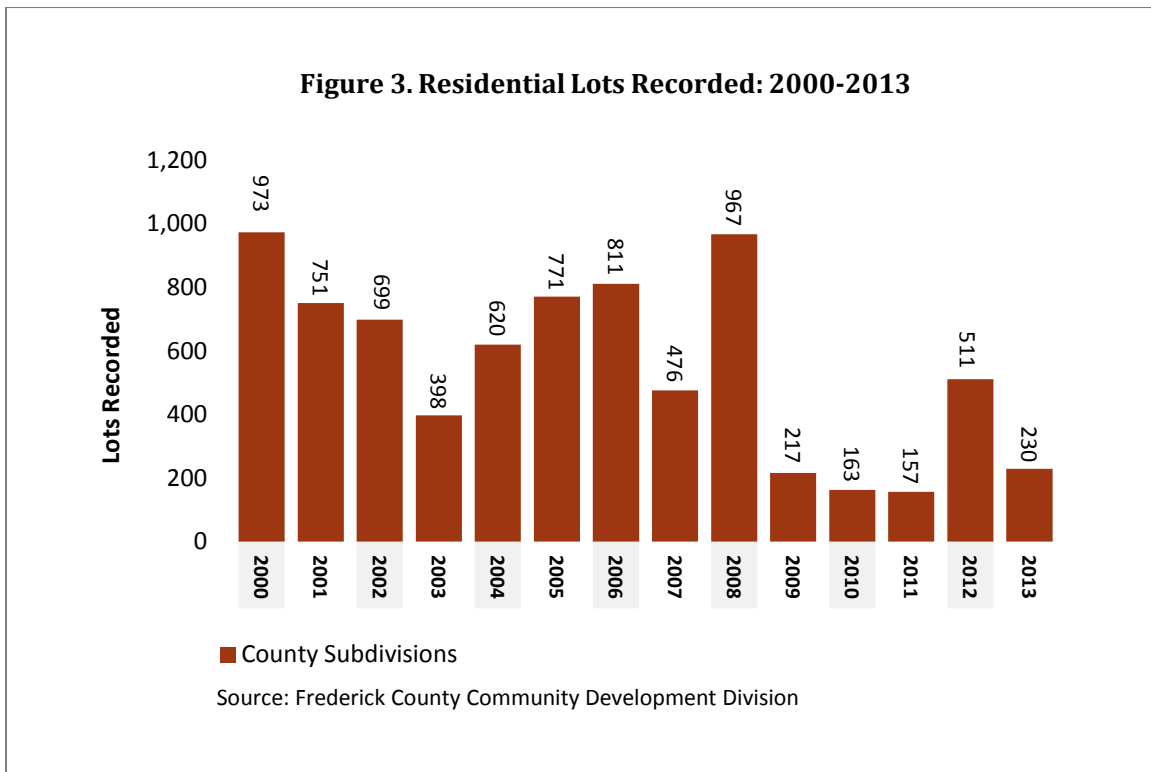


Table 3: Residential Lots Recorded - 2013

| Zoning District | Number of Lots/Units Recorded | Total Acreage | Density acres/dwelling |
|-----------------------------|-------------------------------|---------------|------------------------|
| Agricultural | 24 | 275.8 | 11.5 |
| A/VC (split zoning) | 4 | 33.7 | 8.4 |
| R-1 Low Density Residential | 66 | 180.2 | 2.7 |
| Planned Unit Development | 136 | 17.8 | 7.6 du/ac |
| Total | 230 lots/units | 508 acres | |

The graph below shows the residential lot recordation activity since 2000. This graph includes lots zoned Agricultural, Resource Conservation, and residential and only includes County subdivisions. During the 1990's the average was 947 lots/year.



Residential Pipeline Summary

The pipeline illustrates 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).

Table 4. Residential Development Pipeline as of July 2013

| Jurisdiction | Traditional Pipeline | Recorded Lots/Dwellings Available | Unrecorded Pass APFO | Pending APFO |
|--|----------------------|-----------------------------------|----------------------|--------------|
| Municipalities (except Frederick City) | 1,895 | 212 | 1,470 | 81 |
| City of Frederick | 5,604 | 1,849 | 2,782 | 1,669 |
| Municipal Subtotal | 7,499 | 2,061 | 4,252 | 1,750 |
| Minor sub's/ Lots of Record | 1,825 | 1825 | 0 | 0 |
| Major Projects | 11,594 | 862 | 8,774 | 3,308 |
| County Subtotal | 13,419 | 2,687 | 8,774 | 3,308 |
| Total | 20,918 | 4,748 | 13,026 | 5,058 |

Traditional Pipeline: Lots/Dwellings with Preliminary Plan or Phase I PUD or MXD Plan approval less the number of building permits Issued.

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

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

Source: Frederick County Community Development Division, City of Frederick Planning Department.

Commercial Construction and Site Plan Activity

The table below lists the site plans approved by the County Planning Commission during 2013. The map on page 11 shows the locations of the site plans relative to the community growth areas and Priority Funding Areas (PFA's). The number of site plans approved in 2013 (21) is a significant increase from 2012 (9).

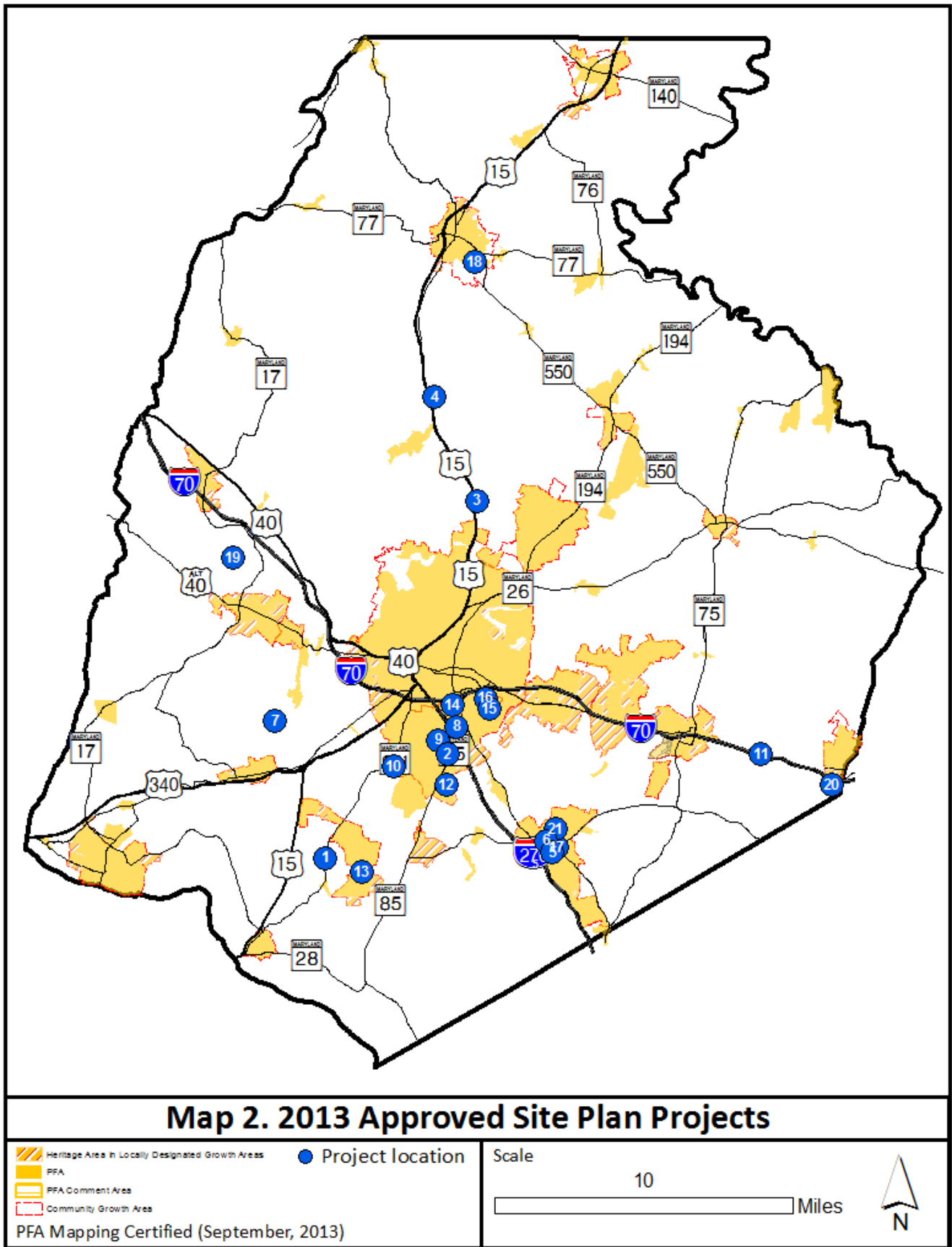
While the overall commercial and industrial permit activity increased to 755 permits in 2012, which is up from 666 permits in 2011 the activity just within the County and other municipalities excluding Frederick actually decreased (452 to 447). The 755 permits is a five-year high and is due primarily to a significant increase in activity in the City of Frederick where permits increased from 214 to 308 (94 permits, 44% increase). 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 690 such permits issued annually.

Table 5. Approved Site Plans - 2013

| Map # | Project | Description | Zoning |
|-------|---------------------------|---|--------|
| 1 | Above Air | 20,965 square feet of addition onto an existing 19,440 square foot building for a contractors use, on a 6.68-acre site. | LI |
| 2 | Westview Lot 110 | 117 room hotel, on a 3.50-acre site | MXD |
| 3 | Resthaven Memorial Garden | 22,962 square foot building for cemetery use; 1,875 square feet of additions to the existing office building "A", and construction of an 1,875 square foot utility building and crematory, for a total of 26,016 square feet of new building space on a 33.88 acre site | A |
| 4 | Beckley's Camping Center | expansion of existing RV Sales and Service Center by constructing 100 RV parking spaces on 3.43 acres of a 9.82-acre site. | GC |

Table 5 (continue)

| Map # | Name | Description | Zoning |
|-------|--|---|--------|
| 5 | Urban Green | 352 MF units in 11 buildings and 14,960 sf of commercial space on 22.95 acres | MX |
| 6 | Urbana M-1F | Six (6) residential lots on 1.14 acres | VC |
| 7 | Valley Baptist Church of Middletown | 6,160 square foot addition onto an existing 5,940 square foot place of worship. 25.1 acre site | A |
| 8 | BJ's Restaurant | 10,642 square foot restaurant, on a 2.001-acre site. | GC |
| 9 | Westview Overlook | 40,896 square foot two-story office building as well as a 41,310 square foot three-story office building, on a 5.32-acre site | ORI |
| 10 | Linton Community Center | 5,093 square foot community center with two swimming pools, on a 1.1-acre site within the Linton PUD. | PUD |
| 11 | Damascus Road Comm. Church | 533 new parking spaces and the elimination of 109 previously approved existing parking spaces on a 36.00 acre site | A |
| 12 | McKinney Commerce Center | Indoor shooting range and classrooms in an existing building on a 3.98 acre site | LI |
| 13 | Carroll Manor Rec Council | outdoor sports recreation facility, including associated ball fields, parking and a gymnasium. | A |
| 14 | Sonic Restaurant | 1,704 square foot restaurant with drive through on a 1.04 acre site | GC |
| 15 | Aushman Industrial Park, Lot 8 | General manufacturing, Automobile repair or Service Shop, and Yard Storage land uses, on a 7.06 acre site. | GI |
| 16 | Aushman Industrial Park, Lot 2 | Indoor Shooting Range/Club, on a 1.36 acre site. | GI |
| 17 | Urbana Village Center, Lot 1 | three (3) commercial pad sites on a 4.14 acre parcel. | GC |
| 18 | Thurmont Community Ambulance Service, Inc. | 28,600 sq. ft. community ambulance service/activities building on 21.5 acre site. | A |
| 19 | Orchid Cellar Winery | farm winery tasting room, on a 14.76 acre site. | A |
| 20 | H&H Concrete Construction Co. | 2,400 square foot contractor's office and two 15,600 square foot buildings for storage of vehicles and equipment, on an 8.02 acre site. | LI |
| 21 | Starbucks | Restaurant with drive-through on 0.57 acres. | VC |



Land Preservation Activities

The 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. As of December of 2013 the County had a total of 49,478 acres under permanent preservation easements. An additional 5,362 acres of property is currently participating in the temporary MALPF District agreement.

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. The Mid-Maryland Rural Legacy Area in Frederick County was awarded the largest grant amount in the State in 2013 of \$1.731 million.

MALPF

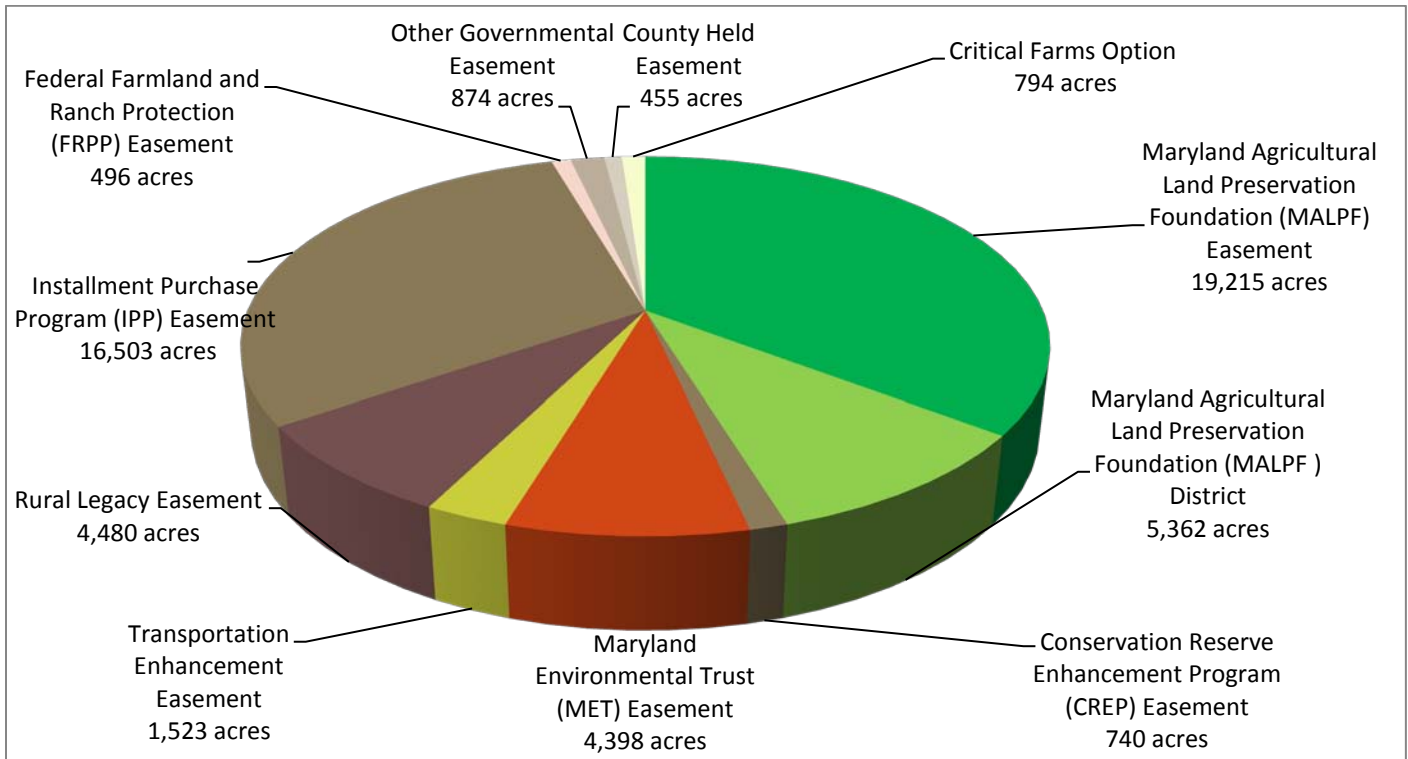
The Maryland Agricultural Land Preservation Foundation (MALPF) was established in the 1970’s and is the primary state program for land preservation. The county has participated in this program since 1979.

Installment Purchase Program (IPP)

A County program created in 2002, purchases easements using Zero Coupon Bonds and revenue from a 10% 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.

Table 6. Easement Acquisitions - 2013

| Program | Number of Easement’s Acquired | Acreage |
|-----------------|-------------------------------|------------------|
| Critical Farms | 1 | 191 |
| IPP/County Held | 3 | 341 |
| MET | 1 | 6 |
| Rural Legacy | 3 | 176 |
| MALPF | 1 | 74 |
| Total | 9 | 788 acres |



Frederick County Land Preservation Programs
Acres Preserved by Program
as of December 31, 2013

Zoning Administration

Board of Appeals

The 19 cases filed for 2013 shows a slight increase in activity from the previous year, but still remaining consistent with the last 4 years; 2009 having 18, 2010 having 16, 2011 having 18, and 2012 having 15. The type of requests heard for 2013 were weighted toward Special Exceptions with 8 applications, followed by 6 Administrative Appeals, 4 Variances and 1 Activity within a Floodplain. The Board had a new element for consideration in 2013 with Administrative Appeals regarding BoCC approval of Development Rights and Responsibility Agreements (DRRA). The appeal process has since changed in that DRRA's appeals are heard in the Circuit Court, rather than starting with the Board of Appeals.

Table 7

| Case # | Applicant | Request | Decision |
|---------|--|--|---|
| B-12-03 | Monocacy Montessori Communities, Inc. | Request for review and renewal of temporary Special Exception approval for a temporary public charter elementary school use for a period of 5 years | Granted for 1Year |
| B-13-01 | Sugarloaf Citizens' Association, Inc., et al | Claim of Administrative Error relative to November 14, 2012 decision of the Planning Commission's in approval of Site Plan for Global Mission Church of Greater Washington SBC | Denied/ Dismissed |
| B-13-02 | Friends of Frederick County, Inc., et al | Claim of Administrative Error relative to the November 29, 2012 decision of the Board of County Commissioner's in the approval of Case No. DRRA-12-02, the Development Rights and Responsibilities Agreement for Jefferson Technology Park MXD | Denied- BoCC Approval of DRRA upheld |
| B-13-03 | Jerry & Barbara J. Fouche | Special Exception request to establish a Limited Agricultural Activity in the Residential zoning district (allow chickens on a residential property less than 3 acres) per Ordinance Section 1-19-8.325 | Granted |
| B-13-04 | Christian Webster c/o Ramsey Homes | Variance request of 15 ft. from the required 25 ft. front yard setback in order to construct a dwelling | Granted |
| B-13-05 | Friends of Frederick County, Inc., et al | Claim of Administrative Error relative to the January 9, 2013 decision of the Planning Commission in the approval of the Combined/Preliminary Subdivision/Site Plan Application for Landsdale PUD | Applicant Withdrew Portion of Appeal Denied- FcPc Approval of Application upheld |

Table 7 (continue)

| Case # | Applicant | Request | Decision |
|---------|---|---|--|
| B-13-06 | Michael Morgan & Jessica Mills-McLaughlin | Special Exception request to establish a Limited Agricultural Activity in the Residential zoning district to allow farm animals on a residential property less than 3 acres per Ordinance Section 1-19-8.325 | Granted |
| B-13-07 | Robert J. Kline | A variance request of 35 ft. from the required 50 ft. stream buffer setback in order to erect silos for grain storage | Granted |
| B-13-08 | William J. Beam IV | Appeal of Administrative Error in the Zoning Administrator's decision dated April 26, 2013 relative to Temporary Outdoor Activities as | Granted |
| B-13-09 | West Coast Property Investments, Inc. | Special Exception request to convert an existing 40-acre historic site into a group home facility for alcohol and drug abuse treatment | Granted |
| B-13-10 | Amy Vanderryn | Variance request of 5 ft. from the required 40 ft. front yard setback for an addition, located on Hollow Road at intersection with Hollow Court | Granted |
| B-13-11 | Friends of Frederick County, et al | Claim of Administrative Error relative to the June 12, 2013 decision of the Frederick County Planning Commission in the approval of Landsdale Sections 2 and 3 Combined Preliminary / Site Plan | Denied- FcPc Approval of Application upheld |
| B-13-12 | Larry L. Brown | Special Exception request to establish an Accessory Apartment Larger than 800 square feet | Granted |
| B-13-13 | Citizens of Linganore Opposed to Gridlock (CLOG), et al | Claim of Administrative Error relative to the July 11, 2013 decision of the Board of County Commissioners in the approval of the Development Rights and Responsibilities Agreement for Oakdale/Linganore, Case No. DRRA-12-04 | Denied- BoCC Approval of DRRA upheld |
| B-13-14 | Jas H. & Susan E. Sanders (Solis Energy Solutions) | Special Exception request to establish a non-governmental utility (Solar Farm) | Granted |

Zoning Ordinance Text Amendments

Table 8

| Case # | Text Amendment |
|---------------------------|---|
| ZT-13-01 through ZT-13-08 | <p><u>Priority Four (4) Text Amendments</u>- Amendments to Sections 1-19-5.310, 1-19-6.310, 1-19-6.400, 1-19-6.500, 1-19-8.322.1, 1-19-8.620, 1-19-10.500.9, 1-19-10.900, 1-19-11.100, and create 1-19-8.230.4, 1-19-8.322.2, 1-19-8.344 to address:</p> <ul style="list-style-type: none"> • Private- Commercial Use Aircraft Landing and Storage in the A, LI, and GI Zoning Districts • Recreational Vehicle Storage in the A Zoning District • Directional Signs not be included in calculating max. size sign permitted • PDD Landscaping and Lighting • Institutional Floating Zone Size and Location Criteria • Moderately Priced Dwelling Units • Public and Private Schools in the A Zoning District • Funeral Home as an Accessory use in the A Zoning District |
| ZT-13-09 | <p><u>Waterbody Buffer Text Amendment</u>- Amendment to Section 1-19-9.400 to amend the existing Waterbody Buffer regulations within the Zoning Ordinance.</p> |

Zoning Administration Activities

Table 9

| Activity | FY 2013 |
|--------------------------------|---------|
| Zoning Enforcement Site Visits | 530 |
| Zoning Violation Complaints | 125 |
| Zoning Verification Letters | 90 |
| Lot of Record Determination | 23 |
| Development Impact Fee Waivers | 27 |
| Yard Modifications | 5 |

Comprehensive Planning

The Comprehensive Planning activities include the preparation and updating of the County Comprehensive Plan as well as the preparation of community/corridor plans. Staff also has responsibility for functional planning areas including transportation, water and sewer, historic preservation and environmental planning.

Community and Corridor Planning

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 to maintain consistency between the county and municipal plans.

During 2013 there were no active community or corridor plan updates underway. Staff did conduct a review of the draft Mt. Airy Comprehensive Plan that was released in October 2013.

Zoning Map Amendments

In 2013 four (4) applications for zoning map amendments (i.e. rezonings) were submitted for review (see Table 10). In addition five (5) applications submitted in 2012 completed their reviews in 2013 including:

- R-12-01 – Linganore PUD, effective July 11, 2013
- R-00-02 (A) – Westview South MXD, effective June 13, 2013
- R-87-49 (A) – Kingsbrook PUD, effective June 6, 2013
- R-05-09 (A) – Ballenger Run PUD, effective October 17, 2013
- R-12-02 – Monrovia Town Center PUD, review was still underway at the end of 2013

Table 10. Zoning Map Amendments

| Case | Applicant | Request | Status | Date |
|---------|----------------------------|---|------------------------|-----------|
| R-13-01 | Hogan Development, LLC | Bowers property-Rezone 11 ac. To PUD | Withdrawn | 12/9/2013 |
| R-13-02 | MS Gladhill, Farm LLC | Rezone 147 ac. to PUD | Approved | 12/5/2013 |
| R-13-03 | Casey Foundation | Rezone 634 Acres to PUD; proposes 1,017 dwellings | Pending at end of 2013 | |
| R-13-04 | Hogan Realty Partners, LLC | Rayburn property - Rezone 80 acres to PUD | Pending at end of 2013 | |

Development Rights and Responsibilities Agreements (DRRA)

In 2013 only one (1) petition was submitted for a Development Rights and Responsibilities Agreement (DRRA) though several DRRA's submitted in 2012 became effective in 2013. The DRRA's have been reviewed concurrently with the zoning map amendments. Reviews completed in 2013 include:

- DRRA-12-03 – Urbana/Natelli Properties (includes the Urbana Northern MXD, Urbana Southern MXD, Villages of Urbana PUD, Worthington Square), effective June 13, 2013
- DRRA-12-04 – Linganore PUD effective July 11, 2013

- DRRRA-12-05 – Westview South MXD, effective June 13, 2013
- DRRRA-12-06 – Monrovia Town Center PUD, review was still underway at the end of 2013
- DRRRA-12-07 – Ballenger Run PUD, effective October 17, 2013

The one DRRRA petition submitted in 2013 is:

- DRRRA-13-01 – Casey PUD property, review was still underway at the end of 2013

Historic Preservation

The Historic Preservation staff 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.

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).

Staff serves 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). Participates in the annual review of grants to local organizations.
- Catocin Mountain Scenic Byway Advisory Committee.

Environmental Planning

The Division staff primarily serves in a coordinating role with various environmental planning activities. The Office of Sustainability and Environmental Resources is responsible for watershed restoration projects, the County’s stormwater permit (National Pollutant Discharge Elimination System), and coordinating the County’s Watershed Implementation Plan related to the Chesapeake Bay TMDL requirements. The Division also is the primary staff to the Monocacy Scenic River Board. Activity highlights for 2013 include:

- Participation with the Conservation Fund, the US EPA and the US Fish and Wildlife Service in the week-long course “*Strategic Conservation Planning Using a Green Infrastructure Approach*” in Shepherdstown, WV.
- Sponsored the annual tire clean up on the Monocacy River.

Monocacy Scenic River Board

The Monocacy Scenic River Board launched a stream naming project in 2012, “The Monocacy Starts Here,” to engage citizens in researching to submit names for six tributaries to the Monocacy River that are not currently named. The project received over 35 submissions for stream names that were evaluated. A final list of stream names was submitted to the US Geologic Survey’s Board of Geographic Names in 2013.

Transportation Planning

The Community Development 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 2013 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.
- Continued with limited work on the draft Bikeways and Trails plan document.
- Continued participation in the Metropolitan Washington Transportation Planning Board (TPB) including the TPB Technical Committee and the Travel Forecasting Sub-Committee.
- Participated in the Metropolitan Washington Council of Governments (MWCOC) Cooperative Forecast process for Round 8.3. Staff worked with the City of Frederick in preparing forecasts for the City to be submitted separately from the County forecasts.

Maryland DOT Project Coordination

Transportation planning staff participates on the Project Teams for State highway projects and studies. The following were active in 2013.

- US 15/Monocacy Boulevard Interchange
- MD 85 Phase I

Municipal Planning Services

The Division continues to provide planner and liaison services to the County's 12 municipalities. In 2013 Planning staff served as the Town Planners to three municipalities: Rosemont, Thurmont and Woodsboro. 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 2013:

- Continued with quarterly municipal planner meetings.
- Conducted six annexation reviews in 2013 including:
 - Smith/Cline and Delaplaine properties in the Town of New Market
 - Middletown Community Park property in the Town of Middletown
 - Caidlyn, Bartgis, and Bowersox properties in the City of Frederick

Water & Sewer Planning

The County adopted water and sewer classification changes to numerous properties through amendments to the Water and Sewerage Plan resulting from the 2012 revisions to the County Comprehensive Plan. Properties that were rezoned or had land use plan changes had corresponding changes to their water and sewer classifications. On February 13, 2013, the Maryland Department of the Environment (MDE) approved all of the water and sewer changes related to the 2012 County Comprehensive Plan/Zoning Review.

The Community Development Division administers regular spring, summer, and fall amendment cycles to the County's Water and Sewerage Plan. During 2013, 28 applications for changes to Water and Sewerage Plan classifications were reviewed, which is a significant increase from the 10 applications reviewed in 2012.

Table 11. Water and Sewer

| Case | Applicant | Location and Request | Decision |
|----------|--------------------------------------|--|-----------------------|
| WS-13-01 | Grimes Properties III, LLC | Reclassification from W-5 to W-3. Baltimore Road, west of Mains Lane. | Approved |
| WS-13-02 | Spring Investments, LLC | Reclassification from W-4, S-4 to W-3, S-3. North of I-70 at Newport Drive West/East in the Spring Ridge PUD (Newport Ridge Subdivision). | Approved |
| WS-13-03 | Buckeye Quail, LLLP | Reclassification from W-5, S-5 to W-3, S-3. In the Town of Myersville (Quail Run Subdivision). | Approved |
| WS-13-04 | Buckeye Horan, LLLP and Daniel Horan | Reclassification from W-5, S-5 to W-3, S-3. North of Prices Distillery Road at the terminus of Winmoor Drive adjacent to the Knolls of Windsor Subdivision. | MDE Review Pending |
| WS-13-05 | Jefferson Valley, LLC | Reclassification of 60 acres from W-4, S-4 to W-3, S-3. Jefferson Pike at Broad Run Road; and 26.4 acres from W-5, S-5 to W-3, S-3. | MDE Review Pending |
| WS-13-06 | Community Development Division | To update the existing and planned water and sewer facilities and infrastructure lines on the Water and Sewerage Map. | MDE Review Pending |
| WS-13-07 | Community Development Division | Amend Section III, Review & Amendment Procedures, of Chapter 1 to clarify: 1) The piecemeal application process for properties zoned Agricultural or planned for Ag/Rural or Natural Resources, and 2) The piecemeal application process and its relation to Denied Access Policies. | MDE Review Pending |
| WS-13-08 | Jefferson Park Development, LLC | Reclassification from W-4, S-4 to W-3, S-3. MD 180, MD 340 at I-70. | MDE Review Pending |
| WS-13-09 | Matan Acquisitions, LLC | Reclassification from W-5, S-5 to W-3, S-3. South side of Urbana Pike (MD 355) at Fingerboard Road (MD 80) in Urbana. (Geisler Property/Urban Green). | MDE Review Pending |

Table 11 (continue)

| Case | Applicant | Location and Request | Decision |
|----------|---|--|-----------------------|
| WS-13-10 | Oakdale Investments, LLC | Reclassification from Planned Service (PS) to W-4, S-4 and depiction of three (3) water booster pump station symbols and an elevated water storage tank symbol on the water map plus depiction on the sewer map the replacement/enlargement of various sewer interceptors and mains that are 15-inches or greater. Alpine/Northern Town Center, Lake Linganore | MDE Review Pending |
| WS-13-11 | Oakdale Investments, LLC | Reclassification from Planned Service (PS) to W-4, S-4. Hamptons East and Hamptons West, Lake Linganore. | MDE Review Pending |
| WS-13-12 | Oakdale Investments, LLC | Reclassification from Planned Service (PS) to W-4, S-4. Woodridge/Westridge, Lake Linganore. | MDE Review Pending |
| WS-13-13 | Crum Farm Land Development, LLC/Crum Farm Commercial Development, LLC | Reclassification from No Planned Service (NPS) to W-5, S-5. Vicinity of Bloomfield Road, Willowbrook Road, and Sundays Lane in the City of Frederick. | MDE Review Pending |
| WS-13-14 | Thurmont Community Ambulance Service, Inc. | Reclassification from Planned Service (PS) to W-3, S-3. Bordered by Lawyer Lane, Stratford Drive and Woodland Avenue, adjacent to the Town of Thurmont. | Pending |
| WS-13-15 | Frall Developers, Inc. | Reclassification from W-5, S-5 to W-3, S-3. South side of Yeagertown Road. | Pending |
| WS-13-16 | Town of New Market (Paul & Kelly Hill) | Reclassification from W-5 to W-3. Rectory and Chapel, Main Street (south side). | Pending |
| WS-13-17 | Homewood at Frederick, MD, Inc. | Reclassification from W-4, S-4 to W-3, S-3. North side of Willow Road, west of US 15 within the City of Frederick. | Pending |

Table 11 (continue)

| Case | Applicant | Location and Request | Decision |
|----------|---|--|----------|
| WS-13-18 | Natelli Holdings III, LLC | Reclassification from W-5, S-5 to W-3, S-3. Bordered by MD 355, MD 80, Sugarloaf Parkway, and Urbana Church Road. | Pending |
| WS-13-19 | Monocacy Land Company, LLC (Boxwood) | Reclassification from W-4, S-4 to W-3, S-3 and the depiction of a sewage pump station symbol on the Sewer Map. South side of Tabler Road, east of MD 355. | Pending |
| WS-13-20 | Urbana Investment Properties II, LLC (Urbana Town Center) | Reclassification from W-4, S-4 to W-3, S-3 plus the depiction of a 16-inch water line on the Water Map. Southwest side of MD 355, north of I-270. | Pending |
| WS-13-21 | 75-80 Properties, LLC | Reclassification from Planned Service (PS) to W-4, S-4 plus the depiction of a 16-inch water line and an elevated water storage tank symbol on the Water Map. West side of MD 75, north of MD 80. | Pending |
| WS-13-22 | Payne Investments, LLC | Reclassification from Planned Service (PS) to W-4, S-4. East side of Ed McClain Road, west of MD 75. | Pending |
| WS-13-23 | 75-80 Properties, LLC | Reclassification of 96.4 acres from Planned Service (PS) to W-4, S-4 and 16.9 acres from W-5, S-5 to W-4, S-4. East side of MD 75 north of MD 80, bisected by power line. | Pending |
| WS-13-24 | 75-80 Properties, LLC | Reclassification 15.4 acres from W-5, S-5 to W-4, S-4 and 23.6 acres from Planned Service (PS) to W-4, S-4. Northwest intersection of MD 80 and MD 75. | Pending |
| WS-13-25 | 75-80 Properties, LLC | Reclassification from Planned Service (PS) to W-4, S-4 plus depiction of a sewage pump station symbol on the Sewer Map. Southwest side of Weller Road, bisected by power line; East side of Ed McClain Road. | Pending |
| WS-13-26 | Ballenger Enterprises, LLC | Reclassification from W-5 to W-4. North side of MD 28 on the eastern edge of the Point of Rocks CGA. | Pending |

Table 11 (continue)

| Case | Applicant | Location and Request | Decision |
|----------|------------------------------|--|----------|
| WS-13-27 | Oakdale Properties, LLCCC | Reclassification from W-5, S-5 to W-3, S-3. North side of Old National Pike, 1,100 feet west of Eaglehead Drive. | Pending |
| WS-13-28 | Urbana Corporate Center, LLC | Reclassification from W-5, S-5 to W-3, S-3. West side of MD 355 south of Urbana Parkway. | Pending |

Maryland Dept. of Planning – Annual Report

This portion of the Annual Planning Report addresses the reporting requirements of the Maryland Department of Planning, which is further supported by recently approved legislation.

Jurisdiction: Frederick County

Contact: Jim Gugel, Planning Director, Department of Planning and Development Review

Contact Phone Number: 301-600-1144

Contact Email: jgugel@fredericounty.md.gov

Amendments and Growth Related Changes in Development Patterns

- (A) Were any new comprehensive plan or plan elements adopted? No
- (B) Were there any growth related changes in development patterns? Yes
- (C) Were any amendments made to the zoning regulations? Yes
Of the nine (9) amendments four addressed individual uses (schools, funeral homes, private landing stripes, RV storage) in the Agricultural zoning district. The only amendment that may impact development patterns are revisions to the waterbody buffer regulations.
- (D) Were any amendments made to the zoning map? Yes
One rezoning was approved in 2013 that rezoned 1,265 acres from Agricultural to Planned Unit Development (PUD) for the existing Eaglehead-Linganore PUD. Three other PUD applications were amendments to existing PUD projects that revised the land use mix or eliminated an age-restricted condition on residential uses.

Mapping and GIS Shapefiles

Frederick County does utilize GIS to document and prepare various planning and development related maps. At this time we do not have mapping specific to development changes that have occurred in 2013.

Consistency of Development Changes

Any growth related changes that have occurred in the county are reviewed for consistency based on the particular review criteria identified in the Zoning Ordinance or other appropriate ordinances. The only consistency review that is relevant changes related to zoning map amendments or other reviews relates to the county's own Comprehensive Plan. In general we would find that the changes that have occurred are consistent with the County Comprehensive Plan.

Plan Implementation and Development Process

- (A) Is the adoption of your comprehensive plan prior to January 1, 2010? No
- (B) In the current reporting year, did your jurisdiction identify and recommendation for improving the planning and development process within the jurisdiction? No
- (C) In the current reporting year, did your jurisdiction adopt any ordinances or regulation needed to implement the 12 planning visions under the Land Use Article? No

Measures and Indicators

MDP 1. New Residential Permits Issued (Frederick County only)

| | PFA | | Non-PFA | | Total |
|----------------------------------|-----|-----|---------|-----|-------|
| | No. | (%) | No. | (%) | |
| New Dwelling Units Permit Issued | 280 | 70% | 119 | 30% | 399 |

MDP 2. Amount of Residential Growth (Frederick County only)

| | PFA | | Non-PFA | | Total |
|---|--------|-----|---------|-----|---------------------|
| | No. | % | No. | % | |
| Residential Lots Recorded | 136 | 59% | 94 | 41% | 230 lots |
| Residential Lots recorded Acreage | 17.8 | 4% | 490.2 | 96% | 508 acres |
| Lots/Dwellings Approved ¹ | 3403 | 91% | 317 | 10% | 3175 lots/dwellings |
| Approved Residential Acreage ¹ | 1107.3 | 58% | 759.7 | 41% | 1867 acres |

¹Approved Preliminary Subdivision Plan and Site Plan

MPD 3. Amount of Commercial Growth (Frederick County only)

| | PFA | | Non-PFA | | Total acres |
|-----------------------------|-------|-----|---------|-----|-------------|
| | acres | % | acres | % | |
| Approved commercial Acreage | 44.8 | 21% | 168.0 | 79% | 212.7 acres |

Locally Funded Agricultural Land Preservation

In 2013 the County acquired a total of 341 acres (3 farms) of agricultural/land preservation easements funded through the County's Installment Purchase Program (IPP). The County also supported an additional 191 acres (1 farm) through its Critical Farms program, which requires these farms to enter into a land preservation program. A detailed breakdown of land preservation by all programs can be found on page 14.

Local Land Use Percentage Goal

The County does not have a percentage goal regarding the amount of land that is expected to be within a Priority Funding Area (PFA). Within the county's jurisdiction only properties within a designated community growth area (CGSA) would be expected to be in a PFA other than for designated Rural Villages. All of the land within a particular CGA would not be in a PFA until all of the criteria regarding zoning and water/sewer classification are met.

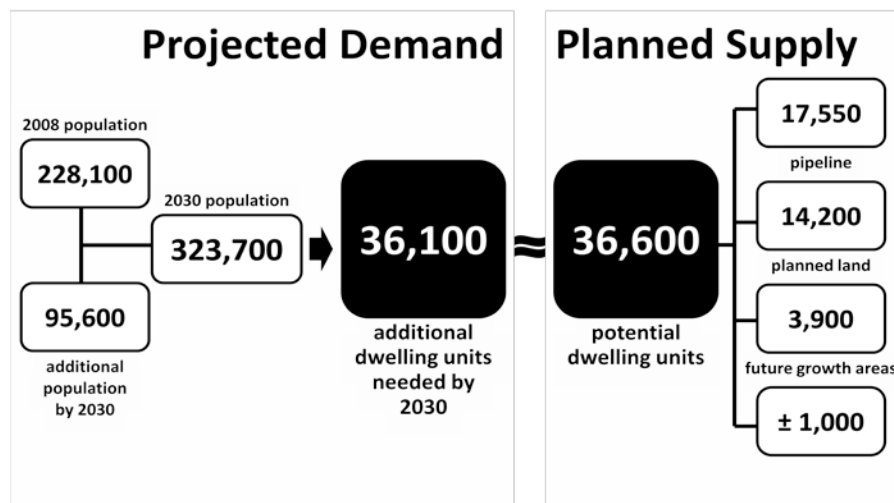
The County's 2010 Comprehensive Plan includes several goals to support development within the community growth

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.

- 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.

Development Capacity Analysis

A development capacity analysis was prepared as part of the 2010 County Comprehensive Plan. A separate report, *Residential Needs and Development Capacity Analysis* was completed in June 2010. A summary of the capacity analysis is illustrated below:



In September 2012 the Board of County Commissioners adopted a Comprehensive Plan/Zoning Review, which included revisions to the land use plan designations and zoning. While a comprehensive update of the 2010 Residential Needs and Development Capacity Analysis report has not yet been prepared noted below is the additional residential development potential from the 2012 Comprehensive Plan amendment.

- Zoning Changes – result in an additional 2,368 dwellings.
- Plan Changes – result in an additional 12,467 dwellings.

It should be noted that approximately 1,000-2,000 of these potential dwellings are already counted in the 2010 capacity analysis in either the planned land or future growth area categories.

Adequate Public Facility Ordinance (APFO) Restrictions

The county adopted an Adequate Public Facilities Ordinance (APFO) in 1991 that addresses roads, schools, and water & sewer facilities. The APFO only applies to county developments as several municipalities have their own APFO's.

School capacity is the only APFO related restriction within Priority Funding Areas (PFA's).

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 September 30, 2013* there were 14 elementary and four (4) middle schools at or over 100% of the state rated capacity. Many of these school districts include areas in both the county and a municipality.

In 2011 an amendment to the APFO was adopted that established the School Construction Fee Option. This option allows a development to pay a fee if a school serving the development is over 100% of capacity but less than 120%. This fee, which is paid at the time of lot recordation, would be in addition to the school development impact fee.

Elementary – Seven of the affected elementary schools are located within the City of Frederick. 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. Only one school, Yellow Springs, has a school district that is mostly outside of a Priority Funding Area (PFA). Three schools, Centerville (140%), Hillcrest (130%), and Tuscarora (120%) are at or over 120% capacity (as of September 2013) and would not allow for a county development to use the School Construction Fee Option.

Middle – Two of the affected middle schools, Urbana MS and Oakdale MS, are located in the eastern part of the county. Urbana was at 128% in September 2013. The other two schools are charter schools located in the City of Frederick.

Planned School Projects – 2013 Educational Facilities Master Plan (EFMP)

- Elementary – eight (8) elementary school projects that would add 3,825 new seats. Three projects are renovation/additions and five are for new schools.
- Middle – one middle school project for an addition to Urbana Middle which will add 300 seats.
- High – one high school project to replace the existing Frederick High building on the same site.

Programmed School Projects - FY 2014-2019 CIP

- North Frederick Elementary – Renovation/replacement with 180 new seats to open in fall 2014
- Urbana Middle – 300 seat fit out to open in fall 2015
- Urbana Area Elementary – new 725 seat school to open in fall 2017
- Waverly Elementary –200 seat addition to open in fall 2018
- West Frederick City Area Elementary – new 725 seat school to open in fall 2019