



2023

Frederick County Annual Report

Frederick County Planning and Permitting Division

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Frederick County Government

Planning Annual Report

Calendar Year 2023

Jessica Fitzwater
County Executive

Each July, Maryland law requires that planning commissions throughout the state prepare, adopt, and file annual reports for the previous calendar year with their local legislative body and provide a copy to the state Secretary of Planning. Equally important, these reports provide the public with detailed information on planning-related issues.

This is the Frederick County Planning Commission's annual report for 2023, which was approved by the Commission on May 15, 2024. It features data and analyses of land use trends prepared by staff of the Livable Frederick Planning & Design Office. The Commission is deeply grateful for their work.

In 2022, the Commission established special committees to study and develop recommendations related to three focus areas: community outreach and engagement, mixed-use development, and transfer of development rights. Descriptions of these committees and the final recommendation of the mixed-use development committee are included on pages 8-9. Recommendations for the other focus areas will be issued by the Commission later this year and included in the 2024 Annual Report.

We hope that our report will assist with local and state decision making related to land-use planning and development consistent with our County's Livable Frederick comprehensive planning effort. Likewise, we hope that our report is of assistance to members of the public. For the Frederick County Planning Commission:

A handwritten signature in black ink, appearing to read "J. R." followed by a stylized "R".

Joe Rensberger, Chair

Tim Davis, Vice-Chair

Robert White, Secretary

Craig Hicks

Mark Long

Carole Jaar Sepe

Sam Tressler III



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Section I: New Residential Unit Permits Issued (Inside and Outside the PFA) (§1-208(c)(1)(i) and (c)(3)(ii))

(A) In *Table 1, New Residential Unit Permits Issued (Inside and Outside the PFA)* below, enter the number of new residential unit building permits issued in calendar year (2023). Enter 0 if no new residential building permits were issued in 2023.

**Table 1: New Residential Unit Permits Issued
Inside and Outside the Priority Funding Area (PFA)**

| Jurisdiction | PFA % of Total | Non-PFA % of Total | Total % of Total |
|---|-------------------|-----------------------|---------------------|
| City of Frederick | 1,241 | 0 | 1,241 |
| | 100% | 0% | 100% |
| Municipalities, Excluding City of Frederick | 115 | 0 | 115 |
| | 100% | 0% | 100% |
| Frederick County | 210 | 107 | 317 |
| | 66% | 34% | 100% |
| Total | 1,566 | 107 | 1,673 |
| | 94% | 6% | 100% |

Note: In 2022, the total number of permits issued for new residential units was 2,490. The 2023 total – 1,673 permits issued for new residential units – is a decline of 33% from 2022.

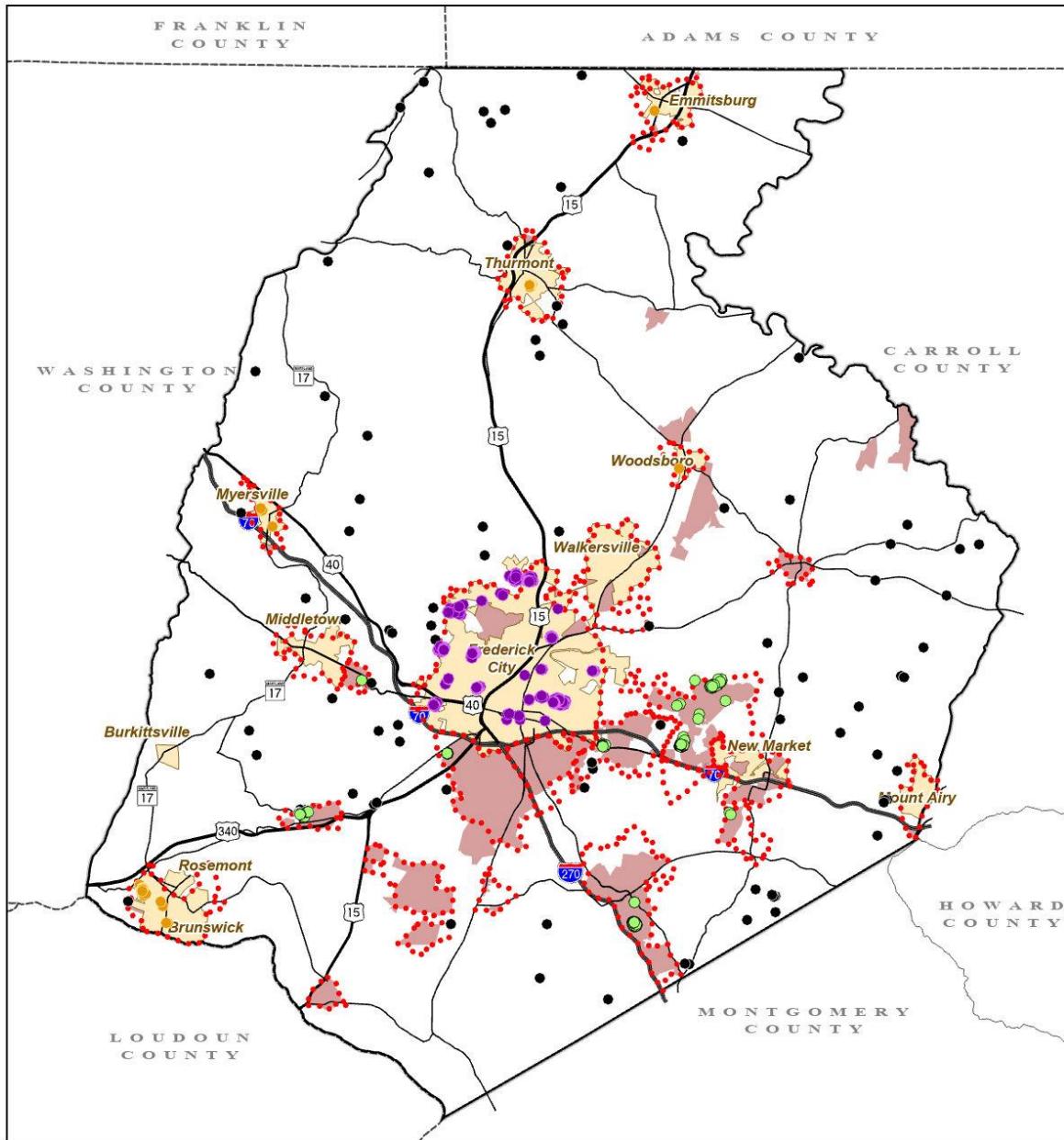


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2023 Residential Building Permits by PFA

- 2023 Residential Building Permits - Municipal PFAs: 115 (Non-Frederick City)
- 2023 Residential Building Permits - Municipal PFAs: 1,241 (Frederick City)
- 2023 Residential Building Permits - County PFAs: 210
- 2023 Residential Building Permits - Not within PFA: 107

■ Municipal PFA Boundary
■ County PFA Boundary



Frederick County, Maryland
Division of Planning and Permitting
Frederick County GIS

Projection: NAD 1983 StatePlane Maryland FIPS 1900 Feet
While efforts have been made to ensure the accuracy of this map, Frederick County accepts no liability or responsibility for any errors or omissions or for damages resulting from the use of this map. Reliance on this map is at the risk of the user. This map is for illustration purposes only and should not be used for surveying, engineering, or site-specific analysis. Printed: 2/15/2024
MAP: 00462





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Section II: Amendments and Growth-Related Changes in Development Patterns

(§1-207(c)(1) through (c)(4))

Note: Growth related changes in development patterns are changes in land use, zoning, transportation capacity improvements, new subdivisions, new schools or school additions, or changes to water and sewer service areas.

(A) Were any new comprehensive plan or plan elements adopted? If yes, briefly summarize what was adopted.

No new comprehensive plan elements were adopted; however, in November of 2023 the Planning Commission voted to advance their Recommended South Frederick Corridors Plan to the County Council for consideration and approval.

In December of 2023, the County Council rejected an Amendment to the Sugarloaf Treasured Landscape Management Plan concerning the creation of the Sugarloaf Rural Heritage Overlay District, which was crafted to ensure the long-term sustainability, health, and integrity of natural environmental systems, and maintain and protect the ecological function and rural qualities of the landscapes that comprise the Sugarloaf Planning Area. The District included criteria, standards, and review procedures for land development activities to minimize or eliminate adverse impacts to water quality, forest resources, wildlife habitats, and scenic and rural landscape elements.

Y N

(B) Were there any amendments to zoning regulations or zoning map? If yes, briefly summarize each amendment, include a map, or GIS shapefile, if available.

Y N

Zoning Map Amendments

Two zoning map amendments were reviewed by the County Council in 2023.

R-22-03 Windridge GI

Applicant: Windridge Properties, L.C. and Windridge Farm, L.L.C.

Request: Rezone 223.524 acres from Agricultural (A) to GI (General Industrial)

Location: 3681A Cap Stine Road, North side of the intersection of Cap Stine Road and MD Route 351 (Ballenger Creek Pike)

On May 2, 2023, the County Council voted to deny the request.

R-22-02 Amendment to Cromwell PUD R-19-01

Applicant: Cromwell Investments, L.C.

Request: Amendments to (1) include a new 2.4-acre public use site on the Cromwell Property, a 160.8-acre Planned Unit Development, and to (2) remove a condition stating that no building permits shall be issued, except for model homes, until five years after the effective date of Ordinance 20-05-005.

Location: North side Old National Pike, East of Meadow Road

On April 18, 2023, the County Council voted to approve the request.



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Text Amendments

There were six Zoning Text Amendments adopted in 2023, as well as amendments to the County Code concerning historic preservation, parking, establishment of the Bicycle and Pedestrian Advisory Commission and the Rustic Roads Commission, and the repeal of the County Roads Board.

23-01 - Amendments to Ch. 1-23 - Historic Preservation to exempt certain areas of properties in historic districts from the requirement to obtain a Certificate of Appropriateness.

(Adopted 2/7/2023)

23-08 - Amendments to Ch. 1-19 - Zoning Ordinance - FEMA Requirements to update the Floodplain District Regulations.

(Adopted 5/23/2023)

23-10 - Establish a Bicycle and Pedestrian Advisory Commission

(Adopted 6/6/2023)

23-11 - Parking Restrictions on County Roads to amend the parking restrictions, including clarifying the definition of a restricted vehicle and clarifying parking regulations for trailers on public rights-of-way.

(Adopted 6/6/2023)

23-14 - Amend Public School Zoning to include ORI

(Adopted 8/8/2023)

23-15 - Amend the Zoning Code to add Woodworking

(Adopted 8/8/2023)

23-17 - Repeal County Roads Board

(Adopted 10/17/2023)

23-18 - Establish a Rustic Roads Commission

(Adopted 11/07/2023)

23-19 - Amend the Use Table to Allow for Childcare in the ORI

(Adopted 10/17/2023)

23-20 - Limited Landscape Contractor Parking and Storage in the Agricultural District

(Adopted 11/21/2023)



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23-21 - Amendments to Chapter 1-19 (Zoning Ordinance) for Cannabis Dispensary, Cannabis Growing Facility, and Cannabis Processing Facility

(Adopted 11/21/2023)

(C) Were there growth-related changes, including land use, annexations, new schools, changes in water or sewer service areas, municipal annexations that changed municipal or unincorporated area boundaries? If yes, describe or attach a map of the changes, and describe how they are consistent with internal, state, or adjoining jurisdiction plans.

Y N

Land Use Changes

There were no changes to land use designations in 2023.

Priority Funding Area Changes

The Eastalco/Quantum Frederick PFA was expanded by 576.8 acres. The PFA revision was designated by the County Council on May 16, 2023 and certified by the County Executive on July 31, 2023.

Annexations

7906/7908 Apples Apple Church Road, Thurmont, 4.8811 acres (Effective 02/24/23)

New Schools

The second phase of the Thurmont Elementary School limited renovation was completed in the summer of 2023. This project was able to increase the building's capacity by approximately 115 seats.

The Brunswick Elementary School replacement building and the Monocacy Valley Montessori School new building opened in fall of 2023. Approximately 218 seats of capacity were added at Brunswick Elementary School. The Monocacy Valley Montessori opening added 60 seats of capacity for high school students and will add an additional 60 seats each year until it reaches 240 seats in the fall of 2026.

Site plans for Valley Elementary School and Green Valley Elementary School were reviewed by the Planning Commission on August 8, 2023. Valley Elementary School is planned to have an additional 246 seats of capacity (opening fall 2025) and Green Valley Elementary School is planned to have an additional 224 seats of capacity (opening fall 2025).

Water and Sewer Plan Amendments

The Frederick County Division of Planning and Permitting takes water and sewer plan amendments through the review process three times a year. If approval is granted by the County Executive, staff may also process an "out-of-sequence" amendment cycle. This is generally reserved for extenuating circumstances.

The Fall 2022 Cycle (8 amendments) and Spring 2023 Cycle (6 amendments) received Maryland Department of the Environment (MDE) approval in 2023. One amendment was approved by MDE from the Summer 2023 Out-of-Sequence Cycle in 2023 and MDE extended the review for two others. Approval was subsequently granted on February 12, 2024. The Fall 2023 Cycle (11 amendments) will be considered by the County Council in 2024.



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Table 2: Water and Sewerage Plan Amendments

| CASE | LOCATION | REQUEST | DECISION (Date of MDE Approval unless otherwise noted) |
|--|---|---|---|
| WS-22-14 Division of P&P | N/A, Text Amendment | Addition of a water problem area to Chapter 3 and a septic problem area to Chapter 4 of the Water and Sewerage Plan | August 25, 2023 |
| WS-22-15 Cross & Company, LLC | East side of Apples Church Road, 430 feet south of Graceham Road in the Town of Thurmont TM 19F, P 1850 | 0.25 acres from W-5, S-5 to <u>W-3, S-3</u> | August 25, 2023 |
| WS-22-16 Andrew Fraser | 8994 Urbana Church Road TM 96, P 163 | 1.76 acres from W-5, S-5 to <u>W-3, S-3</u> | August 25, 2023 |
| WS-22-18 Monocacy Boulevard EF Owner (DE), LLC | East side of Monocacy Boulevard, between East Church Street and Monroe Avenue in the City of Frederick TM 67I, P 1355, Parcels E and F | 27.2 acres from W-5, S-5 to <u>W-3, S-3</u> | August 25, 2023 |
| WS-22-19 G Kenel, LLC, and S Kenel, LLC | 6126 Jefferson Pike TM 76F, P 91 | 19.6 acres from PS (W and S) to <u>W-4, S-4</u> | August 25, 2023 |
| WS-22-20 DR Acquisitions, LLC | West side of Ballenger Creek Pike, 500 feet south of Corporate Drive TM 86, P 161, 49, 50, and 171 | 2.97 acres from PS (W and S) to <u>W-4, S-4</u> | August 25, 2023 |
| WS-22-22 Janjer Enterprises, Inc. | 8038-D Liberty Road TM 57I, P 130 | 2.0 acres from S-5 to <u>S-4</u> | August 25, 2023 |
| WS-22-23 Cross & Company, LLC | East side of Apples Church Road, 430 feet south of Graceham Road in the Town of Thurmont TM 19F, P 1850 | 3.5 acres from PS (W and S) to <u>W-5, S-5</u> | August 25, 2023 |
| WS-23-03 Becker Building Company | South side of Brook Drive at Old Middletown Road TM 84, P 210, Lots 4B & 4C | 0.58 acres from S-5 to <u>S-4</u> | October 6, 2023 |
| WS-23-04 Summers Family, LLLP | South side of Old National Pike at Mount Phillip Road in the City of Frederick TM 66H, P 2159 | 97.0 acres from W-5, S-5 to <u>W-3, S-3</u> | October 6, 2023 |
| WS-23-05 Antietam Ridge, LLC | 4334 Old National Pike TM 65F, P 82 | 7.49 acres from W-5, S-5 to <u>W-4, S-4</u> | October 6, 2023 |
| WS-23-07 Oakdale Investments, LLC | East side of Lake Ridge Drive (East), between Highwood Place and Ridgepoint Place TM 69, P 162 | 12.63 acres from W-5, S-5, and PS (W and S) to <u>W-4, S-4</u> | October 6, 2023 |



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| CASE | LOCATION | REQUEST | DECISION (Date of MDE Approval unless otherwise noted) |
|--|--|---|---|
| WS-23-08 Oakdale Investments, LLC | North side of Boyers Mill Road at Yeagertown Road TM 79, P 223 | 9.01 acres from W-1, S-5 to <u>W-4, S-4</u> | October 6, 2023 |
| WS-23-09 Manor Woods Road Properties, LLC | East side of Cap Stine Road at Manor Woods Road TM 94, P 54 | 63.5 acres from PS (Water and Sewer) <u>W-5, S-5</u> | October 6, 2023 |
| WS-23-12 Gambrill View Development, LLC | North and south side of Shookstown Road between Bowers Road and Waverly Drive in the City of Frederick TM 66H, P 2087, Expansion Parcels A and B | 34.75 acres from W-4, S-4 to <u>W-3, S-3</u> | December 26, 2023 |

Table 3: Board of Appeals Cases 2023

| Variances | Special Exceptions | | Administrative Error / Other | Total Cases |
|-----------|--------------------|-------|------------------------------|-------------|
| | ADU's* | Other | | |
| 6 | 6 | 5 | 2 | 19 |

*Accessory Dwelling Units >1,000 square feet are approved by Special Exception.

Historic Preservation

In 2023, eight individual properties and one rural historic district including nine contributing historic properties were designated to the County Register of Historic Places. Eight properties were awarded a Rural Historic Preservation grant, with the awards totaling \$345,402. Proposed updates to the Historic Preservation Ordinance were recommended by the Historic Preservation Commission and forwarded to the County Executive for consideration. The County Council will vote on the proposed legislation in 2024. Phase I of the Recovering Identity Project was completed. This phase involved developing a historic context of African American history in the north County and completing 14 Maryland Inventory of Historic Property (MIHP) forms related to that history. Phase II of the Recovering Identity project, developing a County-wide historic context statement of African American history, was started. It is scheduled to be completed in 2025.

(D) Did your jurisdiction recommend improvements to the local planning and development process? If yes, please describe. Y N

Improving the Planning Process – Planning Commission Focus Areas

The 2021 Annual Report included a list of items developed by the Planning Commission for review and potential recommended changes to County policies and ordinances to improve the environment for effective planning. These items include codes and policies to support mixed-use development; improvements to lighting standards; interpretation and implementation of the Historic National Road Guidelines; transfer of development rights; community outreach and engagement; barriers to “missing middle housing” types; and improvements to parking standards.



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To begin this work, the Planning Commission formed three subcommittees in 2022 to research and formulate recommendations concerning: (1) mixed-use development; (2) transfer of development rights; and (3) community outreach and engagement.

Mixed-Use Development

Planning Commission members have, in previous years, noted the stark difference between the expected and the actual outcomes resulting from the application of the County's mixed-use zoning regulations. Mixed-use zoning is intended to provide for a mixture of residential, commercial, and employment uses served by public water and sewer within growth areas for the purpose of redevelopment and infill development. Rules that were intended to encourage the development of neighborhoods and communities woven into a rich tapestry of residences, businesses, and institutional activities instead generated new development that often served as a microcosm of the standard Euclidean approach to land use, resulting in segregated use building clusters connected only through common regulatory approvals and other technical details. These communities were often mixed use in name only and did little to forward the art of place-making in Frederick County.

The Mixed-Use Development Subcommittee reviewed approximately 12 jurisdictions around the country and their experiences with mixed-use development. In 2023, the subcommittee issued a report recommending the development of an alternative to the MXD floating zone that would better support the horizontal and vertical integration of uses.

Community Outreach and Engagement

The County's approach to outreach and engagement on planning matters varies, with certain applications requiring community meetings, written notification to adjoining owners, on-site placards, and legal notices in the local newspaper – and other applications requiring less engagement and notification. Additionally, many residents rely on the County website, Facebook, and other social media platforms for information about pending applications and upcoming public hearings. The Division of Planning and Permitting (DPP) Communication Manager is responsible for messaging via the DPP website and social media accounts. The Planning Commission subcommittee will review current outreach and engagement efforts and develop recommendations to foster maximum public involvement in the planning and development review processes.

Transfer of Development Rights

Maryland law allows for counties to enact Transfer of Development Rights programs. Some counties have enacted variations of this concept, which allows for sale of property development rights and their transference to areas planned for greater density. If successful, this can preserve rural and agricultural areas while allowing greater density in other areas where appropriate. Some Maryland counties have enacted TDR programs and have liked the results; others have found them more complex and cumbersome and have rejected the concept. Frederick County once enacted a TDR program, but soon found it did not achieve the desired result and repealed it. The Planning Commission felt it was appropriate to revisit the concept in light of current conditions. The TDR subcommittee is considering potential opportunities and challenges associated with Transfer of Development Rights programs and will formulate recommendations based upon its findings.



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Rules of Procedure

In 2023, the Planning Commission revised its Rule of Procedure. Changes included noting when Robert's Rules of Order apply, adding definitions, clarifying regular meetings versus special meetings, shifting the annual election of officers from September to October, and specifying how agendas may be revised. Provisions concerning the Executive Committee and Special Committees were added, including the composition of Special Committees and the process for advancing Special Committee recommendations.

School Capacity Letter

In June of 2023, the Planning Commission sent a letter to the County Executive, County Council, Board of Education, and Superintendent of Schools expressing concerns with school capacity issues, noting the role that Development Rights and Responsibilities Agreements (DRRAs) have played in the adequate public facilities challenge, and offering the following recommendations:

1. FCPS should have a representative at Planning Commission meetings when adequacy of schools may be an issue or under discussion.
2. County staff should review available land inventory with FCPS to find school sites in projected growth areas.
3. The County should utilize Equity Emphasis Areas for schools, a regional planning concept of Region United, adopted by the Metropolitan Washington Council of Government Planning Framework for 2030.
4. The County should review its agricultural preservation priority ranking criteria to make sure that the County is not unintentionally removing potential future school sites near population centers.
5. The County should continue to budget and forward-fund schools to accelerate construction, additions, and renovations.

The letter resulted in a meeting with FCPS representatives that included a presentation on their school planning process and associated fiscal challenges.



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Section III: Development Capacity Analysis (DCA)([§1-208\(c\)\(1\)\(iii\)](#))

Note: MDP provides technical assistance to local governments in completing development capacity analyses. Please contact your MDP regional planner for more information.

(A) Has an updated DCA been submitted with your annual report or to MDP within the last three years?

Y N

A DCA is being prepared as part of the update of the County's Water Resources Element (WRE). The revised WRE will establish general countywide policies regarding water and sewer infrastructure, as well as stormwater management goals and practices. The DCA will be expanded to include other categories of public facilities such as schools, parks, libraries, the transportation network, and public safety. These countywide policies will be further refined with the adoption of area and corridor plans. The DCA will allow the County to better understand the anticipated needs of future development in its growth areas. The County will complete its revised DCA in 2024 and will submit the information to MDP with its revised WRE.



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Section IV: (Locally) Funded Agricultural Land Preservation & Local Land Use Goal (Counties Only) [§1-208\(C\)\(1\)\(iv and v\)](#)

(A) How many acres were preserved using local agricultural land preservation funding? Enter 0 if no land was preserved using local funds. Enter the value of local program funds, if available.

Table 4: Locally Funded Agricultural Land Preservation – CY2023

| Local Preservation Program Type | Acres | Value (\$) |
|--|--------------|---------------------|
| Rural Legacy | 166 | * |
| IPP (Installment Purchase Program) | 955 | \$3,301,141 |
| MALPF (Maryland Agricultural Land Preservation Foundation) | 966 | \$2,954,021 |
| CREP (Conservation Reserve Enhancement Program) | 150 | * |
| Critical Farms | 825 | \$3,787,675 |
| Next Generation | 197 | * |
| Other | 212 | \$1,287,904 |
| Total | 3,471 | \$11,330,741 |

.Note: *State funded agricultural land preservation acres and values are not required to be reported as state funding is documented. Where no value is listed, development rights have been purchased but no County funding contributed to the easement value.

(B) What is the county's established local land use percentage goal?

The County's long-range goal for protecting agricultural land is to reach 100,000 acres of permanently preserved land by the year 2040 while maintaining an active agricultural land base of at least 200,000 acres.

To date, the County has preserved 73,180 acres, which constitutes 17% of the County's total land area. For the goal of a 200,000-acre active agricultural land base, Frederick County has 236,648 acres designated as farmland under the Agricultural Use Assessment law, according to the Maryland State Department of Assessments and Taxation.

The County also has a goal to preserve 80% of the Priority Preservation Area (PPA). As of the end of 2023, 41% of the PPA is preserved.

(C) What is the timeframe for achieving the local land use percentage goal?

The County has set an aggressive goal of reaching its agricultural land protection target by 2040.



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(D) Has there been any progress in achieving the local land use percentage goal?

Over the past 12 months, the county has protected an average of 289 acres per month. At this rate, the county would achieve its preservation goal of 100,000 acres preserved in 2031. The Agricultural Land Preservation staff's 5-Year rolling average similarly would have the County reaching its goal around 2033. To hit the target year of 2040, the county must protect an average of 148 acres per month.

(E) What are the resources necessary (e.g. legislative actions (programs incentives), functional planning, and capital funding) for infrastructure inside the PFAs?

The Livable Frederick Master Plan's "Our Community" vision supports policies that direct growth to growth areas and that correspond to the growth strategies described in the Action Framework (Livable Frederick, p. 95). The Plan's Agricultural Infrastructure Sector section likewise calls for "direct[ing] urban/suburban growth away from agricultural resources" (Livable Frederick, p. 60).

The South Frederick Corridors Plan addresses this vision by planning for 10,000 dwelling units in the MD-355/MD-85 corridor (which is the area immediately south of the City of Frederick). This is around a quarter of the projected growth in the County. Additional infrastructure will be required to realize the plan, such as schools, parks, and an internal road network. However, one reason for directing this growth to the South Frederick Corridors is the existing infrastructure capacity in the area. A second reason is to promote the growth policies of Livable Frederick by using infill and redevelopment as a growth strategy to reduce pressure for greenfield development or agricultural land conversion.

For other PFAs and growth areas, infrastructure needs vary by location but include school capacity, water and sewer treatment capacity, and roads.

(F) What are the resources necessary (e.g. legislative actions (program incentives and zoning changes), preservation planning, and easement funding) for land preservation outside the PFAs?

The County frequently receives more agricultural preservation applications, particularly for the MALPF and IPP Programs, than can be funded. A majority of applicants are not receiving offers each year in these programs. Increasing the amount of permanently-protected land within Frederick County's Priority Preservation Areas, and outside the Priority Funding Areas, will require using existing resources to protect and preserve those agricultural lands identified as the most vital to the future of sustained agricultural activity in the community. The Planning Commission forwarded recommendations for strengthening the Agricultural Land Preservation Program to the County Executive, County Council, and Office of Agriculture in 2024.



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Section V: Measures and Indicators ([§1-208\(c\)\(1\)](#))

Note: Measures and Indicators, Section VII, is only required for jurisdictions issuing more than 50 new residential building permits in the reporting year, as reported in Table 1.

Table 5A: Amount of Residential Growth (Inside and Outside the PFA)

| Residential – Calendar Year 2023 | PFA %Total | Non – PFA %Total*** | Total %Total |
|---|---------------|------------------------|-----------------|
| Total Minor Subdivisions Approved | 0 0% | 12 100% | 12 100% |
| Total Minor Subdivision Lots Approved | 0 0% | 25 100% | 25 100% |
| Total Residential Units Approved in Minor Subdivisions* | 0 0% | 25 100% | 25 100% |
| Gross Acres of All Approved Minor Subdivisions | 0 0% | 437 100% | 437 100% |
| Net Lot Area** in Acres of All Approved Minor Subdivisions | 0 0% | 67 100% | 67 100% |
| Total Major Subdivisions Approved | 5 56% | 4 44% | 9 100% |
| Total Major Subdivision Lots Approved | 877 52% | 815 48% | 1,692 100% |
| Total Residential Units Approved in Major Subdivisions | 891 49% | 927 51% | 1,818 100% |
| Gross Acres of All Approved Major Subdivisions | 350 50% | 348 50% | 698 100% |
| Net Lot Area** in Acres of All Approved Major Subdivisions | 106 51% | 103 49% | 209 100% |
| Total Residential Units Constructed | 1,566 94% | 107 6% | 1,673 100% |
| Total Residential Units Demolished | 7 23% | 24 77% | 31 100% |

* Residential units may be greater than lots if they include duplexes, triplexes, or multifamily

**Net lot area is the sum of all developed lots, minus open spaces and right-of-way, other publicly dedicated land.

***Non-PFA Major Subdivisions: Two non-PFA major subdivisions, Cromwell and Hamptons East Creekside, are zoned PUD and satisfy the minimum PFA density requirement of 3.5 units per acre.



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Table 5B: Net Density of Residential Growth (Inside and Outside PFAs)

| Residential – Calendar Year 2023 | PFA | Non – PFA | Total |
|--|-----|-----------|-------|
| Total Residential Units Approved (Major + Minor Subdivisions) | 891 | 952 | 1,843 |
| Total Approved Net Lot Area (Major + Minor Subdivisions) | 106 | 170 | 276 |
| | 38% | 62% | 100% |

Table 5C: Share of Residential Growth (Inside and Outside the PFA)

| Residential – Calendar Year 2023 | PFA | Non – PFA | Total |
|--|-----|-----------|-------|
| Total Units Approved (Major + Minor Subdivisions) | 891 | 952 | 1,843 |
| % of Total Units (Approved Residential Units) | 48% | 52% | 100% |

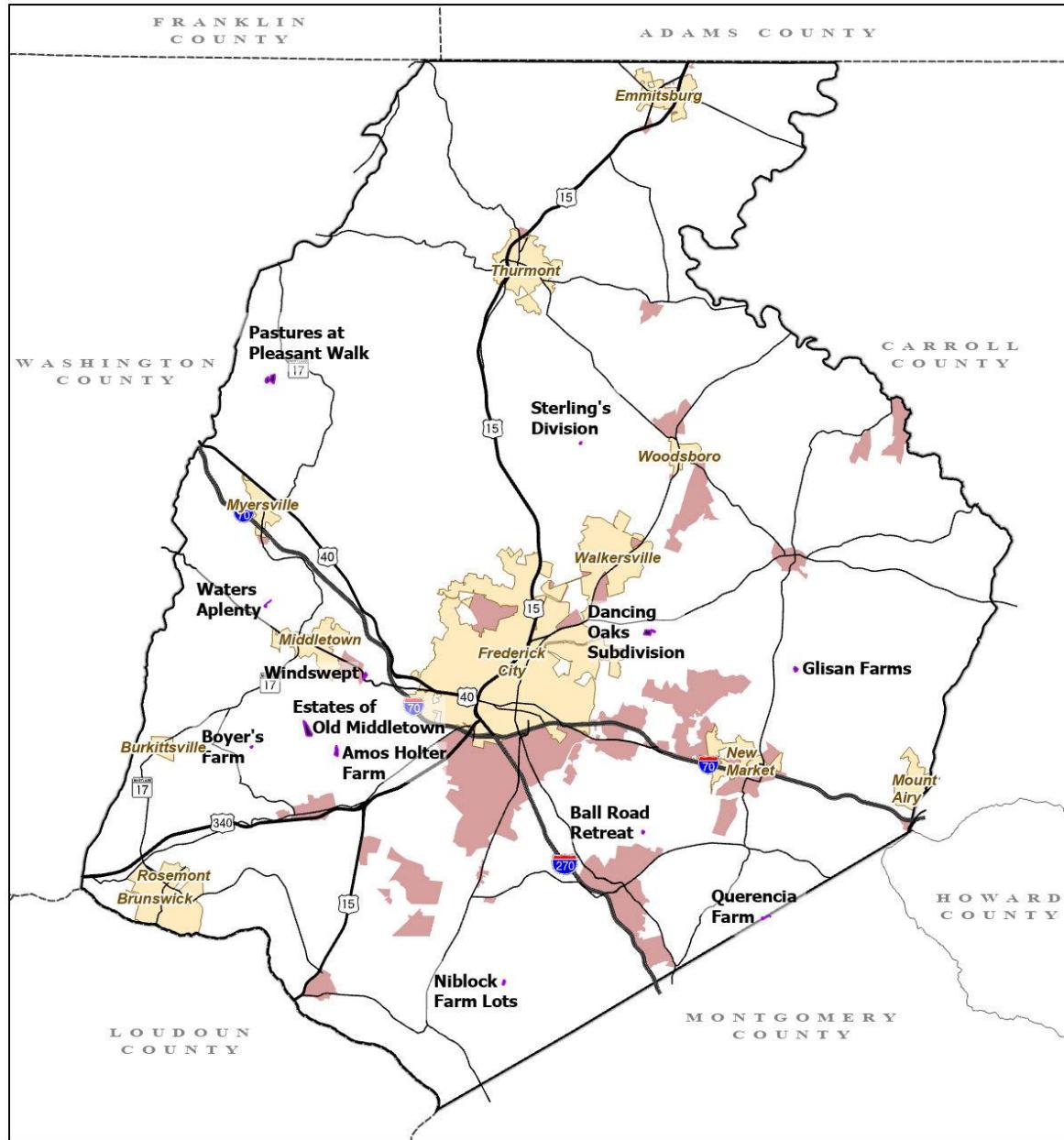


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2023 Approved Minor Subdivisions By PFA

■ 2023 Minor Subdivisions- Not Within PFA: 12 ■ Municipal PFA Boundary
■ County PFA Boundary



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Projection: NAD 1983 StatePlane Maryland FIPS 1900 Feet
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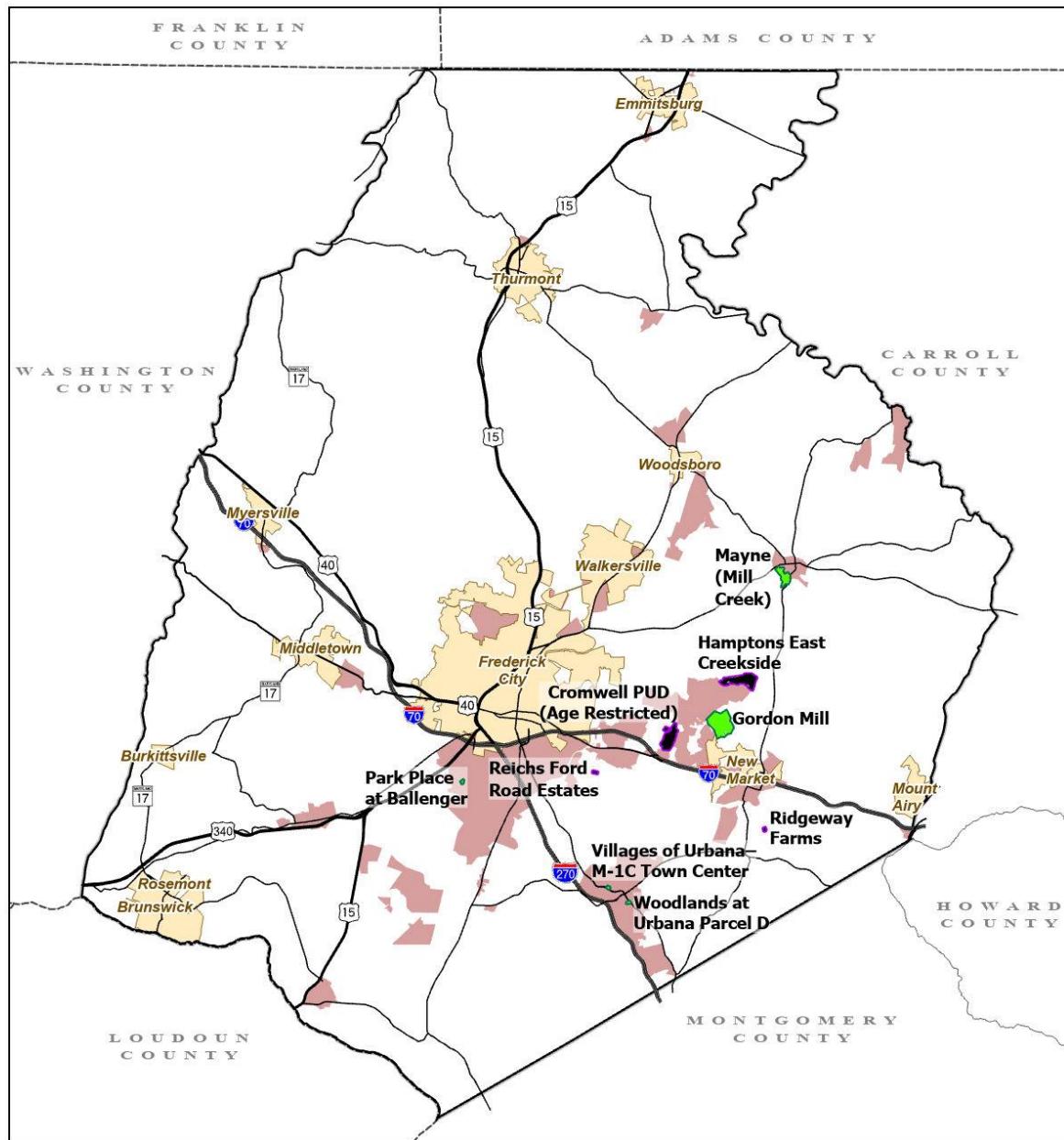


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2023 Approved Major Subdivisions By PFA

- 2023 Major Subdivisions- Not Within PFA: 4
- 2023 Major Subdivision Plats- County PFA: 5
- Municipal PFA Boundary
- County PFA Boundary



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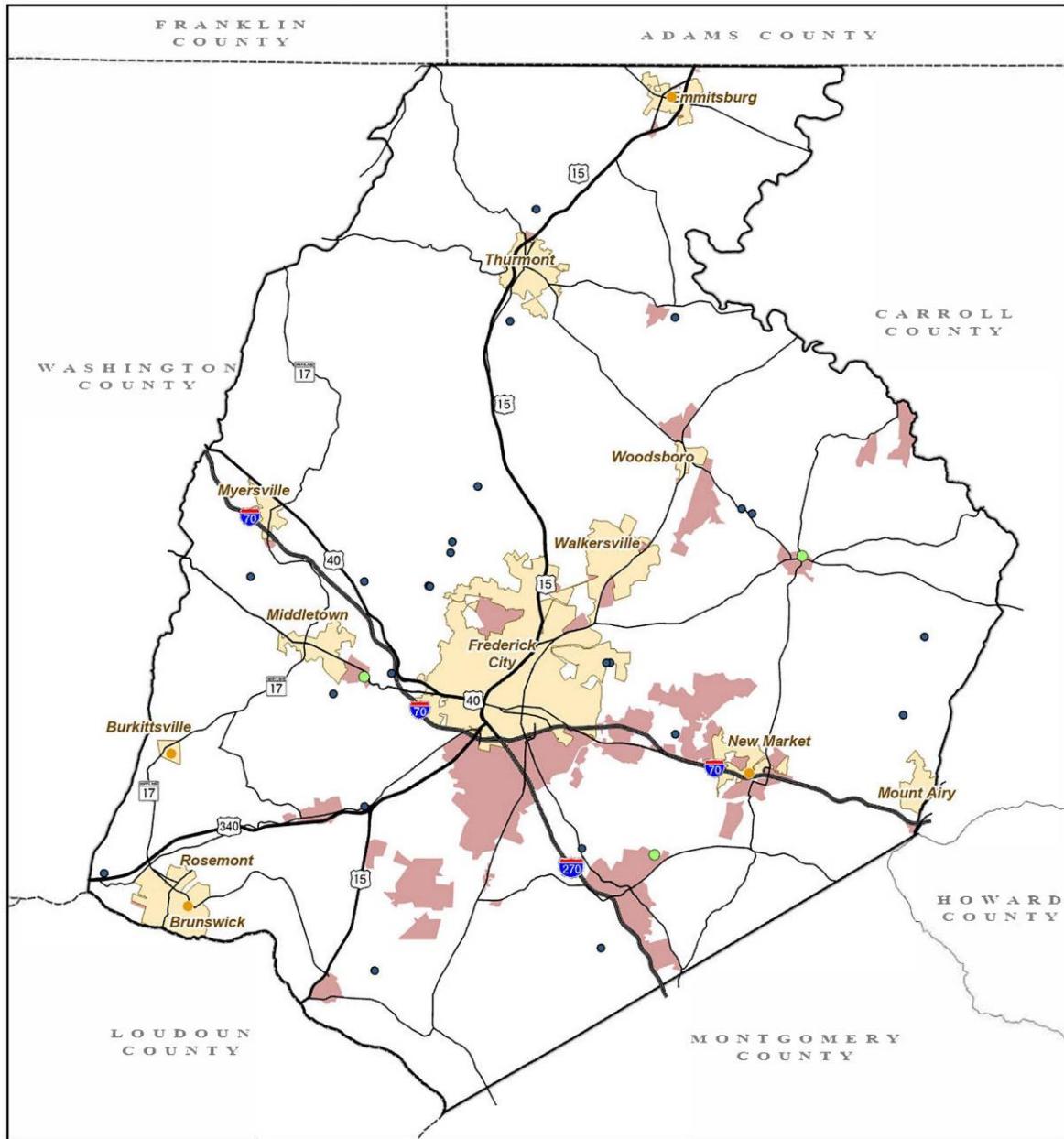


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2023 Residential Demolition Permits by PFA

- 2023 Residential Demolition Permits - Municipal PFAs: 4 (Non-Frederick City) Municipal PFA Boundary
- 2023 Residential Demolition Permits - County PFAs: 3 County PFA Boundary
- 2023 Residential Demolition Permits - Not within PFA: 24



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Table 5D: Amount of Commercial Growth (Inside and Outside the PFA)

| Commercial – Calendar Year 2023 | PFA % Total | Non PFA % Total | Total %Total |
|---|------------------|--------------------|-------------------|
| Site Plans | | | |
| Total # of Commercial Site Plans Approved | 14 78% | 4 22% | 18 100% |
| Gross Acres of All Approved Commercial Site Plans | 255 84% | 49 16% | 304 100% |
| Gross Building Area Approved in Square Feet for Commercial Site Plans | 1,571,574 94% | 97,295 6% | 1,668,869 100% |
| Building Permits | | | |
| Total Commercial Building Permits Issued | 14 82% | 3 18% | 17 100% |
| Gross Building Area Constructed in Square Feet for issued Building Permits | 223,125 97% | 5,925 3% | 229,050 100% |

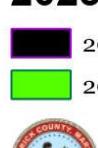
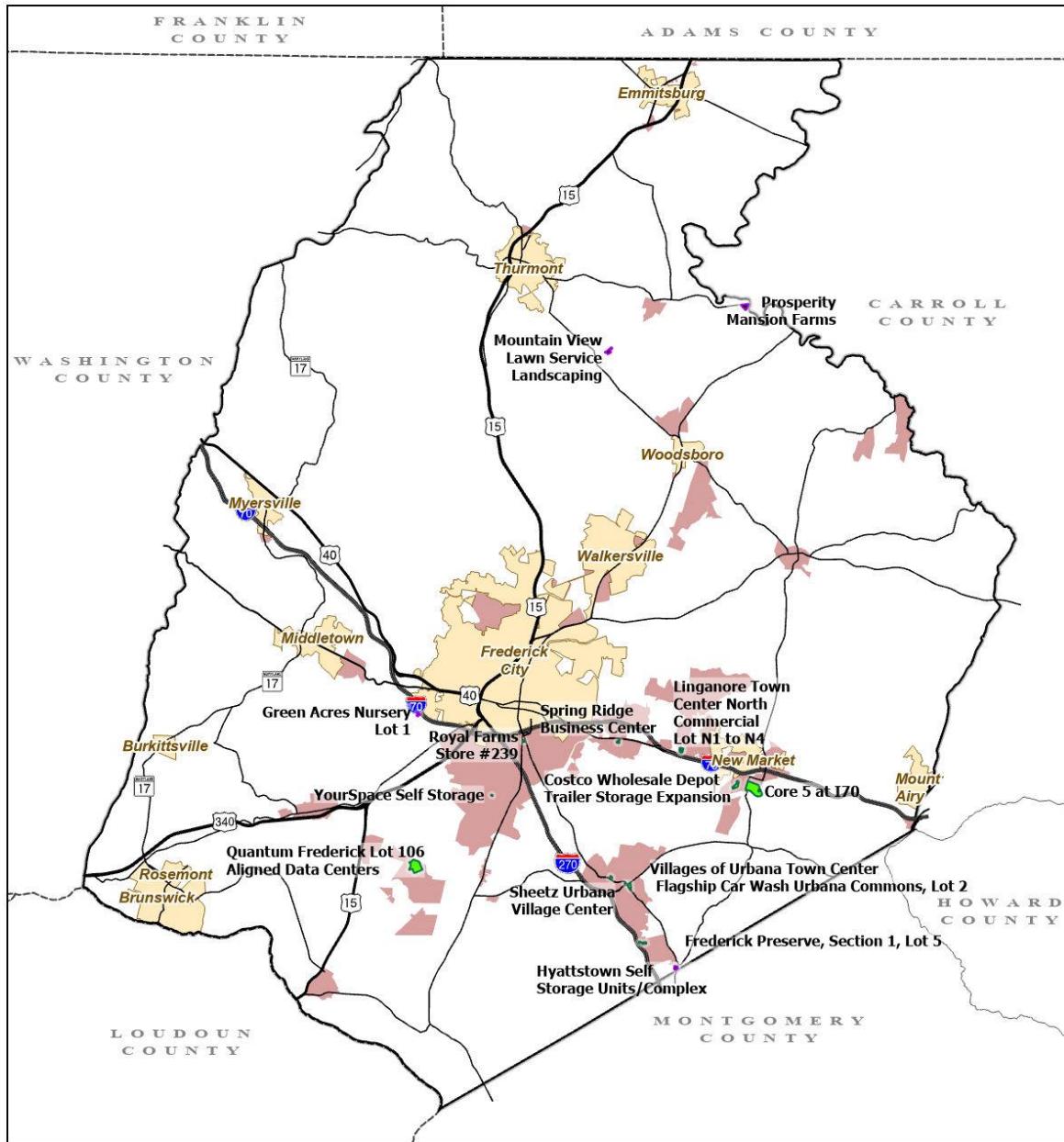


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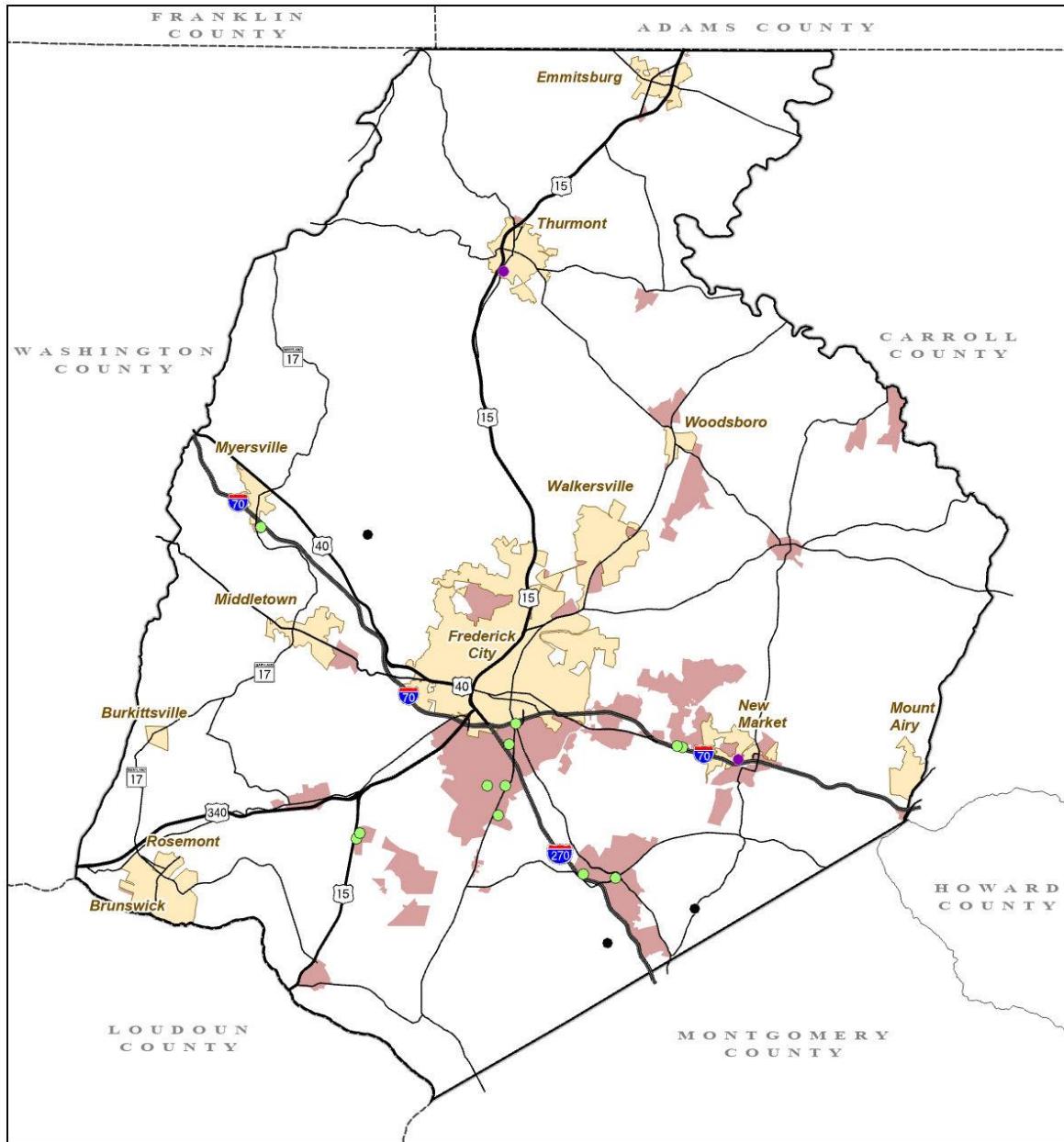


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2023 Commercial Building Permits By PFA

- Commercial Building Permits- Municipal PFA: 2 Municipal PFA Boundary
- Commercial Building Permits- County PFA: 12 County PFA Boundary
- Commercial Building Permits- Not Within PFA: 3



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Section VI: Adequate Public Facility Ordinance (APFO) Restrictions ([§7-104](#)) (Section VI is only required by jurisdictions with adopted APFOs)

Note: Jurisdictions with adopted APFOs must submit a biennial APFO report. The APFO report is due by July 1 of each even year and covers the reporting period for the previous two calendar years. APFO reports for 2020 and 2021 are due July 1, 2023. However, jurisdictions are encouraged to submit an APFO report on an annual basis.

(A) **What type of infrastructure is monitored and may trigger development approval restrictions or require a developer to address deficiencies? (List each for schools, roads, water, sewer, stormwater, health care, fire, police or solid waste.)**

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).

The County's Adequate Public Facilities Ordinance (APFO) establishes the school adequacy threshold at 100% for all school levels. Based upon the Frederick County Public Schools Enrollments and Capacities December 30, 2023, there were eighteen (18) elementary, four (4) middle, and four (4) high schools at or over 100% of their State rated capacity. Many of these school districts include areas serving, or located in, both the County and its municipalities.

Table 6A: Public School Enrollment

| School Type | Total Enrollment | Equated Enrollment | State Rated Building Capacity | Percent Capacity |
|---------------------------|------------------|--------------------|-------------------------------|------------------|
| Total Elementary | 22,194 | 21,975 | 21,784 | 101% |
| Total Middle | 10,568 | 10,568 | 12,930 | 82% |
| Total High | 14,844 | 14,844 | 15,181 | 98% |
| Total Special | 235 | 235 | 268 | |
| TOTALS (PreK - 12) | 47,841 | 47,662 | 50,163 | 95% |

Notes: For the 2023-2024 school year, there are a total of 2,598 students in home instruction.

Table 6B: Capacity

| Capacity: | <100% | 100-120% | >120% |
|--------------------------|-------|----------|-------|
| Elementary School | 24 | 14 | 4 |
| Middle School | 12 | 5 | 0 |
| High School | 7 | 4 | 0 |

Notes: Equated enrollments are calculated based on the portion of the day pre-k students spend at school (half day or full day).

Blended Virtual Program student enrollments are no longer included in the student's home school.



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(B) If APFO has delayed, limited, or denied development, defined here as a “restriction”:

a. Are there infrastructure or service facility deficiencies that have triggered denials of development requests, or held up development approvals?

Yes

b. Can the impact area of facility deficiencies/ development restrictions, which temporarily delay development approvals, be mapped?

Please see the attached map of December 2023 public school capacity.

(C) If applicable, what is the estimated date to resolve each restriction?

The following table from the FCPS Educational Facilities Master Plan, June 2023 identifies planned improvements to public school facilities and new school projects, and the associated added capacity.

Table 7A: Summary of New Capacity and Modernization Projects, 2024-2032

| Name | Project Type | Proposed Opening Date | Status | Added Capacity |
|----------------------------------|----------------------|-----------------------|--------------------|----------------|
| ELEMENTARY SCHOOLS | | | | |
| Monocacy ES | Limited Renovation | August-2024 | In Design | 0 |
| Green Valley ES | Replacement/Addition | August-2025 | In Design | 224 |
| Valley ES | Replacement/Addition | August-2025 | In Design | 246 |
| Ballenger Creek ES | Limited Renovation | August-2025 | In Design | 0 |
| Spring Ridge ES | Limited Renovation | August-2025 | In Design | 0 |
| Yellow Springs ES replacement | Replacement/Addition | August-2026 | In Design | 292 |
| Twin Ridge ES | Limited Renovation | August-2026 | Future Project | 0 |
| Middletown ES* | Replacement/Addition | August-2027 | In Design | 43 |
| Eastern Frederick area ES | New School | August-2027 | Future Project | 745 |
| Hillcrest ES | Limited Renovation | August-2027 | Future Project | 0 |
| Liberty ES | Replacement/Addition | August-2027 | Future Project | 434 |
| Frederick area ES | New School | August-2030 | Future Project | 745 |
| Total Additional Capacity | | | | 2729 |
| MIDDLE SCHOOLS | | | | |
| Crestwood MS | Addition | August-2024 | Under Construction | 319 |
| Middletown MS* | Replacement | August-2027 | In Design | 0 |
| Walkersville MS | Modernization | August-2029 | Future Project | 0 |
| Total Additional Capacity | | | | 319 |
| HIGH SCHOOLS | | | | |
| Brunswick HS | Replacement | August-2028 | Future Project | 0 |
| Middletown HS | Replacement | August-2031 | Future Project | 0 |
| Total Additional Capacity | | | | 0 |

* Co-Located building (single project) will house Middletown ES and Middletown MS.



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Section VII: Planning Survey Questions (Optional)

This information can help MDP and MDOT staff to identify potential pedestrian/bicycle projects and their funding.

(A) Does your jurisdiction have a bicycle and pedestrian plan? Y N

1. Plan name **Bikeway and Trails Plan**
2. Date Completed (MM/DD/YR) **(July 2018)**
3. Has the plan been adopted?
4. Is the plan available online?
5. How often do you intend to update it? **(5-10 Years)**

Y N
Y N

The County has received a SS4A grant award for \$1,050,000. This award will be used to 1) update the County's Bicycle and Pedestrian Master Plan, 2) pilot demonstration activities on three county roadways such as protected bike lanes and road diets, 3) develop feasibility analyses to prioritize 3 long-term shared use path or trail corridors, and 4) provide technical assistance to 12 municipalities in the County to achieve alignment with the countywide approach towards zero deaths, update bicycle/pedestrian master plans, and/or pilot demonstration activities.

6. Are existing and planned bicycle and pedestrian facilities mapped? Y N

(B) Does your jurisdiction have a transportation functional plan in addition to a comprehensive plan? Y N

1. Plan name **Frederick County Master Transportation Plan**
2. Date completed **(December 2001)**
3. Has plan been adopted?
4. Is the plan available online?
5. How often do you intend to update it? **Frequently, with updates to the County Comprehensive Plan.**

Y N
Y N

(C) Has your jurisdiction completed and submitted a five year mid-cycle comprehensive plan implementation review report this year?

Y N

Note: To find out if your jurisdiction is scheduled to submit this report, consult the Transition Schedule (Counties) section located at: <https://planning.maryland.gov/pages/OurWork/compPlans/ten-year.aspx>

If yes, please include the 5-Year Report as an attachment.