

PLANNING COMMISSION DISCUSSION DRAFT

May 19, 2010

To: The Frederick County Board of County Commissioners

From: The Frederick County Planning Commission

Re: Request for the Board of Commissioners to generate a Text Amendment creating a new designation/zone of “Environmental and Natural Resource Reserve” and applying this new designation/zone to a specified area of the county. What particular approach would be the most effective in achieving the desired objective of greater protections for the area designated is left up to the technical expertise of our Planning Staff. We present this as a “performance” type concept, to be implemented in specific language by our knowledgeable, professional staff.

Background:

The newly-adopted Comprehensive Plan for Frederick County, in Chapter 3 – Conserving Our Natural Resources and Green Infrastructure, on page 03-27, contains the “Action Item **NR-A-14** **“Study the need for a new zoning district that would afford greater protection of natural resources and environmentally sensitive features.”** While the BOCC has preliminarily decided that this action item would be on the schedule as a “long term” item, the Planning Commission believes that this particular requested action, which would fall under the concerns of Action Item NR-A-15 is deserving of the immediate attention of the Board.

The roughly triangular area lying between I-270 on the east, the Monocacy River on the west, and the Montgomery County line and the Potomac River on the south has long been considered an area worthy of special protections, with only limited development allowed or approved.

This area includes Sugarloaf Mountain, the lower Monocacy River and several significant tributaries, including Little Bennett and Bennett Creeks as well as much of the Monocacy National Battlefield. Much of the land is composed of rugged to gently rolling hills, interspersed with deep stream valleys and farmland. It lies adjacent to the Montgomery County Agricultural Reserve to the south, itself dedicated to preserving farmland and open space.

The area is of significant natural, historical and environmental value and worthy of increased protection of its sensitive resources through a special designation to preserve it from inappropriate development that might degrade its many values.

Purpose:

To create a designation/zone with certain restrictions that would preserve environmentally-sensitive areas and natural resources, including agricultural, rural and open space of special value, by protecting this fragile but important natural area through limitations on the size of new residential and other development within the boundaries of this “Environmental and Natural Resource Reserve,” and to create such a “Environmental and Natural Resource Reserve” designation/zone covering the area set forth in paragraph two of the background statement above.

Specifics:

1. This designation/zone would take the place of or include existing Agriculture and Resource Conservation zones within its boundaries. The property would retain all rights, privileges and restrictions of its current Euclidean zoning, with the specific exceptions and limitations set forth below.
 2. The footprint and height of residential buildings within the boundaries of an “Environmental and Natural Resource Reserve” would be limited. The limit would be maximum footprint of 5,000 square feet and a maximum height of 30 feet from the average ground level surrounding the base of the structure.
 3. It would limit the height of other structures with the boundaries of the Scenic Reserve zone to 30 feet, excepting those structures specifically dedicated solely and directly to agricultural uses, such as barns and silos. All existing uses (such as radio/television antennas, cellular towers, etc.) would be grandfathered.
 4. It would require substantially increased use of tree and shrub plantings and pervious paved parking surfaces to reduce the environmental impact of commercial or other uses not specifically agricultural or residential in nature with footprints exceeding 5,000 square feet within the designation/zone.
 5. The inclusion of properties zoned agricultural or resource conservation within the boundaries of such a designated “Environmental and Natural Resource Reserve” will in no way be construed as to modify, restrict or limit any subdivision or other unspecified rights that such properties might otherwise have due to their current Euclidean zoning, other than the limitations herein enumerated.
 6. No multi-use septic systems shall be allowed within this designation/zone.
 7. The roughly triangular area in Frederick County lying between I-270 on the east, the Monocacy River on the west and the Montgomery County line and the Potomac River on the south shall be designated an “Environmental and Natural Resource Reserve”.
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