

THE MAYOR AND COUNCIL
OF THE TOWN OF NEW MARKET

RESOLUTION #2017-03 ADOPTING
AMENDMENT TO COMPREHENSIVE PLAN

WHEREAS, in accordance with the Land Use Article of Maryland Annotated Code, The Town of New market (the "Town") is authorized to adopt, amend and update a comprehensive plan; and

WHEREAS, the Town has adopted a comprehensive plan (the "Plan"); and

WHEREAS, under the Land Use Article, the Planning & Zoning Commission (the "Commission") may, from time to time, recommend to the Mayor and Council amendments and updates to the Plan; and

WHEREAS, on May 4, 2017, the Commission recommended an update to the Plan; and

WHEREAS, the Mayor and Council have determined to adopt the update to the Plan as recommended by the Commission; and

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of New Market as follows:

RESOLVED, that the update to the Comprehensive Plan of New market appended to this Resolution be and is adopted; and it is further


RESOLVED, that this Resolution shall be effective this 22nd day of June, 2017.

THE MAYOR AND COUNCIL
OF THE TOWN OF NEW MARKET


By: 

Winslow F. Burhans, III, Mayor


Michael Davies



Dennis Kimble



Scott Robertson



Lawrence Romanell

Shane Rossman

Enacted: _____, 2017

Effective: _____, 2017

ATTEST:



Karen Durbin, Clerk to Council

1793

New Market



TOWN OF NEW MARKET
MASTER PLAN 2016



JUNE 22, 2017

39 West Main Street, PO Box 27, New Market, MD 21774-0027
T: 301-865-5544 | W: townofnewmarket.org | F: 301-865-5638

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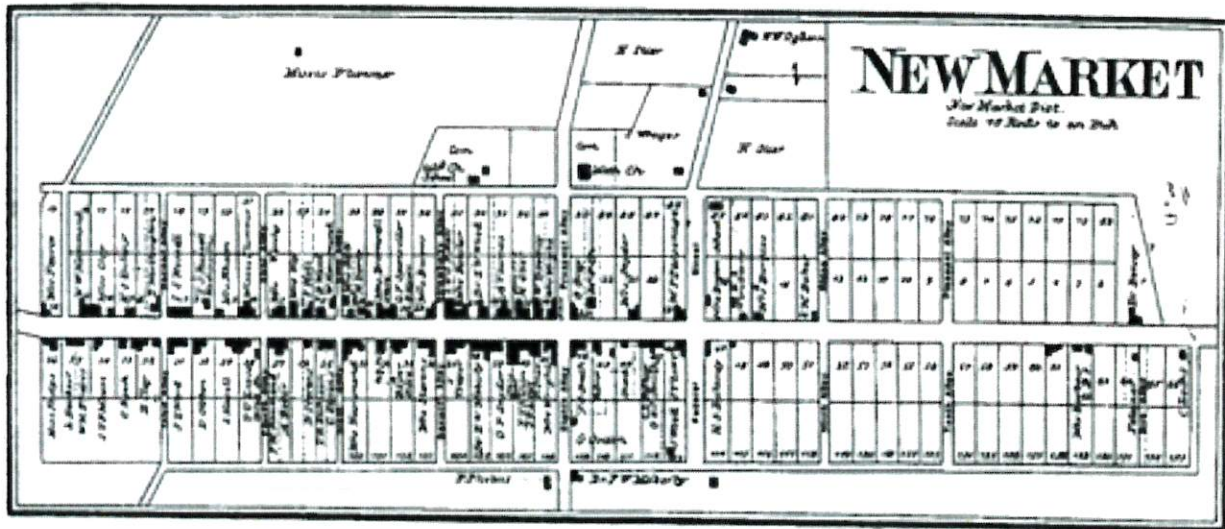
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I. CULTURAL HERITAGE AND IDENTITY

The Town of New Market is a growing Maryland community with a strong historic center focused on its Main Street. New Market is an incorporated municipality of Frederick County and recognized on the National Register of Historic Places. The historical development of Town has had a strong influence on the manner which past land use decisions have been made and will continue to be a significant factor in the future. The Town's history, form and structures are an important part of its cultural heritage and identity.

The first Town Plan for New Market (Map 1, shown below) was registered by Nicholas Hall under a deed of trust in the land records of Frederick County in 1793. That first Town Plan had 170 lots organized in linear form along Main Street. Also, known as Old National Pike or MD-144, Main Street was a part of the National Road which connected the cities of Baltimore and Frederick. The registered New Market Town Plan represented one portion of Hall's 1049-acre estate known as New Market Plains and encompassed about 60 acres.



Town As Platted in Frederick County Land Records

MAP 1: New Market Town Plat, 1793

Source: Town of New Market

In its early years, the Town served as a major stopping point for settlers traveling the National Pike from Baltimore to points west. New Market was a booming commercial center that boasted numerous rooming houses, taverns, inns, and stores and a variety of services. Blacksmiths, wagon makers, wheelwrights, tanners, etc. all toiled to support the diverse needs of travelers passing through. Appendix A provides additional information on the early History of New Market.

Throughout most of its history, New Market's land uses and buildings have been predominantly residential with a balanced mix of businesses included. With few exceptions, business people resided on the property where their services and goods were offered. Early industrial establishments included a metal and bone button factory and a forge for making wrought iron

nails. Located nearby were a mill near Monrovia, a glass factory, a woolen factory, and a tannery. The Town was surrounded by farm land.

In early 1800, an elementary school was built in Town. Two separate schools existed at one point, later combined into a single institution in the mid-1960s. The present elementary school, built in 1931, has been expanded at least twice. A middle school was added to the school site in 1979. The schools' site account for a significant portion of the public land in Town. The Town has a fair share of semi-public institutions: three churches, two fraternal organizations, a grange hall, a fire hall, a Post Office, and a Town Office/Hall. Land devoted to public and semi-public includes two small parks and a 100-acre open area with an athletic field complex.

In the mid 1800's the Town's fortunes began to change. The region's growing rail road service diverted traffic and business away from the National Pike and New Market. The closest local station was built south of town in Monrovia. In the early 1950s regional and interstate through traffic as further diverted away from town with the completion of Interstate 70 (I-70), a multi-lane highway that replaced the National Pike. While the County's rural and commuter traffic still used Main Street to access the Interstate, New Market was left much to itself and became more insular. US Census reports show that the Town's population reached a high of 360 in 1940 and then shrank. The population did not exceed 360 again until the 2000 census.

In 1975, the original part of Town was designated as a Historic District and added to the National Register of Historic Places. The 60-acre Historic District includes a large portion of the Main Street commercial area and the Town's Residential Merchant zoning district. The designation recognizes the Town of New Market's historical importance to Frederick County, the State of Maryland, and indeed, the nation itself. Its historical significance resides in the architecture of the homes and shops in the Town's Historic District. Over 90% of the district's structures date from the 19th century. They represent the architecture of the Post-Colonial, Federal, and Victorian periods of the United States.

Over time Main Street and the Historic District came to serve a different sort of transient population. It became a destination for tourists in search of diversion instead of pioneers in search of a new life. The first antique shop opened there in 1936. The nature of its commercial enterprises made New Market unique among all Towns in the County. By the early 2000s Main Street boasted about ten antique shops, two bed and breakfasts, two restaurants and other tourist oriented businesses. At one point, the Town became identified as the "Antiques Capital of Maryland." It is still known for this commodity.

In 2004, the Town expanded the focus of permitted uses in the historic district to embrace a wider array of businesses more comparable to its role and in earlier times and a further revitalization began. The national economic downturn that began in the fall of 2008 took its toll on New Market businesses and on the antique industry nationwide. The Residential Merchant District suffered a significant decline and Main Street grew quieter. Many shops and service establishments closed and formerly mixed use buildings became solely residential. For a time, there was only one food enterprise in Town, a pizza carryout located in the former General Store. The two restaurants in Town closed. The Town had no tavern and only one active bed and breakfast inn. The Town began to function more as a bedroom community and its residents worked and shopped elsewhere.

More recently Main Street has begun a modest resurgence. New shops and service businesses have opened. Four restaurants operate in Town as of 2015. New restaurateurs now occupy the two former restaurant buildings on Main Street. A tavern opened as well. With the opening of several businesses in the newer sections of Town around the I-70 and MD-75 interchange and

elsewhere, New Market businesses again serve travelers along I-70. This revitalization trend is expected to continue and to be supported by the recent annexation of Calumet a new residential neighborhood. Completion of the long-anticipated street and streetscape improvements on Main Street, scheduled to occur in early 2017, should help attract shoppers and make walking and on-street parking easier.



Figure 1: New Market Main Street Streetscape
Source: Town of New Market

Today the Town of New Market retains its historical importance to Frederick County, the State of Maryland, and the nation. Its Historic District is the Town's most important "sensitive area." The preservation and revitalization of this district with its mix of residences and businesses is an important part of the Town's future and of this Master Plan.

Two comparatively recent programs will assist New Market in preserving and sharing the Town's heritage.

In 2005, the State's Maryland Heritage Areas Program certified an area that includes New Market as the "Heart of the Civil War Heritage Area." The area includes parts of Carroll, Frederick, and Washington Counties, the Antietam National Battlefield and several other important American Civil War sites. This very active program seeks to preserve, interpret, and enhance the historical, natural, and cultural resources that make the area special and to attract visitors. In 2006, The Heart of the Civil War Heritage Area Management Plan was adopted and made a part of the comprehensive plans of Carroll, Frederick, and Washington Counties. Likewise, the municipalities of Hampstead, Manchester, New Windsor, Sykesville, Taneytown, Union Bridge, Westminster, Brunswick, Burkittsville, Emmitsburg, Frederick, Middletown, Mt. Airy, Myersville, New Market, Rosemont, Thurmont, Woodsboro, Boonsboro, Hagerstown, Hancock, Sharpsburg, Smithsburg, and Williamsport have adopted the Management Plan (the "Plan"). The Plan provides

an overview of resources and opportunities in the heritage area, as well as goals and priorities to advance the Heart of the Civil War Heritage Area mission

In 2014, the Town of New Market along with Baltimore, Carroll, Frederick, Washington, Allegany, and Garrett Counties, in partnership with the Maryland State Highway Administration and the Maryland Office of Tourism Development, crafted a Corridor Partnership Plan to direct the future preservation, maintenance and enhancement of the Historic National Road National Scenic Byway. The Maryland Scenic Byways Program recognizes New Market as offering a number of cultural resources of importance to the region. The purpose of the Corridor Partnership Plan is to help the municipalities, counties, and their agency partners protect and promote the rich natural and cultural resources found throughout the byway corridor and to implement strategies for sustainable tourism development based on that heritage.

The Maryland Scenic Byways and Heritage Area Programs share similar missions, they work together to enhance the quality of life of Maryland's citizens and engender pride in the State's most scenic, cultural and historic roads, sites, and places. The two programs will allow the Town to work cooperatively with others to attract tourists to the area and to Town. They will help actively support and encourage community facilities and events in New Market that focus on its cultural heritage, provide residents and visitors an opportunity to learn about the traditional ways of life that are an important part of the Town's heritage.

II. THE MASTER PLANNING CHALLENGE

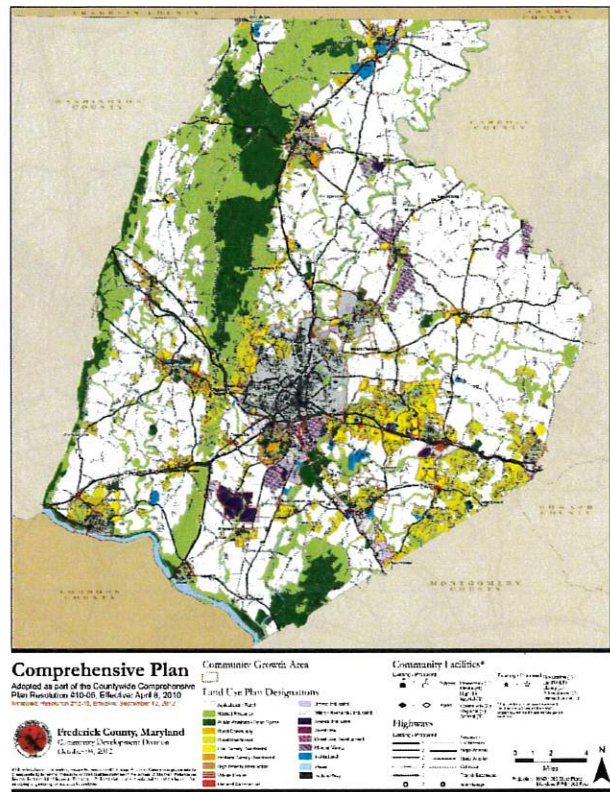
Trends

Until 35 years ago, New Market remained a small rural town that had not grown much in physical size or population from its earliest years. The 1990 census reported a Town population of only 328 down from a peak of 358 in 1960. The Town's physical form was typical of many older US rural communities. Single family homes sat on narrow lots lining a single main street and with businesses located in and among the homes. Until the 1980's, growth followed the original plat lines laid out in 1793. Interspersed, but concentrated in the center of Town, were small-scale commercial uses that served tourists, the local needs of townspeople, and the surrounding rural community. Uses included a grocer, post office, auto garage, and a trucking terminal on Main Street that has been in operation for over sixty years. Gradual yet hardly noticeable Town growth occurred when an occasional new structure was built. Land around the Town was still largely actively farmed.

The scenic rural character of the land surrounding the Town began to change after WW2 as suburban development extended into Frederick County. According to County data the population in the New Market Region of the County tripled between 1940 and 1980. In 1968, the County approved the nearby planned development of Lake Linganore, an area that today includes over 3700 acres and several village centers. Many area farms, especially to the west of Town, were sold and replaced by a rapidly growing suburban development forming a corridor stretching out from the City of Fredrick. Through traffic on Main Street increased as new County residents traveled through Town to reach I-70. Commercial development began outside the Town around the I-70 interchange.

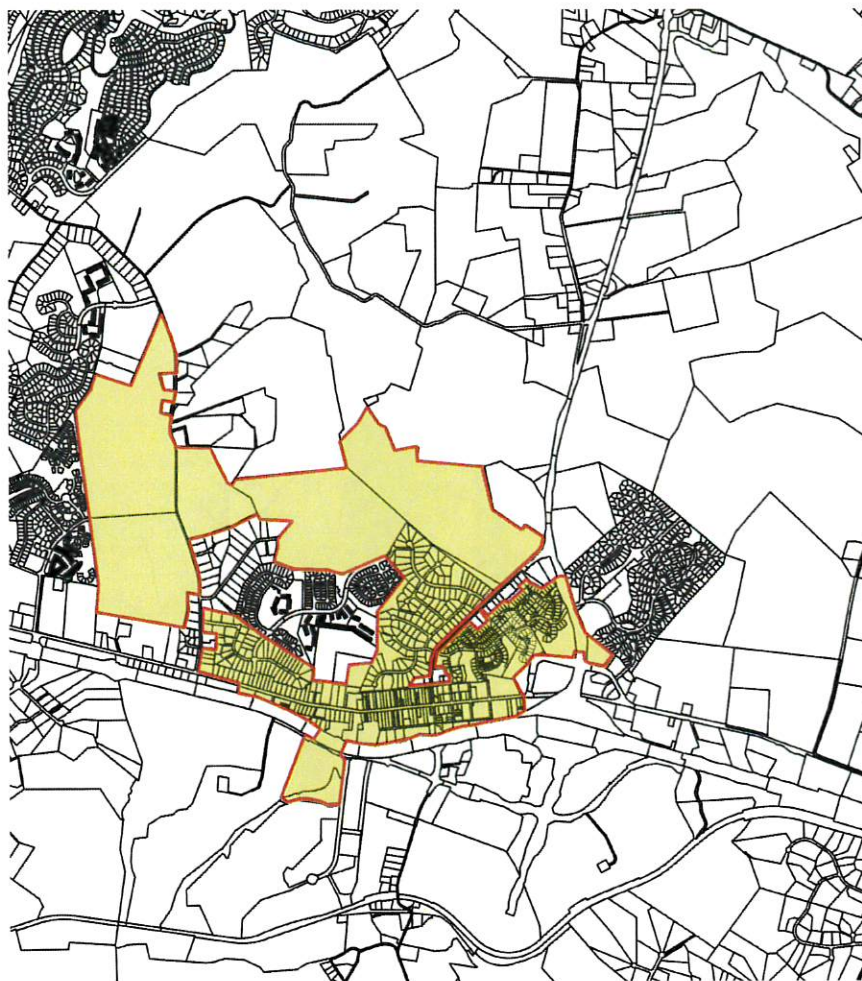
The County Comprehensive Plan reflects these changes. The draft Frederick County Region Plan of 2003 referred to New Market as a "district community" and the 2010 Frederick County Plan designated it as a Community Growth Area calling for significant commercial development at the interchange. The County designated Linganore as a separate Community Growth Area. This growth trend continues today. The County's most recent Comprehensive Plan continues to show and project considerable residential and non-residential growth in the County areas that surrounds the Town. It shows an emerging greater New Market area that is not a part of the town but identifies with New Market as well plans for new competing suburban town centers nearby.

In the 1980's the size and character of the Town began to change when Sponseller's Addition, a major subdivision of single family homes was annexed at the west end of Town. This distinctly changed the Town's physical character and once built, practically doubled the number of homes in Town from 110 to 192. The Town's first Master Plan completed in 1992 addressed these changes and highlighted the Town's need to administer to a larger community.



In 2003, an agreement with the County provided needed access to public water and sewer service. In the years that followed additional parcels were annexed including Royal Oaks, Brinkley Manor, The Hundred Acre Woods, and The Orchard at New Market. Annexations brought new residents and new businesses. These changes were taken into consideration in the 2005 Town Master Plan. The Town further responded by adopting new land development ordinances in 2009 and establishing an Architectural Review Commission to ensure that new areas of Town are compatible in character to the older sections of Town.

In 2010, the US Census reported that the Town had significantly increased its population since 1990 and had a population of 656. By 2015 all but 57 of the 334 approved residential lots in the three active subdivisions had been built on leaving little capacity for added growth. That year the Town annexed the Smith Kline and Delaplaine properties and approved a Master Plan on the Smith Kline property that planned for 925 new homes. In 2016, the Town boundary encompassed about 880 acres.



Map 3: 2016 New Market Town Boundary
Source: Town of New Market

Looking Forward

This plan looks forward to the year 2035 and plans the Town's next 20 years of growth. Both the Town's and the County's recent and future growth must be taken into consideration in Town planning. The Town must continue its efforts to serve as the center of the growing greater New Market and to administer to a growing Town community.

In the next twenty-years the Town of New Market faces many challenges. One of the greatest being the need to achieve and maintain over a long period of time desirable land use balances, which retain and enhance New Market's quality of life, its separate identity, its sense of community, and its economic and fiscal viability. Another is to plan for needed road infrastructure in timely manner.

Given the nature of New Market, this challenge includes finding a balance between two seemingly contradictory themes, preservation and expansion. Preservation issues include rural areas, the Historic District and other historical places throughout the community, consciously evolved parks and open space, and the physical form of existing neighborhoods.

Expansion issues are characterized by growth pressure from outside the Town boundaries, increasingly complex municipal financing questions, a more complicated infrastructure as existing public facilities are outgrown and support mechanisms become inadequate, and the search for equitable solutions to increased demands for more choice and flexibility in the use of land. New Market needs to meet the needs of the growing Greater New Market or accept that other planned competing town centers in the County will do so and New Market will no longer function as the business and institutional center of this part of the County.

The purpose of a Master Plan is twofold. First, a Plan is an indication of community values as provided by residents and local leaders. These values are stated in terms of visions and strategies that describe a desired future condition for the community. The second purpose involves the role the Master Plan plays in the decision-making process. The statement of visions and strategies serves as a guide for local planning and elected officials when reviewing development proposals, zoning issues, annexations, and public works projects.

The background information and data compiled for this Plan provides several viewpoints that should enable the Town to deal more effectively with growth and development. First, past trends dealing primarily with development rates and population characteristics are addressed. Second, existing conditions, including environmental factors, the level of community facilities available, and zoning, are addressed. The last viewpoint looks to the future, which is embodied in the land use plan.

It is hoped that by learning from the past and looking at present conditions, the community can better shape its future. It is important to point out that a Master Plan is a guide for the development of a community and does not cast in stone what should or shouldn't be done. Throughout this document reference is made to visions, policies, and action statements. By designating various portions of the plan as such, both its intent and flexibility are reinforced. Because conditions change in a community, the Master Plan must be flexible enough to address any significant changes and cannot be a static, rigid document.

Legal Basis for Planning

New Market, as required by State laws, has prepared, and is subject to, a variety of specific plans and ordinances. Among them are the Land Development Ordinance, Sediment Control Ordinance, Stormwater Management Ordinance, Forest Conservation Program, and Floodplain Ordinance. All plans and laws shall be consistent with the Town's Master Plan while providing more detailed information and policy. Should policy or programs not conforming with the Plan be desired, when such changes would benefit the public as determined by the New Market Mayor and Council, the Plan may be amended according to the procedures set forth in the Land Use Article of the Annotated Code of Maryland. This Article replaced Article 66B, that was repealed in 2012 by the Maryland General Assembly.

New Market reaffirms its intention to operate as a "citizen" of Maryland by following the State's growth management program designed to encourage economic growth, limit sprawl development, and protect its natural resources. The Maryland Economic Growth Resource Protection and Planning Act took effect in 1992 and reshaped how citizens, developers, the State, Counties, and Towns think about planning, growth, and resource protection.

Most local jurisdictions in the State establish priority areas for growth and corresponding areas for resource protection. The Act encouraged building on that base with consistent development regulations and targeted infrastructure investment by the State. A basic premise of the Act is that the comprehensive plans prepared by Counties and Towns are the best place for local governments to establish priorities for growth and resource conservation.



The Planning Act requires that County and Municipal Plans be implemented by laws, ordinances, and regulations that are consistent with the Plan and the visions contained in the Act. It also requires that funding decisions for public sector projects – both local and State – be consistent with the Plan and the visions. The fundamental concept of "consistency" under the Act is that land use regulations and land use decisions should agree with and implement what the Plan recommends and advocates. A consistent regulation or decision will show clear support for the Plan or be neutral – but it should never undermine the Plan.

A. Legal Basis for Planning in the State of Maryland

The Land Use Article of the Annotated Code of Maryland requires municipalities that maintain zoning authority over the jurisdiction to develop a Comprehensive Plan. With the adoption of House Bill 409 in 2013, the State now requires jurisdictions to update their Master Plans every 10 years.

The Land Use Article also requires municipalities to address specific issues within their growth plans. 2006 House Bill 1141 required municipalities to address the impact projected growth will have on infrastructure, water resources, schools, libraries and public safety. New Market's Plan meets the requirements of the Land Use Article and House Bill 1141.

B. The 12 Visions of Smart Growth

During the 2009 Legislative session, the eight planning visions of Maryland's 1992 Planning Act were replaced with twelve new visions to address a broader spectrum of issues. These new planning visions are the State's land use policy, and a local jurisdiction is required to include them in their comprehensive plan and implement them through zoning ordinances and other regulations.

1. **Quality of Life and Sustainability:** A high quality of life is achieved through universal stewardship of the land, water and air resulting in sustainable communities and protection of the environment.
2. **Public Participation:** Citizens are active partners in the planning and implementation of community initiatives and are sensitive to their responsibilities in achieving community goals.
3. **Growth Areas:** Growth is concentrated in existing population and business centers, growth areas adjacent to these centers, or strategically selected new centers.
4. **Community Design:** Compact, mixed-use, walkable design consistent with existing community character and located near available or planned transit options is encouraged to ensure efficient use of land and transportation resources and preservation and enhancement of natural systems, open spaces, recreational areas, and historical, cultural, and archeological resources.
5. **Infrastructure:** Growth areas have the water resources and infrastructure to accommodate population and business expansion in an orderly, efficient, and environmentally sustainable manner.

6. **Transportation:** A well-maintained, multimodal transportation system facilitates the safe, convenient, affordable and efficient movement of people, goods and services within and between population and business centers.
7. **Housing:** A range of housing densities, types, and sizes provide residential options for citizens of all ages and incomes.
8. **Economic Development:** Economic development and natural resource-based businesses that promote employment opportunities for all income levels within the capacity of the State's natural resources, public services, and public facilities is encouraged.
9. **Environmental Protection:** Land and water resources, including the Chesapeake Bay and its coastal bays, are carefully managed to restore and maintain healthy air and water, natural systems and living resources.
10. **Resource Conservation:** Waterways, forests, agricultural areas, open space, natural systems and scenic areas are conserved.
11. **Stewardship:** Government, business entities, and residents are responsible for the creation of sustainable communities by collaborating to balance efficient growth with resource protection.
12. **Implementation:** Strategies, policies, programs and funding for growth and development, resource conservation, infrastructure, and transportation are integrated across the local, regional, State and interstate levels to achieve these visions.

These visions give local jurisdictions a succinct statement of Maryland's priorities for their Plans. However, the visions are intended as the beginning of the planning process, not the end. New Market starts with the visions, applies them to its own situation, and establishes its own priorities and paths to realization.

C. 1997 Priority Funding Areas Act

The 1997 Priority Funding Areas Act recognizes and capitalizes on the influence of State expenditures on economic growth and development. This legislation directs State spending to Priority Funding Areas (PFA). PFAs are existing communities and places where local governments want State investment to support future growth.

Growth-related projects covered by the legislation include highways, sewer and water construction, economic development assistance, and State leases or construction of new office facilities.

The PFA legislation builds on the foundation created by the Visions that were adopted as State policy in the 1992 Economic Growth, Resource Protection and Planning Act and are articulated above as fundamental goals for the Town of New Market. Beginning in 1998, the State of Maryland directed funding for projects that support growth to PFAs. Funding for projects within municipalities, certain existing communities, industrial areas, and designated growth areas receive priority for State funding. PFAs are priorities for State and local government spending to encourage and support economic development.



D. The Smart Growth Initiative

In addition to the Priority Funding Areas Act, the 1997 General Assembly passed four other pieces of legislation and budget initiatives: Brownfields, Live Near Your Work, Job Creation Tax Credits, and Rural Legacy. These four initiatives are known collectively as "Smart Growth."

Smart Growth targets programs and funding to established communities and locally designated growth areas and to protect rural areas. The Priority Funding Areas Act provides a geographic focus for the State's investment in growth-related infrastructure. The Act focuses State resources to conserve lands outside of PFAs, to encourage growth within PFAs, and to ensure that existing communities continue to provide a high quality of life for their residents.

Maryland has adopted the following principles of Smart Growth, which provide guidance for new development, infill development, and redevelopment:

- Encourage mixed land uses;
- Incorporate compact building design;
- Create housing opportunities and choices;
- Create walkable communities;
- Foster distinctive, attractive communities with a strong sense of place;
- Preserve open space, farmland, natural beauty, and critical environmental areas;
- Provide a variety of transportation options;
- Strengthen and direct development to existing communities;
- Make development decisions predictable, fair and cost effective; and
- Encourage community and stakeholder collaboration in development decisions.

The 1997 Smart Growth Initiative is a significant part of Maryland's efforts to prevent the encouragement and funding of sprawl development.

E. Management Plan of the Heart of the Civil War Heritage Area

The Management Plan of the Heart of the Civil War Heritage Area (HCWHA) was adopted and made a part of the comprehensive plans of Carroll, Frederick and Washington Counties in 2006 and included the Town of New Market within the boundaries of the certified HCWHA. The Town supports the efforts of the certification of the HCWHA Plan. This Master Plan, incorporates by reference all portions of the Heart of the Civil War Heritage Area Management Plan, except those portions solely relating to other jurisdictions within the Heart of the Civil War Heritage Area, as part of the Master Plan.

F. House Bill 1141

House Bill 1141 was enacted during the 2006 Maryland Legislative Session. This law has a direct effect on procedures for annexations and requires new planning elements within New Market's Master Plan. This rule required a municipality to wait five years to rezone newly annexed land from the County whenever a proposed new zoning classification was substantially different from the use envisioned "in the current and duly adopted Master Plan," unless the municipality obtains a waiver from the County to avoid the five-year wait.

1. Annexation Procedures

Two significant changes resulting from HB 1141 are a change to the "five-year rule" regarding zoning and a change regarding "Annexation Plans" as part of annexation procedures.

2. The Five Year Rule

Two changes to the five-year rule were incorporated in HB1141. First, the rule would be applied solely based upon zoning. In the past, the five-year rule could be applied when a proposed new zoning classification was substantially different from the use envisioned "in the current and duly adopted Master Plan." The reference to the Master Plan is now gone. The zoning classification is now required to be reviewed based on the degree of change from current County zoning to the proposed municipal zoning. When the zoning change is proposed to be from one zone to another, "substantially different" is now defined by the amount of density change. The five-year rule does not apply in the case of a density change unless the proposed zoning is 50% denser. For example: *If the current zoning permits 1 unit per acre, the new zoning can be subject to the five year rule if it permits anything more than 1.5 units per acre. As before, a municipality may obtain a waiver from the County to avoid the five-year wait. This change took effect on October 1, 2006. It is a one-time test.*

3. Annexation Plans

An Annexation Plan is required that replaces the "outline" for the extension of services and public facilities prior to the public hearing for an annexation proposal. This section contains no additional language for the content of the Annexation Plan to be adopted, but does require it to be consistent with the municipal growth element for any annexations after October 1, 2009. The Plan must be provided to the County and State (Maryland Department of Planning) at least 30 days prior to the hearing. This requirement took effect on October 1, 2006. The requirement for consistency with the Municipal Growth Element of the Comprehensive Plan took effect on October 1, 2009 with provisions for two six-month extensions.

4. New Planning Elements

The new legislation mentioned above requires two new elements, or chapters, to be included in local Comprehensive Plans. The first element, Water Resources, must be included in County and Municipal Plans. The second element, Municipal Growth, is required in Municipal Comprehensive Plans only. Both elements were required to be incorporated into the Town's Comprehensive Plan no later than October 1, 2009 with a provision for two six-month extensions.

The Water Resources Element - This element addresses the relationship of planned growth to water resources for both waste disposal and safe drinking water. It is required of all County and municipal governments in the State. The element must identify drinking water and other water resources adequate for the needs of existing and future development proposed in the land use element of the Comprehensive Plan. It must also identify suitable receiving waters for both wastewater and stormwater management to address the development proposed in the Land Use Element of the Comprehensive Plan. Resource issues to be addressed in this element include water protection areas, groundwater resources, water quality standards and Total Maximum Daily Loads.

The Municipal Growth Element - This element requires a municipality to identify areas for growth consistent with a long-range vision for its future. The Growth Element is to be developed based on consideration of a comprehensive list of factors including population projections, land capacity assessment, and infrastructure assessment. Completion of this element will guide future annexation proposals and plans. Consultation with Frederick County is required, and a joint agreement with the County is encouraged.



G. 2009 Planning Legislation – Smart, Green and Growing Initiative

The *Smart, Green and Growing* initiative led to the adoption of three key planning bills in the 2009 legislative session.

- Smart Growth Measures and Markers – Allows the State to create "Smart Growth" standards to measure local government's Smart Growth process.
- Planning Visions – Creates several new State planning visions to help guide Comprehensive Planning and growth in Maryland.
- Smart and Sustainable Growth Act of 2009 – A bill addressing the *Terrapin Run* decision implementing a new standard of "consistency" governments must have between their Comprehensive Plans and development decisions. The "Preamble" of the Bill contains important guidance as to the role of the comprehensive plan:

"WHEREAS, Land use planning in the State of Maryland has revolved around comprehensive plans enacted by local governments, following the eight visions established in the Economic Growth, Resource Protection, and Planning Act of 1992; and

"WHEREAS, the decision of the Maryland Court of Appeals in *David Trail, et al. v. Terrapin Run, LLC et al.*, 403 Md. 523 (2008) held that a special exception could be granted even if it did not strictly conform to the comprehensive plan; and

"WHEREAS, while the holding of the *Terrapin Run* decision could be narrow and confined to the granting of special exceptions, the General Assembly is concerned that a broader interpretation of the decision could undermine the importance of making land use decisions that are consistent with the comprehensive plan; and

"WHEREAS, Article 66B, §4.09 of the Annotated Code of Maryland requires a local jurisdiction to implement the provisions of its local comprehensive plan through "the adoption of applicable zoning ordinances and regulations, planned development ordinances and regulations, subdivision ordinances and regulations, and other land use ordinances and regulations that are consistent with the plan;" and

"WHEREAS, citizens invest countless hours in determining the future direction of their jurisdiction through local comprehensive plans; and

"WHEREAS, the people of Maryland are best served if land use decisions are consistent with locally adopted comprehensive plans; and

"WHEREAS, It is the intent of the General Assembly, as evidenced in Article 66B, §§ 1.03(e) and 4.09, that comprehensive plans should be followed as closely as possible while not being elevated to the status of an ordinance and that deviations from the plan should be rare;..."

The new language inserted in the Planning Act included the following: "Except as provided in subsection (d) of this section, when a provision in a statute listed under subsection (b) of this section requires that an action be "consistent with" or have "consistency with" a comprehensive plan, the term shall be defined to mean an action taken that will further, and not be contrary to, the following items in the plan:

- (1) Policies;
- (2) Timing of the implementation of the plan;
- (3) Timing of development;
- (4) Timing of rezoning;
- (5) Development patterns;
- (6) Land uses; and
- (7) Densities or intensities

So, our comprehensive plans can continue as guides to the future to be "followed as closely as possible while not being elevated to the status of an ordinance and that deviations from the plan should be rare."

H. House Bill 409

House Bill 409 signed in 2013 amended the Land Use Article to alter the required review cycle for Comprehensive Plans from every 6 years to every 10 years.

I. House Bill 1290

Repealed Article 66-B in 2012, replacing it with the Land Use Article.

J. House Bill 919

Amended Sections 3-204 and 3-205 of the Land Use Article, Annotated Code of Maryland: The 2015 legislation changed and clarified the authority of a local legislative body for a non-charter county or municipality to adopt, amend, or reject a comprehensive plan submitted by its planning commission:

- (1) Authorizes the legislative body of a non-charter county or municipality to adopt, modify, remand, or disapprove all or part of a comprehensive plan submitted by its planning commission;
- (2) Requires the legislative body to hold a public hearing before adopting or modifying the plan and authorizes the body to hold a public hearing before remanding or disapproving the plan;
- (3) Requires the planning commission to hold a public hearing before submitting a new recommended plan to the legislative body, if the body remanded or disapproved the prior submitted plan;
- (4) Requires the legislative body to approve, modify, remand, or disapprove a submitted plan within 90 days after receipt, otherwise the recommendation of the planning commission shall be considered approved; and
- (5) Provides that the legislative body may extend the 90-day public hearing deadline up to an additional 60 days if there are exigent circumstances preventing the body from acting on the plan within 90 days.

K. Town Response to Planning Requirements

In response to State requirements and the Town's changing circumstances, New Market adopted a Town Master Plan and Land Use Map in 1992. We adopted a new Master Plan in 2005. Since 2005, numerous supplements and addendums have been added to that Plan. These are as follows:

- 2010 Amendment to 2005 Master Plan to add Municipal Growth Element
- 2010 Amendment to 2005 Master Plan to add Water Resource Element
- 2011 Supplement to 2005 Master Plan with two addendums
- 2014 Amendment to 2005 Master Plan to amend the Municipal Growth Element (dated as 2010)

A new Master Plan was begun in 2011 and circulated for State Clearing House review as the "2012 Draft Master Plan."

Completion of that draft was suspended due to court challenges to the Town's Plan. In 2015 the Court of Special Appeals of Maryland expressly determined that the Town's current comprehensive plan is in conformance with the requirements of the Land Use Article. Citation of the decision: *Friends of Frederick County v. Town of New Market* 224 Md. App. 185, (2015)

L. Adoption by Reference

The Town confirms that the 2006 Heart of the Civil War Heritage Area Management Plan and the December 2014 Maryland Historic National Road Corridor Partnership Plan Update, both as may be amended from time to time in the future, shall be incorporated, by reference, into the final Town of New Market Master Plan.



III. TOWN VISIONS, OBJECTIVES AND FUNDAMENTALS

A. The Visions

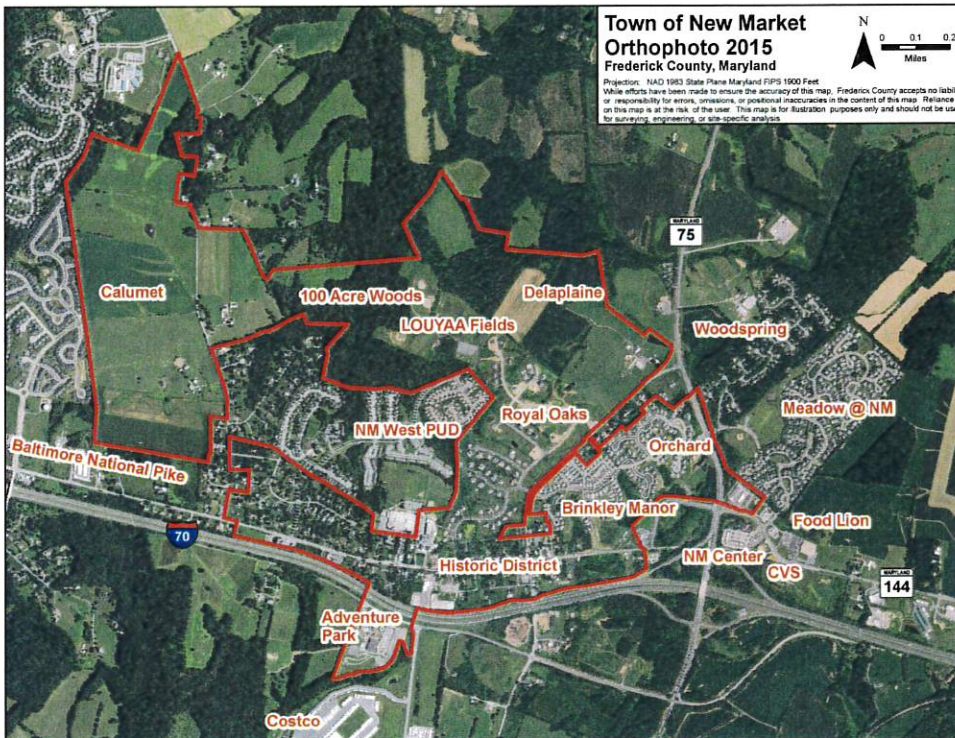
New Market was established as a National Pike Town to service the needs of both travelers and local farmers as stated in *Chapter I, Cultural Heritage and Identity*. When the railroad came through Monrovia, emphasis on the economy shifted and the Town declined until the first antique shop opened in 1936. In 1979, the Town adopted an "antiques only" zoning ordinance for the Historic District. Over the years, the Town slowly became more insular in its business culture and legislative practices. The full effect of this trend became apparent in the 1990's with the revitalization of downtown Frederick and the beginning of national trend towards "online" trading of services and commodities including antiques. In April 2004, the Town amended its zoning ordinance to reestablish uses that were permitted before 1979. In April 2009, the Town entirely rewrote its ordinance to further expand economic uses in the Historic District (Residential Merchant District) as well as strengthen the role of the Historic District Commission with respect to maintaining 19th century lot coverage patterns while applying 21st century zoning regulations.

It is the Town's vision to move forward while preserving its history. It is the Town's desire to be a community where one can live, work, play, shop, dine, and go to school and can walk between these destinations. In earlier days, Town residents lived and worked together in the stores, factories, and farms surrounding the Town. They attended local places of worship, ran fire calls, and belonged to at least one of several civic organizations in Town. Town businesses served the needs of the Town, the surrounding community, the travelers passing through and the tourists coming to visit. The Town envisions being such a cohesive community and serving these same roles in the future. **It will function as the "Capitol" of the New Market Region of the Frederick County.**

In deciding to develop a series of new villages in Town such as – Sponseller's Addition, Brinkley Manor, The Orchard, Royal Oaks, and Calumet - the Town has already invited new residents and business people to share the Town's historic values and cultural heritage. This growth has already paid for itself in terms of new participation on Town boards and committees as well as service to civic organizations and schools. As a result, the Town is home to a nationally recognized Blue Ribbon Elementary School. We are also home to the very active local youth athletic association, LOUYAA and its athletic complex located in the Town's 100-acre Woods Park. Both these assets are important to the ongoing vitality of Town.

Map 4, on the next page, shows the development in Town as it existed in 2015. The photo also shows the considerable commercial and residential development that has been constructed around but outside the Town boundary. Map 5, shows the current County zoning map for this area. It shows large areas of land zoned for additional commercial and residential development around the town. These two (2) maps, along with the County plan shown previously on Map 2, illustrate that the vision of New Market as the "Capitol" of the New Market Region is currently under threat. **The Town is in danger of becoming a small town surrounded by a larger County "Town."**

With this plan, the Town seeks to preserve its ability to expand, diversify its tax base, preserve its role in the region and share in the benefits of development around its current edges. As such, New Market welcomes new businesses and property owners into the Town. New Market also seeks to cooperate with the County on joint agreements that will prevent irreversible land use decisions that will constrain the Town's ability to grow and thrive.



Map 4: 2015 Aerial Photograph of New Market
Source: Frederick County

Traffic is another important aspect of growth around the Town. Traffic volumes and congestion on Main Street has long been an issue for the Town and for travelers from surrounding County areas who funnel through the Town to reach I-70. Therefore, the Town's vision for the future includes new route choices that create a safe, efficient, and attractive transportation system for the Town, County and State.

Future Town and County develop-

ment will require transportation improvements to Town, County and state roads. Proposed land use changes around New Market should be used as a catalyst for regional assessments of transportation needs, cooperative regional solutions, and regional political support.

The Town has four adopted visions that capture the ideals expressed in the narrative above.

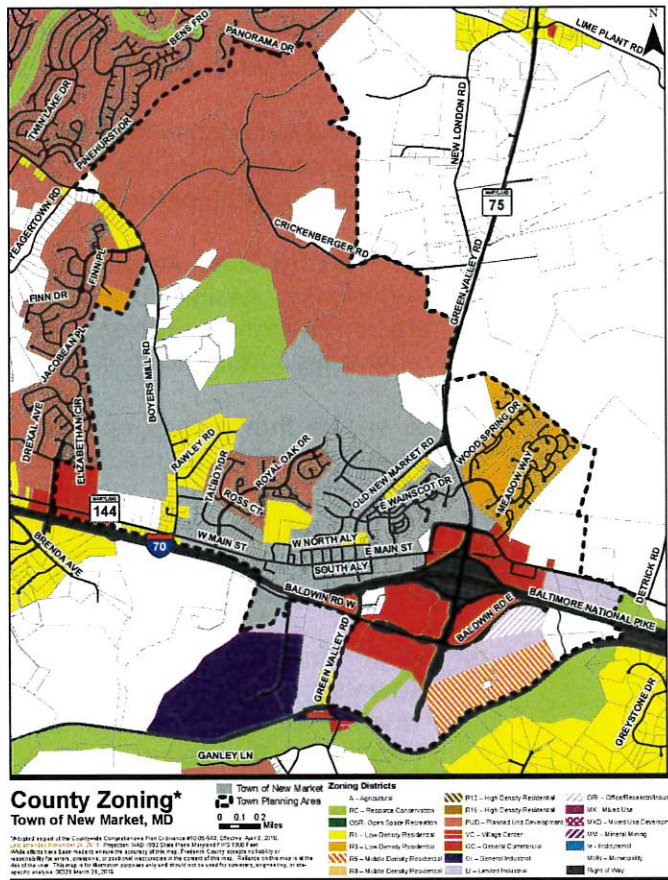
- 1. Careful management and preservation of New Market's character and historic identity is at the heart of its social and economic vitality.**

The highest priority in New Market is the care and protection of its great resource which is the character of the Town itself. New Market is a community of diversity; the Town is a vital, year-round mixed use, working community with a mixture of ages, income levels, architectural styles, commercial activities, and physical environments. The threads binding these diverse elements together are a quieter, slower Town pace, a sense of intimacy produced by its historic buildings, layout, and small scale, and a mix of homes and shops that is the antithesis of modern commercialism and isolated car-oriented suburban development. These qualities are enhanced by certain physical characteristics of the Town's layout such as easy walking distances, houses close to the street, sidewalks, vegetation, key focal points of activity, and an identifiable and Historic Town Center.

- 2. Prudent guidance of its geographic expansion and population growth has extended the characteristics of unity, variety, order, and balance that typify the community.**

New development in and around New Market should be imbued with the "New Market character" and judged with consistent standards of design quality, environmental soundness, and fiscal impact. New Market is very careful when assessing opportunities for expansion and change and its standards are applied to maintain the rural character, environmental soundness, and overall visual quality of the Town; to retain its predominant residential character along with its housing styles, walking scale, and history; and to encourage the pride of its residents and its stability and independence as a community.

3. **Economic development benefits historic preservation.** New Market's Historic District is a balanced mix of residences and local-serving and regional businesses with a distinctive market niche and historic character.



Map 5: County Zoning Map
Source: Frederick County

The most important asset of New Market, its Historic District, is readily identifiable in extent, contains a mix of mutually supporting residences, businesses, and services, and is controlled in architecture, historic quality, and signage. The scale of its buildings is linked to their surroundings and the pedestrian. It is identified as a statewide visitor destination, it is oriented to walkers rather than automobiles and contains a mix of businesses and homes, local and regional operations, and is dominated by locally owned shops and other small businesses. In addition, the Town Plans for complementary commercial and light industrial areas in other parts of Town. New Market seeks to expand and diversify its tax base both within the historic district and elsewhere to ensure its long-term viability so that it may protect both its historic identity and its independence as a community.

4. **The natural amenities and environmental resources of the New Market Region have been protected to be enjoyed by and serve generations to come.**

New Market is a community that takes special pride in the appearance of its urban spaces, the quality and the preservation of its natural environment, the carrying capacity of its natural resources and infrastructure, and the retention of its places of special beauty and interest. Its residents make the time to give attention to the connections between past and present, between the natural and the manmade, and between residents and visitors. This will require a delicate balancing act as the Town strives to minimize the impact of future commuter traffic and the need for a better transportation network that defines the New Market Community Growth Area with the Linganore Community Growth Area as set out in the Countywide Comprehensive Plan adopted in April 2010.

B. The Objectives

The Town's visions are translated into the following three objectives that were adopted by the Town in 2014. They will be expanded upon in later sections herein.

1. **To control our destiny as a Town rather than being driven by piecemeal growth over which the Town has no control. This requires that decisions be made by the Town and not for the Town.**
2. **To establish New Market as a leader in environmental stewardship and community design by paying strict attention to local and regional environmental needs and actively promoting neighborhood design that reflects the rural, village-like characteristics of New Market.**
3. **To ensure that growth not only pays for itself, but that it is also a source of ongoing revenue for the current and future infrastructure needs of the Town.**

A one-sentence summary of New Market's visions and objectives is *a desire to maintain a sustainable balance among New Market's economic, aesthetic, cultural, and historic elements*. This notion is built on several commitments and acknowledgements:

- A commitment to change at a pace and in a manner that preserves the Town's special quality of life, preserves its diversity of citizenry and architecture, and preserves open space and the environment, as well as the Town's historic character. The Town chooses to accept orderly, compact, phased, and compatible growth in its Planning and Annexation Areas as an alternative to the suburban sprawl, automobile-dependent development that has consumed hundreds of thousands of acres of valuable land across our country.
- A commitment to the economic revitalization of the Historic District and to creation of ongoing opportunities for economic development and job creation.
- An acknowledgement of our responsibility to the natural resources within New Market and its logical Annexation Areas and includes measures to protect and improve them.
- A determination to improve the Town's transportation future. This Plan pictures a community that is congestion-free, connected, and with features that will reduce our dependency on the automobile. It provides broad opportunities for walking and biking.
- Finally, it is a firm commitment to protect New Market from the fate that has befallen many other locales in Frederick County – development of vast tracts of uncontrolled, unattractive generic housing that virtually obliterate a small town's character and surrounding open space. The Town is determined that it will not happen here.

C. The Fundamentals

The recommendations and directions contained in this Plan are designed to be flexible and should be periodically reviewed and revised as situations warrant. Implementation of these recommendations should be phased-in over time, based upon community priorities, funding, resources, and market pressures. New Market has taken since 1747 to evolve into the community it is today. Future change will occur at a natural pace and it may be many years before some of the

recommendations contained in this Plan are realized. Certain fundamentals, however, will be observed as today's recommendations are modified and adjusted and development proposals are evaluated. The Fundamentals against which all proposals for change will be measured are:

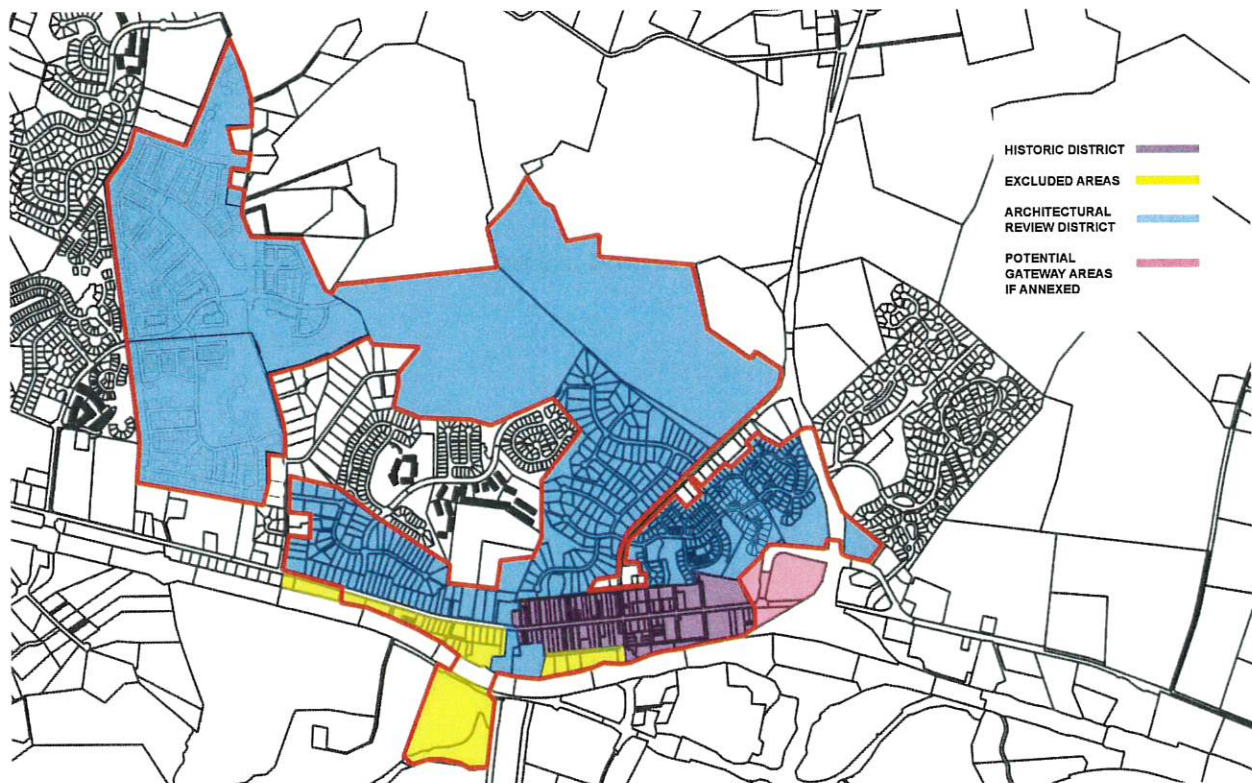
1. **CHANGE MUST FIT:** Traditional, historic National Pike Towns with integrated, multiple layers of land uses will be used as a guide for new development.
2. **CHANGE MUST FIX:** Responsible changes in land use patterns will result in health, safety, and environmental protection and enhancement, especially when streams and their buffers are restored, forested areas are connected, and other sensitive areas are maintained or restored to their natural state.
3. **CHANGE MUST PAY:** Changes in land use patterns must result in benefits and resolve problems. The market value realized through society's decisions to promote development (for example, through zoning, annexation, and infrastructure building) will be directed toward a community vision of an improved quality of life and to offset initial costs and create substantial continuing revenue for the community.
4. **CHANGE MUST SHARE:** Concern for the public interest, broadly defined to include current and future residents in our Town and region, will be an integral consideration in changes to land use patterns.



IV. TOWN PRINCIPLES AND STANDARDS

A. Town Design Oversight

Preservation and cultivation of a small-town, rural identity is a key element of New Market's community character. As future land use changes are carried out, New Market has and will insist on the highest quality of development. To achieve this, the Town has taken several steps. Both a Historic District Commission and an Architectural Review Commission have been established and two overlay zoning districts established to define the areas of responsibility for each. These areas called the Historic District and the Architectural Review District include most of the Town. The map below delineates these areas. Town ordinances require future annexations areas to be included in the Architectural Review Overlay District.



MAP 6: Historic District & Architectural Review District

Source: Town of New Market

B. Town Land Use Principles

The Town's Land Development Ordinance requires Town developments to be consistent with this plan. Consistency includes preservation of overall community character through compliance with a number of land use principles as follows:

- **Compact, high quality residential, employment, and institutional development is desirable:** Current County zoning around the Town would permit low-density residential settlement patterns to occur in the vicinity of New Market. The New Market area has exceptional access and regional mobility possibilities. It is a regionally significant location. A pattern of low-density residential development would represent a lost opportunity for the County that is not in the public interest.

Thoughtful, long-range development, conservation, and infrastructure planning is needed to avoid this.

- **Mixed Uses Are Desirable:** The Town wants to maintain a reasonable mix of residential, institutional, and commercial uses within and near its neighborhoods. It does not want to repeat errors of past decades, in which housing was located far from places to shop and work. The Town shall continually monitor the zoning categories in the Historic District to ease land use and permit administration, to eliminate non-conformities, and to more clearly delimit the range of uses allowed and the desired mix of residences and businesses. This monitoring is necessary to maintain a vibrant and commercially successful Historic District.

The current residential merchant Historic District serving residents and visitors, providing visitor-oriented uses such as antique shops, restaurants, bed and breakfast inns, and the like, will be preserved and enhanced. Specialty commercial uses will be accommodated to allow for new uses complementary to existing development, subject to all development standards and regulations. Businesses offering goods and services consistent with the historic character of the area, its current uses, and its residential base will be encouraged and associated residential use requirements will apply to encourage coexistence in all commercial zones.

Outside the Historic District and predominantly residential areas, land appropriate for commercial, light industrial, and office/research development now exists and annexation studies shall be undertaken to examine bringing these possible employment uses and locations into New Market. Industry must have access to transportation facilities and New Market occupies a key Interstate Highway location. Annexations that result in a regional balance between housing and employment opportunities, reduce potential commute distances, and are consistent with the visions and policies of the New Market Plan will be welcome.

- **Natural Features Should Determine Design:** This means all development should be environmentally sensitive and that the natural character of land to be developed should be maintained. This includes development techniques commonly known as conservation design, and, at the lot level, environmental site design. Streams and wetlands are among the most sensitive features. They must have wide, protective natural buffers, and development must be designed not only to minimize impacts to these features, but also to restore natural functions. Environmentally sensitive development also means creating pedestrian-friendly streets so that people can walk to work, shop, or play.
- **People Friendly Streets Should Determine Residential Design:** The Town does not want garages to be the most prominent feature of streets and houses in Town, nor does it want streets that are overly wide and huge parking lots that create unrelieved seas of asphalt. Our streets will be designed to be shared by all potential users and be pedestrian-friendly so that people can walk to work, shop, or play. Every development must provide significant, usable open space as an integral part of projects and neighborhoods – not afterthoughts. This also means the Town will work to improve existing open space to create green corridors of connected open space.



C. Town Design Standards

The Town prepared and adopted design standards for the Historic District and Architectural Review District. Detailed written and graphic design standards have also been approved by the Town for each of the new subdivisions in the Architectural Review District as a result of the Town's ordinances that require standards for all future annexation areas.

To aid in achieving high quality development and infill in areas not in the new subdivisions, a more detailed written and graphic set of Town Design Standards is recommended for use by the Architectural Review Committee. These standards should be prepared and adopted as part of the Town's Action Plan. The draft Boundary Map for the Architectural Review Overlay District should be reviewed, refined and adopted as well.

In order to ensure future preservation, maintenance and enhancement of the Town's character as a National Pike Town, the New Architectural Review District standards should incorporate relevant elements of the Model Design Guidelines provided in the December 2014 Maryland Historic National Road Corridor Partnership Plan Update, and its accompanying document, the January 2015 Appendix Two: Model Design Guidelines.

V. THE GROWTH OF NEW MARKET

This chapter identifies growth that is consistent with the Town's vision for the future. It reviews and considers factors including population projections, land capacity, land needs and an assessment of infrastructure and sensitive areas. This chapter provides guidance for future town annexations. It has been prepared in consultation with County Plans and as in the past recommends a joint planning agreement with the County in order to ensure coordinated planning and implementation. It addresses the Municipal Growth Element requirements, as well as others.

The recommendations and directions contained in this chapter are designed to be flexible and are intended to be periodically reviewed and revised as situations warrant. Implementation of these recommendations should be phased-in over time, based upon community priorities, funding, resources, and market pressures. New Market has taken since 1793 to evolve into the community it is today. Change will occur at a natural pace. It may be many years before some of the recommendations contained in this Element are realized.

A. Population and Housing: Growth Trends and Patterns to Date

The following tables show that New Market experienced much more modest overall population increase over the 60-year period between 1940 and 2010 as compared to the County area surrounding it. Table 1 below compares the Town's growth to County growth as a whole and to growth in the County Planning Area surrounding the Town. That region was designated as the New Market Region in the 2010 County Comprehensive Plan. To summarize the chart shows a population change between 1940 and 2010 for the Town of 82%, for the region of 997% and for the County of 307%.

Table 1. Census Reported Population Changes

Year	Town of New Market		New Market Region		Frederick County	
	Number	% Change	Number	% Change	Number	% Change
1940	360	22%	2,653	15%	57,312	5%
1950	301	-16%	2,759	4%	62,287	9%
1960	358	19%	3,596	30%	71,930	15%
1970	339	-5%	6,834	90%	84,927	18%
1980	306	-10%	9,857	44%	114,792	35%
1990	328	7%	15,855	49%	150,208	31%
2000	427	30%	29,107	84%	195,277	30%
2010	656	54%	NA	NA	233,385	20%

Source: US 2010 Census data compiled by Frederick County (Note: NA data not available)

Current Town Population: In July of 2014, MDP issued revised population estimates for Maryland municipalities. They estimated the Town's population to be 693 and the percent change from 2010 to 2014 to be 4.4%. Data collected by the Town indicates that this estimate is low. The Town has experienced a growth spurt since 2010. Many new homes have been built. The Town estimates the population to be about 1,338 as of February 2016. This estimate is based on town records of the number of residential units in town as of July 2016 of 471. This estimate uses the Town's 2010 average household size of 2.84 as the average household size. ($471 \times 2.84 = 1,338$) This method was deemed more accurate than a count of visible buildings on the most recent aerial maps as the

New Market Historic District includes numerous mixed use buildings that include one or more residential units. This data is discussed further later in this section and in Table 9.

During review of this plan, MDP commented on the Town's estimate. They advised that other data sources show lower estimates but noted that they may not have full information about recent Town construction activity. They advised that based on the Town's household count of 471 that a 2015 population estimate of 1,250 might be considered after factoring in a reduction for likely vacancies (assumed a rate of 6.5%) and a reduction for smaller non-family households. They assumed 84 non-family households to arrive at 1,250. In their letter to the Town dated March 2017, Frederick County Staff offered an estimate of 1,120 which also reflected a reduction for assumed vacancies.

Past Restraints on Town Growth: In reviewing growth trends for the Town, County and New Market Region as illustrated in Table 1, it is apparent that the New Market Region has grown at rates that are many times that of the Town for a long time. This is evidence of a housing demand pressure gradient that has surrounded the Town but was not experienced by the Town for many years. This growth difference was attributable first, to a lack of residential land ready for development within the Town and then to a lack of water and sewer service to support new home construction in the Town's three active subdivisions once approved. Both the 2000 to 2010 growth spurt reported by the US Census and the Town's estimated growth spurt from 2010 to 2015 reflect growth capacity created by the Town and County agreement regarding water and sewer service that was first signed in 2003. That agreement allocated 500 water and sewer service taps to the Town and its subdivisions in stages. The first utility connections under the agreement were made in 2004. After connections began growth surged until these taps were consumed. Growth again became constrained until July of 2009 when the 3rd Amendment to the WSAA was executed. That next year the Town gained 47 new homes in one year. The most recent WSAA amendment signed in 2012 again removes constraints as it grants the Town a total of 681 water and sewer taps and makes provisions for added taps as the Town grows.

Other Population Trends & Patterns: For planning purposes, other population trends and patterns in the Town and surrounding area need to be considered as well. These include the relative ages of residents, the composition and types of households, and the average size of households in the Town as compared to its surroundings. These patterns are noted in Tables 2 through 6.

Table 2 reports on the gender and age characteristics of the Town's population. It shows that the population of New Market is slightly younger than the County and State population, has a slightly larger "middle-aged" population, and a significantly smaller elderly population. The prime working ages of 30 to 54 are more heavily represented in New Market than in the rest of the State.

Tables 3, 4 and 5 report on household characteristics in New Market including factors such as marital status and household size, they also report on households by relationship and type. These factors help to determine what types of services the community may require, and the type of housing likely to be in demand. According to Frederick County Planning Department sources, trends in the area concerning marital status are in line with those seen nationally, where separations and divorces have been on the increase while fewer marriages are taking place. This is resulting in a long-term trend towards increasingly smaller households. The trend towards smaller household sizes is shown in Table 3. More single individuals and smaller families generally indicate the potential for an increased demand for smaller housing units. National sociological trends, such as increases in the number of single parents and families where both parents work, are reflected by changes in the type of housing people look for and in the demand for availability of public services such as day care.

Table 2. Gender and Age Characteristics

	Town of New Market		Frederick County		State of Maryland	
	Number	Percent	Number	Percent	Number	Percent
Total Population	656	100	233,385	100	5,773,552	100
Under 5 years	52	7.9	14,862	6.4	364,488	6.3
5-9 years	64	9.8	16,303	7.0	366,868	6.4
10-15 years	45	6.9	17,234	7.4	379,029	6.6
15-19 years	48	7.3	16,756	7.2	406,241	7.0
20-24 years	29	4.4	13,237	5.7	393,698	6.8
25-29 years	23	3.5	13,617	5.8	393,548	6.8
30-34 years	48	7.3	13,715	5.9	368,494	6.4
35-39 years	68	10.4	16,065	6.9	377,409	6.5
40-44 years	63	9.6	18,974	8.1	418,163	7.2
45-49 years	56	8.5	20,839	8.9	461,585	8.0
50-54 years	51	7.8	18,496	7.9	440,619	7.6
55-59 years	34	5.2	15,086	6.5	377,989	6.5
60-64 years	26	4.0	12,367	5.3	317,779	5.5
65-69 years	17	2.6	8,373	3.6	226,596	3.9
70-74 years	14	2.1	5,687	2.4	159,761	2.8
75-79 years	5	0.8	4,462	1.9	124,579	2.2
80-84 years	10	1.5	3,635	1.6	98,580	1.7
85+ years	3	0.5	3,757	1.6	98,129	1.7
Median Age	38.0		38.6		38.0	
Male	36.0		37.6		36.4	
Female	39.4		39.4		39.3	

Source: US 2010 Census

Table 3. Household Size

Year	Maryland	Frederick County
1950	3.56	3.6
1960	3.48	3.44
1980	2.82	2.97
1990	2.67	2.78
2000	2.61	2.72
2010	2.61	2.72
2030 projection	2.47	2.65

Source: US 2010 Census, Maryland Department of Planning, February 2009

Table 4. Households by Relationship

	Households by Relationship					
	New Market		Frederick County		State of Maryland	
	Number	Percent	Number	Percent	Number	Percent
Total Population	656	100	233,385	100	5,773,552	100
In Households	656	100	229,203	98.2	5,635,177	97.6
Householders	231	35.2	84,800	36.3	2,156,411	37.3
Spouse	151	23.0	49,048	21.0	1,026,739	17.8
Child	226	34.5	71,169	30.5	1,659,071	28.7
Other Relatives	18	2.7	12,502	5.4	425,161	7.4
Non-relatives	30	4.6	11,684	5.0	367,795	6.4
Unmarried Partner	21	3.2	5,150	2.2	137,828	2.4

Table 5 shows that the 2010 average household size in the Town is 2.84 people per household. For comparison, Table 3 reports the County's 2010 average is 2.65.

Table 5 Households by Type

	Households by Type					
	New Market		Frederick County		State of Maryland	
	Number	Percent	Number	Percent	Number	Percent
Total Population	231	100	84,800	100	2,156,411	100
Family Households	187	81.0	61,198	72.2	1,447,002	67.1
Non-family Households	44	19.0	23,602	27.8	709,409	32.9
Householder Living Alone	34	14.7	18,625	22.0	563,003	26.1
Total Male	13	5.6	8,043	9.5	234,157	10.9
Male 65+	1	0.4	1,797	2.1	53,018	2.5
Total Female	21	9.1	10,582	12.5	328,846	15.2
Female 65+	8	3.5	4,813	5.7	135,362	6.3
Households with Individuals Under 18	116	50.2	31,898	37.6	738,706	34.3
Households with Individuals 65+	35	15.2	18,572	21.9	516,358	23.9
Average Household Size	2.84		2.70		2.61	
Average Family Size	3.11		3.17		3.15	

Table 6, on the next page, reports on the number of housing units in the Town. It compares the Town's vacancy rates with the County and other towns in the County.

Table 6 Change in Housing Units in Frederick's Incorporated Areas, 2010 and 2000

Total Population	Census: April 1, 2010				Census: April 1, 2000				Change: 2010-2000			
	Total Units	Occupied Units	Vacant Units	Vacancy Rate	Total Units	Occupied Units	Vacant Units	Vacancy Rate	Total Units	Occupied Units	Vacant Units	Vacancy Rate
Frederick	90,136	84,800	5,336	5.9%	73,017	70,060	2,957	4.0%	+17,119	+14,740	+2,379	+1.9
Total Municipal Housing Units	39,881	36,991	2,890	7.2%	32,035	30,482	1,553	4.8%	+7,846	+6,509	+1,137	+2.4
Percent of County	44.2%	43.6%	54.2%		43.9%	43.5%	52.5%		45.8%	44.2%	56.2%	
New Market	247	231	16	6.5%	170	159	11	6.5%	+77	+72	+5	0.0%
Brunswick	2,330	2,155	175	7.5%	1,957	1,866	91	4.6%	+373	+289	+84	2.9%
Burkittsville	74	69	5	6.8%	76	72	4	5.3%	-2	-3	+1	1.5%
Emmitsburg	1,070	997	73	6.8%	862	811	51	5.9%	+208	+186	+22	0.9%
Frederick	27,559	25,352	2,207	8.0%	22,106	20,891	1,215	5.5%	+5,453	+4,461	+992	2.5%
Middletown	1,569	1,484	85	5.4%	981	960	21	2.1%	+588	+524	+64	3.5%
Mount Airy	1,214	1,187	27	2.2%	1,046	1,038	8	0.80%	+168	+149	+19	1.5%
Myersville	553	531	22	4.0%	450	439	11	2.4%	+103	+92	+11	1.5%
Rosemont	118	114	4	3.4%	106	104	2	1.9%	+12	10	+2	1.5%
Thurmont	2,498	2,354	144	5.8%	2,193	2,119	74	3.4%	+305	+235	+70	2.4%
Walkersville	2,206	2,094	112	5.1%	1,793	1,750	43	2.4%	+413	+344	+69	2.7%
Woodsboro	443	423	20	4.5%	295	273	22	7.5%	+148	+150	+2	-2.9%
Balance of Frederick County	50,255	47,809	2,446	4.9%	40,982	39,578	1,404	3.4%	+9,273	+8,231	+1,042	1.4%
Percent of County	55.8%	56.4%	45.8%		56.1%	56.5%	47.5%		54.2%	55.8%	43.8%	

Table 7 shows that the Town has a higher percentage of owner occupied housing units than either the County or the State.

Table 7. Housing Occupancy, Tenure and Size

Occupancy	New Market		Frederick County		State of Maryland	
	Number	Percent	Number	Percent	Number	Percent
Total Housing Units	247	100.0	90,136	100.0	2,378,814	100.0
Occupied	231	93.5	84,800	94	2,156,411	90.7
Vacant	16	6.5	5,336	5.9	222,403	9.3
For Rent	3	1.2	1,485	1.6	61,874	2.6
Rented, but not occupied	0	0	152	0.2	3,742	0.2
For Sale only	3	1.2	1,204	1.3	32,883	1.4
Sold, not occupied	1	0.4	302	0.3	6,586	0.3
For seasonal, recreation or occasional use	1	0.4	488	0.5	55,786	2.3
All other Vacancies	8	3.2	1,705	1.9	61,532	2.6
Homeowner Vacancy Rate	1.5%		1.8%		2.2%	
Rental Vacancy Rate	1.8%		6.7%		8.1%	
Tenure						
Total Occupied Units	231	100.0	84,800	100.0	2,156,411	100.0
Owner-Occupied Units	197	85.3	64,315	75.8	1,455,775	67.5
Renter-Occupied Units	34	14.7	20,485	24.2	700,636	32.5
Population in Owner-Occupied Units	573	87.3	179,943	77.1	3,940,520	68.3
Population in Renter-Occupied Units	83	12.7	49,260	21.1	1,694,657	29.4
Average Household Size						
Owner-Occupied Units	2.91			2.80	2.71	
Renter-Occupied Units	2.44			2.40	2.42	

B. Population and Housing Growth Projections

Table 8 reports the County's most recently available population growth projection for the Town, region and County. These numbers were prepared for the County's 2010 Comprehensive Plan. These numbers pre-date the New Market's recent growth spurt and recent annexations.

Table 8. County's 2010 Reported & Projected* Population Changes

Year	Town of New Market		New Market Region		Frederick County	
	Number	% Change	Number	% Change	Number	% Change
2008	465	9%	34,160	17%	228,100	17%
2030*	1,444	211%	41,785	22%	323,700*	42%

Source: Maryland Planning Department of Planning 2008 and Frederick County Comprehensive Plan 2010.
 *Note: as of July 2014, the MDP Projection for the County's 2030 population had been reduced to 304,050.

Table 9 states the Town's population and housing unit projections for the 20-year period covered by this Plan. The chart was prepared in February 2016. The table estimates that by the year 2035, the Town will have a population of 4,505. The projection assumes timely water and sewer availability, construction of a variety of housing types and an overall reduction of the average household size in Town by the year 2035. These Town population numbers represent the addition of 1,229 new homes. The math used to arrive at the population number is as follows: 471 existing units + 1,229 new units = 1,700 units times 2.65 people per unit = 4,505 people.

In order to correlate this Plan with the County's current projection year of 2030 shown in Table 8, the Town also projects population for the year 2030. In that year, the Town projects a population of 3,713. This projection represents a town residential unit count of 1,401 and assumes the construction of 930 new units. This projection represents a slightly slower growth rate than was stated in the Town's Growth Element adopted in 2014. The 2014 projection estimated a population of 3,894 by 2030.

The Town acknowledges that state planning staff has advised that the Town's estimate may be high. They advised that given other factors including trends in residential subdivision activity elsewhere in the County and in nearby competing communities as well as issues related County allocation of available water and sewer capacity, that the Town's share of area growth may be less than anticipated. They advised that a population of up to 3,100 people by the year 2035 might be more likely.

For context, the growth projected in Table 8 for the overall New Market Region during the next twenty (20) years represents 7,625 units added at an average of 347 new units each year. The Town's projection of 62 units per year would represent 18% of that growth.

Table 9. Town Population and Housing Unit Projections

	Past US Census Data			New Market Estimate				20 Year Projection
	1990	2000	2010	2015	2020	2025	2030	2035
Total Housing Units								
Housing Units		170	247	471	701	1051	1401	1700
Rate of Growth		30%	36%	91%	49%	50%	33%	21%
Average # of Units per Year			8	45	46	70	70	60
Total Population								
Town Population*	328	427	656	1338	1858	2758	3713	4505
Rate of Growth	7%	30%	36%	91%	49%	50%	33%	21%

* Current estimate based on average house hold size of 2.84. Projections are based on average house hold size of 2.65

The Town's ability to absorb new units has been demonstrated by the construction activity over the past five years in the Royal Oaks, Brinkley Manor and the Orchard Subdivisions. In 2014, 46 new

homes were built in Town. The rate of growth began to slow in 2015 as both the Brinkley Manor and the Orchard Subdivisions neared completion.

Other factors considered in the Town's projection include:

- Government regulations, such as the County's Adequate Public Facilities Ordinance (APFO), which plays a role in redirecting New Market area growth into the Town.
- Quality of life and lifestyle choices such as people choosing to live in an historic small town and young families are choosing to be near excellent schools and sports and recreation opportunities.
- Employment opportunities in the region and the Town.
- Availability of suitable housing types.
- Transportation improvements and access.
- Implementation of Joint Planning with the County.
- Timely availability of public water and sewer service.
- Timely annexations in the future.

The Town's projection represents a reallocation of the overall projection and capacity the surrounding area and an adjustment to the ongoing housing demand pressure gradient that has been occurring around the Town since the 1960's. As such it represents a shift in location for projected growth within the County rather than additional growth. The shift is consistent with State Smart Growth principles and addresses the concerns expressed in the State's recent Plan Maryland document -- "PlanMaryland will not immediately resolve issues like adequate public facilities ordinances that discourage growth in suitable areas..." (*PlanMaryland*, April 28, 2011 draft, at page 1-5)

The Town projection represents a joint planning opportunity that has been anticipated by both the Town and the County for several years in their respective Master Plan and Comprehensive Plans. The Town and County can use their respective growth staging mechanisms such as inter-jurisdictional agreements, DRRA's and Water and Sewer service expansions to help drive growth into the Town as outlined in the 2014 MGE Supplement to the Town's 2005 Master Pan and this 2016 Master Plan.

The 2010 Frederick County Comprehensive Plan adopted in April 2010, and the County's associated Residential Needs and Development Capacity Analysis dated June 2010, indicates that the adopted County Plan did not provide sufficient supply of land to meet projected demand by 2030. Specifically, it fell 4,350 units short of anticipated need. The plan anticipated that Future Growth Areas would make up 3,900 units of the shortfall. Future Growth Areas were defined in Development Capacity Analysis as land that "would be appropriate for development but in a time frame generally beyond 20 years." Thus, these units, by definition, fell outside the 2030 horizon year.

The Town notes that subsequent Amendments to the County Plan since 2010 have included the restoration to Plan of two large PUDs on the northern border of New Market. The units planned for there appear to have reduced the anticipated short fall but have not eliminated it.

C. Growth Capacity within the Town Boundary

Growth capacity analysis, is an estimate of the total amount of development that may be built in an area under a certain set of assumptions, including applicable land-use laws, policies (e.g., zoning and environmental constraints). The Town has considered both its capacity for new

residential development and its capacity for commercial and employment growth, in order to adequately plan for future growth.

1. Residential Growth Capacity within the Town Boundary

The Town, the County and the State have each assessed New Market's capacity to accommodate new residential growth within its boundaries. The County and State studies are older and are provided in Appendix B. These two assessments were based on the Town's 2005 Master Plan and boundary and vary somewhat in their timing and methodology. For example, the State assessed capacity based on Town zoning and the County made their assessment based on land use categories. Both assessments focused on the estimating the number of units yet to be built in the Town's three in-progress subdivisions as the Town contained no other vacant land designated for residential use at that time. The State also assessed the potential for additional residential units occurring as infill on vacant land and/or conversion of structures on infill areas such as the Town's mixed residential zones. It estimated that an added 26 units might occur by these means. In total the State estimated a capacity for 365 more homes and the County estimated a capacity of 308 within the town boundary existing at that time.

Since the completion of the State and County assessments Town build-out has continued on the 334 lots within the approved 3 subdivisions. The Town annexed both the Smith Kline property (Calumet) and the Delaplaine property. The land use and zoning designation for Smith Kline property is now Planned Residential Development. It has been approved for a total of 925 residential units. The Delaplaine property has been granted land use and zoning designation of Economic Development Flex. No development plans for the property have been filed or approved. No development is anticipated within 2030 timeframe of this plan. Other land use designations and zones in Town have remained the same.

Based on these changes the Town's assessment of capacity as of July 2105 is for a total of 1,008 new residential units within the current town boundary. This number includes the following:

- 57 - Remaining residential units in the Royal Oaks Subdivision
- 925 - Residential units approved in the Calumet Master Plan
- 26 - Possible infill and conversion units in mixed residential and commercial areas of Town

Table 9 anticipates the need for about 1,229 new units to achieve the projected 2035 population assuming the Town's average household size remains at 2.65. The in-Town capacity above leaves a short fall of approximately 221 units. Assuming a minimum density of 3 units per acre an area of about 74 acres is needed to accommodate the added additional 221 units. This need varies depending on factors including the actual household size, the actual density and whether the units are built in a mixed use setting rather than an entirely residential development.

2. Employment Growth Capacity within the Town Boundary

Increased tax base and added opportunities for in-town employment is vitally important to the Town's long range vision and Master Plan. The Town vision for New Market is to include a balanced mix of places to live, work, play, shop, dine, and go to school that is consistent with its heritage and role in the region. Recent growth within the town has been largely residential and the balance needs to be restored. The Town needs tax generating revenues to meet its future fiscal responsibilities. Currently the Town has limited capacity for commercial and employment growth within its boundaries. While neither the County nor the State's growth models provided an assessment of the Town's growth capacity for business and employment, the County did report that the Town had 8 acres of undeveloped commercial or employment land. These areas have

already been built and approved for the nearly occupied New Market Commons building and the planned Marley Gate mixed use building. While the County study did not note it, the Town has the ability and desire to attract and accommodate infill, conversion and expansion of retail uses and service activities along Main Street.

While the recent annexation and zoning of the Delaplaine property as an Economic Development Flex site can be expected to increase employment capacity in the long term, its development potential appears to lie beyond the planning horizon of this Master Plan. The Town therefore needs to annex additional properties in the near term to achieve their vision and goals.

D. Growth Capacity Beyond the Existing 2016 Town Boundary

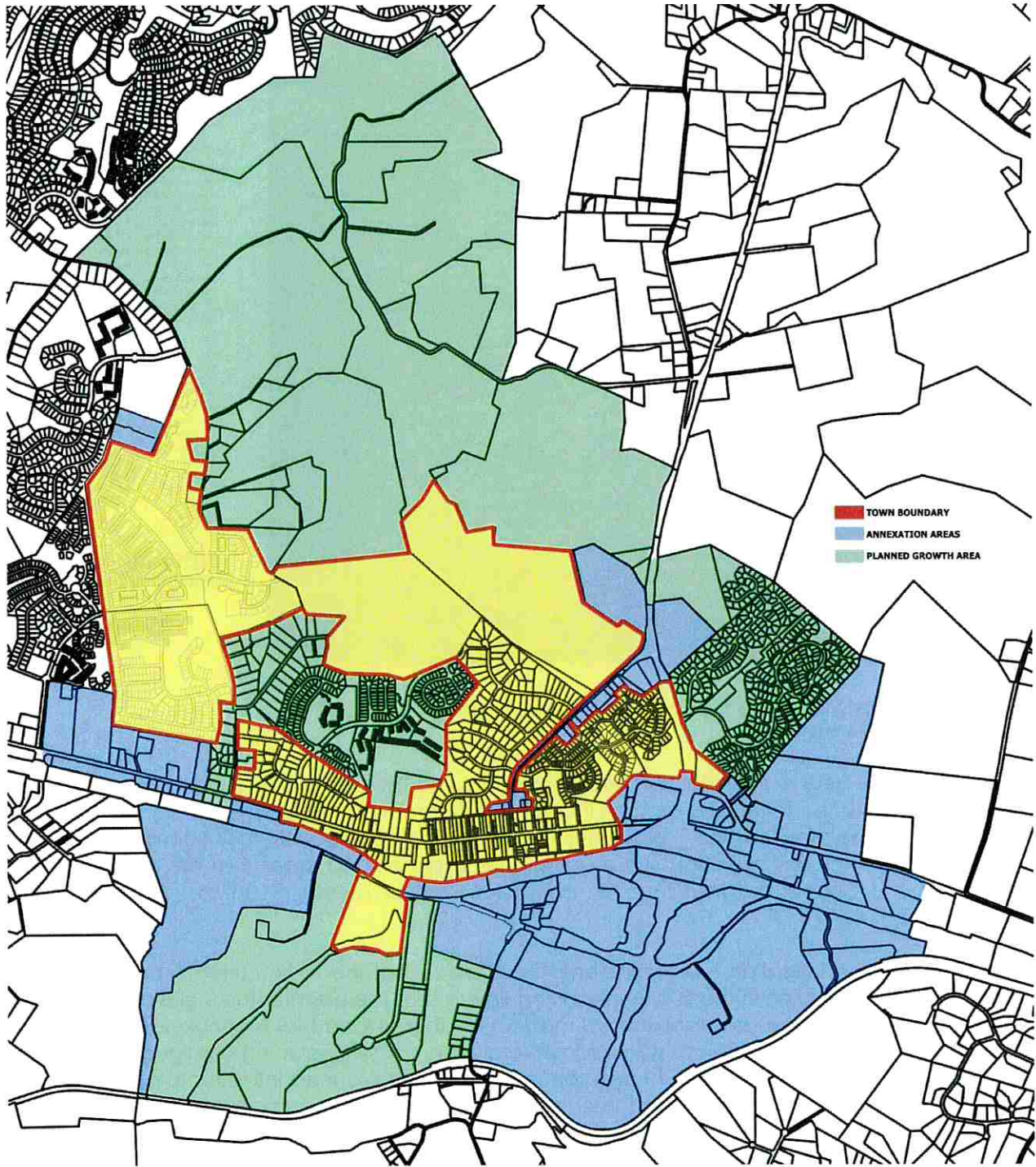
All land is valuable, but its real estate market value is realized in large part only through public decisions. The value created through the Town's and the County's proactive planning, zoning, and infrastructure authority can be translated into measurable improvements to the health, safety, and welfare of area residents. The opportunity is to conserve and efficiently use public funds by concentrating development in areas where public infrastructure and services may be most efficiently provided.

The Town's plan for growth and their assessment of growth capacity beyond the Town Boundary reflects New Market's location and regional accessibility at the interchange to I-70 and MD-75. Both the Town and the County acknowledge that this location provides an opportunity to meet the needs of the larger community and region.

The 2010 Frederick County Comprehensive Plan has identified large areas around the Town and the I-70 interchange as appropriate for growth of regional significance. The Plan states that this area constitutes *"the majority of employment designated lands in the entire New Market Region."* *The Town embraces this opportunity while continuing its commitment to accommodating growth in a manner consistent with its vision for a distinctive identity."*

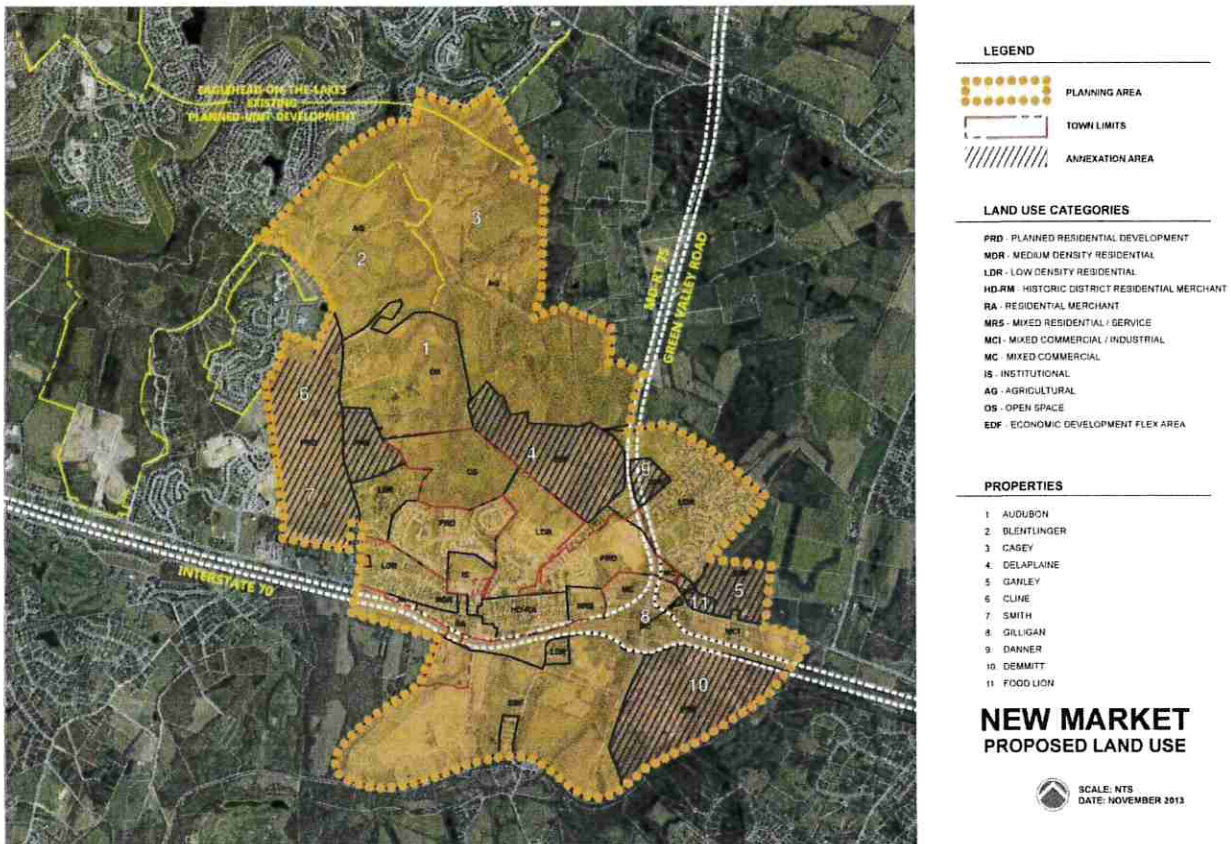
The 2010 Frederick County Comprehensive Plan has delineated a 1,077-acre New Market Community Growth Area around the Town and designated it for growth regardless of annexations. The relevant section of the 2010 Frederick County Comprehensive Plan addressing County Plans for the New Market Planning Region and the New Market Community Growth Area is attached in its entirety in Appendix C. In order to embrace the significant opportunities already planned for by the County in 2010 the Town incorporates significant portions of this Community Growth Area as logical additions to Town.

Map 7 below represents the updated 2016 New Market Planning Area. A smaller area on the map represents a logical New Market Annexation Area. On the map the current Town Area is colored yellow, the Town Planning Area is colored green and the Annexation Area is colored blue. Map 8 shows the New Market New Market Planning Area and Annexation Area that was adopted in 2014.



Map 7: Planning and Annexation Areas 2016
Source: Town of New Market

los



Map 8: Previously Adopted New Market Proposed Land Use Plan 2014
Source: Town of New Market

In updating the New Market Planning Area boundary, the Town considered existing and planned land uses in both the Town and County. It considered community patterns, existing and planned infrastructure, natural features, and other factors to logically define the Planning Area. The Planning Area includes both areas that are logical to annex and areas that are anticipated to remain in the County but that function or will function as a part of an overall New Market community.

The highlighted Annexation Area represents those areas that the Town currently considers most practical for annexation in the 20-year planning timeframe. The basis for the inclusion in this area assumes that water and sewer service will be made available to land that is annexed into the Town for development. It takes into consideration several other factors including contiguousness to the Town boundary, property owner interest, other existing and planned infrastructure, and natural features. The Annexation Area is not intended to represent a town annexation limit. The Town recognizes that land owner interests and other factors that favor annexation may change within the 15-20 years planning timeframe and that the Town needs to be flexible in order to achieve its vision for the future. As such the Town's 20-year residential growth projection estimates are not intended to represent a development cap. In updating the New Market Annexation Area, the Town recognizes that annexation is uncertain and typically occurs before development. For purposes of planning and projecting growth capacity the town estimates that about 500 developable acres and 130 undevelopable acres might be annexed in the next 20 years.

While there are some existing homes and businesses within the identified Annexation Areas, much of it is currently used for agriculture or is vacant. The Town's land use designations for these areas are reviewed in Chapter XI and on Map 11 later in this chapter. With the exception of one 90-acre

parcel located at the east end of the Planning Area, all of the Annexation areas are designated for mixed use, employment and or business oriented uses rather than residential use. In addition, the undevelopable areas that are identified to be annexed are designated to remain agricultural.

The physical build-out capacity for residential units as one use element within mixed use areas is difficult to define. It depends on decisions made at annexation and development approvals. For planning purposes the Town estimates that the 500 acres of developable Annexation Area could have a full build-out capacity of 600 new residential units. The Town does not attempt to define the build-out capacity for the remaining Planning Area. These numbers are assumed to already be in County projections.

In preparing this estimate of residential build-out capacity, the Town reviewed the County's 2010 Comprehensive Plan's Table listed as 10-29 that identifies the growth capacity for the areas outside the Town. That table estimated a capacity for 237 new residential units on the 90 acres north of the Ganley Site and west of the existing Meadows Subdivision. It did not quantify the number of residential units that might be developed on the Demmitt Site although it noted that it could become a MXD Floating Zoned site in the future.

The Town's 600-unit estimate is based on the following assumptions for planning purposes: 90 residential acres at a minimum average density of 3.0 dwelling units for gross acre = 270 units. Approximately 94 acres of the EDF/mixed use designated areas at minimum average density of 3.5 dwelling units for gross acre = 330 units.

Also, not included in the County's 2010 projections, are the more recently approved Casey and Blentlinger PUD Master Plans. These two large holdings sit on the Town's northern boundary and are within the Town's current Planning Area. They had been removed from the County growth area at the time of the 2010 projections. Since then they have been added back in and approved for a total of 1,692 new residential units. The timeframe for development for these units is not known.

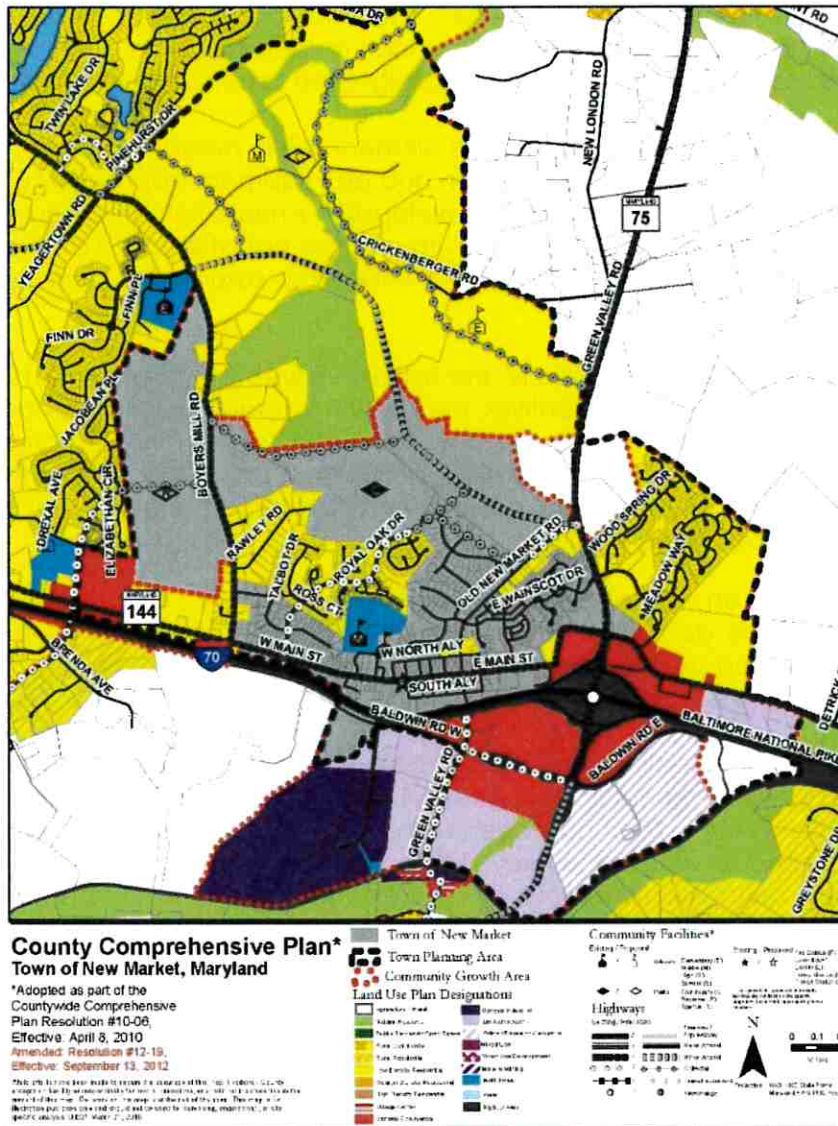
The approved Casey Master Plan also includes 10 acres of commercial uses facing MD-75. Map 9 shows the County's 2010 Comprehensive Plan graphic plan as amended in September 2012. It shows the restoration of the Casey and Blentlinger property to the Community Growth Area.

The County is currently updating its Comprehensive Plan. This update may include changes to the zoning designations for the Casey and Blentlinger properties. Regardless of these possible changes, the Town will include these properties in the New Market Planning Area for coordination purposes. However, the Town has no current plans to annex these properties.

Based on the Town's proposed land use designations for the Annexation Areas shown previously in Map 7, the Town estimates the Annexation Area to have a theoretical full build-out capacity for 1.2M sf of commercial and employment uses. Full build-out out of these amounts is not anticipated in the next twenty (20) years based on current market trends in the County. The math for this capacity estimate is as follows. *Commercial and employment uses are assumed to develop at a minimum average Intensity of 3,500 sf per gross acre. 343 acres developed for commercial and employment uses = 1,200,000 sf of built space. The estimate assumes annexation could include both new and existing built space.*

As noted previously the Town projections represent a reallocation of growth amounts already anticipated to occur by the County in the 1,077-acre New Market Community Growth Area regardless of annexation decisions.





The County's 2010 Comprehensive Plan's Table 10-29 did not project build-out capacity for commercial and employment uses in the New Market Growth Area. It did estimate that there will be 541 acres of undeveloped land designated for commercial and employment development. Using the Town's methodology described above the Town estimates, this 541-acre area could yield about 1.9 million square feet of new commercial and employment space over time. The math for this is 541 acres at an average intensity of 3,500 built sf per gross acre = 1,893,500 sf. of built space. Actual build-out of this amount of space will likely take longer than 20 years. The pace of growth depends on market demand, the economy, owner decisions and County approvals. The Town assumes this number includes the existing Costco Warehouse.

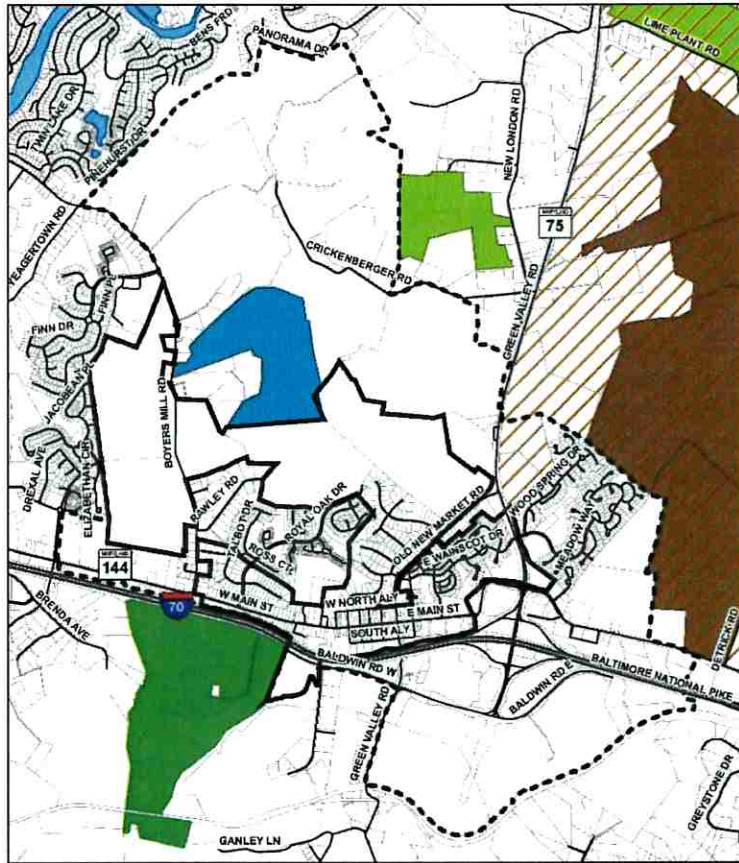
E. Growth Coordination and Changes Beyond Existing 2016 Town Boundary

The County's 2010 Comprehensive Plan as amended in September 2012 delineates both a New Market Community Growth Area around the Town and a separate Linganore Community Growth Area that abuts the western edge of Town. The 2012 plan amendment restored the Casey and Blentlinger properties to the plan expanded both Community Growth Areas. With these changes plans is now in place for the eventual development of much of the rural setting around New Market plans. Map 10 shows the existing agricultural preservation areas around New Market.

The County's 2010 Comprehensive Plan as amended in September 2012 reflects a future in which the Linganore Growth Area and the Town of New Market directly abut. Some separation between the two communities will remain. This buffer will include: the 140 Acre Fredrick Archibald Audubon Sanctuary, the Town's 100 Acre Woods Park and various open spaces planned to be preserved along the southern edges of the two County approved PUDs.

The Town asks that the County's next County Plan, now underway, include alterations to their New Market and Linganore Community Growth Area boundaries along with other plan adjustments

and policy statements that supports both the Town Planning Area and Town Annexation Area and is consistent with the Town's new Master Plan.



Agricultural Preservation
Town of New Market, Maryland

MAP 10: AGRICULTURAL PRESERVATION IN COUNTY AREAS AROUND NEW MARKET
Source: Town of New Market

Map 10: Agricultural Preservation In County Areas Around New Market

Source: Town of New Market

The Current Town Planning Area includes an area not yet in the County's Growth boundary. This is a cluster of parcels at the intersection of Old New Market Road and MD-75. It represents a small enclave of agricultural zoned land. The area is almost entirely surrounded by existing and planned Town and County development that is served by or planned for water and sewer service. The Old New Market Road and MD-75 intersection will be the termination of the future New Market Parkway, and MD-75 is planned for widening. The Town anticipates that agricultural uses will become increasingly difficult in this area and plans for their potential development as a part of the Town.

Most of the new additions to the Town's Planning Area and its Annexation Area are already in the County's Growth boundary. There is one exception. That is an area not planned for growth by the Town. The New Market Plains Farm and Winery located south of I-70 is protected from development with a permanent easement. It was a part of the original estate of New Market's founder Nicholas Hall. His estate known as New Market Plains was part

of the original nucleolus of Town. Both the site's history and its uses represent a complement to the Town's heritage and vision for the future. The Town plan calls for this property to be added to the Planning Area and annexed but to remain Agriculture. For continuity to the agriculturally zoned parcel between the New Market Plains Farm and Winery and Adventure Park is added to the Planning Area. It is also planned to stay Agriculture and is protected by a permanent easement.

Other changes to the Town's previously adopted Planning Area Boundary include:

1. Addition of the parcels along Old National Pike (MD-144) extending out to the intersection with Mussetter Road to the southwest of Calumet.
2. Addition of the County Planned Residential Growth Area east of Meadows Subdivision and north of the Ganley property.
3. Addition of the New Market Plains Farm and Winery and intervening farm.
4. Addition of two parcels north of Calumet based on an expression of interest.

VB

Changes to the Town's previously adopted Annexation Areas (shown on the 2014 Proposed Land Use Map 8) include:

1. Addition of the cluster of parcels at the east of Main Street (MD-144 Old National Pike) and west of MD-75.
2. Addition of the remaining parcels in the cluster commercial and industrial zoned parcels in the New Market Community Growth Area located along MD-144/Old National Pike to the east of MD-75.
3. Addition of the parcels at the west of Main Street and south of Calumet along MD-144/Old National Pike extending out to the intersection with Mussetter Road. In order to prevent creation of a jurisdictional enclave, a small gap will need to be retained somewhere along the corridor. The location of this can be determined at the time of annexation.
4. Addition of the remaining parcels located south of Town and I-70 that are in the 2010 New Market Community Growth Area, with the exception of the Inter-Coastal Industrial Center property which was removed from annexation consideration at the land owner's request.
5. Addition of the New Market Plains Farm and Winery.
6. Addition of the County Planned Residential Growth Area east of Meadows Subdivision and north of the Ganley property.
7. Addition of two parcels north of Calumet based on an expression of interest.
8. Removal from the Annexation Area of the now annexed Calumet and Delaplane properties.

The Town sent letters to owners of land identified as possible annexations and received numerous expressions of interest both from owners of existing businesses and from owners of vacant sites.

In reviewing and updating the Town Planning Area Boundary Line, the Town has retained certain properties not identified for possible annexation in order to promote and ensure coordinated planning around the Town. The Town acknowledges that the property owners of these sites such as the Blentlinger and Casey PUDs and the Inter-Coastal Industrial Center have not expressed interest in annexing into the Town.

F. Land Use Plan Changes

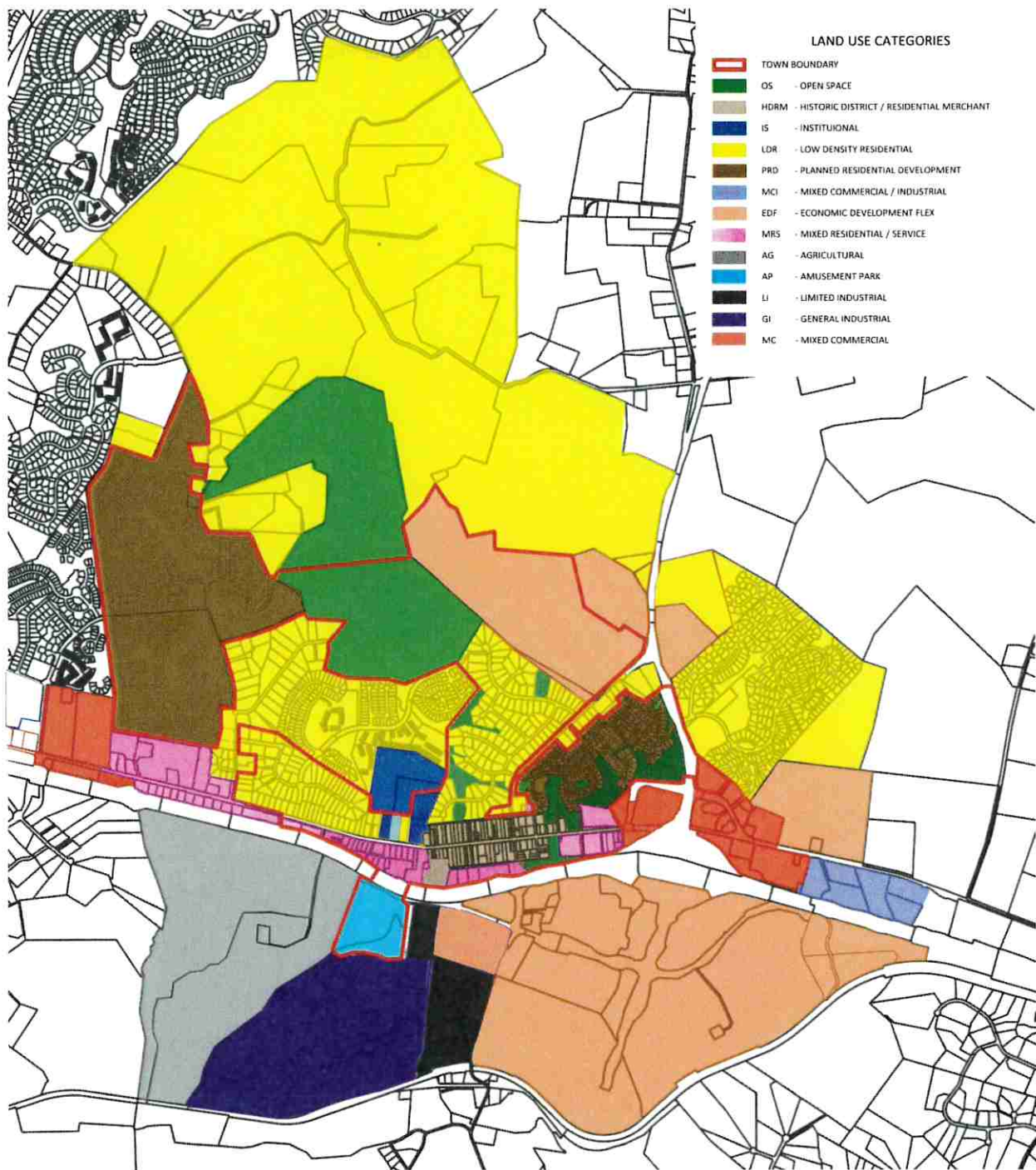
The current Planned Land Use Plan (last amended in 2014) as shown on Map 8 previously, includes land use designations within the Town and the Planning Area. The revised Planned Land Use Map (Map 11) is shown on the next page.

The Town land use categories are defined in Chapter XI, The Land Use Plan. Category and Map changes reflected on the Planned Land Use Map (Map 11) as compared to the adopted plan (Map 8), include:

1. Addition of an AP Amusement Park land use category and application to the Adventure Park Site annexed in 2006.
2. Application of the AG (Agriculture) category to the New Market Plains Farm and Winery site and abutting parcel consistent with the County's current land use designation.
3. Application/extension of the current Town Land Use Area designated as MRS Mixed Residential Merchant Service, further west along Old National Pike out to the County designated commercial cluster at the intersection of Old National Pike and Mussetter Rd.
4. Application of MC Mixed Commercial to the County designated commercial cluster at the intersection of Old National Pike and Mussetter Rd.
5. Application of MC Mixed Commercial to the added Planning Area parcel clusters along MD-144/Old National Pike both to the east and west of Main Street.

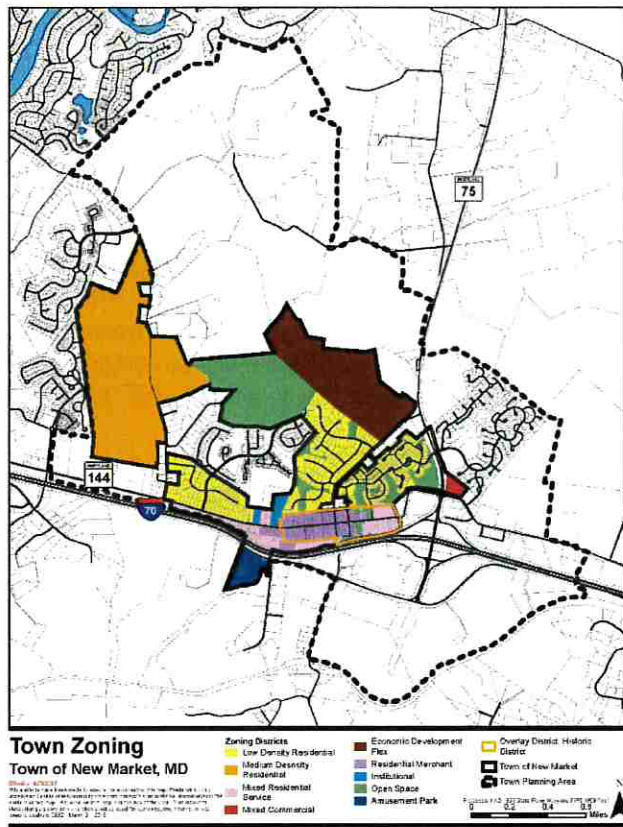
6. Application of LDR to parcel north of Ganley consistent with the County's current land use designation and to the two parcels North of Calumet.
7. Application of LDR to the parcels at the north end of the Planning Area consistent with the County's current land use designations.



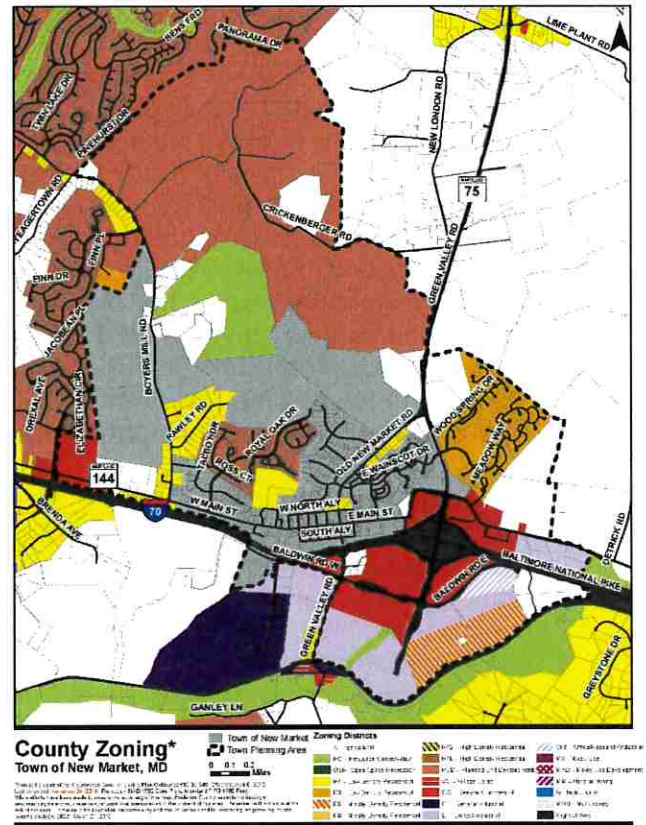


Map 11: 2016 Planned Use Map
Source: Town of New Market

The 2016 Planned Land Use Map builds on current Town zoning as shown on Map 12 and County zoning in areas around the Town as shown on Map 13.



Map 12: Existing Town Zoning
Source: Frederick County



Map 13: Existing County Zoning
Source: Frederick County

The 2016 Planned Land Use Map retains, refines and expands on land use decisions made in the land use plan approved in 2014 as follows:

- Mixed Use Area East of MD-75:** This growing mixed residential, commercial and industrial area along the Old National Pike corridor includes both Town and County parcels. All are within the County's New Market Community Growth Area. See Map 9. They are surrounded by agriculturally zoned land. County plans plan for extension of utility services to the area. The area represents an opportunity to extend the Town's Business District and to create a well-designed Mixed Business District that includes larger and more diverse businesses and employers who serve the Town and surrounding area but are not suitable for inclusion on the Historic Main Street portion of the corridor. It also represents an opportunity to create a complete mixed use neighborhood east of MD-75 in conjunction with the adjacent existing residential subdivisions.

The area will continue to develop with or without annexation into the Town. Coordinated planning of this enclave into a mixed use neighborhood rather than as piecemeal elements complies with Smart Growth Vision 3 "Growth Areas" (see Chapter II,B). All infrastructure related to development will be developer funded. Sites such as the New Market Shopping Center, Food Lion and CVS Pharmacy and related properties would likely be placed in a

LB

Mixed Commercial zoning district if annexed. The Ganley property is part of this cluster. It's located on the north side of MD-144 across from Trout's Seafood Warehouse and directly behind Food Lion on the south. It could be annexed with or without the adjacent parcels. It is already designated as EDF in the Town Plan.

- EDF area south of I-70: These properties, south of I-70, but east of Inter-Coastal Industrial Center Area includes but is not limited to the Demmitt parcels. It represents the potential for a development of regional significance. The Demmitt property also contains the relocated portion of MD-75 pursuant to the County Plan. These properties are designated as Economic Development Flex Areas (EDF). The purpose of these designations are to provide a high degree of flexibility to encourage uses that are compatible with employment based and related accessory uses and are harmonious with the character of the Town. An EDF zoning category was adopted by the Town in 2012 in order to implement this Plan element. The Town may further define development uses if deemed appropriate at the time of annexation. Again, the Town notes this growth is currently planned by the County and will develop with or without the Town. If the Town does not annex it will be another example of how the Town will be surrounded by a larger County "Town."
- Lone Cedar and other Main Street Properties West of MD-75: These properties at the eastern gateway to Main Street and the Historic District offer the opportunity for an expanded critical mass of businesses on Main Street, an expansion of the Town's mixed use approach to this corridor and a new and significantly more visible town gateway at the MD-75/I-70 interchange. The Lone Cedar property, in particular, is an important opportunity as it is highly visible, already partially within the Town and an isolated agriculturally zoned land. The recent closure of the County waste water treatment plant here alters perceptions of this end of Main Street.
- Danner and other properties at the Intersection of MD-75 and Old New Market Road/Future Parkway: This cluster of parcels, located at the "T" intersection of MD-75 and Old New Market Road, has been in the Town's Planning Area for some time. The parcels are predominantly zoned Agriculture by the County but are almost entirely surrounded by existing County development or planned Town development as can be seen on Map 13. Agriculture uses in this cluster is likely to become less viable over time as MD-75 becomes busier and the encompassing Town and County parcels develop. The intersection is anticipated to be upgraded within the next ten years or so when the future parkway connects to MD-75 thus creating an important Town gateway. At this time, the plan shows no new changes either to the Town annexation areas or to the land use designations for this cluster. The Danner Property is identified as a possible annexation parcel and is designated as EDF as it sits directly at the intersection and could have access to MD-75 creating a second Town connection to the areas on the east side of the highway.
- National Pike Properties West of Historic District: This cluster of parcels along Old National Pike/Main Street extends west of Town and south of Calumet. It includes another isolated cluster of Agriculture zoned land entirely surrounded by existing development or planned development as well as a cluster of Commercial parcels around the intersection of Mussetter Road and MD-144/Old National Pike. Agriculture uses in this cluster are likely to become less viable as the surrounding area becomes busier in the next 20 years. County plans anticipate utility services in this area.

This area represents an opportunity to extend the Town's Old National Pike corridor. The eastern portion of this possible Town extension is designated as MRS to allow it to retain its largely residential character while accommodating added small scale businesses in the future

much like the adjoining MRS section of Town along the Pike does today. The western most portion of this area is already designated by the County for Commercial. It is designated as MC and represents an opportunity for a convenient mixed use cluster located within walking distance of new and existing residents in the neighborhoods at the western end of Town who are too far away to walk to the central Main Street Area. The MC designation allows the cluster to accommodate community scaled businesses that will be needed but not permissible in the MRS or RM section of the Corridor. It can create a new Town gateway at the intersection of Old National Pike and Mussetter Road.

- Northern Planning Area including the Casey/Blentlinger PUDs: This large cluster of parcels north of Town includes two County approved PUDs. It continues to offer potential for orderly growth in the future should any of these property owners decide that becoming an integral part of New Market is desirable. Regardless of their decision, development in these areas should be coordinated with the Town to ensure that transportation and circulation for the larger area is well planned.

This updated Land Use Plan addressed the Town's desire to achieve and maintain a land use balance which retains and enhance New Market's quality of life, its separate identity, its sense of community, and its fiscal viability. It addresses the need to expand and diversify the Town business districts to serve the needs of the Town, the growing community around it and to create needed tax base. It helps to address increasingly complex municipal financing questions, a more complicated infrastructure as existing public facilities are outgrown and support mechanisms become inadequate (particularly transportation), and the search for equitable solutions to increased demands for more choice and flexibility in the use of land.

G. Key Growth Issues

This new Town Land Use Plan addresses the Town's key growth issues. It recognizes that ongoing residential development will continue to increase the population of New Market within this 20-year planning horizon and that surrounding County areas will also experience residential gains that will continue to affect New Market dramatically. It anticipates that the Historic District, while still retaining its special niche, may have decreased importance in the future with respect to population impact as its size decreases in comparison to the size of other use zones and as other forms of employment complete with retail sales are accommodated in Town. It plans for new businesses and employment opportunities within the Town which will allow the Town to retain its heritage as a balanced community where one can live, work, play, shop, dine, and go to school in Town rather than evolve into a bedroom community in which most residents drive away each day to work and shop.

The Plan will help allow the Town's Vision to be achieved by increasing opportunities for stores, businesses and factories in Town that serve Town residents, residents of surrounding areas and travelers passing by. In addition to infill development within the Town, new land areas for employment and mixed use areas will be accepted into the Town especially in designated economic opportunity areas along MD-75 and around the I-70 interchange. It embraces the I-70 interchange area designated in the County 2010 Comprehensive Plan as the primary employment area for the New Market Planning Region. These areas should become part of the Town so that the Town retains its role in the region and does not become "a small town surrounded by a larger County "Town."

In adding and locating more non-residential development this plan seeks to build on one of the Town's key assets, the ability of Town residents to easily walk to school, shops, work and other destinations located within a half mile or so of their house. This is an important feature of Town life



and plays a big part in its appeal to future citizens. The added neighborhood business clusters and corridor extensions are intended to retain this pattern as the scale of Town increases and not all residents live within a half mile of Main Street.

The Town notes that timely availability of public water and sewer and the process of annexation will in large part dictate the rate at which new development can occur. Because Town growth is dependent upon provision of water and sewer facilities and annexation for growth, it is imperative that the Town and County agree on clear policies regarding these issues. Utility plans appropriate to provide business opportunity and build a town tax base adequate to support Town growth are vital.

Key growth issues for the Town include the following:

Strangulation of Town Growth by Encircling County Development - The Town recognizes that development around the Town will continue with or without the Town's participation. The Town recognizes that past decisions not to embrace this growth has led to neighboring land owners forgoing annexation and seeking County approvals of commercial development within the Town's immediate vicinity. Should this current pattern continue, the Town's opportunities for growth may be precluded. Further there is a limited window of opportunity to embrace this growth. After development is completed annexation is far less likely to occur. This current planning cycle appears to be a critical time to the future of the Town. As key property owners may make land use and annexation decisions over the next 5 to 20 years that have irrevocable impacts on the Town. Herein lays the threat that New Market may become a small town that functions as a bedroom community and is surrounded by a larger County "Town" or development area that contains most of the area's non-residential tax base. This ongoing trend threatens to permanently strangle the Town's ability to expand and diversify its tax base so that it can ensure its long-term viability. Timely annexations are critical to the Town's ability to achieve its vision.

Growth Acceptance - The Town desires to accept and embrace the growth that occurs in their Planning Area and to prevent growth beyond its boundaries from precluding Town growth. To ensure this, the Town has defined a Planning Area of about 3,500 acres that includes the current Town area of about 1,000 acres. The Town's development growth projections for the next 15 to 20 years presented earlier, currently assume that 500 or more acres of the Planning Area would be annexed into the Town during that time frame.

The Town notes that the County already designated these areas for growth. However development in the Town is different than development in the County in two important ways. First, the Town will get the benefit of an increased tax base that will serve to enhance its expenditures on police protection, parks, etc. - all elements that will enhance its overall economic viability. Second, the Town will be able to integrate new development into a complete and connected community that will benefit both the Town and the larger County area. This should be a stated County goal as outlined on pg. 11-1 of the Community and Corridor Plans in the 2010 County Comprehensive Plan. This specific issue is called out in its policy CP-P-01 on the same page. It states,

"Include the preparation of a municipal-County Planning Agreement that would address concurrence on annexation areas, water and sewer service and other relevant issues as part of updates of a municipal comprehensive plan as coordinated with the County."

The developed land uses of New Market are compact and uniform with sprawl notably absent. Land to accommodate future growth of population or jobs is not available within the Town. This means that annexation is the safety valve for growth and that it will be the means of property

control preferred by developers – it offers more flexibility and more cost efficiency. Serious annexation interest has been expressed by developers and landowners north, east, west, and south of New Market. Again, the Town is aware that annexation is not a certain event and is likely to occur in small increments over time. Regardless of the annexation decisions made however, the Town's position is that development within these areas should be coordinated with the Town. The Town seeks cooperation from the County in its efforts to embrace this growth and seeks the Joint Planning tools mentioned in both the Town and County's current plans as a means to help implement it.

Transportation - Traffic is one of the Town's greatest concerns. A central goal of this and past Town plans is to provide a safe, efficient, and attractive transportation system for the Town and surrounding region as both areas grow. Both past and future growth is of concern. For the past 50-years an ever-increasing volume of traffic has been funneled down Main Street because both Town's people and travelers from the surrounding County areas have no other route to reach I-70 at the MD-75 interchange. Over 15,600 vehicles per day currently traverse Main Street. The negative impacts of this excessive traffic on business and the overall sustainability and quality of life in Town is a significant hindrance to achieving the Town's Vision. The need to create one or more alternate routes through or near Town that parallel Main Street and divert through traffic away from the Historic District, has been a key part of Town plans since 1969. Studies have been done and discussed with the County and State to demonstrate the need for new connections and several alternatives reviewed.

Since the last Town and County Plans were adopted, some progress has been made on this effort as described in Chapter IV. This Plan also recognizes that future development will require transportation improvements. Proposed land use changes around New Market should be used, as a catalyst for a regional assessment of transportation needs, a regional solution, and regional political support. Within the Town local transportation network enhancements are needed to create greater connectivity. Transportation issues are addressed in the Town's transportation plan in Chapter VI.

In addressing these issues New Market recognizes the need to join with other municipalities, local businesses, and residents in the region to advocate regional solutions to our collective transportation needs. Land owners and developers who benefit from growth in our neighborhood (both Town and County) must contribute to the funding of the transportation solution. No new Town development shall be approved unless it can be determined, to the Town's satisfaction that it will substantially contribute to improvements in safety and traffic flow in the New Market Planning Area. In addition, no new development will be allowed unless it can be determined, to the Town's satisfaction, that adequate public facilities and infrastructure are in place or are planned and funded for construction within a reasonable time-period in conjunction with the proposed development.

New Market must assure that its transportation needs are met without degradation of the quality of life or historically significant structures or sites, or change to the historic character of New Market. The elected officials of the Town shall take action as necessary to coordinate planning efforts between jurisdictions, citizen's groups and non-governmental agencies, and to promote the interests of the New Market Community at all levels of government.

Expand and Diversify Tax Base - The Town recognizes that it needs to expand and diversify its tax base so that it can ensure its long-term viability and fulfills its responsibilities to its citizens. To achieve this the Town needs to add land area suitable for employment and commercial uses.



Jobs/Economic Development - The Town seeks to attract new businesses and employment opportunities and be the primary focus of growth in this area of the County. New Market anticipates that the dominant regional commuter transportation pattern where employees live in the western suburbs and commute to major eastern employment centers will continue to change in the next 15 to 20 years as businesses continue to disperse. The Town anticipates a need for new employment centers located in closer proximity to their employee base and that recent growth of businesses in and around Frederick will extend to the New Market Area. This will be helped by rising regional congestion and rising costs of transportation that will make the choice of a long daily commute harder to support. The County's planned employment area at the I-70 interchange along with the Town's proximity to that interchange, Ft. Detrick and its BRAC as well as Hood College and Mt. St. Mary's University makes New Market a logical location for such centers as is already anticipated by the County 2010 Plan.

The Town needs a balance of commercial and residential development. It is vitally important for the Town to annex the job-producing properties abutting and near the I-70/MD-75 interchange. The addition of these properties would increase the Town's commercial tax base and provide local employment opportunities for area residents.

Improvement of Public Facilities - The Town recognizes the need to make continuous improvements to all public facilities as it grows, i.e. schools, parks, public safety, and libraries commensurate with current needs and growth.

Planning Coordination - The Town recognizes that this 2016 Plan has differences with the County's adopted 2010 Plans for growth in and around the Town as last amended in 2012. The Town's Plan has been prepared in anticipation that the County will assimilate this update into their upcoming overall County Plan and will adjust the County's New Market Community Growth Area accordingly. The Town will welcome the opportunity to exercise County Policy CP-P-01 using our combined growth management and concurrency tools including but not limited to annexation agreements and WSAA's.

3. Growth and Annexation Summary

Despite significant land use changes in the rural areas near Town since the last Town Plan approval, opportunities remain to encourage compact, high-quality residential, commercial, and institutional development using portions of New Market's Planning Area while preserving agricultural land. This focusing of development should be accomplished in a manner in which landowners are compensated for reductions in long-term development potential of their land through transfers or agreements with other landowners who benefit from increases in development potential. Innovative tools such as a transfer of development rights mechanism or other means of concentrating growth may be needed.

Thoughtful conversion of farmland to developed uses could provide a unique opportunity to repair and restore essential functions of the natural resource base and enhance water quality over the long term. Existing woodlands can be preserved and expanded to connect with nearby woodlands. Stream protective corridors and buffers can be enhanced or restored.

Targeted preservation of resource conservation, agricultural and open space areas in the Planning Areas can provide opportunities to permanently define the character and function of the larger area around New Market. The Town and County could work together to designate sending and receiving areas for development rights preservation of other agricultural and open space areas both in and beyond the Planning Area. This could help to retain connected blocks of productive farmland, which could perpetually define the character and function of rural areas around and to the east of New Market.

The recent annexation of the Delaplaine and Smith Kline (Calumet) properties finally provide for a northern bypass road connecting Boyers Mill Road on the west to MD-75 on the east. The need for this alternate route parallel to Main Street was recognized as early as 1969, when the New Market Master Plan included a bypass north of the Town. In view of the substantial development planned for the Lake Linganore PUD and other areas to the west of New Market, this transportation improvement is of greatest importance to the Town.

The growth area south of I-70 offers very important opportunities for commercial businesses, employment centers, recreation, and residential development. Activity is now beginning to occur in this area (e.g. the large Costco facility). With appropriate water, sewer, and zoning, a true regional employment and business center can be created. The Town has created zoning that allows a variety of mixed commercial/employment/industrial uses in a carefully planned overall environment that would encompass residential uses in certain areas. Constant attention to this area could create higher paying jobs to offset the higher cost of local housing, limit the miles of through travel on local roads, increase the tax base, keep business local, and foster a greater sense of community.

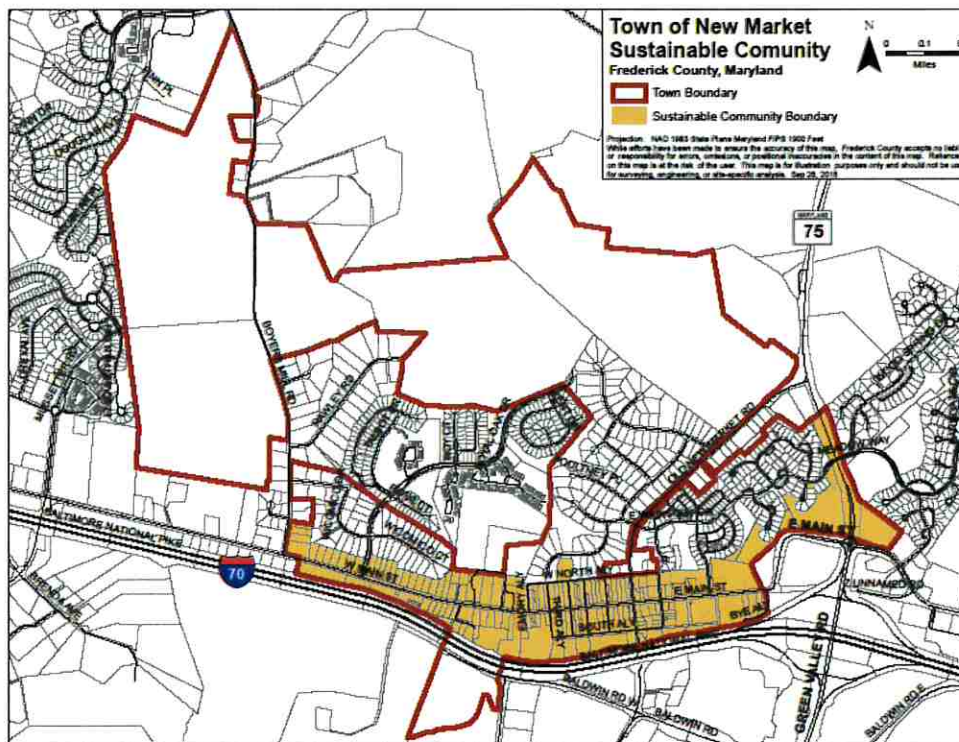
The County has placed commercial, industrial, and agricultural zoning in the Planning Area south of I-70 and the Plan encourages the use their MXD floating zone on the Demmitt site. The County should go further and identify a planning policy in its New Market Community Plan that encourages municipal annexations, so that this much needed tax base will annex into the Town. The Adventure Park annexation process provides evidence for this assertion. It is important to the improvement and sensible development of New Market that the Town works closely with Frederick County officials. Land use and development decisions outside the Town Limits profoundly affect the quality of life within the Town. The Town has previously proposed and will proceed in the future to do a New Market/Frederick County Joint Planning Agreement in the hope of producing a clear and unequivocal annexation policy for future plans and planning.

The Town and County should jointly encourage a balanced mix of residential and non-residential development within the New Market Planning Area so that the community, as it changes, does not become a predominantly "bedroom" or commuter residential location. It cannot be overemphasized that if local commercial/tourism/industrial development does not occur, more reliance will be placed upon residential property taxes to pay for needed services affecting both present and future homeowners.

The Town and County should partner with the State and private sector to invest in the necessary and required infrastructure improvements to facilitate economic development within the Town and Planning Area. The Town and County will designate qualified parts of the New Market Planning Area as "Priority Funding Areas" in compliance with the "Smart Growth" Act of 1997.

The Town has just become a designated "Sustainable Community" and a "Main Street Affiliate Community" in 2016. The Town should also work with the State to become an "Arts and Entertainment" District in order offer further incentives for private investment and to take advantage of the various State and Federal business development grants, loans, and tax credits offered through these programs. These State programs are designed to target economic development funding to designated growth areas in accordance with the directives of the Maryland Economic





Map 14: New Market Sustainable Community Boundary
Source: Town of New Market

Development, Resource Protection and Planning Act of 1992.

A comprehensive and detailed plan for economic development of the proposed mixed commercial/industrial annexations should be developed with significant input from the community, the County, and the State. This Plan should identify specific physical design improvements as well as funding and marketing strategies intended to stimulate business development on the sites. An additional focus of the development plan should be to preserve and capitalize on the historic downtown of New Market. Focus should also be accorded to developing strategies, which link the downtown to other development locations within the Planning Area.

Objectives for downtown economic development include:

- Protect the downtown functions against further diminishment, as the Town and surrounding area grows.
- Improve visibility of the Town's center
- Avoid being surpassed as the Capital of this part of the County by shopping centers and unincorporated "town centers" located nearby.
- Improve visitation/patronage by out-of-town customers by reinvigorating the Town's reputation as a statewide tourist destination.
- Aid the viability of existing businesses.
- Attract new businesses to create a more viable critical mass of activity throughout the business week as well as on weekends.
- Accommodate the long-term needs of key town center anchor businesses and employers.
- Preserve and enhance the unique physical character of the Town.

- Encourage in-fill development in and around the downtown to locate more residents and employees within easy walking distance of Main Street.
- Expand the Main Street Corridor to accommodate a more diverse range of uses.

Tourism is an important economic generator in the County, and New Market has a unique opportunity to capitalize on its historic character. Studies have shown that visitors interested in history stay longer, spend more money, and return more often than tourists seeking other attractions. Historic buildings seldom become truly obsolete. Their reuse will require innovative thinking, careful work, and creative financing. The results are always worth the time and effort in the long run. Looking forward to the next generation of tourists, the Town has an opportunity to expand upon its historic tourism attractions by providing a wider array of activities including arts entertainment, amusements, local wineries and other rural and small town attractions.

As a first priority for economic development, every effort should be made to preserve and bolster existing businesses and industries within the Planning Area. These businesses should be the foundation for future economic development in the New Market Area.

4. Annexation Analysis

As demonstrated by the construction of businesses next to the Town such as the New Market Self Storage, Trout's Seafood Distribution Center, CVS Pharmacy, All Tune Lube, Food Lion, High's, McDonald's and the New Market Shopping Center, there is demand for commercial growth in the area. As demonstrated by the current County Zoning Map, there are considerable areas planned for further growth which can occur with or without town annexation. Thus, the opportunity for the Town to achieve its long term planning goals and objectives will rapidly diminish without intervention. Justifications include:

- (1.) Reduce through traffic congestion along Main Street.
- (2.) Expand and Diversify Tax Base.
- (3.) Create Jobs and Economy.
- (4.) Serve the growing needs of this part of the County
- (5.) Avoid County Development Strangulation.
- (6.) Avoid irrevocable Land Use Decisions.
- (7.) Create a complete connected mixed use community.

5. Staging Mechanisms and Other Growth Tools

The annexation and development process provides as many as four (4) and perhaps five (5) opportunities for public input and participation. They are the annexation hearing, County zoning consistency hearing, WSAA amendment meeting at the County, and establishment of floating zone hearing.

a. Impact Studies

As a matter of standard practice when the Town receives an annexation petition, it will request impact studies to be prepared at the petitioners cost. These may include, but are not limited to fiscal impacts, school impacts, road impacts, and environmental impacts. Given that the County controls the Town's water and sewer facilities, the Town must develop an Annexation Plan pursuant to HB1141 that satisfies the County Board of Commissioners that all impacts of development have been reasonably addressed and mitigated through agreements that provide for funding for schools, roads, and other community needs as identified in the studies. Thus, the

Annexation Plan will consider the Staging Mechanisms outlined in the County Comprehensive Plan. The annexation agreement does not provide a phasing schedule for construction.

b. Developers Rights and Responsibilities Agreements (DRRA)

Once a property has been annexed and the appeal period has expired, the Town may enter a DRRA that provides a construction-phasing schedule tied to an amendment to the WSAA that provides the capacity and take down schedule for water and sewer taps. The Town generally grants 20 years for DRRA's that preserve the property owners zoning and phasing. Clearly the property owner must pay for all utility improvement not only on site, but for any offsite improvements required to provide the needed capacity as deemed by the County. A DRRA requires a public hearing. This is another opportunity for public input.

c. Water Service Area Agreement (WSAA)

Before any develop phasing can be established in a DRRA, the Town and County must amend the WSAA to provide capacity to serve the proposed development. This is the mechanism that provides a check and balance system for annexation, growth staging, and financing.

d. Capital Improvement Program (CIP)

When CIP funding is needed to provide adequate public facilities to accommodate growth, the phasing of the growth should be timed appropriately with the County CIP.

e. Zoning

It is anticipated that the County will downzone properties within the Town's Annexation Area. This will provide incentive for annexation into the Town. If the zoning in the County is not consistent with the proposed zoning in the Town, the Town may be required to wait five (5) years to rezone the property unless the County grants a zoning waiver for lands in this area.

f. Floating Zones

The Town generally likes the community design flexibility afforded by floating zones whether residential or commercial as opposed to straight Euclidean zoning. The town has adopted several such zoning categories. Floating zones can only be requested after annexation becomes final. Establishment of a floating zone requires a recommendation of consistency by the Town's Planning Commission and a public hearing by the Town Council.

g. Historic Character

The Town's Land Development Ordinance requires all annexed properties to be subject to architectural review by the Town's Architectural Review Commission. This ensures the Town's distinct identity and Historic Character will be preserved regardless of type of development. This contrasts with the County development policy within the Community Growth Boundary as illustrated by recent construction around the Town that was built without Town input.

VI. GROWTH'S IMPACT ON TRANSPORTATION, PUBLIC SERVICES AND FACILITIES

This chapter addresses impacts and needs for transportation and other public services and facilities to accommodate planned growth in the Town and annexed areas. It does not address impacts or burdens to New Market-provided services and infrastructure to land in the Planning Areas lying outside the preferred Annexation Area at this time.

A. Transportation

The following transportation plan shows proposals for the most appropriate and desirable patterns for the general location, character, and extent of the channels, routes and terminals for transportation facilities, and for the circulation of persons and goods at specified times as far into the future as is reasonable. It addresses vehicular, pedestrian, bike and transit based transportation planning.

1. Vehicular Transportation

Existing Roads

The current street network in and around the Town includes Town, County and State roads as follows:

- 1 Highway: I-70
- 1 Arterial: MD-75/Green Valley Road
- 1 Minor Arterial: Main Street/MD-144 – parts of which are soon to become a Town street
- 2 Collectors: Old New Market Road/MD-874 and Royal Oaks Drive, a County road
- 1 sub-Collector/Collector: East Wainscot Drive, a Town road due to fully open in 2016
- Other Town streets designated as local streets and alleys

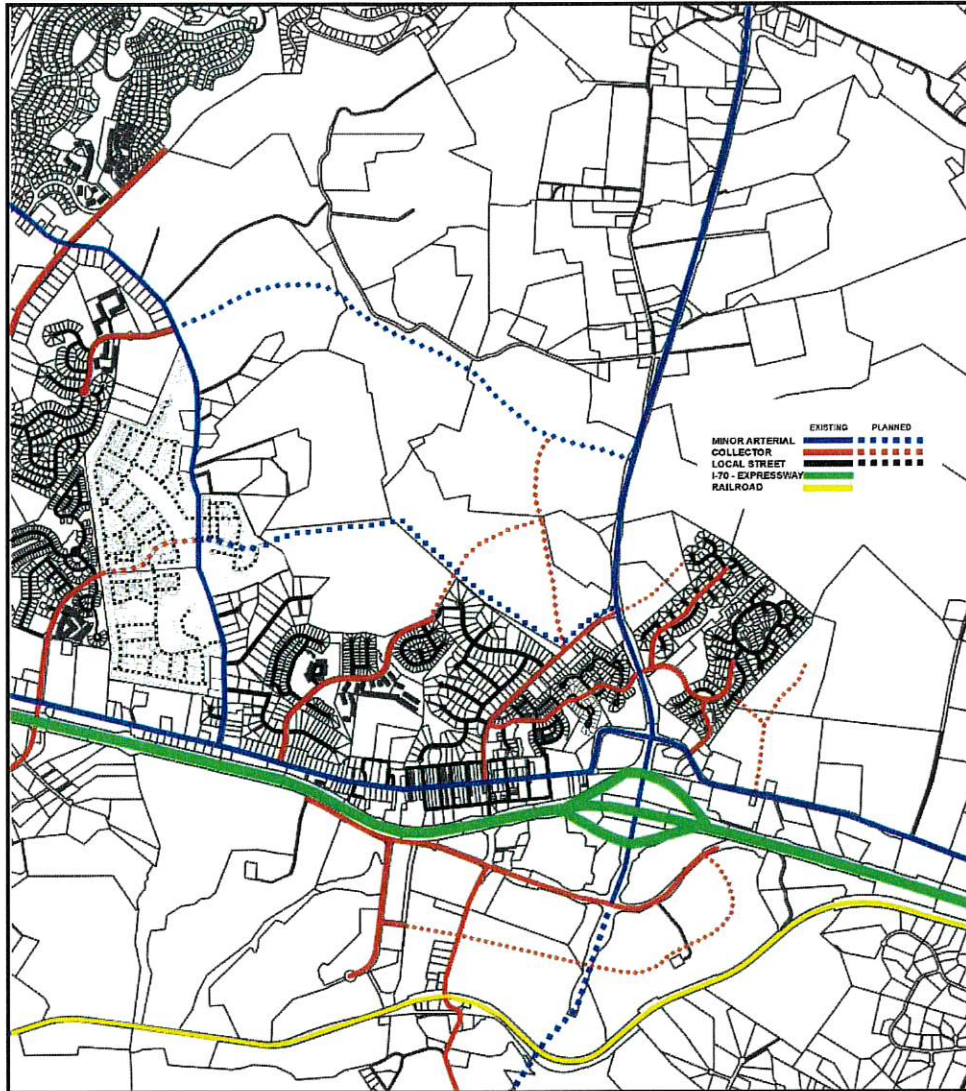
Planned Roads

As noted in chapter V, the existing Town, County and State roads serving the Town and its Planning Area do not form an effective grid network with route options; rather they funnel both local and regional traffic down to the single State route of MD-144. Road improvements, new routes and new connections are needed to disperse and accommodate existing traffic and to accommodate the future traffic that will be generated by planned Town and County growth,

Map 14 shows a Transportation Plan for the Town that includes anticipated Town, County and State improvements of particular importance to this Plan. The map reflects several recent agreements signed by the Town, the County and others. Most importantly these agreements lay plans for two new northern bypasses. It shows other additions to the road network as well. These improvements will, in combination, create a grid network. Together the improvements will greatly reduce traffic volumes on Main Street as well as pressure on other existing through streets in and around Town. A significant number of these improvements are anticipated to occur within this planning period as noted below.

I-70 Meadow Road Interchange Improvements: (not shown on the plan) Construction of two added ramps will convert this partial interchange with MD-144 located west of Town to a full interchange. This will better serve the Lake Linganore area and divert some who currently traverse

Main Street to reach the interchange at MD-75. The first ramp is currently scheduled to open by 2019 and the second by 2020.



Map 15: Transportation Plan
Source: Town of New Market

New Market Parkway: (minor arterial / collector) With the annexation of the Smith Kline and Delaplaine properties, agreements with the property owners and County for an alignment, staged construction and maintenance were signed in 2014 that will allow this first long awaited bypass to be built in several stages. The parkway will be a Minor Arterial Road that parallels to Main Street MD-144, allows traffic from points west of New Market to reach MD-75 at the existing intersection of MD-75 and Old New Market Road. The Parkway will connect to Boyers Mill Road and then extend to Mussetter Road as a collector road. The approved preliminary alignment passes along the northern

edge of the 100 acre woods park and then through the Delaplaine property. It will include a pedestrian/bicycle path on its south side. The road construction agreement anticipates future managed access points along the parkway so that connection may occur while the traffic capacity of the planned Parkway is carefully managed. Future access points onto the parkway will be carefully chosen and placed. In view of the substantial existing County developments around Lake Linganore and those still to be built in the Lake Linganore PUD as well in other areas to the west of New Market, the Town anticipates that a substantial amount of the traffic on this bypass will be County generated through traffic rather than Town traffic.

Northern Bypass at Crickenberger Road: (minor arterial) A second arterial by-pass is planned by the County north of Town along another long-discussed alignment generally following the Crickenberger Road. At this time no developer is in place to implement these plans and therefore the construction time frame is unknown. Provision of the road was confirmed as part of the 2014

County rezone approvals of the Casey and Blentlinger property PUDs. Staging was established as a part of the PUD approvals such that no residential plat may be recorded there until a guarantee is provided for either:

- The construction of an arterial road through these two sites that connects MD-75 to Boyers Mill road at its intersection with Finn Drive as well as for improvements to MD-75 from just north of I-70 to the entrance to the Casey property. Or,
- The completion of the New Market Parkway and an upgrade of MD-75 from just north of I-70 to the "Bypass."

Royal Oaks Dr. Extension & Parkway Connection: (collector) Two extensions of this collector street are anticipated in the future. They will extend the current stub end of Royal Oak Drive north to and then through The Hundred Acre Woods Park and the Delaplaine property to the Parkway. These extensions will create a second access point for users of the popular LOUYAA sports complex and county residents in the West New Market PUD. The extensions will help to relieve commuter traffic on Main Street.

Boyers Mill Improvements: (minor arterial) The County plans to upgrade and improve Boyers Mill Road from Linganore to MD-144/Old National Pike. County bike plans call for bike shoulders on this road. However at this time the 60% design plans do not include sidewalks or bikeway shoulders to accommodate bicycle travel in the sections near Town. A round-about is planned at the intersection of Boyers Mill Road and Mussetter Road extended and will be built by the Calumet developer.

MD-75 Improvements: (minor arterial)

- **North of I-70:** The County plan calls for MD-75 to be widened north of I-70 in association with development Casey and Blentlinger property PUDs.
- **South of I-70:** The 2010 County plan calls for MD-75 to be straightened and extended south of its current terminus south of I-70 at the SHA Park and Ride. A new bridge over Bush Creek and the CSX railroad tracks would be included. The relocated road would tie back into the existing MD-75 alignment in Monrovia. The State's 2014 Highway Needs Inventory also calls for MD-75 to be improved from I-70. The Town recommends and anticipates that the existing SHA New Market Park and Ride lot now located at the current stub end of MD-75, will be relocated and upgraded as part of this project.
- **Parkway Intersection** - As part of the connection of the parkway to MD-75 studies will be done to improve this intersection. These and/or other improvement efforts should include a warrant study to determine if and when a signal and other lane improvements are needed.
- **Pedestrian and Bike Provisions** - Intersection improvements both at the parkway and at MD-144 plans should accommodate bike and pedestrian crossing protections. Bike lanes should be provided along the corridor both north and south of I-70.

Main Street Streetscape Enhancements: Completion of a 1.1 mile SHA Streetscape and SWM enhancement for the Main Street section of MD-144 is due in early 2017. Upon completion, the ownership and responsibility for maintenance will transfer to the Town. These long-awaited improvements will help to revitalize downtown and may help calm traffic speeds. The project will not add new traffic capacity. The Town had considered adding more calming mechanisms such as adding speed humps, to take a bite out of traffic once the street is transferred, however these would have several unintended consequences. They would have a detrimental effect on the emergency response of fire and rescue equipment. They would cause greater traffic congestion



on Main Street by make it more difficult to get in and out of driveways, alleys, and public facilities such as the schools and post office.

Marley Street Two-way Conversion: (local street) Currently a one-way connection to the Brinkley Manor Subdivision from Main Street. The Town is in the process of converting this to a two-way street thereby improving access and route options to and from this part of Town.

Isaac Russell Street Connections: A pedestrian/bicycle path connection from The Hundred Acre Woods to Isaac Russell Street via an existing Town Right of Way in the Royal Oaks Subdivision is planned for the near term. This will provide a direct bike and pedestrian link to the park from the Royal Oaks Subdivision. The potential for a local street connection in that right of way has also been reserved but is not planned at this time. When that occurs, Town residents will also have direct vehicular access to the park without having to drive the long way around on Main Street.

2. Non-auto-based pedestrian bike and transit transportation

Transit - In New Market non-auto-based movement primarily occurs in the form of walking and bike riding. While there is no bus route service or rail transit service in New Market's Planning Area, the State Highway Administration does operate a Park and Ride lot at the southern end of the MD-75 right-of-way (ROW). The lot has 54 parking spaces and is heavily used as a base for commuter ride sharing. The County also has an on-call transit service that can be called to the area.

Pedestrian and Bikes - New Market is a pedestrian oriented community. This feature is an important part of town life and its appeal to visitors, businesses and new residents. The current network and scale of town allow residents to walk to many destinations. The new Main Street streetscape and the alleys behind it are the backbone of the current network. An extensive network of public sidewalks and off-street paths maintained by residential HOA's extend out into the various Town and county neighborhoods. Many residents use the network regularly when walking or biking to Main Street, to schools, to town parks, etc.

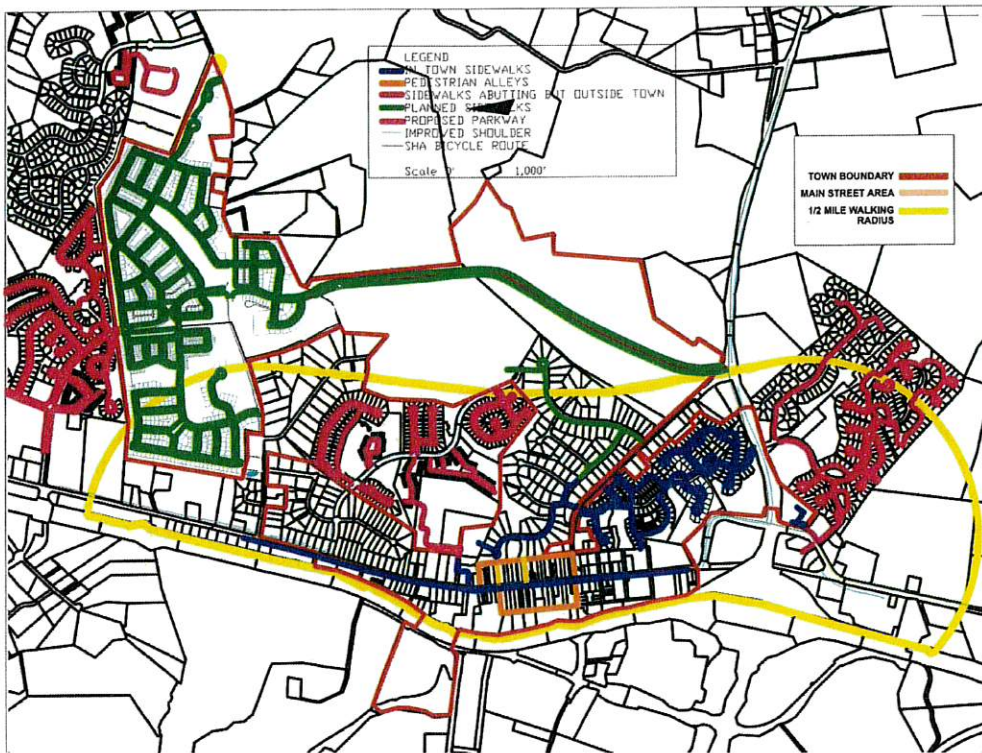
The planned network in the new Calumet PUD neighborhood and the sidewalk and trail on the New Market Parkway will add significantly to the current network. The Isaac Russell sidewalk connection already mentioned will better connect people to in the Town's 100-acre woods.

There are however, several gaps in the local network. These include missing walks along busy county roads such as Old New Market Road and Boyers Mill Road. Perhaps the biggest gap is the separation of the community by MD-75. Currently pedestrians and bikes cannot easily cross MD-75 to reach businesses and residences on the other side. As a result, all movement between these two parts of the community occurs in vehicles adding to congestion along that state road. The map below shows the existing and planned network in the Greater New Market Area.

New Market should remain a pedestrian/bicycle friendly Town by providing a complete network of sidewalks and paths for the safety and convenience of motorists, pedestrians, residents, and visitors. The expanding network should connect new development to parks, and the Historic District with every part of New Market and to adjacent County areas.

New Market should strive to work with the county and state to correct these gaps and to be more pedestrian and bike friendly as it grows and improves. The Town network should connect to County and State plans for a regional bike trail network. Current County and State Plans call for on-street bike lanes on Mussetter Road, Boyers Mill Road, and on MD-75 north of I-70. The Town

asks that future State Plans for MD-75 south of I-70 also include bike lanes so as to connect those areas to Town.



Map 16: Area Pedestrian Network
Source: Town of New Market

Recreational bike travel along Old National Pike and other area roads should be encouraged, creating routes connecting local Pike towns, wineries, and other attractions in the region. A concept that might be promoted in cooperation with towns under the title of "Bike the Pike." To help in attracting bike riders to the area the SHA Park & Ride or the County's Old National Pike Park or other similar areas might serve as trail heads. As part of these effort

bike use on the Town's Main Street will be promoted.

To further expand the overall network and remove gaps, the Town shall include provisions for bicyclists and pedestrians in any planned road upgrades and newly constructed roads, will require that sidewalks and paths be included in any new development, and conduct studies to identify network gaps and scenic lands and roadways that need improved pedestrian and bicycle access. The Town will prepare a bike and pedestrian network plan as a supplement to this document to plan for improvements to the network.

3. Financing

Article III, Visions and Objectives of this Plan, states that, "Change must pay." For example, as part of recently contemplated annexation, the Town requested the petitioner conduct a traffic study. Since the petitioner would be crossing an annexation threshold, the Town has the flexibility to set an appropriate standard on a case-by-case basis. The Town required that the study be congruent with the County's APFO for roads. The Town Engineer, Wilson T. Ballard Co. reviewed the study and made the appropriate adjustments to the pro-rata share of road improvement contributions to be made to County escrow accounts designated for those improvements (see Appendices E and F). The planned Parkway required similar study and analysis. The initial capital outlay for the Parkway and for Mussetter Road extended will be borne and is secured by the developer agreements. It will be incorporated into the County road system and built to County road standards. The annual maintenance costs for the Parkway will come from the County per an

approved MOU between the Town and the County. The annual maintenance costs for new Town streets will come from the Town as well as (SHUR) State Highway User Revenue funds.

B. Public Schools

1. Background

There are two public schools located in New Market that serve Town students today. There are currently no private schools in Town. Both public schools are located on Main Street and many Town students are able to walk or bike to school. The present elementary school, built in 1931, has been expanded at least twice. The adjacent middle school was built in 1979. These facilities are owned and operated by the Frederick County Board of Education (FCPS) who runs all County schools.

The Board of Education prepares an annual Education Facilities Master Plan (EFMP) that reports school capacities, establishes student yield factors, and provides ten-year school enrollment projections for the school system that takes into account planned new development. The annual report recommends new school and school improvements. It defines school district boundaries that form feeder systems of elementary and middle schools that "feed" the County high schools. The most recent EFMP report available is dated 2015. It looks forward 10 years to 2024 and reports the following about the New Market Area.

Most of New Market and its Planning Area lie within the Linganore High School feeder system. Today with the exception of two existing homes located west of Boyers Mill Road all of the Town's children attend the New Market Elementary School (NMES) and New Market Middle (NMMS) Schools. They then move to Linganore High School (LHS) located approximately 5 miles north of Town on Old Annapolis Road. The 2016 EFMP reports that within the Linganore Feeder system three schools - Twin Ridge Elementary, New Market Middle, and Linganore High - were well within capacity as of September 30, 2014 and are expected to remain that way for the next ten years. New Market Elementary was reported to be slightly over capacity but enrollment at present but is expected to decline slightly by the end of the ten-year period. The report assumes that some residential growth is expected in this feeder area. Proposed facility projects include the Liberty ES Renovation (FY21-22). Liberty ES opened in 1927 with additions in 1950, 1967 and 1982. Only a small portion of the building was renovated in 1982. A potential new elementary school is anticipated but not scheduled in the feeder system. The Hampton ES site is located in the County just to the north of Town on Boyers Mill Road within the Blentlinger PUD property which is also in this feeder system.

Those parts of Town that lie west of Boyers Mill Road are within the Oakdale Feeder System. This includes the majority of the planned Calumet PUD homes. The majority of the Calumet PUD students would attend Deer Crossing Elementary School (DCES), Oakdale Middle School (OMS), and Oakdale High School (OHS). The 2016 EFMP reports that this feeder system area is growing quickly with many approved large residential developments. It includes the Eaglehead/Linganore PUD which is estimated to contribute an additional 1900 students by the time the development is completed in 25 years. All of the schools in this feeder were constructed in the last 25 years. Deer Crossing Elementary and Oakdale Middle were well over capacity as of September 30, 2014 and are likely to see slow, continued growth. Oakdale Elementary and Spring Ridge Elementary have additional capacity and are anticipated at this time to still have capacity available at the end of the ten-year planning horizon. Oakdale High has room to grow at present but will likely exceed its capacity within ten (10) years.

The EFMP calls for construction of a new East County area elementary (FY20-21). Construction of this new school depends on the continued build out of the Eaglehead/Linganore Planned Unit Development (PUD) and other large planned residential communities in east Frederick County. The EFMP indicates that design will begin in FY19 and construction will occur in FY20-21.

A final location for the planned new elementary school was not identified in the report. Two (2) options were mentioned, one near the north end of the PUD in the Hamptons subdivision and the other further south in the proposed Landsdale development south of Town in the Urbana Feeder area. A third possible location not specifically mentioned but listed elsewhere in the report is the potential Greenview PUD site located on Mussetter Road to the west of the Town Boundary. The EFMP also does not mention the possibility of a future elementary school and a future middle school north of Town. Sites for these two schools were identified in the county approved master plans for the Casey and Blentlinger PUDs respectively. The timing of dedication for both sites is dependent upon development. As neither property is under current development, timing is not known.

The following Table 10 shows the current and projected enrollments through 2024 and the capacities for the six schools that Town students will attend based on the EFMP. The projection already includes the ultimate build out of the Royal Oaks, Brinkley Manor, and Orchard subdivisions. It is important to note that only approved developments are included in the EFMP projection. General planning estimates are not included.

Table 10. Estimate of Added Students Based on Projected New Market Residential Units not yet reported in the 2015 EFMP

Schools	Calumet Units	Town (other new units)	Annexation Areas (new units)	Total Units	Yield Factor	Added Students
Linganore Feeder System						
New Market ES	71	53	200	324	0.26	84
New Market MS	71	53	200	324	0.11	36
Linganore HS	71	53	200	324	0.18	58
Oakdale Feeder System						
DeerCrossing ES	600	0	0	600	0.28	168
Oakdale MS	600	0	0	600	0.12	72
Oakdale HS	600	0	0	600	0.175	105

Table 10 estimates for planning purposes, the number of added students that may be enrolled in each of these schools in 2024 assuming that 924 new homes that may be built over the next 10 years. These numbers are based on Town estimates of the number of new homes that may be occupied in Town by 2024 but that are not yet included in the County projections.

Using the numbers provided in Table 9 in Chapter V, the Town projects 1,051 new homes by 2025. Reducing this by 70 for the year 2025 yields an estimated 981 new homes by 2024. After deducting

the 57 un-built lots assumed to be already in the EFMP projection already, the total projected gain to be modeled is 924. Note these are not based on actual approved developments.

Table 11. Adjusted 10 Year Projections Based on 2015 EFMP

Schools	Current SRC Capacity	Actual 2014 Enrollment	% SRC	Projected 2024 Enrollment	Added Town Students	Adjusted Total Enrollment	Adjusted % SRC
Linganore Feeder System							
New Market ES	659	608	92%	652	84	736	112%
New Market MS	881	507	58%	444	36	480	54%
Linganore HS	1,635	1,438	88%	1,207	58	1,265	77%
Oakdale Feeder System							
Deer Crossing ES	587	709	121%	790	168	958	163%
Oakdale MS	600	643	107%	600	72	810	135%
Oakdale HS	1,531	1,210	79%	600	105	1,701	111%

Table 11 assumes that up to approximately 851 of the planned new homes in the Calumet Development will be in the Oakdale feeder pattern at build out. For planning purposes occupation of the first phase on these homes is assumed to begin in 2018 and final occupation/build-out will not occur until 2028 or later. Therefore, the table above assumes 600 new Calumet homes will exist in the Oakdale feeder system by 2024. Further it assumes that of these 50% will be townhomes and 50% of these will be single family homes in the areas west of Boyers Mill Road. Tables 10 and 11 are based purely on Town growth estimates, they do not reflect detailed construction and approval schedules. As such they may project more homes than will actually occur.

Based on the adjustments above the table shows possible capacity issues at four of the six schools in 2024 assuming no school construction, expansions, or school assignment changes have occurred in that time frame. As noted above however a new elementary school is currently planned in that time frame.

The Town notes that at total build-out Calumet may generate up to 250 elementary school students in the Oakdale system based on the current boundaries. This is enough to fill about ½ of an ES school. Thus, a new elementary within walking distance of Calumet is highly desirable. Should Calumet students not be directed to the existing Deer Crossing ES that directly abuts the development to the north, then the Greenview PUD elementary school site located just west of Calumet is the best location for these new students. FCPS already owns the site in fee simple thus no acquisition costs are required. It is a 15-acre parcel and would accommodate a 460-seat elementary school. It already has water and sewer lines running to it. Thus, it complies with the Smart Growth Vision relating to infrastructure. The school construction fees to be paid by Calumet per the 2015 signed Annexation Agreement could provide significant contributions to this needed public facility.

Also, the Town notes that currently all public school students within the Town attend the New Market ES in the Linganore feeder system together. As both Tables 10 and 11 indicate, there is capacity for more students in that system. It would seem logical to divert a larger portion of the Calumet students to that system as one way to address pressures on the Oakdale feeder System and keep New Market students together as a community.

The projections in Tables 10 and 11 further demonstrate the need for concurrency solutions as discussed previously. The County must give consideration to the concurrency tools that all municipalities have to offer. Those include but are not limited to municipal annexation agreements, DRRA's, and utility reservations. Further, this demonstrates that concurrency at all levels can only be achieved incrementally. Therefore, we must recognize that concurrency requires long-term planning.

2. Financing

In Chapter VIII, B., *Financing Responsibilities* this Plan states, "New development will pay its fair share of the costs associated with community facilities..." Similar to road infrastructure, upon appropriate study of projected school capacities, pupil yields attributable to annexed development, and an establishment of a reasonable phasing schedule that provides currency of development with school facilities, the Town may enter an annexation agreement that requires the developer to pay additional school enhancement money above and beyond the school construction fees stated in the County impact fees in order to facilitate the construction of new capacity.

C. Libraries

1. Background

Neither the growing New Market region nor the Town of New Market has a public library. The Town has been interested in starting one for many years. Public lending libraries in the County are run by the Frederick County Public Libraries organization. There are eight libraries in the County including the long-planned Walkersville Library replacement. The closest public libraries to New Market are in the Town of Mt. Airy, a regional library in Urbana and the C. Burr Arts Library in the City of Frederick.

The American Library Association suggests that there should be 1,000 sq. ft. of library space for every 10,000 persons. While the Town is not likely to reach that population as a jurisdiction, the County's 2010 Plan reports that the New Market region had a population of 34,160 in 2008 and is projected to have 41,785 by 2030. This would justify a library of 3,500 sq. ft. or more. As part of the County's Master Plan for public facilities the Town asks that the County and the Frederick County Public Libraries organization begin planning for a Library in New Market. A public library on Main Street within walking distance of the two public schools there, would be a fine addition to the Town. It would help to support Main Street's revitalization as the central business district destination in this area of the County.

The Town is aware that a potential Library site has been selected by the County in the Linganore Eagle Head Town Center located near the high school to the west of town. Should the opportunity for further consideration still be possible the Town offers to work with the County to find a suitable site for a library facility in Town. A few options might include: a site near the New Market post office, a portion of the new Town hall site described below, or the 15 acre Greenview PUD property just west of Town currently owned by the Board of Education. This site is designated as a potential ES site which is the Town's preferred use, however, if for any reason this site is rejected as school, it

could be quite suitable as a County library. Another possibility might be the 1.44-acre County owned site at the east end of Main Street. The New Market Waste Water Treatment Plant closed in early 2015 and sits next to the Town Park.

2. Financing

County libraries are funded from the County's general fund. The County collects Library impact fees per their APFO ordinance. The Walkersville Library construction was funded through, County funds, impact fees, State funds and the Friends of Walkersville Library efforts. The Town could form a similar group and could elect to require a Library impact fee of new annexations and developments as does the County to help fund a new facility in New Market.

D. Town Hall

1. Background

New Market Town Hall is currently located in the Wantz building, a small 2,555 sf historic wood structure built in 1850 and located on a 0.32-acre lot at 38 West Main Street. The property also housed the New Market Post Office until that use relocated in 1992. The Town acknowledges that there is a need for more space for meetings and services as the town grows. In 2016, Mr. Frank Smith donated to the Town a 1.08-acre lot with a 3,684 sq. ft. brick structure with garage. The building, built in 1973, is located at 40 South Alley near the fire station. The Town plans to renovate this structure to serve as the new Town Hall and is considering options for the current structure to determine plan of action what might be practical and best help support Main Street revitalization.

2. Financing

The Town is currently assessing the requirements and costs for renovations at 40 South Alley and the need for parking. Funding for the needed changes could come from a combination of Town CIP budget, grants from the State, community enhancement funds associated with future annexations etc. Consistent with the Town principal *that*, "New development will pay its fair share of the costs associated with community facilities" the Town could, upon appropriate study of public needs, enter into annexation agreements in the future that require developers to pay public enhancement money to designated to assist with funding. The recent Smith/Cline annexation is an example of this approach, the annexation agreement provided \$750,000 toward the construction of the NMVFD Banquet Hall.

E. Public Safety

1. Background

The New Market Fire Station is located at 76 West Main Street. The Frederick County Division of Fire and Rescue Services (DFRS) provides staffing there for five fire and rescue personnel Monday thru Friday from 6am to 6pm. DFRS provides three fire and rescue personnel during evenings and weekends. A map of response times is provided.

The Town participates in the Frederick County Sheriff's Department Extra Duty Hours program. It budgets approximately \$12,000/year or \$67/household annually for this service. It receives approximately 340 hours of deputy time, an average of 6 ½ hours per week. Most of the activity is focused on speed enforcement. The Town of New Market is not a high crime neighborhood.

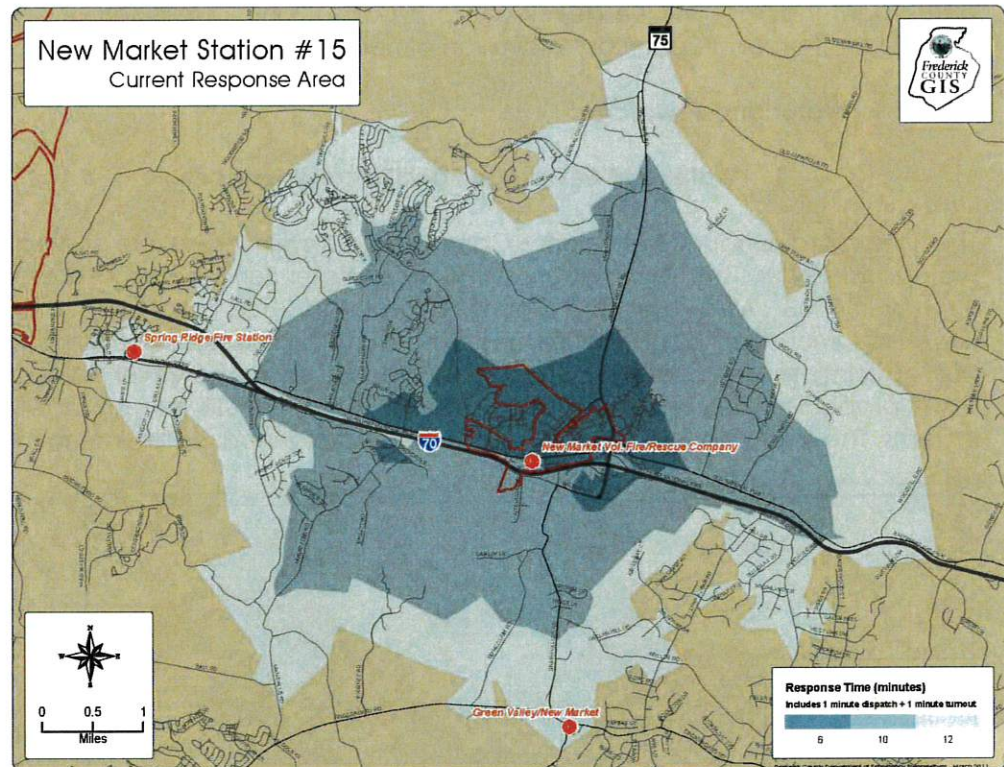
The guideline for police protection is one police officer for every 750 persons. The Town may not reach that population for several years. The capacity calculations for this Plan project a Town population of approximately 4,505 persons by 2035. Using this guideline, the Town would need to hire six police officers. The current cost per officer under the Frederick County Sheriff's Department Community Deputy Program is \$100,000/yr. At Town build-out, for

six officers, the cost per household would be \$363. Given our low crime rate it is hard to imagine a rate for police protection that would require a doubling of the real property tax rate. The need for police protection should be continuously monitored as the Town grows.

2. Financing

Police, fire, and rescue are services both the Town and County residents purchase. To the extent that the Town provides extra or duplicate services by participating in the Extra Duty Hours Program or budgetary contributions or fee waivers to the NMVFD, these expenditures would be eligible for a County-Municipal Tax Set off. The cost of these services and the required increase in resident's taxes to pay for them is discussed above. The marginal income from taxes received from each new County/Town resident should cover the marginal cost of that resident. Thus, if the County provides one deputy per every 750 residents a new deputy would be hired when the 751st resident moves in. If a new deputy cannot be hired, this would indicate a structural problem with the tax rate. Since County and Town residents are all paying the County the same tax, we should each receive the same service provided the County's tax structure is appropriate. Nonetheless, the Town desires to not only maintain but grow its public safety coverage through Extra Hours and Community Deputy Programs. The Town has a good relationship with the Sheriff's Department and the Frederick County Division of Emergency Management as evidenced by the Town's adoption of their Hazard Mitigation Plan. The Town views these services as shared not proprietary to the County. As the current Board of County Commissioners state, "We are One County."

Chapter VIII, B. Financing Responsibilities states, "New development will pay its fair share of the costs associated with community facilities...." Similar to road infrastructure, upon appropriate study of public safety needs, the Town may set a reasonable phasing schedule that provides concurrency of development with public safety facilities. The Town may enter an annexation



Map 17: New Market Volunteer Fire Department Current Response Times
Source: Frederick County

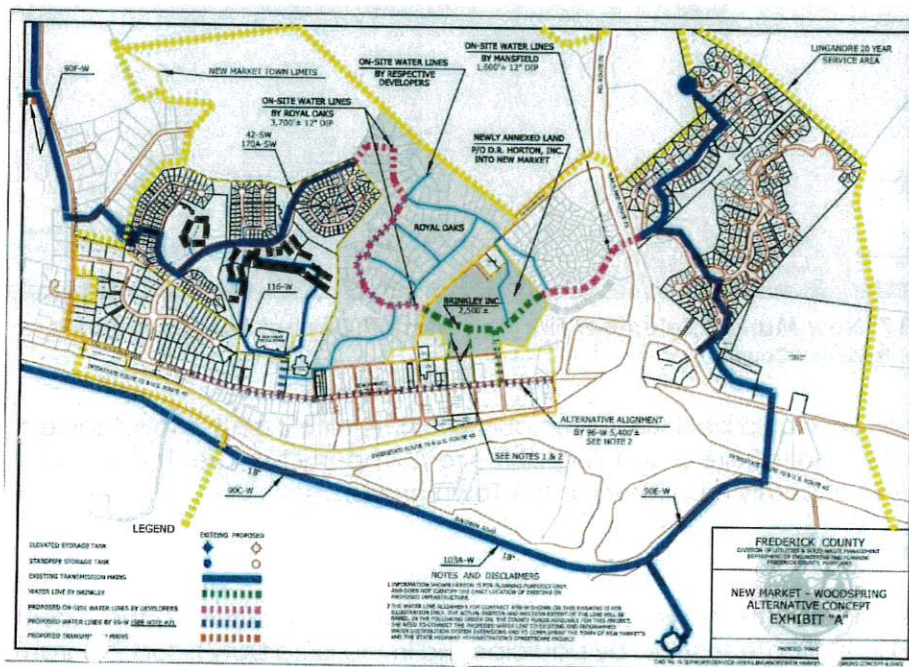
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agreement that requires the developer to pay additional public safety enhancement money to provide for the construction or renovation of new facilities in the future.

F. Water and Sewerage

1. Water and Sewerage Facilities and Services

The Town and surrounding County Community Growth Areas are served by Frederick County water and sewer. The Town first entered into a Water Service Area Agreement (WSAA) with the County in 2003. As a result, the County completed 2,180 linear feet of water along Royal Oak Drive and Wicomico Court in 2008 and constructed 6,370 feet of water line along Main Street in 2009. County services have reached most areas of Town, however there are a number of older Town properties that are still not connected. These lots still rely on individual wells and septic systems. The following map shows the existing and planned water lines in the area as of 2003.



Map 18: Frederick County WSSA, Exhibit 2003
Source: Frederick County

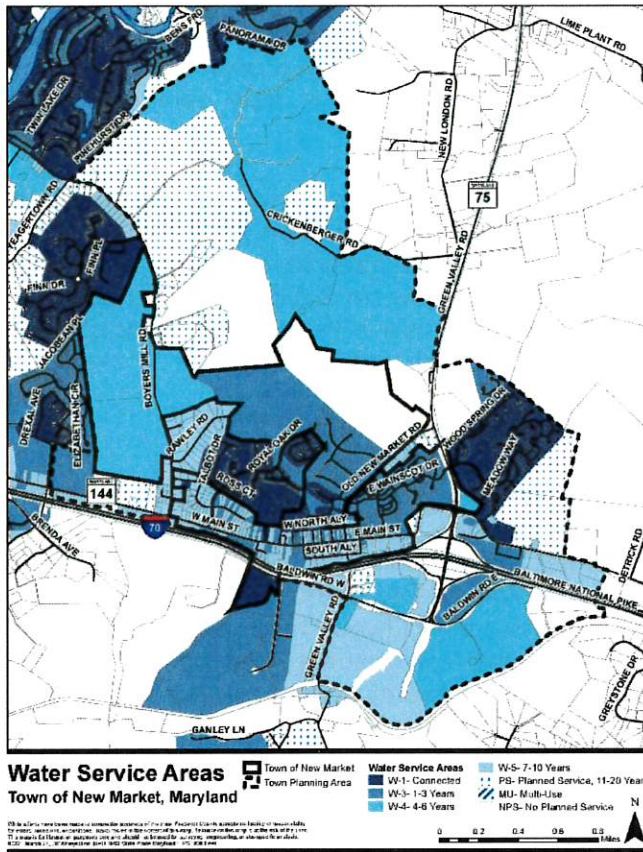
Maps 19 and 20 show the most recent Water and Sewer Service Atlas map tiles that cover the New Market Area (dated November 15, 2015 and 2013). The County's entire Community Growth Area is identified for water and sewer service. The Town's Planning Area is mostly identified for public water and sewer service and some adjustment will be needed to reflect this Plan update.

The County Sewer Master Plan looks at growth projections to plan for demand. The Plan dated June 2, 2015, states that the New

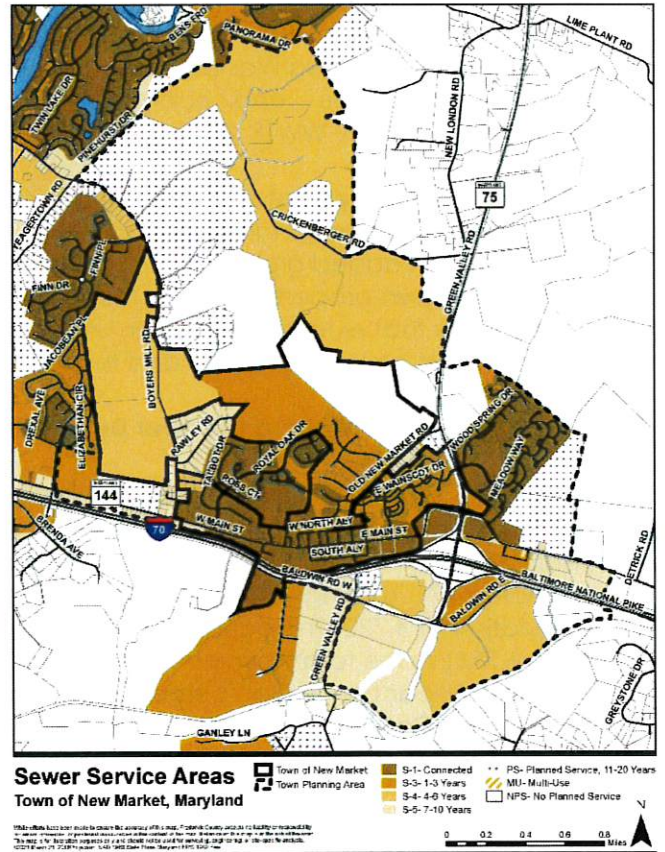
Market Growth Area is expected to receive "a high percentage of industrial and commercial development in addition to the expected residential development". No estimates of quantities of the non-residential growth are listed. It also stated that the Town has 634 residents, and the New Market Growth Area is projected to have 546 more people for a full build-out population of 4,732 in the Town and County growth area. These numbers will need to be updated to reflect this Plan.

Since 2003 four Water Service Area Agreements/Amendments have been executed by the County and Town – the last in 2012. These Agreements set aside a defined number of new water and sewer taps for the municipality. The agreements detailed the timing and process of water and sewer tap allocations by the County to the Town, based on the limited water and sewage capacity available from the County facilities serving the area at that time. Six hundred eighty-one (681) taps, were set aside either for connecting existing buildings or for new subdivisions via multi-

year agreements. As of July 2016, all but 8.27 of the taps reserved for connections to existing Town buildings have been allocated.



Map 19: Water Service Areas
Source: Frederick County



Map 20: Sewer Service Areas
Source: Frederick County

Since 2003 four Water Service Area Agreements/Amendments have been executed by the County and Town – the last in 2012. These Agreements set aside a defined number of new water and sewer taps for the municipality. The agreements detailed the timing and process of water and sewer tap allocations by the County to the Town, based on the limited water and sewage capacity available from the County facilities serving the area at that time. Six hundred eighty-one (681) taps, were set aside either for connecting existing buildings or for new subdivisions via multi-year agreements. As of July 2016, all but 8.27 of the taps reserved for connections to existing Town buildings have been allocated.

Since periodic WWTP plant capacity evaluations performed by the DUSWM can occasionally result in the allocation of some additional taps, based on lower than anticipated actual per EDU flow, a provision in the Third Amendment allowed for the accelerated allocation of water and sewer taps shown as Future (150 taps) subject to such evaluation. This accelerated allocation of these Future taps would be subject to any County reservation for other MYTA, other agreements or public need as it is defined in the DUSWM Rules and Regulations. As the Bush Creek Interceptor and the Ballenger-McKinney WWTP construction is completed and becomes operational, these added 150 taps will become available. The fourth amendment also stipulated that once specified improvements occurred, that more taps would be made available on a first come first serve basis as is the case in the County.

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Since the fourth agreement was signed in 2012, the specified improvements have been completed. The Potomac River water transmission line and the New Design Road Water Treatment Plant expansions are done. The Bush Creek interceptor and the first phase of the McKinney Waste Water Treatment Plant including a Potomac River waste water conveyance line are done. In early 2015 both the Monrovia Wastewater Treatment Plant (WWTP) and the New Market WWTP located on East Main Street and built in 1966 were closed. The Town is now served by the Ballenger/McKinney WWTP via the Bush Creek interceptor.

The Town of New Market has expressed a desire for another amendment to the agreement, in order to reserve additional water and sewer system capacity for future Town growth as a means to help attract added growth to the Town. In addition, there is still a need to reserve taps set aside for existing Town properties. While the majority of the Town is now served by County water and water mains that extend down Main Street, there are still some lots in the older sections of Town that have not been connected and that utilize well water as their water supply.

2. Water and Sewer Demands Created by Projected Growth

For purposes of adjusting the County Water and Sewer Plans and the agreements with the Town, the Town estimates a need of 1229 more residential water and sewer taps over the next twenty years based on the estimates of current units and projected units in 2035 as listed in Table 9 (1,700 projected-471 existing=1,229). Note that the current plan already assumes a "full build out population of 4,732. This equates to 1,785 households assuming a house hold size of 2.65 ($4,732 / 2.65 = 1,785$) so the total net new taps needed may be 85. The Town assumes that the taps needed for the significant or "a high percentage of industrial and commercial development anticipated by both the County and the Town are already assumed in the current plan. With the completion of the needed improvements it appears that there is capacity for this growth to occur.

3. Financing

The provision of water and sewer service within the Town of New Market, by agreement, is provided by Frederick County, specifically, the County's Division of Utilities and Solid Waste Management (DUSWM). The DUSWM water and sewer systems are proprietary enterprise funds within the County government. The DUSWM uses a number of mechanisms to fund water and sewer system expansions and improvements. The County and its municipalities have the legal means to finance water and sewerage facilities through the issuance of general obligation bonds backed by the full faith and credit of the respective jurisdictions. With few exceptions, the major elements of the water and sewer infrastructure such as treatment plants, transmission lines and interceptors are funded by the enterprise's Capital Improvements Program (CIP), while distribution system expansions are typically funded by developers. The County's Water and Sewer plan provides additional detail on the anticipated expansion (and source of funding) of County water and sewer systems.

G. Stormwater Management

The Town has delegated to Frederick County's Division of Utilities and Solid Waste Management (DUSWM) the task of reviewing the stormwater management plans of private development applications on behalf of the Town. They do this based on current county regulations and the State Stormwater Management Act of 2007. The Town anticipates that they may need or want to assume these duties in the future as the Town grows. We recognize that the Town would then need to prepare and adopt new environmental laws related to stormwater management in order and take over this task. However, this change is not anticipated to occur in the near term.

Many of the older streets in town were built long before the concept of storm water management was introduced. The current SHA streetscape project on Main Street is installing stormwater controls along that street. In addition, the Town is working on a CIP project to improve stormwater management in the alleys on the north side of Main Street.

H. Recreation

The Town is well served with parks and recreation opportunities today. The County standard for parks is 25-acres per 1,000 population. Based on our current estimated population of 1,338 this translates into, using County standards, a need for a total of 33 acres of parkland today and 112 acres by 2035.

The Town has a total of 131 acres public and private park land today which equates to 98 acres per 1000 population. Our parkland includes 106 acres of public parkland and 25 acres of improved HOA open space. The HOA open space consists of trails, one athletic field and other amenities in the Orchard and Brinkley Manor PUDs. The Town owns three parks totaling 106 acres. Two are located in the Historic District on Main Street. The first is a one acre lot on East Main Street that has two basketball courts, a tennis court, and a playground. The second is a pocket park located in the middle of Town that consists of a water fountain surrounded by a resting area with park bench seating. The third is a 102.5-acre parcel on the northern edge of Town dedicated to the Town for public use via the annexation of the Royal Oaks Subdivision. Thirty-four acres of the parcel are leased to the Linganore Urbana Youth Athletic Association. They have made improvements and maintain the area. The leased area includes a mix of athletic fields and other active recreation activities and is known as the LOUYAA Athletic Complex. The remaining 66 acres are largely wooded and could accommodate passive recreation and a network of hiking and biking trails connecting to the Town and the planned Parkway.

In addition, the Town's people have access to other facilities and land. Frederick County recently developed Old National Pike District Park 1 mile east of New Market on MD-144. Its amenities include four multipurpose fields, play areas with water mister posts, picnic areas and shelters and walking paths. The New Market Elementary and Middle Schools located on Main Street participate in Frederick County's School Community Center Program. The schools provide their facilities for a variety of youth and adult activities after school, evenings and weekends. The facilities at these schools are presently 100% utilized throughout the calendar year. They include two (2) athletic fields and a community garden. The Dear Crossing ES that abuts the Calumet PUD also has amenities.

Based on an estimated population of 4505 by 2035 and using the County standard again, the Town will need 112.6 parkland acres by 2035. The current facilities and acreage would be still adequate. By then, the Town should have at least 196 acres of public and private parkland. This would equate to 43.5 acres per 1000 population. The anticipated addition of 65 acres will be in the Calumet PUD. The approved Master Plan provides for both active and passive amenities to be built in stages concurrent with development. Planned amenities include a private clubhouse and outdoor pool for the residents there.

I. Infrastructure Summary

1. Schools

Schools servicing newly annexed areas of New Market will be over capacity by 2024. The Town believes it can help to solve these problems collaboratively with the County using concurrency tools and staging mechanisms.

2. Transportation

The Town will continue to work with the County, State, Annexes and Developers to plan for and create and maintain additional roads sidewalks and paths as noted here. Also as the Plan notes the Town desires to increase its tax base in the future to help cover the anticipated costs of maintenance for the Town's portion of MD-144 and the growing Town network.

3. Parkland

The Town will continue to work with LOUYAA, future annexees and developers to plan for and create additional public and private parkland and recreation facilities that improve existing parkland.

4. Water and Sewer

The County Water and Sewer plan should be updated to reflect town projections for residential growth. Given that amendments to the WSAA must occur subsequent to annexation as opposed to prior to annexation, the WSAA should be amended to strengthen New Market's growth potential. Specifically, reversing the order of amendments would lead contiguous property owners to the Town for annexation. The current situation is revealed by the lack of annexation requests for commercial and industrial properties south of I-70. Currently, the County treats the Town similarly to individual property owners and developers. That is, first come, first served. However, unless the property owner has vested rights in capacity derived from the property, the Town maintains that since its role is to fill a greater public purpose, the County should ascribe a greater priority to the Town with respect to utility appropriations. The Town believes the proper order of utilities should trickle down from the Potomac to the MDE to the County to the Town in order to serve its mutually agreed growth area. All of these bodies belong to the public.

5. Stormwater Management

The Town has delegated authority for review of these regulations and facilities at this time as noted.

6. Fire Safety

The Town has no authority over the New Market Volunteer Fire Department. However, plans to improve the facility at its current location are supported by the community.

7. Police

Where there are standards to apply to public services, it would appear that reaching the desired level of police protection presents the greatest challenge to the Town's and the County's operating budget. This emphasizes the importance of conducting a thorough fiscal impact of future annexations. Furthermore, it adds emphasis to the need for a balanced tax base in both the County and Town.

8. General Provision of Community Services

Annexation applicants should be prepared to address the community-wide impact of each proposed land use on the need for public facilities and services, related transportation and housing consequences, and their subsequent effects on the Town's resources.

VII. WATER RESOURCES

A Water Resources Element is required by the Town Plan to assure compliance with the requirements of Maryland House Bill 1141 (HB 1141). The purpose of the Water Resources Element (WRE), as defined in Maryland House Bill 1141, is to establish a clear relationship between existing and proposed future development; it further establishes the relationship between drinking water sources and wastewater facilities that will be necessary to serve that development and measures to limit or control the stormwater and nonpoint source water pollution that will be generated by new development. Among other things, preparation of the WRE is an exercise intended to test water resource capacity limits, determine the potential implications of water resource issues for future growth, and facilitate development of coordinated management strategies.

The Town of New Market represents a small portion of the much larger Monocacy River Watershed. Water supply for the Town is drawn from the Potomac River. Since water resource protection issues are of concern watershed-wide, much of the effort to protect or enhance water quality will be dependent on County and State actions and programs.

The Frederick County Division of Utilities and Solid Waste Management (DUSWM) is sole purveyor of water and sewer services within the Town of New Market and the surrounding Town Planning Area. New Market's water and sewage treatment facilities are managed by Frederick County and provided to the Town based on Water Service Area Agreements (WSAA) that detail the timing and process for allocating water and sewer taps by the County to the Town. The Town also relies on the County's regulations and review services for stormwater management approvals in new developments.

DUSWM uses recognized methods and industry standards to estimate water and sewer capacity requirements for both undeveloped and developed land. Estimates for undeveloped land are based on the Frederick County Design Manual for Water and Sewer Facilities adopted by the Frederick County Board of County Commissioners in 1994.

As the sole provider of both water and sewer services to the Town of New Market, the County has the responsibility for planning, developing and operating the water and sewer infrastructure to serve properties within the County's service areas. Long-term water and sewerage planning, for the Town, is contained within the County's Water and Sewerage Plan. Additionally, the Water Service Area Agreement (WSAA) executed between the County and Town of New Market in April 2003, prohibits the Town from maintaining a subsidiary Water and Sewerage Plan.

Because of the limited influence that the Town exerts both on the provision of county water and sewer facilities and services and on the approval of stormwater facilities, the Town elects to, at this time, adopt the relevant sections of the 2010 Frederick County Water Resources Element rather than update the Town's State required WRE Plan Element approved in 2010.

The 2010 County WRE incorporates projections for both municipal growth and for County planned growth around New Market. This includes both the New Market Community Growth Area and the Linganore Community Growth Area that surround the Town as noted in previous chapters of this plan. In addition, the WRE groups that growth with numerous other communities that are projected to receive a large part of the County's growth.



As the County WRE reports, the Town's water service comes from the New Design Water Treatment Plant (WTP) which is the County's largest water system. It provides water to the City of Frederick and to twelve communities that include both municipalities and County defined unincorporated community growth areas alike. Likewise the Town's sewer service comes from the Ballenger/McKinney WWTP which is the County's largest sewer system. It also provides sewer service to the same group of twelve communities.

As the County WRE reports, the Town of New Market is part of the Monocacy River watershed which lies within the larger Potomac River Basin, which drains to the Chesapeake Bay. The Town is also part of two sub watersheds - the division of which is a ridge line that roughly aligns with Main Street and Old New Market Road. To the north is the Lower Linganore Creek watershed and to the south is the Lower Bush Creek watershed.

The Maryland Department of the Environment (MDE) advises that the Monocacy River is an impaired stream and Total Maximum Daily Loads (TMDLs) have been issued for fecal coliform bacteria and sediment in both the upper and lower reaches of its watershed. The Linganore Creek sub-watershed has also been issued TMDLs for sediment and phosphorus. The recent decommissioning of the New Market sewer plant has helped to reduce pollution in the Lower Bush Creek watershed.

The 2010 WRE reported an estimated 7.6% impervious cover in the Lower Bush Creek sub-watershed and 7.5% in the Lower Linganore Creek sub-watershed. It recommends that the county pursue mitigation and restoration efforts such as stream buffer plantings, stormwater retrofits and other best management practices to help keep them under a 10% coverage threshold.

While both the Town's 2014 Municipal Growth Element update and this plan, projects more municipal growth by 2030 than does the 2010 WRE, the Town's projected increase represents a reallocation of the growth already projected by the WRE. It does not necessarily increase the currently projected growth in the watershed or demand in water and sewer service areas of which the Town is a part. The same is true for impervious cover.

The County's 2010 Water Resources Element (WRE) addresses the County owned and operated water and wastewater systems and provides a detailed analysis of water resources. It includes data for municipal systems and municipal growth areas and is divided into three components:

- Drinking Water Assessment;
- Wastewater Assessment; and
- Managing Stormwater and Non-point Source Pollution.

It includes recommendations for sound land and water resource management practices that contribute towards the health and sustainability of major watershed systems and human communities and includes as series of goals, policies, and action items.

The 2010 County WRE states that Policy statements and implementation strategies specific to the municipality will be independent of the County's Water Resources Plan and will be addressed within the respective municipal water resources and comprehensive plans. Therefore, the Town plan incorporates the following goals, policy statements and implementation strategies that are relevant to New Market.

GOALS

The Goals relevant to the Town's role in water resource managements as follows:

1. Work with the county to assure the provision of a safe and adequate drinking water supply to accommodate the needs of the current Town population as well as future generations.
2. Work with the County to protect and enhance the quality of Town's surface waters, ground water resources, and wetlands.
3. Support County investment in water and sewer infrastructure that will provide adequate treatment capacity and reduce pollutant loading in rivers and streams.
4. Promote coordinated planning between jurisdictions and agencies responsible for drinking water, wastewater, and stormwater management.
5. Engage the public in watershed conservation and promote a stewardship ethic.

POLICY STATEMENTS

Policies relevant to the Town's role in water resource managements includes the following:

1. Work with the County and State to encourage compact Town growth to preserve agricultural lands around the Town in order to allow for more efficient provision of community facilities and reduce nutrient impairment of the watershed.
2. Work with the County to maintain a distinct and identifiable community.
3. Work with the County and State to find ways to prevent further nutrient impairment of the watershed and find opportunities for nutrient reductions/credits within the Town.
4. Promote provision of community water/sewer service within the Town and the Town's Planning Area.
5. Work with the County to promote timely access to the current and planned capacity in the New Design Water Treatment Plant and the Ballenger-McKinney System wastewater treatment system.
6. Work with the County to promote connection to community water/sewer services by existing developed properties now on well and septic that are located within the Town and in areas to be annexed.
7. Minimize new development utilizing individual well and septic systems to protect the quality and quantity of ground water resources.
8. Work with the County and State to protect water quality in areas still using individual wells as a drinking water source.
9. Promote protection of existing forests within the Town in accordance with the Town's forest conservation ordinance as a means to prevent added nutrient loading in the watershed.
10. Promote protection of streams within the Town, in accordance with the Town's floodplain conservation ordinance, as a means to prevent added nutrient loading in the watershed.
11. Work with the County and State to integrate watershed planning and management into the Town comprehensive planning process.

ACTION ITEMS/IMPLEMENTATON STRATEGIES

1. Work with the County on their efforts to educate residents and businesses about the need to conserve water, to prevent and reduce pollution, and to protect and restore watersheds.
2. Coordinate with the County the development of GIS mapping and data for the Town.
3. Coordinate with Frederick County to evaluate solutions that ensure future water and wastewater capacity and adequate management planning.
4. Work with the County on their efforts to pursue mitigation and restoration efforts such as stream buffer plantings, stormwater retrofits, and other best management practices.
5. Within the Town, encourage Low Impact Development practices in both new development and by existing homeowners.

6. Encourage retrofitting of water quality improvements on existing development in Town through stormwater management techniques such as rain barrels, rain gardens, and buffer plantings.
7. Continue to establish a land use planning framework that is supportive of water quality protection efforts
8. Maintain land use patterns that limit adverse impacts on water quality.
9. Continue to focus growth to areas best suited to utilize the existing and planned water and wastewater infrastructure efficiently.



VIII. PROTECTION OF SENSITIVE AREAS AND OTHER RESOURCES IN AND NEAR NEW MARKET

This chapter addresses state requirements regarding Sensitive Areas, Mineral Resources, and Water Resources. The Town and its Planning Area does not include any areas of State concern.

SENSITIVE AREAS

The term "Sensitive Areas" refers to: streams, wetlands, and their buffers; 100-year flood plains; habitats of threatened and endangered species; steep slopes; agricultural and forest lands intended for resource protection or conservation; and other areas in need of special protection, as determined in the Plan. The State requires that Sensitive Areas that could be impacted by development planned within the proposed municipal growth area be addressed. This Municipal Growth Element requirement overlaps the broader element of the Plan found in LU3-102(a)(1)(vi), requiring that the Plan include "a Sensitive Area element that contains goals, objectives, principles, policies, and standards designed to protect sensitive areas from the adverse effects of development." The Sensitive Areas element of the Plan is subject to review by the Department of the Environment and the Department of Natural Resources. Although the statute requires "consideration of...protection of sensitive areas...that could be impacted by development planned within the proposed municipal growth element," there is no requirement that the Plan include a catalog of particular sensitive areas. Instead, the Land Use Code contemplates that the Plan give consideration to the protection of sensitive areas encountered in development. This Plan addresses such protection by identifying protection techniques.

A. Overview

Frederick County provides a good overview of Sensitive Areas in the County in its 2010 Comprehensive Plan. The following material is adapted from that Plan.

1. Streams and Their Buffers

Streams are grouped into a hierarchal system first order, second order, third order, etc. from the smallest headwater stream to the Monocacy and Potomac Rivers in Frederick County. Streams and their buffers perform a wide variety of functions and have numerous environmental benefits. The buffer or riparian area of a stream is part of the stream ecosystem whose boundaries often depends on conditions of slope, soil, ground cover, and hydrology. The buffer encompasses parts of the stream ecosystem that are often dry, yet are integral to the stream's health. Stream buffers include:

- Floodplains where most stream wetlands are located and where energy dissipation, natural filtration and floodwater storage occur.
- Stream banks and adjoining steep slopes that help to prevent erosion from clogging the streambed and provide plant and animal habitat.
- Streamside forests, which provide habitat, stabilize banks, provide shading, control temperatures, filter pollutants and produce leaf-litter, which supports a variety of aquatic organisms.

2. Stream Use Designations

The Clean Water Act requires states to develop water quality standards to protect and improve surface waters. These standards are based on a particular water body use, function, goal or "designated use," such as supporting trout populations or protecting public water supplies. Criteria to support these designated uses include specific limits on amounts of dissolved oxygen, bacteria, temperatures, tonics, and turbidity (clarity) in the particular stream. The State of Maryland has defined designated uses of surface waters.

3. 100-Year Floodplain

The 100-year floodplain is the portion of the landscape adjacent to streams and rivers that is subject to inundation by a flood event having a 1% chance of occurring in any year. Floodplains are generally comprised of rich alluvial soils formed by many years of deposition of soil, gravel, sand, rock, leaves, twigs, animal, and other plant materials caused by the continual ebb and flow of water in and out of the stream or river channel.

Floodplains are a natural part of the aquatic environment and contain diverse ecosystems. A key function of floodplains is to hold excess water and allow a slow release into groundwater and back to the waterway. Streams and rivers carry higher suspended sediment during flood events; the floodplain acts as a "sink," trapping and settling these particles. The soil microbial community is active in floodplains, processing and cycling nutrients. Unique plants that can tolerate episodic high water are present in floodplains along with a variety of animal species that contribute to high biodiversity.

New Market lies in the Piedmont physiographic province. The Piedmont is gently rolling land of moderate relief. The land is well drained by small creeks and swales and runs. There is only a small area of a 100-year floodplain located within the current Town Boundary. Annual floodplains (defined by soil type) are located to the east of New Market along MD-75 and to the southwest. Annual floodplains are also located north of Town, running north and east of New Market farms.

4. Habitat of Endangered and Threatened Species

Frederick County's diverse landscape supports high biodiversity, the variety of plant species, animal species and all other organisms found in a particular environment. The protection of habitats that are critical to maintaining biodiversity contributes to the protection of rare threatened and endangered plant and animal species.

The Maryland Department of Natural Resources - Natural Heritage Program - has identified 26 animal species and 74 plant species in Frederick County in their current inventory of Rare, Threatened, and Endangered Species. Of these, nine (9) animal species and thirty-five (35) plant species have been determined to be endangered Statewide. Two (2) of these endangered species, the Yellow Lance (a freshwater mussel), *Elliptio lanceolata* and Torrey's Mountain-Mint, *Pycnanthemum torrei*, are cited as globally rare. Seven (7) plant species are identified by the State as extirpated. The species "was once a viable component of the flora or fauna of the State of Maryland, but for which no naturally occurring populations are known to exist in the State." The Maryland Department of Natural Resources' Fisheries Division also maintains an official list of game and commercial fish species that are designated as threatened or endangered in Maryland.

These rare species serve as bellwethers for the health of the ecosystem that we rely on and share with them. Many of these species serve us directly. They may have medicinal applications or utility for research and education, or cultural significance. The challenge in Frederick County and all of

Maryland is how to balance population growth and land development with our responsibility to protect Frederick County's array of unique habitats and species.

The primary state law that governs endangered species is the Nongame and Endangered Species Conservation Act (NESCA), which contains the official State Threatened and Endangered Species list.

The NESCA reads:

- It is the policy of the State to conserve species of wildlife for human enjoyment, for scientific purposes, and to insure their perpetuation as viable components of their ecosystems.
- Species of wildlife and plants normally occurring within the State which may be found to be threatened or endangered within the State should be accorded the protection necessary to maintain and enhance their numbers.

The Natural Heritage Program (NHP) is the lead state agency responsible for the identification, ranking, protection and management of nongame, rare and endangered species and their habitats in Maryland. Data collected by NHP provide the scientific foundation for the Threatened and Endangered Species lists mandated by the Act. NHP researchers conduct inventory and monitoring activities on nongame wildlife, rare species populations and natural communities, documenting trends in population and habitat health and viability. Information gathered through this research guides land management decisions and regulations designed to protect and conserve the State's biological diversity.

No exact locations are provided for any of the listed rare, threatened and endangered species (as a means of protecting the listed species), although GIS data depicting generalized habitat/species locations is provided by the Maryland Department of Natural Resources for land use planning and development review purposes.

5. Steep Slopes

Steep slopes are defined as having an incline of 25% or greater. Protecting the natural terrain and vegetative features present on steep slopes prevents flooding, stream siltation, and the alteration of natural drainage patterns. Preserving steep slopes protects the natural environment, manmade structures, and the safety of all citizens. Steep slope protection also provides aesthetically attractive open space/view sheds and maintains local biodiversity found on many of these slopes. Preservation of steep slopes adjacent to watercourses is especially important because of the impact to water quality and in-stream aquatic habitat from soil erosion and sedimentation when slopes are graded, cleared or disturbed. Historically, many of these steeply sloped areas have not been disturbed, as they are very difficult to farm, graze, log or develop.

Frederick County's distinct landform regions, called Physiographic Provinces, can be used to describe the County's overall topography. The Blue Ridge Physiographic Province includes Catoctin Mountain at the eastern boundary and South Mountain at the western boundary. These mountain ranges contain the largest concentration of steep and moderate slopes in the County.

The Piedmont Plateau Province includes all lands in Frederick County east of the Catoctin Mountain range and is typified by rolling terrain and low ridges. Steep and moderate slopes exist along many streams in the Piedmont in Frederick County. Steep slopes are evident along Bush Creek, Lingnore Creek and its tributaries south of MD-26. Numerous steep ridges and bluffs are also present adjacent to the Monocacy River as well as Catoctin Creek. In addition to the mountain ranges, Frederick County has a Monadnock (a mountain or rocky mass that has resisted

erosion and stands isolated in a plain): Sugarloaf Mountain. It rises 800 feet above the Piedmont Plateau Province to an elevation of 1,282 feet.

6. Forest Lands

Approximately 35% (151,000 acres) of Frederick County, as of 2000, is covered by forestland. The forests provide countless benefits including: air quality, water quality, scenic beauty, wood products, wildlife habitat, recreation, flood control, and erosion control. According to the Maryland Department of Natural Resources Forest Service, the predominant forest cover type in Frederick County is the Oak-Hickory complex (oaks, hickories, red maple, beech, tulip poplar, white ash) occupying about 71% of the forestland base. Other forest cover types found in the County include the Northern Floodplain (14%): elm, black walnut, ash, sycamore, willow; Northern Hardwood (5%): sugar maple, beech, hemlock, basswoods, white ash, red oak and others such as pine plantations and early succession forests (10%).

Presently, the major forested areas of the County lie in the mountain areas, including Catoclin Mountain, South Mountain, and Sugarloaf Mountain and its immediate vicinity. The forest cover in the eastern county area, however, is much more fragmented, interspersed with large agricultural fields or residential development. Some forestland is also present in the Monocacy River and Potomac River riparian areas. Approximately 18% of the forestland in the County is publicly owned; the remainder is privately held with the potential for some commercial timbering and harvesting. New Market lies in the Piedmont physiographic province. The Piedmont is gently rolling land of moderate relief. The land is well drained by small creeks and swales and runs.

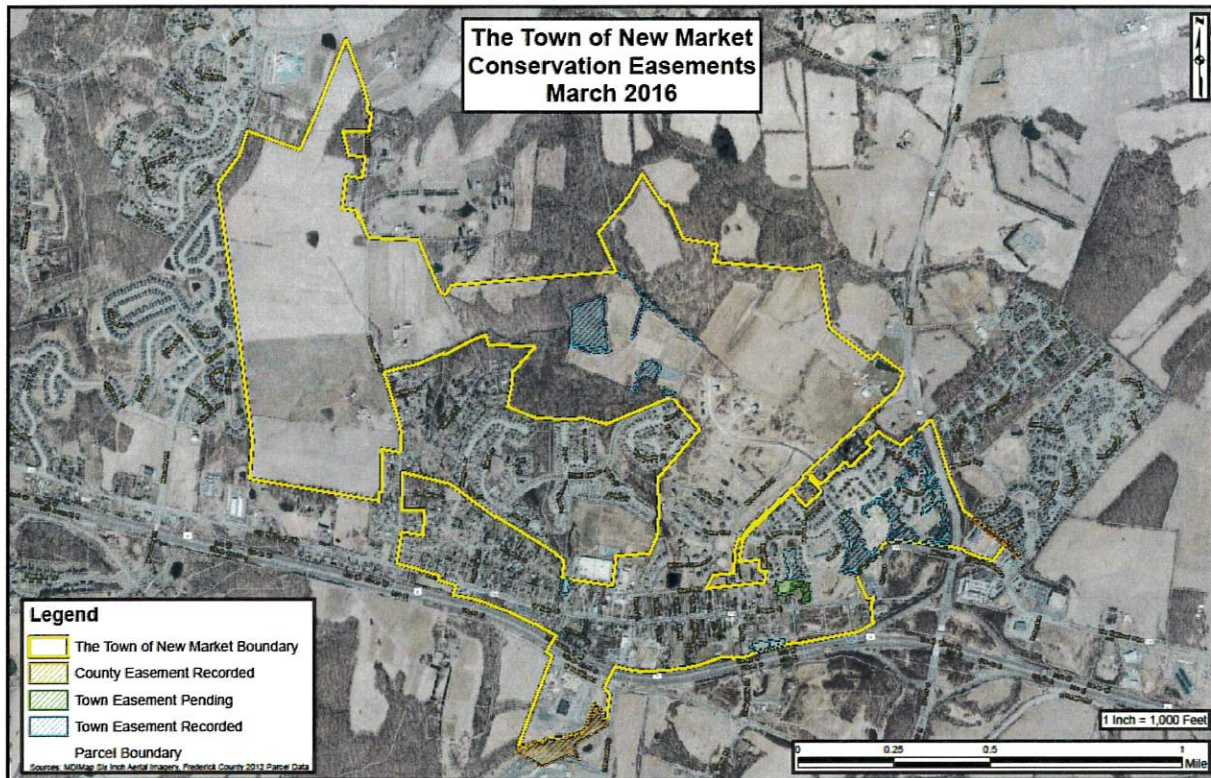
Map 19, on the following page, shows the existing forested areas in the Town. Most of these forest stands are located along streams or other steeply sloped areas, which had not proven useful for crop production or pasture in the past. Map 19 also provides an inventory of the forest stands within Town that are protected, or are in the process of being protected by forest conservation plans and easements as of 2015.

7. Wetlands

Wetlands are a unique type of ecosystem and are also referred to as marshes, swamps and bogs. They are generally identified based on the degree of flooding, the existence of unique plant communities, and by special soil characteristics. Wetlands may be permanently flooded by shallow water, permanently saturated by groundwater, or periodically inundated for periods during the wet season.

Frederick County has inland wetlands, as opposed to coastal or tidal wetlands. Inland wetlands are most common within floodplains along rivers and streams (riparian wetlands), in isolated depressions surrounded by dry land, along the margins of lakes and ponds, and in other low-lying areas where the groundwater depth is shallow. Based on data from the Maryland DNR, Frederick County is estimated to have approximately 9,300 acres of wetlands.

A number of small wetlands are located within the Town. One is east of Ninth Alley and south of Main Street. Others are located in the Calumet property. Other wetlands are located to the north, east, and south of Town.



Map 21: Forest Conservation Easements

Source: Town of New Market

The benefits of wetlands are described below:

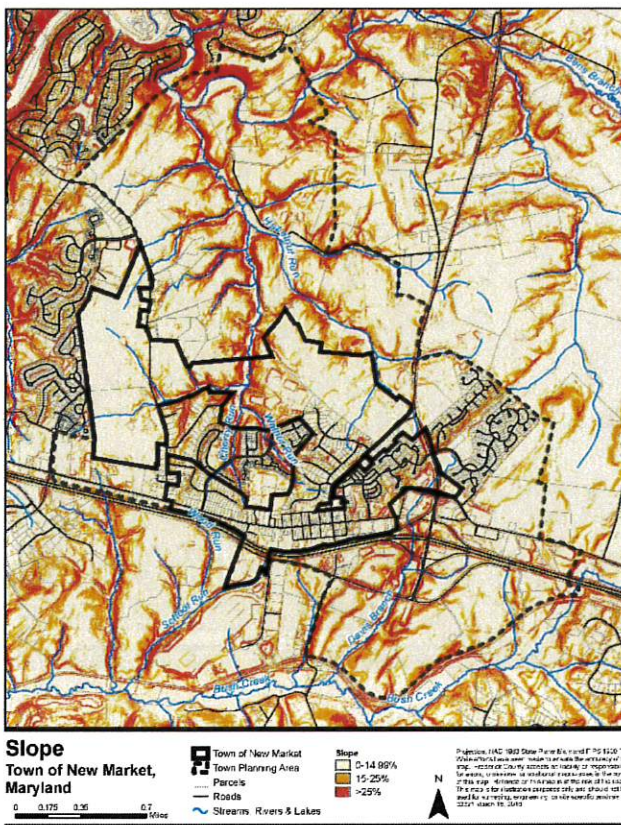
- Plant and Animal Habitat - Many species of birds, mammals, reptiles, and amphibians rely on wetlands for breeding, food supply, cover, wintering and stopover during migration. They create numerous microenvironments for wildlife. Wetlands also provide unique habitat for many rare and endangered plants and animals.
- Water Quality - Wetlands play a less conspicuous but essential role in maintaining high environmental quality, especially in aquatic habitats. They do this in a number of ways, including purifying natural waters by removing nutrients, chemical and organic pollutants, and sediments, and by producing food that supports aquatic life.
- Flood Control - The more tangible benefits of wetlands include flood and stormwater protection, erosion control, and water supply and groundwater recharge, harvest of natural products, livestock grazing and recreation.

B. Protection Measures

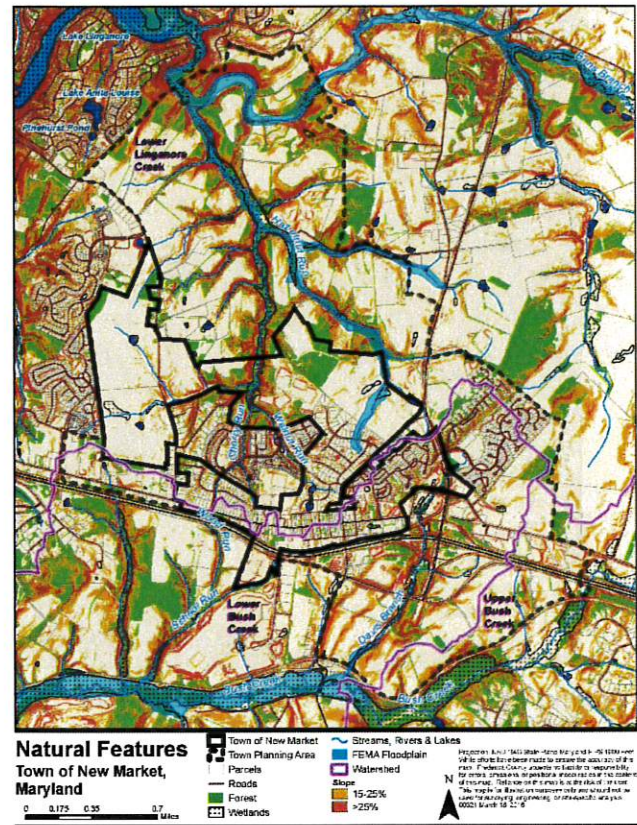
Maps 22, 23, and 24 provided by the County, identify existing Sensitive Areas within the Town, and in surrounding areas. They show steep slopes, forest cover, floodplains, wetlands and streams, etc.

The Town protects sensitive areas from disturbance in the course of the development application process, through a variety of existing regulatory controls, which are implemented in the site plan subdivision plat review. Whether a particular sensitive area may be impacted, and what mitigation techniques are to be applied, are fact-specific inquiries which will depend upon the location and characteristics of the specific development proposed, and may properly be considered on a case-by-case basis. Protection of sensitive areas from proposed development is

responsive to the development proposed. The Planning Commission of the Town has extensive authority in implementing the general policies and objectives of the Plan through appropriate application of existing regulatory mechanisms.



Map 22: Slopes
Source: Frederick County



Map 23: Natural Features
Source: Frederick County

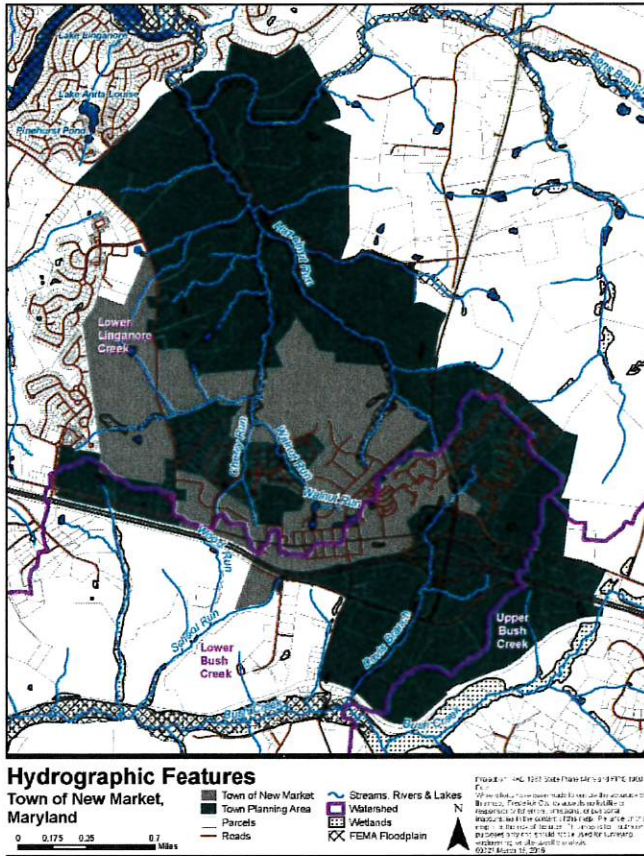
1. **The Town shall protect its Historic District from the detrimental effects of development.**

The Historic District of New Market is the base upon which the Town's economy and quality of life reside. It is the most "Sensitive Area" of New Market. This Plan began with a description of its growth and character. It is hoped that this emphasis on the Historical District as the historic, economic, and cultural base of the Town will impress upon Town officials, County officials, State officials, and representatives of the development community the importance of future development enhancing, rather than diminishing, the District's character and importance.

2. **The Town shall protect its natural water supply, and encourage stewardship of the Chesapeake Bay and its tributary lands.**

The Town shall take every step to ensure the quality of its groundwater and surface water sources and implement wellhead protection measures when possible. The Town will also institute policies and programs to protect and enhance recreational linkages and natural stream areas.

3. The Town will update its forestation regulations in coordination with DNR and consistent with state regulations.
4. The Town will continue zoning practices which protect and enhance the environment.



Map 24: Hydrographic Features
Source: Frederick County

These practices shall:

- Encourage sound management and protection of groundwater and surface water resources and their quality.
- Promote diligent, efficient use of water resources and discourage wasteful practices.
- Preserve or enhance aesthetic qualities of natural drainage courses in their natural or improved state compatible with flood control measures, economic, environmental, and ecological factors.
- Direct development activity away from stream and stream buffers, wetlands and their buffers and from 100-year historic and annual floodplain areas to minimize health and safety hazards, property loss, and environmental disruption, and to foster stream enhancement, improved water quality, and recreational opportunities.
- Prevent construction of large contiguous paved areas unless adequate measures are ensured to reduce runoff.
- Encourage disposal of storm and domestic runoff on the development site, rather than directing it to drainage courses.

- Discourage urban uses and limiting development in designated aquifer recharge areas.
- Require areas chosen for expansion to apply a groundwater use plan as part of their site plan application.
- Ensure that environmental impacts receive equal consideration along with economic and engineering factors as a part of the review process. Included in this should be an evaluation of transportation and air quality effects of major employment generating projects in determining these impacts.

5. The Town will maintain standards for development on or near wetlands and floodplains, so as to protect these critical resources.

No development should be allowed within a 100-year flood plain, historic or annual, and there shall be a 25-foot building setback in areas adjacent to these floodplains

The Town will update the Town's current forest ordinances with input from DNR. This is currently underway. A review of zoning and land development ordinances will be conducted during this planning cycle. Consideration shall be given to modifying the zoning ordinance to attach special

conditions for properties located in an area outside the 100-year floodplain but still subject to flooding to reduce the risks of property damage or injury. These conditions could include underground storm drainage systems capable of handling run-off from a 100-year storm, limits on the amount of pavement and other impermeable surfaces, and drainage fees to help pay for downstream improvements needed as a result of development

The Town currently utilizes the services of the County for review and approval of applications for stormwater management plans based on current State and County regulations. This approach is not currently anticipated to change in this planning cycle.

6. The Town will consider the following additional land use designations to thoroughly address open space issues.

While the current plan does not include it, the Town will consider creation of a new land use category - Open Space Reserve, which will serve to protect land with potential recreational value. Its location and extent will depend on the presence of scenic, aesthetic, wildlife or other resources, which require special protection and may have potential recreational value. It is intended to remain agricultural. Recreational uses must be compatible with adjoining agricultural uses.

The Town shall develop a package of incentives and encourage the following uses of open space in its Growth Area: additional active parkland, development of designated parkland, increased historic preservation, additional natural open space, preservation of trees and other vegetation, and preservation of natural drainage and aquifer recharge areas.

These designations can usefully apply to lands (sensitive areas, conservation easements, and open space) within and surrounding the perimeter of the Growth Area that are meant to retain rural character and remain undeveloped. These areas form a rural greenbelt around New Market and can function as a growth boundary. By directing regional growth into the Town and designated locations within the Growth Area, it is proposed that these conservation areas constitute permanent buffers in the landscape.

Property owners in land conservation areas can be compensated in a number of ways. They are encouraged to participate in a transfer of development rights, which would allow them to sell and move development rights from their property for use in areas designated for growth. Property owners in designated growth areas may be required to use development rights transferred from within the Growth Area to achieve the densities necessary for successful development. Property owners could also enter into contractual arrangements or Development Rights and Responsibilities Agreements, which would cluster development on a single property but share development returns among several owners. Other arrangements for concentrating development are possible and New Market looks to the creativity of its citizens and neighbors to bring this objective to fruition.

Owners in land conservation areas will also be urged to participate in any of the various land conservation programs available such as the Maryland Agricultural Land Preservation Foundation (MALPF) Farm Easement Purchase Program and the Conservation Easement programs offered by the Maryland Environmental Trust (MET) and the Maryland Historic Trust (MHT). The MALPF allows rural property owners to derive equity from their lands without actually developing them in return for placing easements on the property which prohibit or limit its future development. The MET and MHT conservation easement programs provide tax credits and estate planning benefits to property owners who voluntarily place their lands under easements prohibiting or limiting future development.

MINERAL RESOURCES

The Land Use Article contemplates that each Comprehensive Plan contain a mineral resources element. The Town has no commercial quality mineral resources, which could at some point in the future be extracted or which should be reserved for future use. The Town is of such size and character that reservation of land for mineral extraction is not appropriate in any event.

Unlike areas to the west of Town, the New Market Area is not built on limestone. The entire New Market Area is underlain by crystalline rocks of the Piedmont Physiographic Province. The different rock types of the area include: the Urbana Formation, Sam's Creek Metabasalt, Wakefield Marble, the Marburg Schist, the Ijamsville Formation, and the Libertytown Metarhyolite. These rocks have been folded and faulted during mountain building episodes in geological history to form a highly complex geologic subsurface. The bedrock units make up a fractured rock, water table type aquifer.

The major soil types in the New Market Region are Manor and Linganore soils. These soils are generally shallow, well to excessively drained, with fair to moderate agricultural capability. While areas of prime agricultural soils are limited in the New Market Region, the Soil Conservation Service has identified some farmland within the region, which is of statewide importance. This farmland generally consists of Capability Units II and III soils and therefore would qualify for participation in the State's voluntary preservation program.

GROUND WATER RESOURCES

As noted in previous chapters New Market largely utilizes drinking water provided by the county and all new development will be served by the County. The Town also utilizes County services to review and approve stormwater management plans in the Town. While water service has been extended into most of the older sections of Town, there are still some properties that utilize well water as their water supply.

The climate of New Market is temperate and moderately humid. The mean annual temperature falls between 52°F and 55°F. The summer weather is generally 120 days in length and temperatures are usually moderate, but extremes as high as 109°F are not unknown. Although winter extremes have been as severe as -21°F, the average winters are usually fairly mild.

In the New Market Area, precipitation averages approximately 40" per year. Of this, 28" are generally evaporated or transpired by vegetation. Approximately 6" are direct surface runoff into streams. This leaves approximately 6" of actual groundwater recharge during an average year. This recharge may be significantly lower during dry or drought years. (Source: R.E. Wright Associates, Hydrogeological Study of the Monrovia, New Market, and Ijamsville Area, Frederick County, MD, October 1989.) Precipitation is distributed evenly throughout the year from 3" in February to 4" in July and August. The average annual snowfall is approximately 25."

Local rock formations exert a major influence on the quantity, quality, and availability of ground water. The Sams Creek Metabasalt rock formation, on which the Town resides, produces wells with an average yield of 11 gallons per minute. Adjacent to the Town's eastern boundary is a band of Wakefield Marble. Further study is required to determine average yield from this rock formation. Groundwater levels fluctuate in response to withdrawal from wells. In the New Market Area, the effect of pumping from domestic wells is not widespread; such effects normally are confined to a few tens of feet from each well. In the New Market Area, the water table is generally a subdued replica of ground surface topography; as such, groundwater movement often follows surface water drainage patterns. As a result, the groundwater recharged to the area is generally equivalent to the amount of precipitation which infiltrates to the area.



There are two (2) bodies of surface water that are intimately related to the Town of New Market. The Davis Branch of Bush Creek towards the south of Town is a very small creek no more than 3 to 4 feet at its widest. Until recently this creek served as a carrier and purifier for the effluent discharged by the now closed New Market Sewerage Treatment Plant, located on the eastern edge of Town. It drains into Bush Creek, a tributary of the Monocacy River. The creek serves as an exporter of groundwater by removing water from the Town's aquifer. Linganore Creek is located 1.5 miles north of New Market. It is statistically important to the Town as its stream flow rates through its watershed area reflect the amount of groundwater available in the Town's aquifer. The Town's aquifer is contiguous with the Linganore Creek Watershed.

IX. FINANCING OF INFRASTRUCTURE EXPANSION

A. Guiding Standards

The New Market Planning Area will accept a certain amount of residential growth and commercial and job creating uses in locations and patterns that enhance overall community character and sustainability.

Future planned growth in whatever quantity will be constrained to as small a "footprint" on the land as possible to limit environmental impacts and infrastructure requirements.

Development will be required to help repair past environmental damage as well as improve current environmental functions.

Development will be required to offset initial infrastructure costs and provide them in a manner that creates continuing and substantial revenues for the public.

In return for a possible increase in development costs, developers will receive such benefits as a better mix of uses or greater density on selected sites, a simple approval process for complying proposals, ability to market themselves as part of an enhanced New Market community with a higher quality of life, greater amenities, and less congestion.

The Town and County will work with the private sector and the State to plan, fund, and construct the community facilities, infrastructure, and transportation improvements necessary to correct existing inadequacies within the community and to facilitate development in the New Market Planning Area as a designated growth center within the County.

New development will pay its fair-share of the costs associated with community facilities, infrastructure, and transportation needs where demand is generated by the new development. Current residents, businesses, and property owners will not be required to fund capital improvement costs for community facilities, infrastructure, and transportation improvements necessitated by demands solely generated by new development.

No new development will be approved within the Planning Area unless it can be determined that adequate public facilities and infrastructure are in place or are planned and funded for construction within a reasonable time period in conjunction with the proposed development.

The timing and phasing of community facilities, infrastructure, and transportation improvements requiring public investment will occur over time in conjunction with coordinated Town and County Capital Improvement Programs and priorities for Town annexation. Improvements recommended for areas within the Town and proposed Annexation Areas should receive the highest public-sector funding priority.

B. Financing Responsibilities

1. Financing Generally

The Town's main sources of revenue are Real Property Taxes, Income Tax, Admissions and Amusement Taxes, Personal Property and other Business Taxes, Construction Permitting and other Development Fees. The Town's main expenses were Public Works, Salaries, Financial, and Legal Administration, and Public Safety.



The Town's Operating Budget is a cash budget. It does not account for amortization of capital expenses such as road, building, storm drainage, and other capital items. For this reason, the annual budget report contains a discussion of these items pursuant to an in-house fiscal impact of current development and infrastructure. The economic life of each item is estimated and broken into its annual amortization cost. Thus, the Town endeavors to ensure that its unappropriated reserve is always set above this amount. This ensures that as long-term capital items come due for replacement, the money is ready and available for funding.

2. Water Line Construction Financing

The Town recently (2009) completed two major waterline projects with the County. The total cost of these projects was \$1.8 million. The Town funded \$900,000 from its General Fund and \$900,000 from developer Community Enhancement contributions. This demonstrates the importance of how developer contributions can be used the update facilities that are inadequate attributable to legacy issues.

3. Future Non-Development Infrastructure

a. Streetscape

The Town Streetscape Project (under construction in 2016) is a \$4 million dollar effort that includes stormwater drainage, sidewalk extensions, replacements and repair, lighting, landscaping, and Main Street repaving. In exchange for these improvements, the Town has agreed to take ownership of Main Street and its maintenance. This could add as much as \$50,000 to annual amortization cost.

Prior to this project's start, the poor condition of sidewalks in the Historic District was a significant impediment to pedestrian activity. Many were impassable for those in wheelchairs and a tripping hazard for those who are not. The Town could not have done this project without SHA funding. The alternative would be to adopt an ordinance placing sidewalk repair and maintenance upon adjacent property owners.

The Town must expand and diversify its tax base in order to find a permanent solution to this legacy inadequacy issue.

4. New Development Financing

a. APFO Mitigation Funding vs. Municipal Annexation Funding

The Town will use municipal annexation agreements and Development Rights and Responsibilities Agreements to both finance and achieve concurrency of infrastructure and public facilities with development. The Town prefers these tools for the purpose of financing infrastructure and achieving concurrency for the following reasons.

Adequate Public Facilities Ordinances do not efficiently take into consideration legacy issues. These legacy issues create a complex set of equations that APFO alone cannot solve. APFOs often resemble moratoria. They therefore do not always achieve their intended purposes of achieving concurrency of development and public facilities as well as providing affordable housing.¹ As APFOs restrict available land where the highest and best use is for housing, the price

¹ William C. Wantz, "A Comparison of Adequate Public Facilities Ordinances with Other Infrastructure Concurrency Techniques in Municipal Annexation", December 2003, p. 2

of housing increases. As development patterns generally occur in concentric rings from previously developed areas, APFO restrictions push market demand to someone else's community or rural areas without solving the larger public facilities problem.²

APFOs have other weaknesses. Impact fees derived from the construction of new homes are collected after the development passes an APFO test. These fees can only keep you current; they cannot solve the legacy shortcomings. Furthermore, Judge Cathell in *Steel vs. Cape* observed that the County cannot disproportionately place the burden of adequate public schools upon the developer. Also of concern is the questionable validity of APFO waiver payments.³ In *Halle Development Co. vs. Anne Arundel County* the Court intimated that these fees not only resembled illegal taxes but questioned the impropriety of allowing developers to buy land use accommodations. Essentially, those with money can buy extraordinary land use accommodations while those who cannot must wait.⁴

There are other concurrency tools that should be considered. They include, but are not limited to, municipal annexation agreements, DRRA's, WSAA's and Joint Planning Agreements. These tools may be more appropriate for "underbounded" jurisdictions like New Market. We have very little undeveloped land to which to apply an APFO. Annexation presents an opportunity to create a contractual relationship with a municipality premised on crossing the annexation threshold. Municipal annexation agreements provide concurrency by contract. They have several advantages over concurrency by regulation or APFO. First, they are judicially proven such as in *Mayor & Council of Rockville vs. Rylyns*. Secondly, they are flexible and thus not "one size fits all" as is the Frederick County-imposed APFO.⁵ Third, they allow for payment in advance for public facilities. These payments are financed through the 30-year mortgage market at the prevailing rate of interest. Thus local government "piggy backs" on the mortgage industry. Lastly, municipal annexation agreements are binding upon the developer and its successors.

The County controls our utilities through a WSAA. The Town recognizes that concurrency can only be reached incrementally as we overcome legacy issues. Only then can we provide a model to achieve the goals of Smart Growth, concurrency of public facilities, and affordable housing.

Using the identified concurrency tools, we can create a model that uses the County APFO to drive development to currently developed areas such as municipalities. The municipalities can then negotiate an annexation agreement with the developer that arranges for the provision of funds for needed public facilities. Since the current WSAA only allows extension of services to New Market to serve an annexed property after the annexation is final, the annexation agreement must meet the approval of the County BOCC before services may be extended. Finally, no construction phasing can be set, nor any development occur, until after the annexation is final, the WSAA amended, and a phasing schedule set in a DRRA executed with the WSAA amendment.

Memorializing this model in a Joint Planning Agreement ensures that the County and municipalities will work cooperatively, not competitively. By using such an agreement, the County cannot develop property contiguous to the municipality without annexation, but neither can the municipality develop the property without satisfying the County. This model offers a collaborative method of accomplishing our mutual goals.

² Ibid., pp. 3-7.

³ Ibid. pp. 8-9.

⁴ Ibid. pp. 13-1

⁵ Ibid. pp. 14-15.



b. Countywide School Construction Mitigation Fee

The recitals to this Plan cite the Frederick Board of County Commissioner's desire to enter a Joint Planning Agreement with the Town. The County has asked the Town to consider a uniform Countywide school construction fee. This proposes to provide for additional developer funding above and beyond the current impact fee for any school or combination of schools that do not pass the County APFO. This funding could provide for 115% of the actual per dwelling student impact. The Town is willing to investigate adopting this fee as part of a Joint Planning Agreement. The Town would not adopt an APFO for the reasons stated above. However, it would consider setting a reasonable threshold for school capacity. The Town would then have a tool that is stronger than an APFO and it would have a concurrency agreement with the County that is a legally binding contract.

X. RELATIONSHIP OF NEW MARKET'S LONG-TERM DEVELOPMENT POLICY TO THE VISION OF ITS FUTURE CHARACTER

A. New Market's Current and Future Character

To assure new construction is consistent with adopted growth policies, and expansion of development is balanced, the Master Plan shall be evaluated by the Town every ten (10) years.

Areas chosen for annexation/development shall be subject to public facilities concurrency and have an adequate level of school facilities; fire, rescue, and police protection; water and sewer facilities; transportation support; recreational opportunities; and other public facilities as identified. Future development will be on community water and sewer.

New Market has long had a reputation for its high standards of architectural style and authenticity in its Historic District; this same attention to detail shall be applied uniformly to future annexed areas as well as through the use of architectural guidelines. New development shall not adversely affect the character of existing areas.

Implementing the Plan's land use concept will require a new approach to assembling, designing, and evaluating development proposals. First, a mechanism to move development among the Annexation Area properties should be an integral part of the Town's zoning and subdivision regulations. If concentrated development, sensitive area protection, and rural preservation are to be achieved, some properties will have development, others will not. But all property owners must be able to benefit from the development potential created and this requires a creative regulatory mechanism.

Second, the ordinances developed to carry out the Plan should provide flexibility and performance criteria which produce a choice in the types of living environment and living units available to the public; adequate open space and recreation areas; a pattern of development which preserves trees and habitat, the natural topography and geologic features, sensitive areas, and protects and improves water quality; a creative approach to the use of land and related physical development; an efficient use of land resulting in smaller networks of utilities and streets and lower housing costs; an environment of stability in harmony with the character of New Market proper; and a more desirable environment than would be possible through the strict application of predetermined height, area, and bulk regulations.

Third, in recognition of the special character of New Market, development specifications should be kept to a minimum but require intensive negotiations with the Planning Commission to achieve the Plan's objectives for compact and efficient residential, business, and commercial development suited to the needs of each specific site. For example, building setbacks, bulk standards, lot sizes, impervious coverage, height, landscaping, bufferyards, lighting, walkways, development density, and road standards shall be determined by the Planning Commission for each individual development in the Annexation Area as set forth in the Land Development Ordinance (LDO) Adopted April 2009.

The central reason for the Planning Commission's wide authority in setting standards is to provide design flexibility, consistent with public health and safety, for properties that bring a range of differing physical and environmental concerns and for applicants who must develop property and construct buildings in accordance with a unified and coherent plan of development. When determining these requirements, the Planning Commission shall consider such factors as the proposed intensity of the development, use mix, design, compatibility with existing or anticipated



development on surrounding lands, and compatibility with the lot density and character of New Market.

Fourth, preparation and approval of an overall Development Master Plan will be required for larger development proposals in the Planning Area. This is designed to achieve a unified scheme of development for an entire parcel, which will be consistent with the provisions of the Town's Plan, its planning and zoning ordinances, and its growth policies. The unified development shall be master planned as an integrated project with well-designed and coordinated transitions between various land uses and adjacent existing land uses. A phasing plan for various components of the development shall be approved by the Planning Commission as a component of the Master Plan approval. Once approved, a developer will be obligated to comply with the Master Plan when applying for subdivision approval for each phase of the development.

B. Joint Planning with Frederick County

Annexation feelers, the lack of a supply of available land within the Town, excessive traffic through Town, and the fiscal need for both commercial and residential growth raise important concerns about the future land use pattern. New Market must develop a detailed, cooperative relationship with Frederick County to assure that any growth around its limits is carefully coordinated, consistent in both character and scale, governed by compatible land use regulation, and appropriately served by utilities and roads. While the Town and County now work very well together to share regulatory responsibilities and seek advice and assistance on regional infrastructure issues, this Comprehensive Plan calls for more detailed inter-jurisdictional cooperation.

Immediate targets include:

1. Define the 30-year annexation boundary, without necessarily zoning it for growth.
2. Document with written confirmation by the County that its purpose in down-zoning land around New Market was for the express purpose of preserving that land for future annexation and development.
3. Establish a written commitment by the County to amend the WSAA to earmark and provide adequate utility capacity to serve the areas planned for annexation.
4. Consideration of the adopted joint planning agreement in the County's CIP, providing for funding and implementation of annexation-based infrastructure under the County's capital improvements budget.
5. Restricting further development north and west of the New Market Planning Area, which may generate more traffic, which may, in turn, further overburden the Main Street corridor, until the planned future parkway solution is and implemented.

One way of developing this improved cooperation is for the County and the Town to enter into an "intergovernmental cooperative agreement" for an agreed-upon Annexation Area. Another method is to coordinate the language of the Comprehensive Plans of both jurisdictions. Either method should accomplish the following purposes:

1. To establish a process by which the Town, the County, and the State will achieve consistency between their comprehensive plans, strategy documents, and land development ordinances including adoption of conforming ordinances for growth areas, future growth areas, and preservation areas within an agreed-upon time period.
2. To establish a process for joint review and regulation of developments proposed within the Town or a defined area of the County.

3. To establish the implementation role and responsibilities of the Town, the County, and the State for public infrastructure services, transportation, business development and other key community support activities as part of a regional planning effort.
4. To produce a cooperatively developed and recognized New Market Plan to be amended to the current plans and strategies of the Town, the County, and the State and, at a minimum, consisting of the following elements:
 - a. Designated Annexation Areas where 1) orderly development to accommodate the projected residential growth within the next 20 - 30 years is planned and 2) commercial, industrial, and institutional uses are planned to provide for the economic and employment needs of the area and to ensure that the area's tax base will be adequate. The Annexation Area will include a description of the services provided or planned to include water and sewer, transportation, schools, health, police and fire, parks and recreation, and all other necessary community-supporting functions.
 - b. Designated preservation and rural areas where 1) development is allowed at densities compatible with uses that are or may be permitted and 2) publicly-financed infrastructure services are not provided or planned unless the participating governments agree for health or safety reasons.
 - c. Plans for the accommodation of all categories of uses within the Planning Area, including housing for all income levels and a reasonable allocation of affordable and workforce housing.
 - d. Plans for developments of regional significance, especially those involving transportation, community facilities, and utilities.
 - e. Plans for the conservation and enhancement of the natural, scenic, historic, and aesthetic resources of the area.
 - f. Plans for the creation of well-designed communities.

The New Market Planning Area Map shows a land use layout for New Market's proposed Planning Area that considers existing infrastructure and natural features, which logically define a new Annexation Area boundary. This layout should be the basis for cooperative planning with the County that will allow the participants 1) to shape Planning Areas based on inherent regional logic and political willingness, and 2) to plan together on issues that need to be examined regionally but to retain local control over implementation and local issues so long as implementation is consistent with an overall multi-jurisdictional framework plan.

C. Overall Strategies

1. Minimize the impact of destination and through traffic on the community.

New Market must assure that its transportation needs are met in a timely manner without degradation of the quality of life or historically significant structures or sites, or change to the historic character of New Market. The elected officials of the Town shall take action as necessary to coordinate planning efforts between jurisdictions, citizen's groups and non-governmental agencies, and to promote the interests of the New Market community at all levels of government.

Traffic congestion must be alleviated in a timely manner by providing alternative routes for traffic between areas of residential growth and the primary roads leading to commercial and business districts and other facilities both within and outside of Frederick County. While plans and

agreements are in place for several key elements long desired by the town, continued diligence and monitoring is needed to ensure implementation. The Town has reached an agreement with the developer of the Calumet Subdivision to create a collector road that will parallel MD-144 and allow traffic from points west of New Market to reach MD-75 via an extension of Mussetter Road. The County has reached agreements for a second reliever route between MD-75 and Boyers Mill Road passing through the approved Casey and Blentlinger PUDs. These changes to the road network should be reflected in the upcoming Countywide Comprehensive Plan. The State is making progress on planning and designs for completion of the I-70 and Meadow Road interchange to allow westbound traffic to enter and eastbound traffic to exit at the interchange thus relieving the interchange at MD-75 to some extent.

2. Maintain and establish the physical connections needed to enhance the walking scale of the town.

New Market should be established as a model pedestrian/bicycle friendly town by providing sidewalks and paths for the safety and convenience of motorists, pedestrians, residents, and visitors. To this end, the Town shall include provisions for bicyclists and pedestrians in upgrades and newly constructed roads, require that sidewalks and paths be included in any new development and conduct studies to identify scenic lands and roadways that need improved pedestrian and bicycle access. The sidewalks and alleys of the historic district and the trail networks in the current residential neighborhoods that now frame the Town's center should be used as the backbone of an expanded network that connects new development, parks, and the historic district with every part of New Market. The Town should conduct studies to identify: needed connections in the current network and scenic lands and roadways that need improved pedestrian/bicycle access. The Town should prepare and adopt a pedestrian/bicycle network plan and work with the County and the State to plan for network connections on Town, County and State rights-of-way.

3. New and renovated structures in New Market should be compatible with its historic architectural forms.

A commitment shall be made to encourage variety of shape, roof line, setback, color, texture, and other factors that are part of the visual or aesthetic urban form, but to especially encourage those which are compatible with or augment the traditional historic architectural forms which make the Town of New Market unique. Compatibility will be gauged by such things as the size and configuration of buildings, the use of materials and landscaping, the preservation of existing vegetation and landscape features, and the location of entrance and exit routes on the project site. Careful analysis will be given to design features which accentuate open space, improved recreational opportunities, protection of natural features, and sensitivity to surrounding development, especially that of a historical nature.

The Town will continue to uphold and enforce its architectural regulations within the Historic District and other areas where architectural review is mandated. The Guidelines, which have been drawn up for the Historic District shall be made available to all residents, especially newcomers. The Historic District Commission shall regularly hold well-publicized seminars, which address the basic ideology behind its regulations, educate citizens, and thereby strengthen the support needed for their continued enforcement throughout the community. The Historic District Commission/Architectural Review Committee shall review proposed plans and apply them according to the Guidelines. The HDC Guidelines outline appropriate community design in terms of setbacks and positioning of structures for new structures and development. The HDC/ARC is encouraged to expand upon those guidelines in a context sensitive fashion in coordination with Maryland Historic Trust.

The Town shall plan for future preservation efforts, encouraging and assisting in preservation and rehabilitation of existing structures by:

- Continuing to uphold and enforce design guidelines for the restoration and/or modification of buildings or sites identified as having historic or cultural significance and for the design and placement of buildings within or adjacent to identified historic buildings or sites.
- Requiring that historic buildings or locations be preserved or incorporated into the design of new development as exemplified by the Manor House in Brinkley Manor Subdivision.
- Supporting the Maryland Historical Trust and related County efforts to identify, inventory, and mark all historically and culturally significant buildings and sites identifiable, and investigate measures for historic preservation of those sites not already protected.

4. Expand the current growth area boundaries to better reflect property ownership patterns and potential development opportunities.

Development outside the Town limits of New Market will profoundly affect its quality of life and financial viability. To assure itself a significant voice in decisions that affect its future, New Market proposes to expand the current Annexation Area for joint planning and potential annexation purposes. The Town has considered existing roads, natural features, especially those affecting the watershed, and common property ownership to logically define a new growth area. The redefined area is shown on the accompanying map. Any growth in this area will impact the future of New Market as a viable municipality and must be carefully coordinated with the County in terms of zoning categories, roadway infrastructure, and water and sewer provision.

This approach to regional planning within the County is referred to as the "Community Concept" and The 2010 County Plan "encourages compact and sustainable development and economic growth in suitable Plan-designated areas. To further the Community Concept, coordination, cooperation, and resolution of conflict between the municipalities, the County, and the State is of prime importance. Interjurisdictional coordination and cooperation is integral to the Community Concept. Processes to effectively resolve issues of mutual interest, needs, and priorities between the municipalities, the County, and the State should be on-going in the implementation of this Plan."

5. Encourage cooperative and coordinated planning in the New Market Region for the benefit of both the Town and the County.

"Suburbanization" is a well-known national pattern. It is driven by the spread of homes to easy-to-develop land, the demands of the automobile, and large national merchandisers. Downtowns that have been successful in combating fringe development have accomplished it by occupying specialty niches unfilled by the competition and creating an attractive, pedestrian-oriented alternative to the parking lot wastelands of auto-oriented convenience shopping. Regions that have been successful in controlling fringe development have developed mechanisms to coordinate public policy planning and decisions among state, counties, and municipalities. Maryland's "Smart Growth" principles support this approach by calling for directing economic development to existing communities, promoting infill development, preventing sprawl outside growth areas, limiting capital improvements in rural or non-growth areas, preserving open space and environmentally sensitive areas, and promoting mixed use development.



It is important to the improvement and sensible development of New Market that the Town work closely with Frederick County Officials. Land use and development decisions outside the Town limits profoundly affect the quality of life within the Town. The Town has previously proposed and will continue to pursue a Joint Planning Agreement with the County.

The developed land uses of the Town are compact and uniform with sprawl notably absent within the Town limits. The high percentage of developed property means that annexation is the safety valve for growth and that it will be the means of property control preferred by developers – it offers more site selection and lower cost. Serious annexation interest has been expressed by developers and landowners north, east, and south of New Market.

This Plan has outlined a layout for New Market's proposed Planning and Annexation Area that considers existing roads and natural features, especially those affecting the watershed, which logically define a new growth area boundary. This layout should be the basis for cooperative planning with the County that will allow the participants 1) to shape Planning Areas based on inherent regional logic and political willingness, and 2) to plan together on issues that need to be examined regionally but to retain local control over implementation and local issues so long as implementation is consistent with an overall multi-jurisdictional framework plan.

6. Provide the necessary regional public facilities and services.

As part of this planning process, the Town of New Market has recognized that the Town and County may impact each other with unintended consequences. The Town and County do not provide the same services and, although we may share many of the same long range goals, we assign different values to each. Thus, our methods for achieving these goals are different and this sets the stage for unintended consequences. Nonetheless, this Plan outlines tools, mechanisms and strategies for cooperative planning in order to achieve mutual goals.

7. Explore a variety of methods to discourage premature development.

This exploration shall include but not be limited to:

- Finding suitable, alternative incentives to offer landowners in exchange for their designating land uses compatible with the Master Plan in cases of rezoning requests;
- Incorporating these incentives into the Zoning Ordinance;
- Encouraging the use of a system of checks and balances with respect to water and sewer allocations; and
- Requiring applicants to submit capitalization plans as the first step in the overall improvement plan submission process, (i.e. prior to negotiation of guarantees), which include financing options for necessary improvements to public service facilities prior to allowing development to avoid problems with capability or funding once building commences.

8. Streamline the Planning Process

The Planning Act of 1992 directs local governments to streamline regulations to assure achievement of growth management and resource protection goals. Streamlining, in the context of growth management, has a substantive focus -- the Act specifically encourages streamlining within areas designated for development and growth. This Plan designates New Market as the

center of a larger growth area and all of the Town's development regulations are candidates for streamlining.

The Planning Commission should play a key role in all issues of physical development. The Commission should advise the Mayor and Council on proposed projects, programs, and activities giving particular emphasis to the consistency of proposals with the goals and policies of the Comprehensive Plan.

The development regulations of the Town must be modified to achieve consistency with this Plan and to efficiently carry out its purposes. These modifications shall follow several guidelines:

Clear areas of responsibility will be assigned within Town Government to guide development applications through the regulatory process.

The Town's policy shall be to make its development control process clear, current, consistent, and accessible to all concerned and ensure that it does not drive up the cost of construction or sales through unnecessary regulation or complication.

Any required interagency reviews, e.g. with Frederick County, SHA or other, will be conducted in a coordinated and concurrent manner.

All review procedures should be examined to promote administrative efficiency.

All review periods should be time certain.

Regulatory requirements for establishing or expanding businesses should be examined to remove any unnecessary procedures and improve the timeliness of review.

All development regulations should be examined so that unnecessary impediments to Plan-designated growth are systematically eliminated and flexible means of granting relief are introduced.

Work towards a more standardized application process, using standard forms where possible, to make the necessary requirements/regulations uniform, so that conformity will be encouraged and necessary requirements can be met in a timely manner. A municipal forms procedure shall be established.

New Market will cooperate with the County to assure that any growth around its limits is carefully coordinated, consistent in both character and scale, governed by compatible land use regulation, and appropriately served by utilities and roads. The Town will also continue to participate in any opportunities offered by the County to engage in joint land use decision making for the areas outside the Town limits.

Regulatory consistency with this Plan is required in all implementing ordinances, capital improvement programs, and functional plans. This Plan is the dominant policy document and guide for all other land use plans, programs, and regulations and is to be directly linked to the drafting, interpretation, application, and amendment of land use laws and programs.

A formula shall be devised to enable planners to estimate the cost to the Town for each residential, commercial, and office/research or light industrial unit in place to more accurately estimate the financial impact each development activity will have, and serve as a guide to setting up fee schedules and the like, should these be proposed.

The Town in accordance with the Planning Act of 1992, shall consider the need to prepare and adopt a public facilities financing plan to determine requirements and costs of specific development and propose suitable funding mechanisms.

9. The scale and appearance of Historic District businesses must strongly reflect the historic, small town atmosphere of New Market.

The Town shall plan for future preservation efforts, encouraging and assisting in preservation and rehabilitation of existing structures, such as: continue to uphold and enforce design guidelines for the restoration and/or modification of buildings or sites identified as having historic or cultural significance and for the design and placement of buildings within or adjacent to identified historic buildings or sites; preserve and enhance the visitor-oriented, historic permitted uses in the antique/residential area; and require that historic buildings or locations be preserved.

10. Promote complementary commercial and light industrial development outside of the Historic District.

Areas, which are deemed appropriate for light industrial, and office/research development shall be identified and annexation studies shall be undertaken to look for industrial or office/research uses, which would serve the needs of the Town. Industry must have access to transportation facilities. Areas considered best situated for light industrial or office/research use are those close to an existing or easily expanded transportation network, and near available utilities. Campus-like, non-polluting light industrial or office/research developments with low-rise buildings and landscaped or natural open spaces shall be encouraged in preference over multi-story office buildings. Proposals for conversion to industrially planned lands can be considered appropriate where it will result in a balance between housing and employment opportunities, would reduce potential commute distances, and would be consistent with the visions and policies of the Master Plan.

11. The Town shall protect its natural water supply, and encourage stewardship of the Chesapeake Bay and its tributary lands.

The Town shall take every step possible to ensure the quality of its groundwater and surface water sources. To accommodate future growth, the Town will consider adding groundwater to the imported surface water distribution system, which currently services the majority of properties in the Town.

12. The Town shall institute zoning practices which protect and enhance the environment.

These practices shall:

- Encourage sound management and protection of groundwater and surface water resources and their quality.
- Promote diligent, efficient use of water resources and discourage wasteful practices.
- Preserve or enhance aesthetic qualities of natural drainage courses in their natural or improved state compatible with flood control measures, economic, environmental, and ecological factors.



- Direct development activity away from 100-year historic and annual floodplain areas to minimize health and safety hazards, property loss, and environmental disruption, and to foster stream enhancement, improved water quality, and recreational opportunities.
- Prevent construction of large contiguous paved areas unless adequate measures are ensured to reduce runoff.
- Encourage disposal of storm and domestic runoff on the development site, rather than directing it to draining courses.
- Discourage urban uses and limiting development in designated aquifer recharge areas.
- Require areas chosen for expansion to apply a groundwater use plan as part of their site plan application.
- Ensure that environmental impacts receive equal consideration along with economic and engineering factors as a part of the review process. Included in this should be an evaluation of transportation and air quality effects of major employment generating projects in determining these impacts.

D. Land Use Policies

Although it is recognized that uniformity has value, the Town should continue to use zoning categories, land use designations, and density guidelines which may differ from those used by the County and other municipalities, because these unique representations are necessary to preserve its distinctive character. For example, commercial and residential uses shall be encouraged to coexist in the same structural unit, i.e. a residence over a commercial shop or a shop within a residential structure and, along the main approach to the Town, development shall preserve and enhance the historic ambience of New Market. The current residential/antique district should be expanded to include areas that are logical extensions of the uses and character of the current Historic District.

Noise abatement is important to the quality of life. If residential development takes place adjacent to major transportation routes, a variety of approaches shall be considered to mitigate noise impacts, including but not limited to: encourage large lot, single family development to reduce the number of people impacted by noise; encourage deep lots to reduce noise impact, especially those lots abutting a thoroughfare; and promote developer-supplied effective barriers for new development to attenuate noise, either by physical construction or landscaping.

To assure new construction is consistent with adopted growth policies, and expansion of development is balanced, the Master Plan shall be evaluated no less than every ten (10) years.

Areas chosen for annexation/development should be subject to public facilities concurrency and have an adequate level of school facilities; fire, rescue, and police protection; water and sewer facilities; transportation support; recreational opportunities; and other public facilities as identified.

Requests for zoning changes should contain an evaluation of social, financial, and environmental elements, which would be enriched by a change in the land use, and further, the cumulative advantages of said change must be shown to offset the disadvantages.

New Market has long had a reputation for its high standards of architectural style and authenticity in its Historic District; this same attention to detail should be applied uniformly to future annexed areas as well as through the use of architectural guidelines. New development should not



adversely affect the character of existing areas. The Town has adopted a PDD floating zone (Planned Development District) for residential development, a TRC (Town Residential/Commercial Mixed Use District) and a TBP (Town Business Park District). These floating districts provide for traditional streets laid out in a grid or modified grid, with alleys (containing garages and garage doors) consistent setbacks, mixed use zoning, village greens and streets containing commercial space with upper level flats and offices, architectural, urban and landscape design standards, narrow streets, small turning radii at intersections, and the like. The Town should also consider modification of the PDD regulations to provide incentives for use of the floating districts for residential and other parcels allowing residential uses in exchange for increases in density not to exceed the maximum allowable in the zone. The Town should now consider the development of an Economic Development Flex Area to encourage employers to move their businesses to areas designated as MCI (Mixed Commercial/Industrial). The Economic Development Flex Area is contemplated to differentiate itself from TBP in the respect that it will not be considered as traditional retail commercial.

In planning for higher density living areas, the following basic principles shall be followed:

- Requests for higher residential densities must contain a statement of established need for increased density which can be justified by factual evidence;
- For reasons of economy and efficiency, high density residential areas shall have gravity flow to sewage facilities, averting the need for pumping stations whenever possible; and
- The higher density residential areas shall have the best possible transportation access in order to reduce traffic congestion.

For large Planned Urban Developments, the Town must be able to exercise some discretion in locating public facility sites within approximate boundaries specified by the Master Plan. Those areas designated for the highest densities shall be those closest to the utilities and public facilities. The Town shall also adopt design standards compatible with overall planning objectives that encourage creative solutions rather than discourage them. Criteria shall be set which allow for flexibility in siting of various land uses within planned unit developments and traditional neighborhood developments. For example,

- Clustering and other similar zoning approaches may be considered to promote a reasonable level of compatible yet affordable housing;
- All residential parcels exceeding 40 acres are encouraged to be compatible with the Traditional Neighborhood Development concept;
- A planned unit development shall be an entity with a distinct character in harmony with surrounding development; and
- With the exception of mobile home parks, a development may include a mix of housing types including attached homes, townhouses and duplexes, within the average density allowed, subject to zoning restrictions.

The Town shall continually monitor the zoning categories in the Historic District to ease land use and permit administration, to eliminate non-conformities, and to more clearly delimit the range of uses allowed and the desired mix of residences and businesses. This monitoring is necessary to maintain a vibrant and commercially successful Historic District.

The Town shall consider creating a new zoning category, which allows for development of office/research and limited manufacturing uses to provide for the appropriate location of office

and nuisance-free research park uses. Warehousing, wholesaling, and general manufacturing uses shall be prohibited in such areas. Development in such a district shall be characterized by an absence of nuisances in a clean and aesthetically attractive setting. Such a district should permit limited manufacturing, fabrication or assembly operations which would, by nature of the product or magnitude of production, be compatible with research, professional or business offices, yet in keeping with the character of the neighborhood. Commercial uses shall be limited to those, which are primarily oriented toward servicing those businesses located within the office/research industrial district.

Special purpose uses to fulfill specific high demand needs, such as light industrial parks and shopping centers, shall not be objectionable to other uses or adjacent properties from the standpoint of noise, dust, smoke, light and so forth, and not destroy or damage or create extra maintenance costs. Each commercial or industrial area shall be located and designed to minimize negative factors such as traffic volume, noise, and visual impact on nearby residential and historic areas.

Strip commercial districts characterized by shallow commercial frontage, multiple curb cuts, and a variety of unrelated businesses should be discouraged. Instead, retail sales and service type commercial and office/research uses shall be encouraged to locate in identifiable and organized groupings.

Neighborhood business areas should be pedestrian-oriented, that is, drawing their customers primarily from the residences in the immediate vicinity rather than from outside the Town. Ideally, it will be desirable to have commercial areas convenient on each side of I-70 in order to reduce traffic on MD-75, with each area having its own zone of influence.

Home occupations, either major or minor, in which a resident operates a small service business within the home in compliance with Town regulations and standards shall be encouraged. In addition, the Town should consider the need to add a zoning category, which allows for joint residential and cottage industry use of a property.

The Town shall develop a package of incentives and encourage the following uses of open space: additional active parkland, development of designated parkland, increased historic preservation, additional natural open space, preservation of trees and other vegetation, and preservation of natural drainage and aquifer recharge areas.

E. Standards, Guidelines, and Administrative Measures

Actions to Maintain Community Identity: A Community Action Committee shall be established whose foremost mission is to preserve and promote the values and sense of community which current citizens appreciate. This can be accomplished through organizing a series of neighborhood functions designed to bring children, young people, and adults together as a community on a regular basis throughout the year. Such events will also form a basis for better public relations both internally and externally.

A Landscaping and Project Maintenance Plan shall be submitted to the Town as part of every project application. The Town will adopt an amendment to the zoning ordinance detailing the requirements of such a plan. Landscaping, especially trees, should be provided around the boundaries of a project to lessen the visual impact of the development. A zoning provision should be established which protects trees and shrubs having a trunk diameter greater than 6 inches measured at a level of two feet above the ground.



A sketch plan specifically for the purpose of ensuring compatibility shall be proposed by an applicant prior to consideration and approval of preliminary plats for parcels larger than 3 acres.

Existing programs of sign control should be continued.

Actions to Better Manage Uses with Special Impacts: Religious institutions will be allowed in residential neighborhoods if sufficient off-street parking is provided and the design of the facility is consistent with the character of the neighborhood.

Clubs and fraternal organizations should be limited to commercial areas. The use of a single-family home in a residential area for a club or fraternal organization shall not be permitted.

Facilities providing health care for the elderly and convalescent shall be encouraged. The Zoning Ordinance shall guide the placement and standards for development of such facilities. Proposed facilities shall be evaluated based on the location, impacts on services, and neighboring properties.

Building materials and landscaping shall be used to make these special impact land uses less visually obtrusive from neighboring properties.

The Town shall develop standards for the location of proposed private schools, which address required off-street parking and street frontage for dropping off and picking up students, access via Town streets, noise control, minimum lot size per pupil capacity, and required landscaping and other visual/noise barriers if the proposed school is to be located adjacent to a residential area.

Actions to Improve Roads, Parking, and Walkability: The Town should conduct a study of future needs for off-street parking. If a requirement is foreseen, plans will be developed for site acquisition, funding, and construction. Existing parking ordinances shall be reviewed and enforced. Sufficient off-street parking for residents shall be included in the design of all residential projects. Off-street parking for guests shall be included in the design of all multifamily projects.

Conduct a Review of the Town's Ordinances as They Pertain to Transportation: Development plans shall assure the ability of residents to walk or bicycle to parks, schools, and residential service areas without crossing uncontrolled crossings on arterial roads whenever possible. Internal roads shall be designed to serve the project, and access to through-traffic shall be discouraged. Developers shall provide easements for turnouts and shelters for buses, to be incorporated into project design for projects along proposed transit routes and to be implemented at the time of project construction in cases where transit routes already exist. Provision shall be made for the safety and integrity of local neighborhoods by authorizing, where necessary, the prohibition of entry to and/or exit from neighborhood streets by means of islands, curbs, traffic barriers, or other roadway design features.

The Town shall maintain and periodically update an inventory showing the legal status and physical condition of its streets and alleys, and designating priorities and proposed schedules for maintenance and improvements. The Town should designate specifications for the various types of roads, and specify the maximum traffic loads for which each type of road is intended in order to update its road design standards.

The Town will enforce requirements that roads be constructed to the appropriate specifications and engineering standards. The Town will also develop and apply methods of assessing and apportioning developer fees and/or other assessments to help pay the cost of road improvements

and maintenance. New developments shall pay for those traffic studies deemed necessary by the Town in cases where the development is expected to have a traffic impact.

Actions To Better Evaluate Annexation Proposals: Prior to the annexation of lands into New Market, the applicant shall submit a plan demonstrating the financial feasibility of providing services and facilities to the area proposed for annexation as well as any other information required by the Planning Commission such as a traffic, environmental impact, and fiscal studies.

Criteria to be considered in establishing zoning status of incoming parcels shall include:

- Capacity of facilities and municipal and/or County services;
- Environmental impacts;
- Existing land uses, if any, on and in the vicinity of the annexed land; and
- The extent of any natural habitats and features of the landscape which should be preserved.

A set of guidelines and checklists shall be developed to ensure consistency and completeness of requisite petitions, surveys, advertising, record-keeping, and the like when an annexation is proposed and subsequently acted upon.

Actions to Improve Design Review: Design review of materials and landscaping shall be included in the application process, especially with respect to the natural features of a site and preservation of views.

- Homes should generally be in one- or two-story buildings. Where permitted, buildings exceeding two-stories shall follow the contour of the site and be "stepped" or terraced.
- To avoid a dormitory or high-rise image, multifamily projects shall generally consist of smaller, multiple buildings (typically 4 to 12 dwelling units per building) rather than a few large multifamily buildings.
- Any hillside or hilltop areas that may be included in a project shall be reserved for open space or one- and two-story buildings that can be integrated with the natural landscape.
- Buildings on hillsides shall be sited with respect to existing native vegetation or landscaping to reduce their visual prominence, and not impinge upon the view of existing dwellings. Whenever possible, structures shall not extend above the existing tree lines.

Actions to Ensure Adequate Open Space: All projects shall include adequate open space. Open spaces shall be dispersed throughout a project, unless it is necessary to create a single large open space to preserve an important natural habitat. A residential project should be located adjacent to an existing residential development and/or should be in undeveloped areas of sufficient size to ensure that a residential environment can be maintained and with sufficient space to provide any needed buffers for adjacent or proposed single-family development.

- In areas identified as having particular environmental concerns, no more than 30% of a lot shall be covered with an impervious surface.
- All residential development or residential portions of multi-use PDDs shall contain a minimum of 30 percent of the land in natural or improved open space, exclusive of roadways, parking lots, wetlands and steep slopes.



- Buffering shall be required between adjacent multi-family projects and single-family developments located along common boundaries.

Actions to Improve Access to Recreation: Recreational facilities for the use of the residents shall be included in project design.

- Each park or recreational facility shall be planned by licensed professional architects, landscape architects, or other specialists so that the highest degree of park design can be maintained.
- Space standards shall be met even though limited finances may delay park development.
- Open space designated for recreational purposes is intended to be useable, both for active pursuits such as ballfields and for passive activities such as picnic areas, nature trails, and the like, and shall not include wetlands and steep slopes.

The Town shall work to encourage local and County Parks and Recreation Councils to work in concert to promote the use of school buildings and grounds during the summer for community recreational activities.

The Town shall encourage the County to establish park development adjacent to school sites and formation of joint use agreements between school and park districts.

Actions to Improve the Provision of Community Services: Applicants shall be prepared to address the community-wide impact of each proposed land use on the need for public facilities and services, related transportation and housing consequences, and their subsequent effects on the Town's resources.

Proposals for those areas planned for high density residential developments shall be reviewed for the purpose of ensuring that the Town and/or County is able to support the proposed development before zoning and/or plat approval, subject to analysis of public facilities and financing requirements for anticipated development.

To determine the number and location of new school sites, program capacity standards established by the school board shall be used in addition to related capacity formulas.

The Town shall conduct a study to determine the need and level of law enforcement required. The Town shall determine its financial capability to implement and maintain its own police department. The Town, if it is unable to support its own force, should reserve land for the purpose of providing a future location for a substation of the Frederick County Sheriff's Department. The Town shall determine if it has the financial capability to enlist in the Resident State Trooper Program.

Consideration should be given to the design standards for public libraries as specified in the Frederick County Comprehensive Plan, especially those relating to minimum square footage, and said standards should be updated to the minimums established by the American Library Association currently in effect at the time of new construction planning for libraries serving New Market residents, regardless of the status of existing branches already in existence throughout the County. A committee shall be appointed by the Town Council at the time new construction planning commences, who will participate with other community leaders and the Library Board of Directors in devising appropriate library facilities for the area.

The Town with the aid of State and Federal agencies shall determine its capability to design, build, and maintain a nature and wildlife center and recreational parkland in the open space adjacent to the Royal Oak Subdivision.

Actions to Better Manage Parking Needs: The Town will conduct surveys to determine parking needs and alternative solutions.

New developments shall pay for those parking studies deemed necessary by the Town in cases where the development is expected to have a parking impact.

On-street parking shall be provided in the rear of commercial and retail establishments as opposed to in front, whenever feasible.

Adequate off-street parking shall be provided, and the area landscaped to reduce its visual impact from the adjoining properties. Massive paved parking lots shall be avoided, both from an aesthetic and ecological standpoint.

A parking and circulation plan shall ensure that trees and landscaping are provided to break up the amount of paved surfaces and that traffic entering and exiting commercial and light industrial or office/research areas does not adversely affect any nearby existing or future residential developments.

New commercial and office/research or light industrial uses shall be subject to design and parking standards which include: the number and location of allowed curb cuts; landscaping and design of parking areas, emphasizing parking in the rear of buildings; location, size, number, lighting and construction of signs; and configuration and design of commercial and industrial buildings

Actions to Improve Commercial Site Design: All commercial development or commercial portions of PDDs when so permitted by the Zoning Ordinance shall contain at least ten percent (10%) of land area in natural, improved, or functional open space, exclusive of roadways and parking lots, and exclusive of the open space requirement for residential use.

Public improvements shall be provided by the developer to support a commercial area, such as landscaping on existing streets, street furniture (benches, waste receptacles, planters, etc.), and uniform street and other public signing.

Highway Service Area commercial uses shall be designed in a manner compatible with the spirit and intent of preserving the historic character of the area.

Strip commercial development for great distances along MD-144 should be prohibited for safety and aesthetic reasons.

Actions To Protect Floodplains and Wetlands: The Town shall adopt and maintain standards for development on or near wetlands and floodplains, so as to protect these critical resources. No development shall be allowed within a 100-year floodplain, historic or annual, and there shall be a 25-foot building setback in areas adjacent to these floodplains

Consideration shall be given to modifying the zoning ordinance to attach special conditions for properties located in an area subject to flooding to reduce the risks of property damage or injury. These conditions could include underground storm drainage systems capable of handling run-off from a 100-year storm, limits on the amount of pavement and other impermeable surfaces, and drainage fees to help pay for downstream improvements needed as a result of development.

Actions To Improve Environmental Awareness And Monitoring: The Town shall establish a Conservation Committee whose primary function will be to advise the Planning Commission. Its secondary functions will be to:

- Review all construction applications to assure that conservation design guidelines are followed;
- Encourage good soil conservation practices and examine impacts of proposed development relating to this as a routine part of the improvement plan evaluation;
- Act as liaison with federal, state, and local officials to promote policies beneficial to conservation of natural resources, vegetation, and wildlife. See that all regulations are properly administered and enforced, similar to the function performed by the Historic District Commission;
- Coordinate to achieve adequate water supply quality and protection;
- Oversee recycling efforts to ensure residents understanding of and compliance with new Town and County regulations; and
- Arrange to have the Town Engineer monitor construction sites to see that conservation measures are being maintained as agreed upon.

The Town shall institute policies and programs to protect and enhance recreational linkages and natural stream areas.

XI. THE LAND USE PLAN

The Land Use Plan (Map 11) shows the distribution of all Town land use categories.

The Historic District Residential Merchant Area (HD/RM) The intent of this area is 1) to safeguard the heritage of New Market by preserving the district herein which reflects elements of its cultural, social, economic, political, or architectural history; 2) to stabilize and improve property values in such a district; 3) to foster civic beauty; 4) to strengthen the local economy; and 5) to promote the use and preservation of historic districts for the education, welfare, and pleasure of the residents. Further the intent of this district is to preserve, encourage and strengthen both the historic architectural character and the historically mixed residential and commercial use of the district, while accommodating small scale shopping, service, and entertainment uses that serves the community and surrounding region. The district is intended to permit a defined range of small and mid-sized retail, commercial, service and office uses located in close proximity to each other and to residential uses within a historic small town main street setting consistent with Town's heritage and identity. It is envisioned as a destination for tourists, a place to work and a place to live.

The Residential Merchant Area (RM) zoning intent and mix of uses is to preserve the historic character of areas near the Historic District within the Town, and to preserve, encourage and strengthen the historically appropriate mixed residential and commercial character of the district, while allowing limited retail and commercial uses which promote and enrich tourism and support a vital low scale town business district with a traditional small town main street setting.

Low Density Residential Areas (LDR) are primarily for single-family detached homes, together with other facilities common to residential areas. Such a district within the Town may incorporate larger lot sizes, in which the green space desired is entirely within the lot and / or it may incorporate the formation of green space communities in which the lot sizes are made smaller and the area which results from the reduction in lot size below the general standard for the district be provided and maintained as recreation and open space for community residents. Any new development in these areas of Town should have an overall minimum density of 3.5 units per acre in order to qualify as a Priority Fund Area.

Planned Residential Development (PRD) blends low, medium, and high residential densities and building types. This planned development approach combined with clustering to protect open space and sensitive areas is particularly suitable for large plots of land in single ownership with good access to roads and community facilities. It allows for a high standard of land planning and site design because the project can be planned as a single, complete development to be constructed over a period of years as part of a master plan rather than as a series of individual, disconnected parcels. In the PRD Zoning District, specific development zones are not pre-mapped. Rather, development categories are expressed as percentages of the completed project. Open space, for example, may be required to be 30% of the total land area with low density residential at 35%, high density residential at 10%, and so on. Even though all residential densities and building types are allowed, maximum or minimum limits would be established to govern the number of units allowed in each density and building type category with an overall minimum density of 3.5 units per acre.

A mixed density/planned development approach is particularly suitable on the large, single-ownership parcels in the northern and southern portions of the Growth Area. Application of a PRD Zone for New Market should pay particular attention to the varied topography around the Town, the need to protect and nourish downtown businesses while increasing business activity elsewhere in the Town, the continuing need for affordable housing, and the need for a very



strong plan review process so that the advantages of flexibility, better design, and a higher level of environmental protection are ensured. This is similar to the County's PUD designation.

Mixed Residential/Service Areas (MRS) are intended to provide predominately residential areas largely with the convenience of a limited number of frequently used services in close proximity to their homes. Permitted uses are intended to be of a type, and developed in such a manner, as to be compatible with the residential environment. The uses allowed should include selected neighborhood retail, office and service uses and should allow live/work situations, as does the Residential Merchant District. This is similar to the County's Village Commercial Land Use. MRS Areas along the Old National Pike Scenic Byway Corridor versus areas along South Alley may have slightly differing requirements based on the Town's anticipated zoning review.

Mixed Commercial Areas (MC) are intended to be central shopping, service, office, and entertainment centers for the community. These areas are intended to complement the RM and RMS areas of Town and to accommodate a larger range of uses and somewhat larger scaled facilities than are allowed there. The facilities should be grouped together in an attractive and convenient manner with particular attention paid to the safety of pedestrian travel and the protection of adjoining residential areas and consistency with Town character. Where practical they serve as an extension of the existing Old National Pike Main Street and should be connected to it. This district requires excellent vehicular accessibility from the Town and the Region. This designation would be most compatible with the County's GC Designation.

Mixed Commercial/Industrial Areas (MCI) are for commercial environments that are enhanced by recreational, employment, light industrial, storage, distribution, and similar activities and to assure the compatibility of the mix of uses by incorporating higher standards of land planning and site design than could be accomplished under conventional zoning categories. These uses do not have objectionable operational aspects such as noise, smoke, odors, or hazards from fire. They are appropriate when infrastructure services are in place and nearby activities are protected from the impacts of the operations. This is most similar with the County's Mixed Use Development Land Use

Open Space Areas (OS) are intended to provide for parkland, natural areas for passive recreation, parks as well as active recreation. This is consistent with the County's Public Parkland/Open Space.

Agriculture Areas (AG) are intended to preserve productive agricultural land, the character and quality of the rural environment, prevent urbanization and promote agro-tourism and agricultural operations. This is consistent with the County's Agricultural/Rural land use and recent County changes to the uses permitted in County Agricultural Areas.

Institutional Areas (IS) are meant to identify and preserve land for essential public uses such as education, government, or utility facilities. This is consistent with the County's Institutional Land Use.

Amusement Park Area (AP) is intended to accommodate active commercial recreation and amusements.

Economic Development Flex Area (EDF) is intended to provide maximum flexibility to encourage employment related business development that is both sensitive to the areas designated with relation to its surroundings as well as appropriate for the desired objective. These uses do not have objectionable operational aspects such as noise, smoke, odors, or hazards from fire. They are appropriate when infrastructure services are in place and nearby activities are protected



from the impacts of the operations. This designation would be most compatible with the County's ORI Designation.

Use designations that appear on the Town Land Use Map for properties in the Town Planning Area but that have not been identified as properties for possible Annexation refer to the County's use definitions. This includes GI-General Industrial, LI-Light industrial, LDR, etc.



XII. FIVE YEAR ACTION PLAN [Update]

YEAR ONE

Economic Development and Revitalization

The Town will prepare a strategy and define a role for the Town to promote for vital business areas in Town consistent with this Plan. The Town should work with the business community to develop and implement a plan of action that helps promote and enhance the vitality of the Main Street Business District once the current Streetscape construction is completed, and seeks to promote and increase the number and diversity of businesses within the Town overall.

Actions to be investigated could include:

- Update and maintain the Town business listing posted on the Town website.
- Prepare and maintain a list of existing buildings, building spaces and properties available for businesses to occupy in the Town.
- Educate local realtors on the Town Plan and Town Vision relative to business growth.
- Consider annexation opportunities that increase businesses areas within Town.
- Apply for State technical and financial assistance as a Sustainable Community and Affiliate Main Street.
- Consider applying to expand the Sustainable Community Boundary to include added areas along MD-144 to the East and West either in cooperation with the County or with annexing land owners.
- Consider pursuing opportunities to create new incentives to attract businesses to Town such as the State Arts and Entertainment District Program and others.
- Assist the business community in efforts to promote local businesses, coordinate marketing efforts and other Main Street style business activities, in anticipation of a formal Designated Main Street application.
- Expand efforts to promote New Market as a visitor destination with shopping, dining, historic tourism, agro-tourism, local arts, and entertainment, etc.
- Review and update the Town LDO as needed to support these efforts
- Promote the Town as part of the approved Civil War Heritage Area.
- Extend and improve pedestrian and bike networks in Town
- Improve and add district signage for Main Street.
- Make other physical improvements as identified in the action plan and by Town committees.

The Town will work towards expanding and diversifying its tax base:

- Consider annexation opportunities that provide land areas for new businesses within the Town.
- Consider pursuing opportunities to create new incentives to attract businesses to Town.

Town-County Growth Coordination

Continue efforts to coordinate growth with the County in and around the Town Planning Area and assure that any growth around New Market town limits is carefully coordinated, consistent in both character and scale, governed by compatible land use regulation, and appropriately served by utilities and roads. As part of this effort, the Town's annexation policies should be communicated to Frederick County officials and a mechanism developed to engage in joint land use decision-making for the areas outside the Town limits. These discussions should include the creation of a growth boundary for New Market recognized by Frederick County for infrastructure, annexation, and regulatory purposes.

- Seek a formal Joint Planning Agreement with the County.

Regulations and Standards

1. Update the Town's Forest Conservation Regulations.
2. Prepare and approve a map of the Architectural Review District Overlay Zone.
3. Review and update the Architectural Review District Design Guidelines and include consideration of Scenic Byway standards for the Old National Pike Corridor.

Transportation

1. Conduct a study to determine the desirability to converting selected cross alleys in the Main Street Area from Town away to a network of one way pairs.
2. Continue to support State completion of the I-70 and Meadow Road interchange to allow westbound traffic to enter and eastbound traffic to exit.

Administration

1. Review, clarify and update Town permit forms, application processes and record keeping.
2. Review and clarify Town application processes for annexation requests.

Master Planning

1. Work with the County to achieve an "intergovernmental cooperative agreement" for an agreed-upon Annexation Area and/or coordinate the language of the Comprehensive Plans of both jurisdictions.
2. Prepare and file a local jurisdiction annual report with the State.
3. Pursuant to Maryland Land Use Article Sections 3-204 and 3-205, prepare a process for when or how future Town reviews and updates of the Comprehensive Plan will take place.

YEAR TWO

Economic Development and Revitalization

Continue economic development efforts based on action plan developed.

Transportation

1. Conduct a study to prepare and adopt a pedestrian/bicycle network plan for the Town with safe routes connecting all parts of the Town and the greater New Market Area and identifying gaps and hazard to be corrected.
2. Conduct a study to determine future needs for shared off-street parking along and behind Main Street and devise methods to accommodate the need.
3. Work with SHA to plan extensions of sidewalks in MD-144 to and across MD-75, and to plan for future improvements to that intersection.

Regulations

Begin revisions to the Town Zoning and Subdivision Ordinances based on directives contained in the Master Plan.

Administration

1. In coordination with the zoning ordinance revisions, clarify and streamline the regulatory process through standardization, time certain reviews, and consistent application of development controls.
2. Evaluate all design review procedures including those for the Historic District and modify as necessary to ensure consistency with other regulatory and administrative procedures.
3. Ensure that environmental impacts receive equal consideration along with economic and engineering factors as a part of the review process.

Master Planning

Prepare and file a local jurisdiction annual report with the State.

YEAR THREE

Economic Development and Revitalization

Continue economic development efforts based on the Plan developed.

Transportation

1. Work with the County and State to plan, design and fund projects to implement the Town pedestrian bike plan
2. Plan, design and fund projects as needed to address parking needs along and behind Main Street.

Regulations

1. Complete revisions to the zoning and subdivision ordinances.
2. Prepare and adopt new road design standards and specifications.
3. Review, clarify, update and adopted as needed updated HDC Design Standards pursuant to the guidelines spelled out in this Master Plan.
4. Review, refine, illustrate and adopt the Preliminary Architectural Review District Design Standards contained in the Appendix of this Master Plan.

Master Planning

Prepare and file a local jurisdiction annual report with the State

YEAR FOUR

Economic Development and Revitalization

Continue economic development efforts based on the Plan developed.

Regulations

Evaluate the process for zoning changes pursuant to the guidelines spelled out in this Master Plan.

Community Facilities

1. Conduct studies to determine the need for an increased level of law enforcement, and a Town library.
2. Develop a package of incentives and encourage the following uses of open space: additional active parkland, development of designated parkland, increased historic preservation, additional natural open space, preservation of trees and other vegetation, and preservation of natural drainage and aquifer recharge areas.

Master Planning

1. Prepare and file a local jurisdiction annual report with the State

YEAR FIVE

Master Planning

1. Evaluate the current Master Plan when updated Town population and demographic reports from the next 2020 US Census data become available. (This is anticipated in 2021).
2. Review and consider updating Town growth projections.
3. Review the Plan's implementation status and prepare another five (5) year plan of action.
4. Prepare and file with the State a five (5) year plan report that includes a narrative on the plan's implementation status.

Economic Development & Revitalization

Update five (5) year action plan for this area as well.



APPENDIX A

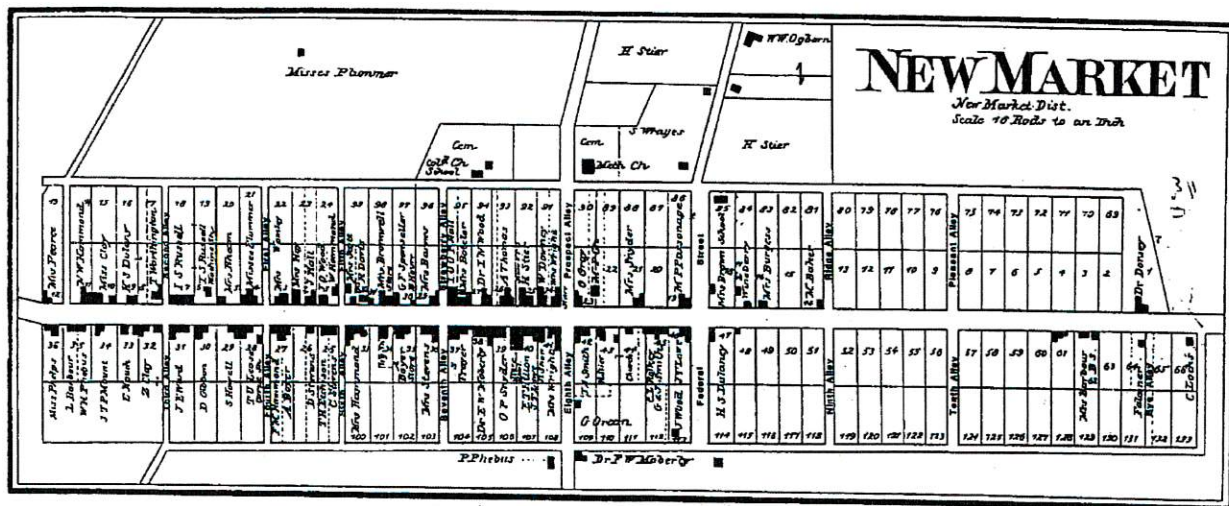
NEW MARKET HISTORY

The historic core of the Town of New Market is of importance to Frederick County, the State of Maryland, and indeed, the nation itself. The Town's Historic District was added to the National Register of Historic Places in 1975. It encompasses the original area of Town and covers a large portion of the Main Street Commercial Areas and the Town's Residential Merchant Zoning District.

The District's historical significance resides in the architecture of its homes and shops. About 90% of the buildings in the Historic District date from the 19th Century. The District's structures represent the architecture of the Post-Colonial, Federal, and Victorian Periods of the United States.

Historic New Market had its initial beginning before the Revolution, when in 1747, Nicholas Hall began acquiring land. Hall's estate, known as New Market Plains, formed the nucleolus of the town. It included 1,049.5 acres and was composed of the following acquisitions:

Batchelor's Harbor	105 acres
Dorsey's Friendship (part)	475 acres
Dorsey's Chance	175 acres
Bush Creek Mountain	25 acres
Hunting Lot (part)	226 acres
Hard to Find	38 acres
The Second Surprise Recovered	5.5 acres



Town As Platted in Frederick County Land Records

In 1788, Hall laid out the Town of New Market (Hall himself may have come from New Market, England) and the following advertisement appeared in several local papers:

"Laid out for a town to be called New Market, on Public road. Grading from Frederick Town to Baltimore about nine miles from Frederick: Two principal streets in the town are 66 feet, the other

Handwritten signature or initials.

50 feet wide, three others 33 feet wide. Lots are 66 feet front, 165 feet back. There is reserved a lot of ground for a Market House and a Church. The lots are to be sold by Nicholas Hall, living near premises. Lots bounding on Main Street will be sold for 3 pounds current money each. The lots back at forty shillings each; all subject to an annual ground rent of 5 shillings to commence May 5, 1788" (History of Western Maryland, Schart. Vol.1, page 607)

William Plummer, son of Samuel Plummer, built the first home in what is now New Market. Built in 1790 as the main house for the Plummer Farm, it is still standing on the corner of First Alley, on lot #4, in "Plummers Part of New Market." It is registered as the VanKirk Fehr home, currently addressed as 51 West Main Street.

Plummer's house was not considered to be in the Town of New Market. Plummer resurveyed the town along Hall's lines in 1792 as far as Fifth and Sixth Alleys, which became known as Plummer's Part of New Market. The lot numbers were different and the lots were subject to a ground rent of 5 shillings per year.

In June of 1793, Hall entered a plan of New Market under a deed of trust in the land records of Frederick County. New Market was laid out into 170 lots. This was the founding Main Street (or Old National Pike or Rt. 144). Main Street was part of the National Road and connected the cities of Baltimore and Frederick. The first lot was sold to William Ballenger for 4 pounds 10 shillings. However, George Smith, a German, had the honor of erecting the first house after the town was laid out. It is still standing on the northwest corner of Main and Federal Streets, currently addressed as 17 East Main Street. Smith used the house as a tavern or inn. It is registered as the Charles A. Jackson home. The house is typical of rural Post-Colonial architecture in Maryland. There have been few or no changes made to the exterior since it was erected.



Looking at the first traceable buyers, we find that William Ballenger bought lots #23 and #90, and built his home, now the Methodist Parsonage, and also lots #28 and #96, where he built another house which was more recently occupied by an Antique Shop.

William Wood constructed a house on lot #37. At one time, it was used as a private school taught by Miss Annie Pearce. John Roberts purchased lot #40,

which at times has been both a store and a hotel. The original structure has seen considerable changes including the addition of a third story. It is now a restaurant, currently addressed as 8 West Main Street.

In addition to the lots purchased by George Smith, already mentioned, the fifth purchaser was Caleb Pancoast, who bought lot #21. The structure built on the lot is of the Federal Period (1800-1830).

One of the first post offices in the County was started in 1798 in New Market in the structure built on lot #25. It was also used as a hotel. Guests were billeted upstairs and the only means of exit was through a small room in which sat the owner or watchman. The guests were thus always sure to pay their bills. The house also contained a "whiskey room" selling whiskey by the glass. This was also a general store, and in 1840 it was known as the National Hotel. This structure is currently addressed as 5 West Main Street.

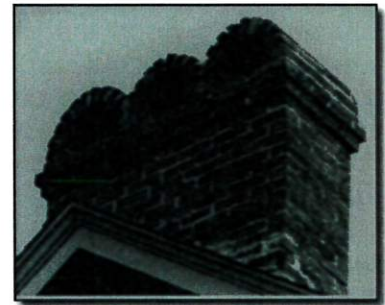
During the Civil War, the Downey home on lot #24 and "necessary building" behind it, housed the guns and ammunition of the Linganore Mounted Guard. This caused considerable excitement in the community until seized by Union troops. Lot #27 is the site of one of the buildings used during



the Civil War as a Union Army guardhouse. The Downey home is one of the few examples in the Town of the Revival Period of architecture. One of the principal features of the Revival Period was moving the door to one side of the front of the house instead of making it the central feature. The lines around the door are long and vertical and the trimming is simple.

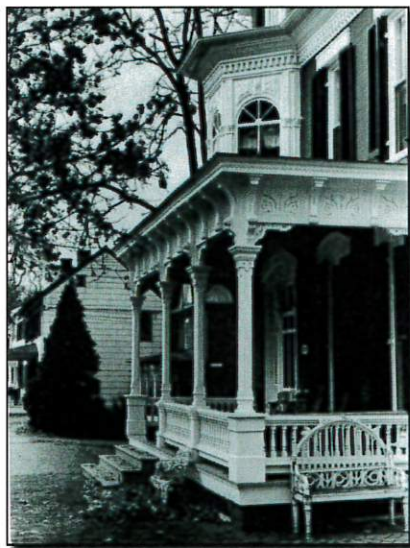
In March 1878 the Town of New Market became incorporated. About this same time, the Town's population was 402, practically the very same as estimated for January 1, 1969.

New Market has some of the best examples of restored Federal Period homes in Frederick County. Most of the structures in the Historic District date to the Federal Period; however, many have been remodeled with Victorian Era alterations or changed so as to obliterate all but a fraction of their original architecture.



The Stull Kemp home, currently addressed as 14 West Main Street, is one of the best examples of the Federal Style in New Market. Made up of red brick with two end interior chimneys, it exhibits practically all of the characteristics of that period. It has curves,

festoons, and interlaces on the exterior cornices



In the past, the doorways were the focal point for decorative detail. The Fanlight Door, or a door having the pediment pierced by a fanlight, became popular in this country during the Federal Period. The doorway to the Stoll Kemp home has such a treatment coupled with ionic columns on each side.

The Palmer home, currently addressed as 20 West Main Street, was built in 1800, and shows some of the characteristics of the Post-Colonial Period as well as the Federal. Its three chimneys, each in the middle are typical of the Federal Period. The window treatment shows the influence of the Post-Colonial Period. The John Morris Prosser home, currently addressed as 25 West Main Street, is another example of Federal Period architecture. It is the only stone house in New Market. The wooden portion of the house is a later addition. The high upper story windows show the Post-Colonial influence.

The town has some very good examples of the Victorian style of architecture (1835-1900) within the Historic District. The house currently addressed as 33 West Main Street, built around 1880, is such an example.



Once major stopping point for settlers traveling on the National Pike from Baltimore to points west, New Market at its earliest was a booming commercial center, that boasted numerous rooming houses, taverns, inns, and stores. In fact, the first house built after the town was founded was used as a tavern. A variety of service occupations existed as well, such as blacksmiths,

wagon makers, wheelwrights, tanners, etc. all toiling to support the diverse needs of travelers passing through. With few exceptions, these individuals resided on the property where the service was offered. Throughout most of its history, New Market's land uses have been predominantly residential in nature with businesses mixed in and surrounded by land used for agriculture. Among the few early industrial establishments, which did exist, were a metal and bone button factory and a forge for making wrought iron nails. Located nearby were a mill near Monrovia, a glass factory, a woolen factory, and a tannery, although it is not known whether these industries were active concurrently. Today's uses include a trucking terminal on Main Street that has been in operation for over 60 years, commencing prior to the adoption of Town Zoning.



APPENDIX B

STATE AND COUNTY GROWTH CAPACITY ANALYSIS

The State's analysis is entitled "Draft Town of New Market Development Capacity Analysis, MDP, November 2009." The MDP analysis involved collecting, integrating, and interpreting data to make it "fit" MDP's growth simulation model. Maryland's local governments committed to performing the Development Capacity Analysis as part of their comprehensive plan updates via the Development Capacity Analysis Local Government MOU (signed by the Maryland Municipal League and Maryland Association of Counties in August, 2004) and the Development Capacity Analysis Executive Order (signed by Governor Ehrlich in August 2004). These agreements were commitments to implement the recommendations made by the Development Capacity Task Force.

MDP's analysis methodology was endorsed by the Development Capacity Task Force and many local governments. This analysis produces projections of the number of dwelling units built by build-out based on existing zoning, land use, parcel data, sewer service, and information about unbuildable lands. The capacity results presented here are based on the latest revisions to the zoning and sewer service areas. This analysis does not account for school, road, or sewer capacity. The projections are focused on the capacity of the current incorporated land area to accommodate future growth. Note that this model assumes that 26 new residential units could be created in the MRS zone which encompasses the Town Historic District.

The results of the growth model are shown on Table 1, it uses the default MDP assumptions of the model and the current zoning of the Town at that time. According to MDP's capacity analysis, there was a total capacity of new 365 households within the Town limits based on 2005 household. The MDP map of in-Town development capacity is attached as Map 1.

Table 1. Zoning District Household Capacity¹

Zoning District	Zoning District Description	New Household Capacity	Acres
AP	Amusement Park		17.7
I	Institutional		3.4
MC	Mixed Commercial		5.2
MRS	Mixed Residential Service	26	21.7
OS	Open Space*		6.3
R1	Low Density Residential	336	266.9
R2	Medium Density Residential		1.0
RM	Residential Merchant	3	41.2
TOTAL		365	363.4

* This category does not include the acreage contained in the "100-acre Woods Park." This land has no development capacity.

¹ US 2010 Census and Draft Town of New Market Development Capacity Analysis, MDP, November 2009 (see Appendix B).

The County's analysis is included in "A Comprehensive Plan for Frederick County, Md. Adopted April 2010, pg. 11-71. The following Table 10-30 from the County's Comprehensive Plan entitled - New Market Community Land Use Plan: Town Portion ² - illustrates the County's calculations for the Town's development capacity. It shows total potential additional dwellings at 308.

Table 10-30: New Market Community Land Use Plan: Town Portion

Land Use Plan Designation	Acres Designated	Acres Undeveloped	Pipeline Dwellings (1)	Undev. Land Potential Dwellings (2)	Total Potential Dwellings
Residential					
Low Density Residential	306	177	257	51	308
<i>Subtotal</i>	<i>306</i>	<i>177</i>	<i>257</i>	<i>51</i>	<i>308</i>
Other					
Institutional	7	0	0	0	0
Public/Open Space	111	111	0	0	0
<i>Subtotal</i>	<i>118</i>	<i>111</i>	<i>0</i>	<i>0</i>	<i>0</i>
Commercial/Employment					
General Commercial	11	8	0	0	0
<i>Subtotal</i>	<i>11</i>	<i>8</i>	<i>0</i>		
New Market Total	434	296	257	51	308

(1) Pipeline dwellings: unbuilt dwellings/units in approved developments.

(2) Potential dwellings: net (75%) of undeveloped acreage (minus undeveloped acreage in pipeline) at 3.5 du/acre (LDR); 7.5 du/acre (MDR); and 15 du/acre (HDR)

Since the completion of the State and County assessments, the Town Master Plan has been amended and both the Smith Kline Property and the Delaplaine Property have been annexed into Town. The land use and zoning designation for Smith Kline Property is now Planned Residential Development. It has been approved for a total of 925 residential units. The Delaplaine Property has been granted a land use and zoning designation of Economic Development and its annexation agreements defer its development.

Table 9 reports the Town's assessment and compares it to the State and County assessments. The table also converts the State and County residential unit results into population numbers to project the Town's population at builtout of capacity. These numbers reflect the Town's population of 656 as reported in the 2010 census. For projection purposes, the Town will use the MDP number. The County population estimate is based on Table 10-30 (308 du's x 2.84). For projection purposes, the Town will use the Census population per household factor of 2.84. As of 2010 Town had added 68 new homes since MDP's November 2009 Development Capacity Analysis. This number has been deducted from the 365 homes projected in that analysis in order to derive an adjusted development capacity of 297 new homes by 2030.

² A Comprehensive Plan for Frederick County, Md. Adopted April 2010, pg. 11-71.

APPENDIX C

2010 COUNTY PLAN FOR NEW MARKET GROWTH AREA

The most recent indication of County growth planning is contained in the Comprehensive Plan for Frederick County, MD adopted April 2010. The Frederick County Plan section most directly affecting planning in and around New Market is very important and its key features follow in italics:

Town of New Market Master Plan - The Town's 2005 Master Plan envisions an expansion of retail uses and service activities along Main Street by designating portions of historic Main Street as Mixed Residential Service and Mixed Commercial. Areas south of I-70 are designated Mixed Commercial/Industrial as well as Planned Residential Development on the Town's Plan. North of I-70, the designated uses mirror the existing land uses. The Town's growth/annexation area generally conforms to the County's delineation of the New Market community growth area with the exception that the Town's plan includes the Blentlinger and Casey tracts, which are designated Planned Residential Development in the Town's Plan and are not included in the growth area on the County's Plan.

Community Plan Highlights

Growth Boundary Revision - The Monrovia enclave, located along MD 75 between the railroad tracks and Bush Creek, is included within the New Market Community Growth boundary. On the south side of I-70 the employment area in the eastern section at the end of Baldwin Rd. has been revised to exclude the 26-acre Atanasoff property.

Residential - Areas designated Low Density Residential within the Community Growth Area includes several existing county subdivisions in addition to the Brinkley Manor, Royal Oaks and the Orchard at New Market developments within the Town of New Market. There is only one area, located east of the Meadows [sic Meadow at New Market] development, totaling 90 acres, that is undeveloped land designated Low Density Residential.

Commercial and Employment - The majority of employment designated land uses within the entire New Market Region are located in the New Market Community Growth Area. This employment area is located south of I-70 and includes a mix of General Industrial, Limited Industrial, General Commercial and Office/Research/Industrial designations. The Office/Research/Industrial land use plan designation in the southeast quadrant of the Community Growth Area can facilitate the application of a mixed-use zoning classification, which would permit residential and additional commercial uses, in addition to light manufacturing and warehouse uses.

Agricultural and Rural Communities Plan Highlights

The boundary of Eastern Priority Preservation Area adjoins the eastern edge of the New Market Community Growth Area.

Green Infrastructure Plan Highlights

The southern boundary of the New Market Community Growth Area is Bush Creek, a major Monocacy River tributary.

Development Staging Mechanisms

Annexation - The New Market Community Growth Area does not necessarily represent an annexation limit for the Town of New Market. Although the Town's 2005 Master Plan designates a growth area that represents their proposed annexation area, it is larger than the County's New Market Community Growth Boundary. Any property that is contiguous to the Town's municipal boundary could potentially be annexed regardless of whether the property is within the County's Community Growth Boundary. However, the

county is the sole provider of public water and sewer service to the Town, thereby removing one incentive for county properties to pursue municipal annexation.

Land Use Plan Designation - All land within the New Market Community Growth Area has a land use plan designation other than Agricultural/Rural, generally indicating that development would be appropriate on these properties within a 20-year timeframe subject to completion of other staging mechanisms.

Zoning - In the employment area south of I-70 some properties designated Office/Research are zoned Agricultural to facilitate the application of the Mixed Use Development (MXD) floating zone. The remaining undeveloped residential area east of MD-75 is zoned Agricultural and would be considered for appropriate residential zoning either through a piecemeal application for a floating zone or Euclidean zoning through a comprehensive zoning process.

Community Plan Highlights

Growth Boundary Revision - The Monrovia enclave, located along MD-75 between the railroad tracks and Bush Creek, is included within the New Market Community Growth boundary. On the south side of I-70 the employment area in the eastern section at the end of Baldwin Rd. has been revised to exclude the 26-acre Atanasoff property.

Residential - Areas designated Low Density Residential within the Community Growth Area includes several existing county subdivisions in addition to the Brinkley Manor, Royal Oaks and the Orchard at New Market developments within the Town of New Market. There is only one area, located east of the Meadows [sic Meadow at New Market] development, totaling 90 acres, that is undeveloped land designated Low Density Residential.

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Table 10-29: New Market Community Land Use Plan: County Portion

Land Use Plan Designation	Acres Designated	Acres Undeveloped	Pipeline Dwellings (1)	Undev. Land Potential Dwellings (2)	Total Potential Dwellings
Residential					
Low Density Residential	366	90	0	237	237
Subtotal	366	90	0	237	237
Other					
Agricultural	0	0	0	0	0
Institutional	26	2	0	0	0
Natural Resources	34	33	0	0	0
Subtotal	60	35	0	0	0
Commercial/Employment					
General Commercial	153	122	0	0	0
General Industrial	166	142	0	0	0
Limited Industrial	193	144	0	0	0
Office Research Industrial	133	133	0	0	0
Village Center	6	0	0	0	0
Subtotal	651	541			
New Market Total	1,077	667	0	237	237

Table 10-30: New Market Community Land Use Plan: Town Portion

Land Use Plan Designation	Acres Designated	Acres Undeveloped	Pipeline Dwellings (1)	Undev. Land Potential Dwellings (2)	Total Potential Dwellings
Residential					
Low Density Residential	306	177	257	51	308
Subtotal	306	177	257	51	308
Other					
Institutional	7	0	0	0	0
Public/Open Space	111	111	0	0	0
Subtotal	118	111	0	0	0
Commercial/Employment					
General Commercial	11	8	0	0	0
Subtotal	11	8	0		
New Market Total	434	296	257	51	308

(1) Pipeline dwellings: unbuilt dwellings/units in approved developments.

(2) Potential dwellings: net (75%) of undeveloped acreage (minus undeveloped acreage in pipeline) at 3.5 du/acre (LDR); 7.5 du/acre (MDR); and 15 du/acre (HDR)

Issues and Opportunities

- A road connection between Boyers Mill Road and MD-75 – a New Market Bypass – is part of a County CIP project to examine the feasibility for its potential to reduce traffic on Main Street. In addition, a bypass around New Market may be constructed as part of future municipal annexations.
- Prepare a Municipal – County Planning Agreement to address concurrence on appropriate annexation areas.
- Address the appropriateness of Mixed-Use Development (MXD) Zoning, which would allow for residential uses, for areas designated LI/ORI.