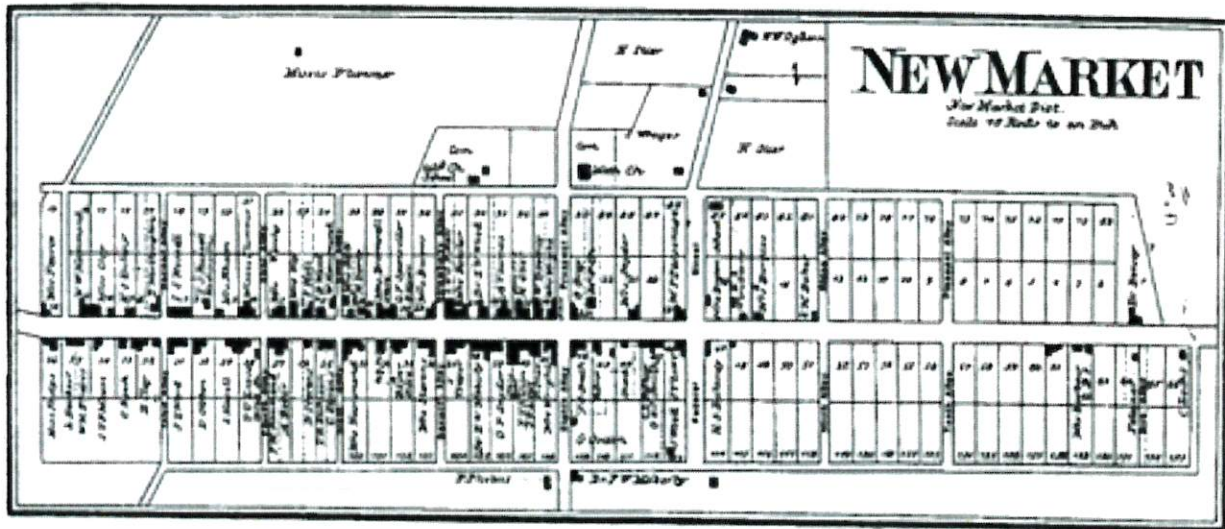


I. CULTURAL HERITAGE AND IDENTITY

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

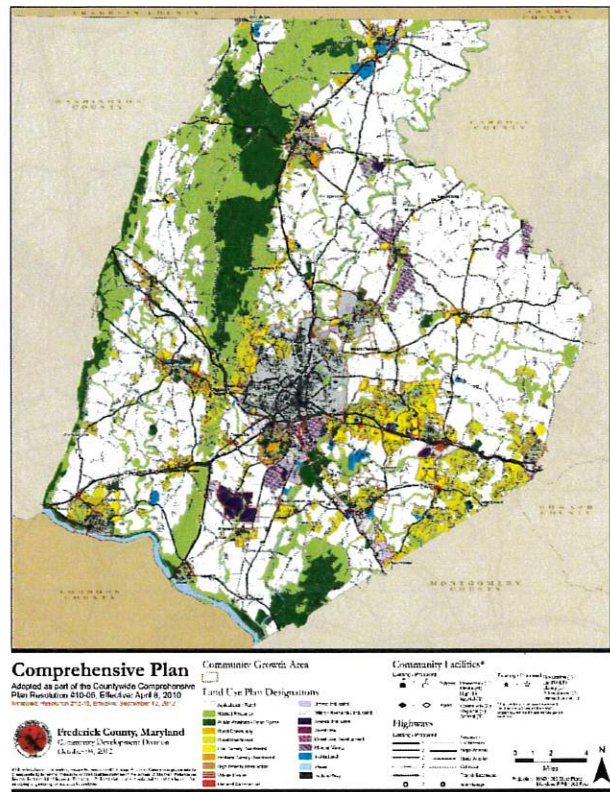
Trends

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.

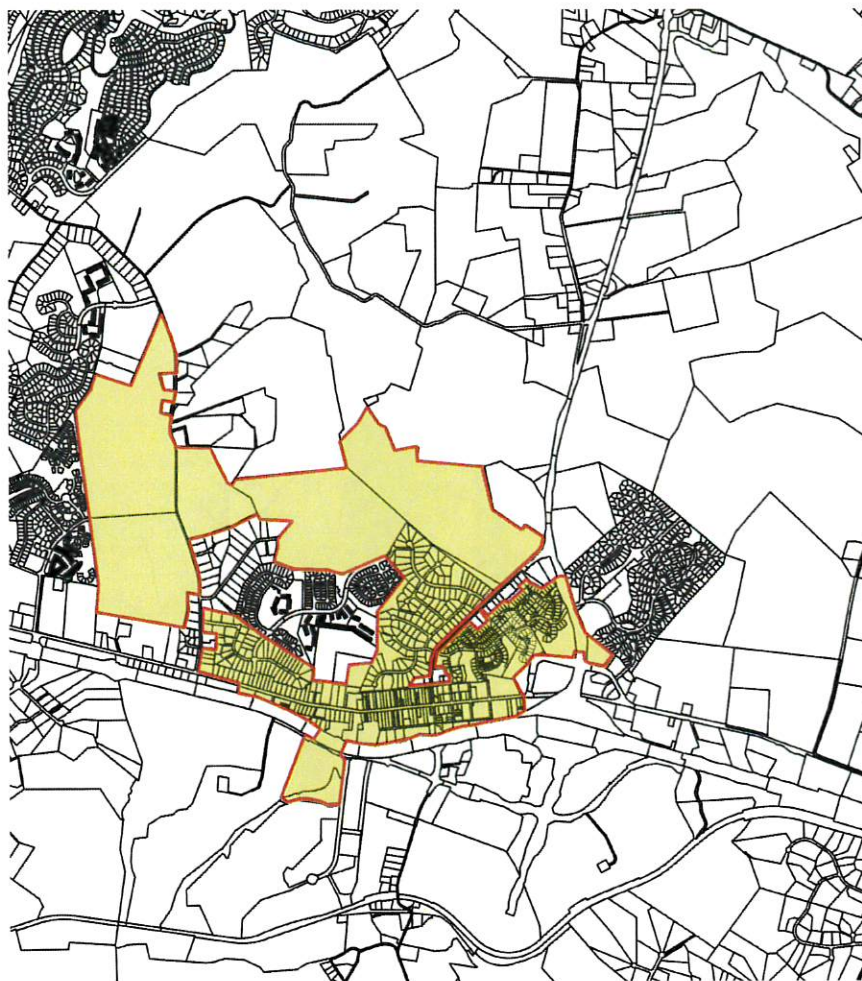
The County Comprehensive Plan reflects these changes. The draft Frederick County Region Plan of 2003 referred to New Market as a "district community" and the 2010 Frederick County Plan designated it as a Community Growth Area calling for significant commercial development at the interchange. The County 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.

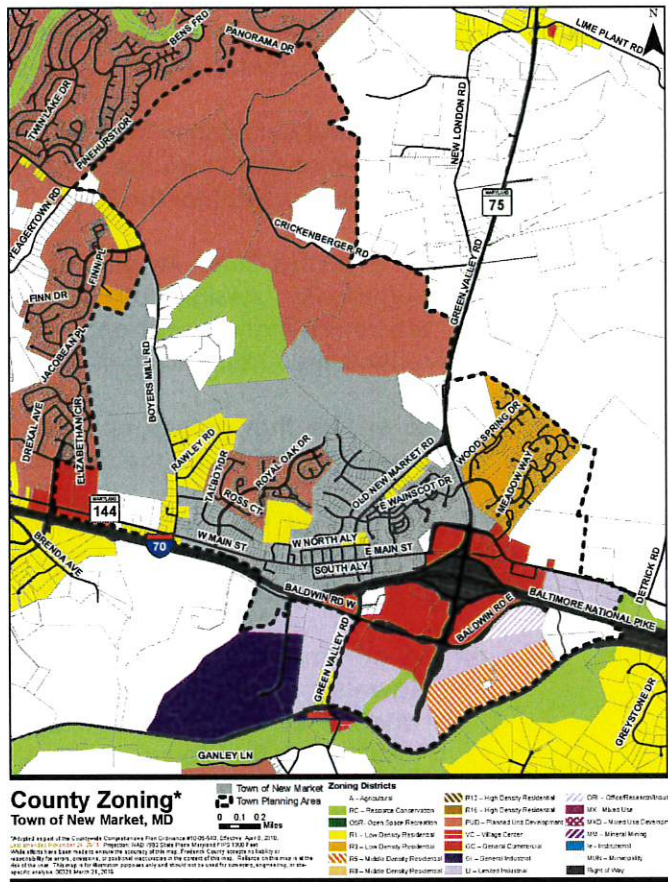
- 1. Careful management and preservation of New Market's character and historic identity is at the heart of its social and economic vitality.**

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.

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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:

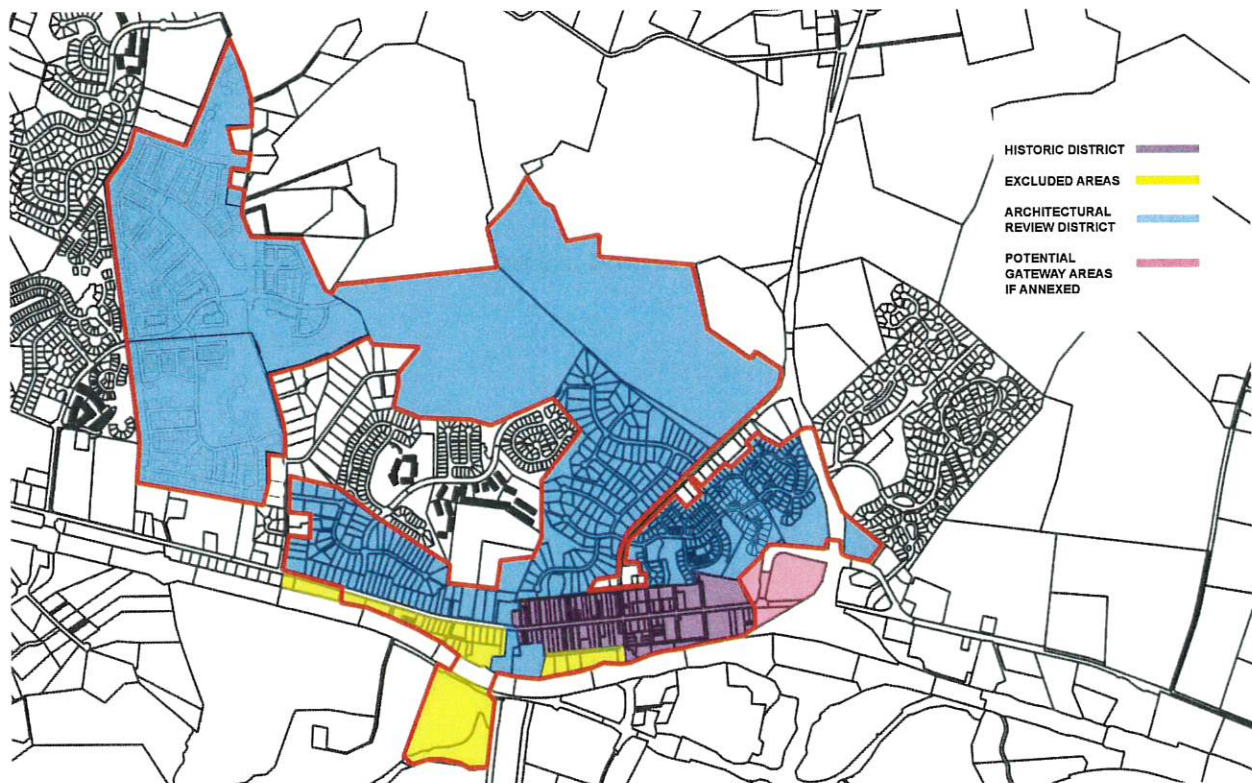
1. **CHANGE MUST FIT:** Traditional, historic National Pike Towns with integrated, multiple layers of land uses will be used as a guide for new development.
2. **CHANGE MUST FIX:** Responsible changes in land use patterns will result in health, safety, and environmental protection and enhancement, especially 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.