

**COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND**

**2022 Legislative Session**

**Bill 2021-12**

**Zoning Text Amendment 21-163, Revising Mixed Use (MX) Zone Development Standards in the Federal Opportunity Zone**

**Introduced by Charles County Commissioners**

Amending the current Zoning Ordinance by revising the development standards for the Mixed Use (MX) Zone, specifically for those properties that fall within the designated Federal Opportunity Zone. The intent of the proposed amendments is to allow for greater flexibility in the site design, in order to achieve a more harmonious and sustainable integration of residential, commercial, industrial and institutional uses.

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**Date introduced:** 12 / 07 / 2021

**Public Hearing:** 01 / 12 / 2022 @ 6:00 p.m. Virtually

**Commissioners Action:** 01 / 12 / 2022 \_\_\_\_\_

**Commissioner Votes:** RBC: Y, BR: Y, GB: Y, TC: Y, AS: A

**Pass/Fail:** Pass

**Effective Date:** 02 / 26 / 2022

**Remarks:** \_\_\_\_\_

NOTE: CAPITALS indicate matter added to existing text.  
[Brackets] indicate matter deleted from existing law.

1                   **COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND**

2  
3                   **2021 Legislative Session**

4  
5 Bill No. Zoning Text Amendment (ZTA) #21-163

6 Chapter. No. 297

7 Introduced by Charles County Commissioners

8 Date of Introduction December 7, 2021

9  
10                   **REVISING MIXED USE (MX) ZONE DEVELOPMENT STANDARDS IN THE**  
11                   **FEDERAL OPPORTUNITY ZONE.**

12 AN ACT concerning:

13  
14                   Development standards for the Mixed Use (MX) Zone.

15  
16 FOR the purpose of:

17  
18                   Amending the current Zoning Ordinance by revising the development standards for the  
19                   Mixed Use (MX) Zone, specifically for those properties that fall within the designated  
20                   Federal Opportunity Zone. The intent of the proposed amendments is to allow for greater  
21                   flexibility in the site design, in order to achieve a more harmonious and sustainable  
22                   integration of residential, commercial, industrial and institutional uses.

23  
24 BY Amending:

25  
26                   Chapter 297 – Zoning Ordinance

27                   Article VII, Planned Development Zone Regulations, §297-106, Mixed Use (MX) Zone  
28                   *Code of Charles County, Maryland*

29  
30                   Chapter 297 – Zoning Ordinance

31                   Article VII, Figure VII-3, Schedule of Zone Regulations: Mixed Use Zone

*Code of Charles County, Maryland*

Chapter 297 – Zoning Ordinance

Article X, Figure X-1, Road Corridor Buffer Yard and Building Setback Requirements

*Code of Charles County, Maryland*

**SECTION 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND, that the Laws of Charles County, Maryland read as follows:**

\*\*\*\*\*

Article VII, § 297-106, Mixed Use Zone

\*\*\*\*\*

F. Use distribution. Development within an MX Zone may incorporate residential, commercial retail/office, institutional/civic and low-intensity industrial uses (see Figure IV-1, **Table of Permissible Uses**, for a comprehensive list of uses). Projects shall be approved through the planned development zone process in accordance with the criteria set forth below:

**Required Percentage Mix of Uses for Residential, Commercial Retail/Office, and Institutional/Civic**

**Percentage of Development as Measured in Square Feet**

**Uses**

**Residential**

Maximum	[65%] <b>70%</b>
Minimum	20%

**Commercial, Retail\***

Maximum	30%
Minimum	10%

**Commercial, Office\***

Maximum	30%
Minimum	[20%] <b>10%</b>

**Civic/Institutional**

Maximum	10%
Minimum	[5%] <b>3%</b>

\* Note: Light industrial employment uses may be substituted for commercial **RETAIL** or office uses as desired.


Article VII, Figure VII-3, Schedule of Zone Regulations: Mixed Use Zone  
Incorporated herein.

Article X, Figure X-1, Road Corridor Buffer Yard and Building Setback Requirements  
Incorporated herein.

**SECTION 2.** BE IT FURTHER ENACTED, that this act shall take effect forty-five (45) calendar days after it becomes law.

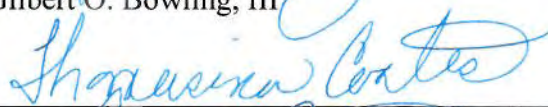
ADOPTED this 12<sup>th</sup> day of January 2022.

COUNTY COMMISSIONERS  
CHARLES COUNTY, MARYLAND

  
Reuben B. Collins, II, Esq. President


  
Bobby Rucci, Vice President

  
Gilbert O. Bowling, III

  
Thomasina O. Coates, M.S.

  
Amanda M. Stewart, M.Ed.

ATTEST.

  
Carol DeSoto, Clerk to the Commissioners

Asterisks \*\*\* mean intervening code language remaining unchanged  
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[Brackets] mean language deleted from the law

**Figure VII-3: Schedule of Zone Regulations: Mixed Use (MX) Zone**

ABBREVIATIONS: du: Dwelling unit; FAR: floor area ratio. An intensity measured as a ratio derived by dividing the total floor area of a building by the base site area. ISR: Impervious surface ratio. The ratio derived by dividing the area of impervious surface by the base site area. Impervious surfaces are those which do not absorb water. They consist of all buildings, parking areas, driveways, roads and sidewalks.

Uses	Minimum Lot Criteria					Minimum Yard Requirements (feet)				Maximum Height		
	Area	Square feet per du	Width (feet)	Depth (feet)	Frontage (feet)	Front	Side	Total	Rear	Feet	Stories	
Agricultural 1.00.000	3 acres	n/a	150	200	n/a	75	40	80	50	40	3	n/a
Marine 2.00.000	2 acres	n/a	150	200	n/a	75	40	80	50	40	3	n/a
Single-family detached 3.01.100	5,000 square feet	1,250-1,650 <sub>2</sub>	55	75	30	10	6	12	20	40	3	50%
Lot line 3.01.200	3,000 square feet	n/a	45	n/a	30	10	0 to 6	12	15	40	3	60%
Patio/court/atrium 3.01.300	3,000 square feet	n/a	45	n/a	30	10	0 to 6	15	15	40	3	60%
Duplex 3.02.100	6,000 square feet	4,000	50	100	30	10	6	12	20	36	3	n/a
Townhouse 3.02.200	n/a	1,250	18	n/a	18	10	0	0	20	40	3	60%
Multiplex 3.02.300	10,000 square feet	3,000	50	100	30	10	6	12	20	36	3	n/a
Garden apartments 3.03.100	20,000 square feet	5,000	200	200	200	10	0/10	0/10	[50] 10 <sub>3</sub>	40	3	n/a
Mid-rise 3.03.200	20,000 square feet	4,000	150	150	150	10	0/10	0/10	[50] 10 <sub>3</sub>	60	[4] 5 <sub>1</sub>	n/a

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### Figure VII-3: Schedule of Zone Regulations: Mixed Use (MX) Zone - continued

[Repealed & Re-enacted 4-23-2010 by Bill No. 2010-06]

ABBREVIATIONS: du: Dwelling unit; FAR: floor area ratio. An intensity measured as a ratio derived by dividing the total floor area of a building by the base site area. ISR: Impervious surface ratio. The ratio derived by dividing the area of impervious surface by the base site area. Impervious surfaces are those which do not absorb water. They consist of all buildings, parking areas, driveways, roads and sidewalks.

Uses	Minimum Lot Criteria					Minimum Yard Requirements (feet)				Maximum Height		Lot
	Area	Square feet per du	Width (feet)	Depth (feet)	Frontage (feet)	Front	Side	Total	Rear	Feet	Stories	
High-rise 3.03.300	20,000 square feet	3,000	300	300	200	10	0/10	0/10	[50] 10 s	60	[5] 6 s	n/a
Commercial apartment 3.03.400	n/a	1,500	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Mixed-Use Building 8.01.000 & 8.02.000	20,000 square feet	n/a	100	100	n/a	10	0/10	0/10	25	60	5 s	n/a
Institutional/utilities/recreation 4.00.000	20,000 square feet	n/a	100	100	n/a	10	0/10	0/10	25	40	5	n/a
Service-oriented commercial 5.00.000	20,000 square feet	n/a	100	100	n/a	10	0/10	0/10	25	60	5 s	n/a
Commercial 6.00.000	20,000 square feet	n/a	100	100	n/a	10	0/10	0/10	25	60	5	n/a
Industrial 7.00.000	3 acres	n/a	100	100	n/a	75	40	80	50	60	5	n/a

#### Notes:

1. May be increased as per §297-210, Art. XIII

2. Based on percentage of development per §297-212, Use 3.01.100

3. REAR SETBACKS MAY BE REDUCED TO TEN (10') FEET IF THE SITE IS LOCATED IN DESIGNATED COMMUNITY MIXED USE AREAS, BUSINESS CORRIDOR MIXED USE AREAS, OPPORTUNITY MIXED USE AREAS, OR EMPLOYMENT AREAS, AS DEFINED BY ADOPTED SUB-AREA PLANS; AS WELL AS THOSE PROPERTIES LOCATED WITHIN A DESIGNATED FEDERAL OPPORTUNITY ZONE.

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**Figure X-1: Road Corridor Bufferyard and Building Setback Requirements (Bufferyard by type and setback in feet)**

Road Classification	Zones																
	AC, RC, RR	RV, HVR	RM, RL	RH	RO, CN	CC	CB	CV, HVE	BP	IG	IH	PMH, PRD	PEP	MX	CRR, CER	CMR	WC, AU
Principal Arterial	D 100	B 50	D 75	C 50	C 50	C 40	B 30	B 30	C 100	B 100	E 125	D 125	C 100 <sup>4</sup>	D [75] 75 <sup>4</sup>	D 40	C 50	B 30
Parkway			D 50	C 50	B 40	B 40	B 25	B 40	C 75	B 75	E 75	C 75	C 75 <sup>4</sup>	C [50] 50 <sup>4</sup>	B 40	C 50	
Other arterials	C 75	B 50	D 50	B 40	B 50	C 40	B 25	B 30	C 75	B 75	E 80	C 100	C 75 <sup>4</sup>	D [60] 60 <sup>4</sup>	C 20	B 50	
Collector	B 50	A 40	C 40	B 40	A 30	A 30	A 25	A 30	B 50	A 50	B 50	B 75	B 50 <sup>4</sup>	C [40] 40 <sup>4</sup>	B 25	B 40	

**NOTES:**

1. 'A' through 'E' designates type of Buffer required as illustrated in Article XVII, Part II.
2. Numbers given are the building setback requirements in feet.
3. Single-family residential lots and minor subdivision will be exempt from the buffer requirements above.
4. [Setbacks may be reduced to 30 feet if located in Community Mixed Use Areas, Business Corridor Mixed Use Areas, Opportunity Mixed Use Areas or Employment Areas as defined by adopted Sub-Area Plans.] **SETBACKS MAY BE REDUCED TO THIRTY (30') FEET IF THE SITE IS LOCATED IN DESIGNATED COMMUNITY MIXED USE AREAS, BUSINESS CORRIDOR MIXED USE AREAS, OPPORTUNITY MIXED USE AREAS, OR EMPLOYMENT AREAS, AS DEFINED BY ADOPTED SUB-AREA PLANS; AS WELL AS THOSE**

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**PROPERTIES LOCATED WITHIN A DESIGNATED FEDERAL OPPORTUNITY ZONE.**

5. In the BP Zone, evergreen and coniferous trees shall be exempt from the requirements of Buffer Yard D.
6. In the BP Zone, canopies associated with motor vehicle fuel sales, which cover fuel station product dispensers, are not defined as a building for applicability of building restriction lines, nor are they restricted by § 297-26C(1)(a), which limits projections of canopies into yards to a maximum of three feet. By way of example, see table below:

**FUEL CANOPY MINIMUM SETBACK TABLE: BP ZONE**

Roadway Classification Buffer Yard Type	Principal Arterial Buffer Yard D	Parkway Buffer Yard C	Other Arterial Buffer Yard C	Collector Buffer Yard B
Buffer Yard Variable Depth Options §297-385:				
10				
15				25
20		30	30	30
25	35	35	35	30
30	40	40	40	30
40	50			

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