

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2022 Legislative Session

Bill 2022-12

Zoning Text Amendment (ZTA) 21-166 Core Employment / Residential (CER) Zone

Introduced by Charles County Commissioners

Repeals and reenacts with amendments Chapter 297- Zoning Ordinance Article VI – Base Zone Regulations §297-95, Core Mixed Use Zones for the purposes of encouraging the development of underutilized parcels in the Bryans Road Village and to encourage infill development that is compatible in use and intensity with the existing neighborhood, is on vacant land within the CER Zone and promotes development that complements the established character of the area and does not create sharp changes in the physical development pattern

Date introduced: 10 / 18 / 2022

Public Hearing: 11 / 16 / 2022 @ 6:00 p.m. Hybrid-Virtually/In-Person

Commissioners Action: 11 / 16 / 2022 _____

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

Pass/Fail: Pass

Effective Date: 12 / 31 / 2022

Remarks: _____

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

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

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3 **2022 Legislative Session**

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5 Bill No. 2022-12 (Zoning Text Amendment #22-166)

6 Chapter. No. 297

7 Introduced by Board of County Commissioners

8 Date of Introduction October 18, 2022

9
10 **BILL**

11 AN ACT concerning

12 **CORE EMPLOYMENT/RESIDENTIAL ZONE (CER)**

13
14 FOR the purpose of

15 *Amending certain provisions of the Zoning Ordinance of Charles County pertaining to*
16 *projects within the Core Employment\ Residential Zone (CER) for the purposes of encouraging the*
17 *development of underutilized parcels in the Bryans Road Village and to encourage infill development that*
18 *is compatible in use and intensity with the existing neighborhood, is on vacant land within the CER Zone*
19 *and promotes development that complements the established character of the area and does not create*
20 *sharp changes in the physical development pattern.*

21
22 BY Repealing and Reenacting with Amendments:

23 Chapter 297- Zoning Ordinance

24 Article VI – Base Zone Regulations

25 §297-95, Core Mixed Use Zones

26 *Code of Charles County, Maryland*

27
28 **SECTION 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF CHARLES**
29 **COUNTY, MARYLAND, that the Laws of Charles County, Maryland read as follows:**

30 *****

31 Chapter 297-Zoning Ordinance

32 Article IV – Base Zone Regulations

33 §297-95 Core Mixed-Use Zones

34 *****

Asterisks *** mean intervening code language remaining unchanged
CAPITALS mean language added to the law
[Brackets] mean language deleted from the law

§297-95 (C)(3)

C. Specific regulations. The following regulations shall apply to the Core Mixed-Use Zones:

(3) In Core Employment/Residential (CER) and the Core Retail/ Residential (CRR) Zones, any development which includes residential uses:

(a) Must be on properties of two acres or greater.

(b) If residential and nonresidential uses are in separate buildings, no more than 50% of the total acreage of the parcel may be devoted to residential uses.

(c) In Residential mixed-use buildings, a maximum of 75% of the building area may be devoted to residential use.

(4) NOTWITHSTANDING PARAGRAPH THREE ABOVE, IN THE CORE EMPLOYMENT/RESIDENTIAL ZONE (CER) PROPERTIES WHICH MEET THE ALL OF THE FOLLOWING CRITERIA ARE ELIGIBLE FOR RESIDENTIAL INFILL DEVELOPMENT OF THE ENTIRE PARCEL AND SHALL NOT BE REQUIRED TO CONTAIN A NON-RESIDENTIAL USE:

(a) MUST BE ON UNDEVELOPED PROPERTIES CONSISTING OF NO LESS THAN TWO ACRES AND NO GREATER THAN NINE ACRES; AND

(b) MUST HAVE AT LEAST 50 PERCENT OF THE NONSTREET PERIMETER OF THE SUBJECT PROPERTY (SIDE AND/OR REAR LOT LINES) DEVELOPED WITH SINGLE-FAMILY DWELLINGS OR HIGHER INTENSITY RESIDENTIAL USES.

(5) [(4)] Building frontages will be required to face streets wherever possible.

(6) [(5)] Buildings will be sited to form a uniform front setback along all arterial, major collector, and minor collector roads. All commercial and mixed use buildings shall occupy a minimum of 70% of the lot width.

(7) [(6)] The following requirements apply in addition to the requirements in the Schedule of Zone Regulations:

(a) Front building facades shall be located between the required minimum and maximum front setbacks.

(b) Porches, steps and covered entries shall not project more than eight feet from the building facade. They may extend into the minimum front setback area.

(c) Awnings and canopies may extend up to five feet into the minimum front setback area, they shall maintain a minimum clearance height of eight feet above the ground.

(d) Storefront display window may extend up to two feet into the minimum front setback area.

- 1 (e) For lots with street frontage of 100 feet or less, the building facade must occupy at least 75%
2 of the street frontage.
- 3 (f) For lots with street frontage of 100 to 200 feet, the building facade must occupy at least 80%
4 of the street frontage.
- 5 (g) For lots with street frontage of 200 feet or greater, the building façade shall occupy at least
6 85% of the street frontage.
- 7 **(8)** [(7)] On-street parking is permitted on all streets in the core mixed-use zones where street width
8 permits, except along MD 210 and MD 227.
- 9 **(9)** [(8)] Parking spaces along all roads adjacent to the frontage of a lot and nearby offsite shared parking
10 will be credited towards parking requirements for the use.
- 11 **(10)** [(9)] Required off-street parking spaces will be located at the rear of buildings. Parking lots will be
12 screened where visible from public streets. Security cameras must be provided in all parking lots. Interior
13 lot parking is required for residential uses. Pedestrian ways (e.g., ten-foot-wide walkways) from interior
14 parking lots to streets should be provided. Parking lots will not be located adjacent to major intersections
15 or occupy highly visible locations.
- 16 **(11)** [(10)] Parking should be shared and interconnected where possible using the Bryans Road-Indian
17 Head Sub-Area Plan or other local plans as a guide, where available.
- 18 **(12)** [(11)] Access to rear parking should be permitted through a frontage road only if alternative access is
19 not available.
- 20 **(13)** [(12)] Uses in the core mixed-use zones that adjoin the Core Mixed Residential Zone (CMR) must
21 demonstrate compatibility with existing or new development in those areas through means such as
22 appropriately scaled buildings, façade treatment, placement of parking, increased setbacks (20 to 30 feet),
23 fences and/or buffers.
- 24 **(14)** [(13)] Subdivision plans and site plans shall provide open space in accordance with the Schedule of
25 Zone Regulations. Required open space shall be designed to provide parks, greens, plazas and other
26 public amenities; and provide for protection of sensitive environmental features, the open space
27 requirement may be satisfied by providing open space on-site; or by creating a common open space lot for
28 dedication to the County or a property owners association; or by providing common open space off-site
29 within a Core Mixed-Use Zone or activity center zone; or by payment of a fee-in-lieu as provided below:
- 30 (a) For subdivision plans within the core mixed-use zones, dedication of open space may be used
31 to meet the requirements for community open space given in Chapter 278, Subdivision
32 Regulations, § 278-60 and 61.
- 33 (b) Fee in lieu of establishment of common space.

(c) The Planning Director may approve payment of a fee in lieu of the required open space based on findings that the purpose and intent of the core mixed use zone would be better met through contribution to funding for common open space rather than through establishment of the required open space on the particular site.

(d) The fee shall be as established in a fee schedule approved by the County Commissioners.

(e) The County shall use the fees to purchase land within a core mixed use zone or activity center zone for parks, greenways, pedestrian pathways or stormwater management.

(15) [(14)] Streetscape requirements.

(a) Intent. Development shall contribute to creation of a walkable community through the following design standards:

[1] Provide a comprehensive, continuous system of sidewalks and paths to enhance connections and pedestrian safety.

[2] Orient buildings to the street and utilize every opportunity to create open, inviting storefronts, outdoor cafe seating, and interesting visual accents such as public art.

[3] Provide streetscape amenities and street furniture to encourage pedestrian activity.

[4] Enhance safety and visual appearance through the provision of street trees and plantings strips located between streets and sidewalks (whenever possible) to provide shade and buffer pedestrians from traffic.

(b) Installation/bonding of streetscape improvements.

[1] Streetscape elements (including but not limited to sidewalks, streetlights, street trees, street furniture, bicycle racks, landscaping and planters, decorative paving, sculpture/artwork, and bus shelters) shall be required for development approved through a site plan or subdivision plan. For expansion of existing uses, streetscape elements may be required by the Zoning Officer proportionate to the proposed expansion.

[2] All streetscape improvements shown on an approved subdivision plan or site plan shall be bonded.

[3] Proposed streetscape elements shall be indicated on plan submittals and shall include information on location, spacing, quantity, construction details, and method of illumination.

(c) Streetscape design consistency. The design of streetscape elements shall be consistent within a development project and throughout each zone. Streetscape elements shall be consistent with the County site design and architectural guidelines.

(d) Use of front setback area. For nonresidential or mixed use buildings, the front setback area between the street right-of-way and the building façade shall be used for sidewalks, landscaping,

public seating areas or other pedestrian-oriented features that enhance and contribute to the streetscape.

(e) Constrained sites. Where existing conditions make the streetscape elements difficult to implement, development shall make every effort to meet these streetscape standards in full.

[1] If required streetscape elements cannot be provided within the street right-of-way due to right-of-way constraints, the elements shall be provided partially on the development site between the building facade and the right-of-way.

[2] If provision of all streetscape elements is not possible due to right of-way constraints and the location of existing buildings or infrastructure, the priorities for streetscape improvements shall be:

[a] Sidewalks;

[b] Streetlights;

[c] Street trees (If sufficient room is not available for the survival of street trees, seasonal displays in aboveground planter boxes should be substituted.); and

[d] Landscape strips.

[3] The final determination of required streetscape elements on constrained sites shall be made by the Planning Director.

(f) Sidewalks.

[1] For development activity requiring a subdivision plan or site plan, sidewalks shall be installed along streets within or abutting the development site. Sidewalks may be placed along one or both sides of the street as deemed appropriate by the County.

[2] Sidewalks shall also be provided to connect building entrances and parking areas with the sidewalks along the streets.

[3] Sidewalks may be located partially within the street right-of-way and partially within the front setback area of the abutting property.

[4] Where sufficient right-of-way is available, sidewalks shall be separated from streets by a landscape strip to allow for street trees and to buffer pedestrians from street traffic.

(g) Street trees. Street trees shall be provided along all streets at the time of development.

[1] Spacing. At least one large shade tree shall be planted per 40 linear foot of frontage along all public streets and major private streets. Street trees may be spaced between 35 feet and 45 feet apart on center.

[2] Planting standards. Street trees shall be planted using either underground planters with minimum dimensions of six feet by eight feet and structural soil amendments; or the

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planting site shall be prepared with a minimum of 120 cubic feet of rootable soil with structural soil amendments.

(h) Streetlights. Pedestrian-scaled, County-approved streetlighting fixtures shall be installed on both sides of all streets at no more than sixty-foot intervals measured parallel to the street. The developer is responsible for the installation of streetlights only on the side of the street being developed.

(i) Other streetscape elements. All types of streetscape furniture (including but not limited to benches, bike racks, movable seating, game tables, trash receptacles, and public mailboxes) may be considered in public spaces and along streets with mixed-use, commercial or office development. Streets limited to residential uses should have more limited street furniture such as trash receptacles and benches.

(j) Curb bump-outs and bus turnouts may be incorporated into streetscape design to provide physical separations, to mitigate the visual impact of on-street parking areas and to serve as additional tree planting areas or locations for streetscape amenities.

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

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4 ADOPTED this 16 day of November 2022.

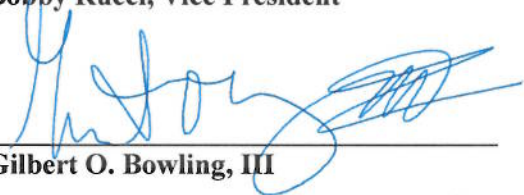
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7 **COUNTY COMMISSIONERS**
8 **CHARLES COUNTY, MARYLAND**

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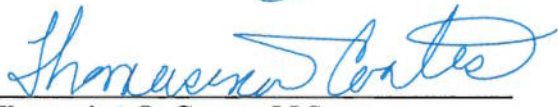
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13 Reuben B. Collins, II, Esq., President
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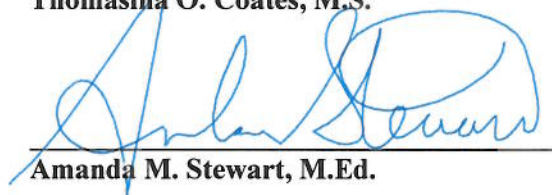
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17 Bobby Rucci, Vice President
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21 Gilbert O. Bowling, III
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24 Thomasina O. Coates, M.S.
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28 Amanda M. Stewart, M.Ed.
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31 **ATTEST:**

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34 Carol DeSoto, Clerk to the Commissioners
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