

St. Mary's River Watershed Association

PO Box 94

St. Mary's City, MD 20686

March 22, 2005

Dear St. Mary's County Planning Commission,

During a recent meeting of the Board of County Commissioners (March 1, 2005), the Commissioners requested that we, the St. Mary's River Watershed Association, review the proposed Office and Business Parks Zone as well as the Comprehensive Zoning Ordinance and compile our recommendations. The attached initial recommendations are based upon our *Management Plan for Hilton Run: A Subwatershed of the St. Mary's River* and a LUGM staff report, dated February 14, 2005.

In addition to the LUGM staff recommendations, we suggest that the use of native plants and 'Bayscaping' techniques be implemented and recommended whenever possible in the plans and ordinances. The Hilton Run plan contains numerous other recommendations having to do with stormwater management, mining, incentives for low-impact development, and other areas where innovative policies might serve community interests. We are now in the process of comparing these recommendations with existing policy, and will soon come forward with further specific recommendations. We appreciate your consideration of these recommendations and look forward to working with you further on this and other projects. Thank you.

Sincerely,

Nancy E. McAllister

Acting Executive Director

St. Mary's River Watershed Association

Tel. 240-895-0359

E-mail- nancymcallister@yahoo.com

The St. Mary's River Watershed Association accepts the majority of DLUGM staff recommendations but offers the following comments and suggested revisions which would support the implementation of the recommendations of Hilton Run Watershed Management Plan:

FINDINGS:

With a base floor area ratio of .4 and a height limit of 100 feet in the OBP, a residential component could easily accommodate a density of 20 units per acre. Such a density can be in keeping with the intended nature of the core area of Lexington Park, and is therefore recommended. If such intensity were contemplated by the OBP, then this intensity should also be acceptable in the DMX zone, which is the principal zoning category intended to implement the plan for the core area. It therefore recommended that the DMX zone also be amended to accommodate a 20-units-per-acre density. Such higher densities will also enhance a market for the use of TDRs as it would require the purchase of TDRs for density exceeding 5 dwellings per acre.

The St. Mary's River Watershed Association offers the following comments:

- At the hearing, developers suggested a revision to base density to allow 10 units per acre is necessary to make the development economically feasible—not sure why since it appears economically feasible to build at 5 per one density in the RL now and the TDR's units would offer a significant bonus. We believe that 10 units by right will undermine the TDR program and doubt anyone will ever build more densely than 10 per acre if County accepts the developer recommendation. We suggest that if the county wants density, they should set up the zone to encourage the use of TDRs and force more intense development in order to receive the 'free' units the developers have asked for. E.g. provide base of 5 per acre, allow next 5 only with TDR's, allow final 10 units only by purchasing 1 TDR for each 2 units—The developer gets up to 20 units with the need to purchase only 10 TDR's—which gets them to their goal of 10 "free units" but only if we get the dense development desired and the use of a substantial number of TDR's.
- If we allow Single family residences in the OBP in proximity to abutting RL zones then "proximity" should be specifically defined—e.g. units located within 300 feet—otherwise there will always be a fight over what proximity and abutting mean. We agree that no dwellings may be located within the AICUZ.

Accordingly the St. Mary's River Watershed Association offers the following text amendments shown as underlined text for the Comprehensive Zoning Ordinance in addition to those recommended by the LUGM staff:

THE AMENDMENTS:

Following are pertinent sections of the St. Mary's County Comprehensive Zoning Ordinance. Language to be added is in italics; language to be deleted is stricken through; language neither in italics nor stricken through would remain unchanged.

Section 30.4, Purposes of Base Districts

4. The purposes of the Industrial and Office District are to:
 - a. Provide and protect areas for industrial and office development consistent with the Comprehensive Plan.
 - b. Accommodate new and existing technology-based and other industries and business in campus settings within the growth areas with adequate infrastructure and facilities, and provide for nearby services for employees.

- c. Allow for the provision of services and facilities needed to accommodate planned employment densities.
- d. Ensure compatibility of mixed land use (including residential) where supported by the Comprehensive Plan.

Section 31.13, Purpose of the Office and Business Park District (OBP):

The Office Business Park District provides sites for offices, research and development facilities, limited industrial facilities, and supporting commercial uses in a campus setting, and accommodates opportunities to “live where you work” by providing residential uses subordinate to non-residential uses on the site and subject to standards that will ensure land use compatibility with such other uses.

Schedule 32.1 Development Standards, and 32.2 Modifications to Development Standards [pertinent excerpts from these tables are below].

Section 50.4, Use Classifications, Use Types, and Location within Zoning Districts

Add “L” under OBP column for the following uses

10. Dwelling unit, attached
11. Dwelling unit, detached
12. Dwelling unit, multi family

Schedule 50.4 [excerpt]

Use Type	Description	Use Intensity	DMX	OBP
10. Dwelling unit attached.	An attached structure containing a single dwelling unit on a single lot. Dwelling units are usually side by side sharing one roof, but each unit has a separate front and rear access. Includes townhouses, tri- quad- and other multi-plex dwelling configurations.	High	P	PD/L
11. Dwelling unit, detached.	A detached structure containing a single dwelling unit on a single lot. Dwelling may be either a site built structure meeting the St. Mary's County Building Code or a manufactured structure for residential occupancy, conforming to the requirements of the Maryland Industrialized Building and Mobile Homes Act and constructed under the National Manufactured Home Construction and Safety Act of 1974. Note: Mobile homes are regulated separately under this Ordinance.	Low	P	PD/L
12. Dwelling unit, multi-family residence.	A single structure that contains three or more dwelling units, or three or more attached structures with common walls on a single lot. Classification includes structures commonly called garden apartments, triplexes, quadplexes, and low-mid and high-rise apartment buildings.	High	P	PD/L

Section 51.3 Specific Regulations and Standards.

10. Dwelling Unit, Attached.

a. General Standards:

[no change]

b. Limited Standards:

(1) In the RPD ...

(2) In the DMX: Developments shall implement at least two of the following site and facility design enhancements in the planning, construction and operation of the development:

(a) 25% increase over IRC minimums in energy efficiency (new or retrofit)

(b) Retain 30% of existing natural forest cover within site development envelope

(c) Bioretention stormwater management

(d) 25% increase in landscape area over minimum required by the Ordinance

(e) Other renewable, sustainable or "green building" design as approved by the Planning Commission.

(2) In the OBP:

- (a) No more than 49% of the gross site and [development envelope areas] may be devoted to residential use, and at least 51% of the gross [development envelope] area shall be devoted to non-residential use. [WHAT HAPPENS IF THEY BUILD ONLY THE HOUSING AND NEVER MOVE FORWARD WITH THE NON-RESIDENTIAL? SHOULDN'T THEY HAVE TO HAVE SOME NON-RESIDENTIAL BUILT FIRST ?]
- (b) Outside of the “Wedge” established by the Comprehensive Plan, residential use may be approved only as planned unit development (PUD)
- (c) No dwelling units may be permitted within the AICUZ.
- (d) Developments shall implement at least three of the following site and facility design enhancements in the planning, construction and operation of the development:
 - ii) 25% increase over IRC minimums in energy efficiency (new or retrofit)
 - iii) Retain 30% of existing natural forest cover within site development envelope
 - iv) Bioretention stormwater management
 - v) 25% increase in landscape area over minimum required by the Ordinance
 - vi) Other renewable, sustainable or “green building” design as approved by the Planning Commission.

11. Dwelling Unit, Detached.

a. General Standards:

[no change]

b. Limited Standards

(1) In the OBP:

- a. No more than 49% of the gross site and [development envelope areas] may be devoted to residential use, and at least 51% of the gross site and development envelope areas shall be devoted to non-residential use;
- b. Location of detached dwelling units may only serve as transition between OBP and abutting RL zones; i.e., may be located only within the portion of an OBP development that abuts and is within 300 feet of an RL zone.
- c. Outside of the “Wedge” established by the Comprehensive Plan, residential use may be approved only as planned unit development (PUD).
- d. No dwelling units may be permitted within the AICUZ.
- e. Developments shall implement at least three of the following site and facility design enhancements in the planning, construction and operation of the development:

a.

- b. 25% increase over IRC minimums in energy efficiency (new or retrofit)
- c. Retain 30% of existing natural forest cover within site development envelope
- d. Bioretention stormwater management
- e. 25% increase in landscape area over minimum required by the Ordinance
- f. Other renewable, sustainable or “green building” design as approved by the Planning Commission.

12. Dwelling Unit, Multi-family Residence.

a. General Standards:

[no change]

b. Limited Standards for OBP zones:

- (1) No more than 49% of the gross site and [development envelope areas] may be devoted to residential use, and at least 51% of the gross site and [development envelope areas] shall be devoted to nonresidential uses.
- (2) Outside of the “Wedge” established by the Comprehensive Plan, residential use may be approved only as planned unit development (PUD).
- (3) No dwelling units may be permitted within the AICUZ.
- (4) Developments shall implement at least three of the following site and facility design enhancements in the planning, construction and operation of the development:
 - a. 25% increase over IRC minimums in energy efficiency (new or retrofit)
 - b. Retain 30% of existing forest within site development envelope
 - c. Bioretention stormwater management
 - d. 25% increase in landscape area over minimum required by the Ordinance
 - e. Other renewable, sustainable or “green building” design as approved by the Planning Commission.

[continued]

Schedule 32.1 Development Standards

Residential Density	DMX	OBP
Base Density (units per acre)	5 ¹²	None 5 ¹²
Maximum/Density (units/acre) See Table 32.2 for methods to achieve Residential Density Increase	40 20 ¹²	None 20 ¹²
Non-Residential Density (per acre)	DMX	OBP
Base Floor Area Ratio	0.60	0.40
Maximum Floor Area Ratio (see Table 32.2 for methods to achieve FAR Increase) (per acre)	None	0.50 ¹²
Minimum Lot Dimensions	DMX	OBP
Minimum Lot Area	None	none
Width	None	100
Depth	None	200
Frontage	None	none
Principal Structure Minimum Setbacks ^{1,2,3}	DMX	OBP
Minor Collector or lesser	5	25
Major Collector	10	35
Arterial	50/10 ²	50
Side ⁴	10	20
Rear	20	25
Minimum Separation between detached principal structures on a site	[No change]	
Other Requirements	DMX	OBP
Maximum footprint of a Commercial structure on a site by right	50,000	50,000
Maximum footprint of a Commercial structure with TDRs	See Footnote 5, 6	See Footnote 5, 6
Maximum Height ⁷	100	100
Minimum Landscaping	20%	20%
Open Space	DMX	OBP
Minimum Useable Open space (sq. ft. per residential unit)	200 ¹⁰	200 ¹⁰
Minimum Open space for development envelope	15% ¹⁰	15% ¹⁰

Footnotes

1. Lots fronting on roads identified as existing or future Arterial Roads in the 2020 Transportation Plan in the Comprehensive Plan shall meet the 50 foot setback.
2. On Great Mills Road (Route 246), from Route 235 to Saratoga Street the minimum front yard setback is 10 feet and the maximum shall be 25 feet.
3. Permitted obstructions in required yards are defined in Section
4. Modification of Side or Rear Setback requirements defined in Section.... Minimum Accessory structure setback shall be 5 feet from a side or rear lot line.
5. By right footprint may be increased with TDRs by 2,000 sq. ft. per TDR up to 60,000 sq. ft.
6. Additional sq. ft. of footprint above 60,000 sq. ft. in the Development Districts may be achieved @ 1,000 sq. ft. per additional TDR.
7. Principal structures may be erected to a height....
8. Parcels of at least 2 acres in size...

9. In the RNC District, ...
10. An open space
11. Auction houses may...
12. A) Residential density may attain up to 20 d.u. per acre in either the DMX or the OBP; B) 49%-51% residential to office split in the OBP, C) in the OBP dwelling units 5 through 10 are obtained through purchase of development rights at one TDR per unit and the remaining units 11 through 20 are obtained through purchase of 1 TDR for each two units.

SCHEDULE 32.2 MODIFICATIONS TO DEVELOPMENT STANDARDS

		DMX	OBP
Dwelling units per acre increase when Density in proposed development envelope meets or exceeds 3.5 units per acre		none	none
Base Density Increase	Affordable housing (units per acre)	1.0 none	none
	Increase in units per acre with purchase of TDRs (where 1 TDR = 1 dwelling unit, except as shown in footnote 1, 2 & 4)	5 15	None 15
	Bonus units per acres for achieving base density + purchase of maximum TDR density	none	none
	25% increase over IRC minimums in energy efficiency (new or retrofit)	.25 none ⁵	none ⁵
	Minimum 5/12 pitch on roofs	.25 none ⁵	none ⁵
	Retain 30% of existing forest within site development envelope	.25 none ⁵	none ⁵
	Bioretention stormwater management	.25 none ⁵	none ⁵
	25% increase in landscape area over minimum required	.25 none ⁵	none ⁵
	Other renewable, sustainable or “green building” design	.25 none ⁵	none ⁵
	Added square feet per TDR		2,000 ³
Added square feet for design enhancements (cumulative footage not to exceed maximum FAR)	25% increase over BOCA minimums in energy efficiency (new or retrofit)	1,000	1,000
	Minimum 5/12 pitch on roofs	500	500
	Use of muted colors	500	500
	Brick, clapboard, stone siding	500	500
	Facade design/materials applied to all tenants in a development	500	500
	Uniform exterior sign design standard for all tenants in a development	500	500
	Retain 30% of existing forest within site development envelope (no paving or construction within drip-line of the saved forest)	1,000	1,500
	Bioretention stormwater management	1,500	1,500
	25% increase in landscape area over minimum required	1,500	1,500
	Other renewable, sustainable or “green building” design	1,500	1,500

1. TDRs may be used from one RPD sending parcel to increase density on a different RPD receiving parcel. The transfer of density shall not exceed a gross density of 1 unit per 3 acres on the receiving parcel and two (2) TDRs are required for each additional unit.
2. TDR increase is possible only in growth areas.

3. Additional square feet of first floor “footprint” above 60,000 sq. ft. in development districts may be achieved @ 1,000 sq. ft. per TDR.
4. In the DMX and OBP, 1 TDR per unit is required for each of the first 5 units above the base density, and 1 TDR for each two units added thereafter.]
5. See Chapter 52 mandatory requirements to provide design enhancements in the DMX and OBP.