

**ST. MARY'S COUNTY GOVERNMENT
DEPARTMENT OF LAND USE
AND GROWTH MANAGEMENT**

Phillip Shire, Director

William B. Hunt, AICP, Deputy Director



BOARD OF COUNTY COMMISSIONERS

Francis Jack Russell, President
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Daniel L. Morris, Commissioner

Notice of Public Hearing

NOTICE IS HEREBY GIVEN that the St. Mary's County Board of County Commissioners will conduct a public hearing in the main meeting room of the Chesapeake Building, located at 41770 Baldrige Street, Leonardtown, MD, on March 12, 2013, beginning at 10:00 a.m., for the purpose of receiving public testimony and to consider amendments to the text of the St. Mary's County Comprehensive Zoning Ordinance (Z-10-02), as amended, (the "Zoning Ordinance"). The Amendments proposed for consideration are as follows:

Text amendments to the Zoning Ordinance:

1. In Chapter 32 "Property Development Regulations:"
 - a. Amend Schedule 32.1 "Development Standards" to change *Public and Semi-public* under "Minimum Open Space" to read *Civic and Institutional*.
 - b. Amend Schedule 32.2 "Modifications to Development Standards" to modify the methods for achieving an increase in floor area ratio by exempting public and semi-public uses from complying with this regulation.
2. In Chapter 50 "Use Classifications:"
 - a. Amend Section 50.4 "Use Classifications, Use Types, and Location within Zoning Districts" to change *Public & Semi Public Uses* in the chart to read *Civic and Institutional Uses*.
 - b. Amend Section 50.4.1 "Use Classification Groups" to change *Public/Semipublic* to read *Civic and Institutional*.
 - c. Amend Schedule 50.4 "Use Classifications, Use Types and Location Within Zoning Districts" to change the *Public and Semi-Public Use Classifications* to read *Civic and Institutional Use Classifications*. Move Use Types 27, 28, 32, 33, 34, and 39 from this use classification to the Commercial Use Classifications. Renumber all use types accordingly.
3. In Chapter 51 "Use Regulations and Standards," amend Section 51.3 "Specific Regulations and Standards" by renumbering the use types in accordance with changes to Schedule 50.4.
4. In Chapter 60 "Site Plan Review," amend Section 60.3 "Development or Land Use Requiring a Site Plan" to change *Public and semi-public uses* to read *Civic and Institutional uses*.
5. In Chapter 64 "Off-Street Parking and Loading," Section 64.3 "Off-Street Parking and Loading Spaces Required and Permitted," to amend "Parking Standards and Loading Space Group Reference Schedule 64.3.1" to change *Public and Semi-Public Use Classifications* to read *Civic and Institutional Use Classifications*. Move Use Types 27, 28, 32, 33, 34, and 39 from the Public and Semi-Public Use Classifications to the Commercial Use Classifications. Renumber all use types accordingly.

Note: As a result of the evidence and comments made at the public hearing, amendments may be made to the proposed ordinances. No final action will be taken on an amendment until the expiration of the 10-day open record period, which is 10 calendar days following the public hearing. Written comments regarding the proposed text amendments may be sent to the Department of Land Use and Growth Management, P.O. Box 653, Patuxent Building, 23150 Leonard Hall Dr., Leonardtown, MD 20650.

Copies of the proposed amendments are available to the public at each public library within the County, at the Public Information Office located in the Chesapeake Building, 41770 Baldrige St., Leonardtown, MD 20650, at the Department of Land Use and Growth Management; and for viewing or downloading through links on the St. Mary's County Government web page: www.stmarysmd.com.

Yvonne Chaillet, Zoning Administrator
Department of Land Use and Growth Management
301-475-4200, ext. 1523

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MEMORANDUM

To: Board of County Commissioners

From: Phil Shire, Director
Yvonne Chaillet, Zoning Administrator

Date: February 20, 2013

Subject: March 12, 2013 public hearing on proposed zoning text amendment to Chapters 32, 50, 51, 60, and 64 of the Comprehensive Zoning Ordinance regulating floor area ratio

Purpose: The purpose of the proposed zoning text amendment is to modify the methods for achieving an increase in floor area ratio in an effort to alleviate any undue burden placed on certain use types when the methods are applied.

Background: Staff introduced the proposed zoning text amendment to the Board of County Commissioners (BOCC) on July 31, 2012. The originally proposed text amendment recommended exempting non-commercial uses from the requirement to either purchase TDRs or obtain LEED Certification (Transferable Development Rights and Leadership in Energy and Environmental Design respectively) in order to increase the base floor area ratio up to the maximum floor area ratio allowed in each zoning district. After addressing concerns expressed by the BOCC that “non-commercial” was too broad a term, staff returned to the BOCC on September 18, 2012. The BOCC accepted the recommended changes to the draft text amendment, which would apply the TDR or LEED Certification exemptions only to the Public and Semi-Public Uses Classification in Schedule 50.4 of the Ordinance. The BOCC then directed the Planning Commission to proceed with a public hearing and prepare a recommendation for the BOCC relating to the proposed amendments.

The Planning Commission held a public hearing on November 26, 2012 on the matter of exempting public and semi-public uses from the requirement to purchase TDRs or incorporate a LEED Certified site design. Following discussion and hearing no testimony, the Planning Commission continued the hearing to December 10, 2012. Testimony was taken at this time from Ken R. Crouse, P.E., Crouse Engineering, Inc. (See attached summary of testimony.) The Planning Commission then closed the hearing to public testimony and held the record open for 10 days until December 20, 2012.

The Planning Commission met again on January 14, 2013 to further discuss the proposed text amendments in a work session with staff. At this time, the Planning Commission recommended amending Schedule 50.4 of the Ordinance, “Use Classifications, Use Types and Locations within Zoning Districts,” to rename the *Public and Semi-Public Use Classifications* to *Civic and*

Institutional Use Classifications. Six of the existing Public and Semi-Public uses would then be reclassified as Commercial Uses.

The Planning Commission also agreed to amend Schedule 32.2 of the Ordinance, “Modifications to Development Standards,” to add a footnote to the chart on the methods for achieving an increase in floor area ratio, which would exempt Civic and Institutional Uses from the need to comply with these methods, subject to meeting the eligibility requirements. Included in this footnote is a sunset clause. The Planning Commission recognized that the Watershed Implementation Plan (WIP) and The Sustainable Growth & Agricultural Preservation Act of 2012 (the septic law) may ultimately eliminate the need for a TDR program, but the County does not yet know the full impact of these two programs on growth and development in the long run. With this in mind, the Planning Commission recommended a three-year timeframe for the proposed TDR and LEED Certification exemptions.

Following their January 14, 2013 work session and after considering comments from the public and staff, the Planning Commission voted 4 to 3 on January 28, 2013 to recommend approval of the proposed text amendments to the BOCC. Planning Commission Resolution No. 13-01 is attached for reference.

Proposed amendments to the Ordinance: (Underline: to be added to existing law)
 (~~Strikethrough~~ to be deleted from existing law)

OPTION 1: Adopt the Planning Commission Recommendations as follows:

A. In Schedule 32.1 “Development Standards,” amend as shown below. The Planning Commission did not include this section of the Ordinance as part of their review. However, staff presents it for the sole purpose of renaming “Public and semi-public uses” as shown in the chart regulating “Minimum Open Space.”

Schedule 32.1 Development Standards

	RPD	RSC	RCL	RL-T	RL	RH	RNC ⁹	RMX	VMX	TMX	DMX	CMX	CC	OBP	I	CM
Residential Density																
Base Density (units per acre)	1 dwelling per 5 acres subject to footnote 13	none ¹⁴	none ¹⁴	1 ¹⁶	1	10	1	1	1	1	20	1	none	none	none	none ¹⁴
Maximum/Density (units/acre) See Table 32.2 for methods to achieve Residential Density Increase	1 dwelling per 3 acres	none	none	3 ¹⁶	5	20	2	5	5	5	20	15	none	none	none	none
Development Intensity (per acre)																
Base Floor Area Ratio	0.05	0.10	0.25	0.10	0.10	0.30	0.10	0.20	0.20	0.20	0.60	0.40	0.35	0.40	0.40	0.20
Maximum Floor Area Ratio (see Table 32.2 for methods to achieve FAR Increase) (per acre)	0.15	0.30	0.30	0.20	0.20	0.30	0.15	0.35	0.45	0.60	none	0.50	0.50	0.50	0.60	0.30
Minimum Lot Dimensions	These standards do not apply for detached, townhouse and multi-family development in accordance with cluster provisions in Section 32.3.3.															
Minimum Lot Area	none	none	none	None ¹⁷	none	none	none	none	none	none	none	none	none	none	none	1ac
Width	150	none	none	75	75	none	75	none	80	80	none	80	175	100	100	none
Depth	160	none	none	100	100	60	100	none	100	100	none	100	300	200	200	none
Frontage	75	none	none	50	50	none	50	none	50	50	none	50	100	none	none	none
Principal Structure Minimum Setbacks^{1,2,3,4}																

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Minor Collector or lesser	25	25	25	25	25	25	25	25	25	25	25	5	20	25	25	25	25
Major Collector	35	35	35	35	35	35	35	35	35	35	35	10	30	35	35	35	35
Arterial	50	50	50	50	50	50	50	50	50	50	50	50//10 ²	50	50	50	50	50
Side ⁴	15	15	15	10	10	10	10	15	15	15	15	10	10	20	20	25	25
Rear ⁴	20	20	20	20	20	20	20	25	25	25	25	20	20	30	25	25	25
Minimum Separation between detached principal structures on a site	2 times the side yard setback																
Other Requirements																	
Maximum footprint of a Commercial structure on a site by right	5,000	10,000	15,000	20,000	20,000	none	5,000	20,000	15,000	30,000	50,000	50,000	50,000	50,000	none	none	none
Maximum footprint of a Commercial structure on a site	6,250 See Footnote 11	12,500	25,000	25,000	25,000	none	6,250	25,000	25,000	50,000	See Footnote 5, 6	See Footnote 5, 6	See Footnote 5, 6	See Footnote 5, 6	none	none	none
Maximum Height ¹²	40 ⁷	40 ⁷	40 ⁷	40 ⁷	40 ⁷	75	40 ⁷	40 ⁷	40 ⁷	40 ⁷	100	100	100	100	100	100	60
Minimum Landscaping	none	15%	15%	none	none	15%	20%	20%	20%	20%	20%	20%	20%	none	20%	20%	20%
Minimum Open Space¹⁰																	
Useable Open Space for Public and Semi-public Civic and Institutional or Commercial Use Classifications, (percent of development envelope)	5%	none	none	5%	5%	5%	none	5%	5%	2%	2%	5%	5%	5%	2%	none	none
Useable Open Space (sq. ft. per residential unit in developments with 25 units or more)	2000	none	none	2000	2000	200	none	2000	200	200	200	200	200	none	none	none	none
Undeveloped Open space	50%	none	none	50%	50% ¹⁵	50% ¹⁵	50%	50% ¹⁵	20%	20%	15%	20%	20%	none	none	none	none

B. In Chapter 32 “Property Development Regulations,” staff suggests revising the Planning Commission’s recommendation to add a sixth footnote after “Methods for Achieving Floor Area Ratio Increase” in Schedule 32.2. Footnote 6 as originally proposed is long and staff recommends moving the exemption criteria to Section 32.2, Modifications to Basic Standards, and referencing this section and footnote 6 as appropriate. The recommended changes are as follows:

32.2 Modifications to Basic Standards.

1. Schedule 32.2 identifies modifications that can be used to increase intensity of residential and non-residential development through the use of enhanced site and architectural design, transfer of development rights, and provision of affordable housing. This schedule reduces existing requirements in order to allow greater flexibility in site design and building configuration.
2. To be eligible for an exemption under Footnote 6 of Schedule 32.2, the applicant must demonstrate that the development meets the following standards:
 - a. The development must be listed in Schedule 50.4 as a Civic or Institutional use; provide a basic or fundamental public service or public amenity; must be available to the general public or held for the public’s benefit; serve primarily the local community; provide facilities in response to growth, and must not itself be a growth generator; or
 - b. The development must be a necessary facility of a non-profit institution whose mission is consistent with the purposes of this Ordinance and with the goals and policies of the Comprehensive Plan.
 - c. A use that has obtained an exemption under this section shall record a form provided by the Department of Land Use and Growth Management, which stipulates that at such time

application is made to change the use from an exempt use to another use, the applicant for the change in use must comply with all regulations in effect at the time of application, which may include the purchase of transferable development rights.

d. Footnote 6 shall expire on _____.

SCHEDULE 32.2 MODIFICATIONS TO DEVELOPMENT STANDARDS

		RPD	RSC	RCL	RL-T	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	OBP	I	CM
Methods for Achieving Residential Density Increase⁶																	
Base Density Increase	Affordable housing (units per acre)	none	none	none	1.00	1.00	1.00	none	1.00	1.00	1.00	none	1.00	none	none	none	none
	Increase in units per acre with purchase of TDRs – See Section 26.4.2	See Section 26.4.2	none	none	2 ⁴	4	10	1 ¹	4	4	4	none	14	none	none	none	none
Methods for Achieving Floor Area Ratio Increase⁶																	
Added square feet per TDR		2,000	2,000	2,000	n/a	2,000	none	2,000	2,000	2,000	2,000	2,000 ²	2,000 ²	2,000 ²	2,000 ²	2,000	2,000
Added square feet or percent increase for design enhancements (cumulative footage not to exceed maximum FAR)	FAR increase for LEED Certified Site or Building Design	none	none	none	none	none	0.05	none	0.02	0.50	0.05	0.5	0.5	0.5	0.5	0.5	none
	FAR increase for LEED Silver Certified Site or Building Design	0.03	0.05	0.05	0.05	0.03	0.10	none	0.05	0.10	0.10	0.10	0.10	0.10	0.10	0.10	none
	FAR increase for LEED Gold Certified Site or Building Design	0.05	0.10	0.10	0.10	0.05	0.15	none	0.10	0.15	0.15	0.15	0.15	0.15	0.15	0.15	none

1. TDR increase is possible only in growth areas.
2. Additional square feet of first floor “footprint” above 60,000 sq. ft. in development districts may be achieved @ 1,000 sq. ft. per TDR
3. In structure parking and structured parking shall not count toward FAR. Building height calculation shall exclude a single level of parking built within a building that also contains a principal use, except in the AICUZ.
4. Bonus density is not available in the Critical Area.
5. A bonus of one square foot for each square foot of amenity space provided, up to a maximum of 500 square feet per amenity, shall be provided for: (1) Outdoor seating areas, (2) Walking paths, (3) Public art, (4) Public gardens, (5) Plazas, (6) Water features, (7) Other amenity space approved by the Planning Director.
6. Civic and Institutional Uses may achieve the maximum floor area ratio stipulated in Schedule 32.1 without applying these methods in accordance with Section 32.2.2 of this Ordinance.

C. In Section 50.4, Use Classifications, Use Types, and Location within Zoning Districts, amend Section 50.4 to rename the “Public and Semi-Public Use Classifications” to “Civic and Institutional Use Classifications as shown below.”

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

Refer to Schedule 50.4 to identify the use types and where they may locate within the County. The schedule provides the following information:

Use Type Number	Use Classification
1-13	Agricultural Uses
14-23	Residential Uses
24-39 3	Public & Semi-Public Uses <u>Civic and Institutional Uses</u>
40 34 -81	Commercial Uses
82-87	Industrial Uses
88-98	Transportation, Communication, Utility Uses

99-107	Marine Uses
108-124	Accessory Uses
125-129	Temporary Uses

1. **Use Classification Groups:** Agricultural, Residential, ~~Public/Semipublic~~Civic and Institutional, Commercial, Industrial, Transportation/Communication/Utility, Marine, Accessory and Temporary.

D. In Schedule 50.4, Use Classifications, Use Types and Location Within Zoning Districts, amend the Schedule to rename *Public and Semi-Public Use Classifications* to *Civic and Institutional Use Classifications*. Move the following existing use types from the current *Public and Semi-Public Use Classifications* to the *Commercial Use Classifications*:

- Use Type 27, Day Care Facility, Medical will become Use Type 44.
- Use Type 28, Day Care, Non-Medical will become Use Type 45.
- Use Type 32, Hospital will become Use Type 50.
- Use Type 33, Long-Term Care Facility will become Use Type 54.
- Use Type 34, Outpatient Care Center will become Use Type 62.
- Use Type 39, Rural Medical Practice will become Use Type 77.

Renumber all other use types accordingly. No changes are proposed to any Use Classifications other than the *Public and Semi-Public Use Classifications* and the *Commercial Use Classifications*.

Schedule 50.4 Use Classifications, Use Types and Location Within Zoning Districts

Legend	P	Use is permitted in accordance with Chapter 51 General Standards
	L	Use is permitted in accordance with Chapter 51 General and Limited Standards
	C	Use is permitted in accordance with Chapter 51 General and Conditional Standards
	A	Use is permitted as accessory to an allowable use (See Section 11.2.4.b)
	PD	Use is permitted only within a Planned Unit Development subject to the review, conditions, and approval of the Board of County Commissioners
	-	Use is prohibited within the zone
	RCA	Use may be allowed in the Resource Conservation Area Overlay in accordance with the provisions of this Ordinance only if use is allowed in the base zoning district.
	LDA	Use may be allowed in the Limited Development Area Overlay in accordance with the provisions of this Ordinance only if use is allowed in the base zoning district.
	IDA	Use may be allowed in the Intensely Developed Area Overlay in accordance with the provisions of this Ordinance only if use is allowed in the base zoning district.
	X	In the Critical Area, new non-maritime industries may be permitted only in the IDA and then only if the facility or activity demonstrates that there will be a net improvement in water quality to the adjacent body of water.

Use Type	Description	Use Intensity	RPD	RSC	RCL	RL-T	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
Civic and Institutional Use Classifications																			
24. <i>Burial Grounds.</i>	Cemeteries, crypts, tombs, mausoleums or columbariums for the interment of deceased humans or animals. This classification does not include crematories or mortuaries.	Low	P	A	A	P	P	A	A	A	P	P	A	A	A	A	A	-	RCA LDA IDA

Use Type	Description	Use Intensity	RPD	RSC	RCL	RL-T	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
25. <i>Clubs or Lodges.</i>	Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls, social clubs, and youth centers. Retail sales of food, beverage, incidentals or provisions of recreation and entertainment to other than club members and their guests shall require approval as an accessory restaurant, tavern, retail sales outlet, or recreation and entertainment facility.	High	C	P	P	C	C	C	C	C	P	P	P	P	P	-	-	A	LDA IDA
26. <i>Cultural Institutions.</i>	Nonprofit institutions displaying or preserving objects of interest in the arts or sciences. This classification includes visitors' centers, libraries, museums, and art galleries. Facilities may include auditoriums, exhibition halls, classrooms, administrative support facilities, concessions for visitors or any combination thereof.	Low	C	C	C	-	-	C	-	P	P	P	P	P	P	A	A	A	LDA IDA
27. <i>Education Facility, College.</i>	Public or private institution of higher education providing curricula of a general, religious, or professional nature, typically granting recognized degrees. This classification includes establishments engaged in the teaching of vocational and technical skills.	High	C	-	-	C	C	C	-	C	P	P	P	-	C	L	L	-	LDA IDA
28. <i>Education Facility, School.</i>	Public or private facility for primary or secondary education, including elementary, middle and high schools and private institutions having a curriculum comparable to that required in the public schools in the State of Maryland.	High	C	-	P	P	P	P	L	P	P	P	C	-	C	C	-	-	LDA IDA
29. <i>Government Facility.</i>	Administrative, clerical, or public contact offices of federal, state or local government agencies. Also publicly owned and operated facilities such as fairgrounds and parking facilities, postal facilities, etc.	High	C	P	C	C	C	C	L	P	P	P	P	P	P	P	P	C	LDA IDA
30. <i>Public Recreation Facility.</i>	Non-commercial park, playground, recreation facility, and publicly accessible open space. This classification includes fields for amateur and youth sports including, but not limited to, baseball, softball, football, and soccer fields. Golf courses are regulated separately under this Ordinance.	Low	P	-	P	P	P	P	L	P	P	P	P	P	-	P	P	P	LDA IDA
31. <i>Public Maintenance Facility.</i>	Facilities providing maintenance and repair services for public and utility vehicles and equipment, and materials storage areas. This classification includes utility and road maintenance depots, equipment service centers, and similar facilities.	High	P	-	C	-	-	-	-	C	C	C	C	-	P	P	-	-	LDA IDA
32. <i>Public Safety Facility.</i>	Facility for public safety and emergency services, including fire protection, rescue squad, police, and detention service. Includes private non-profit ambulance services	High	C	C	P	L	L	C	L	P	P	P	P	P	P	P	C	L	LDA IDA
33. <i>Religious Assembly.</i>	Religious worship and incidental religious education, not including private schools.	Low	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	LDA IDA
Commercial Use Classifications *NOTE: Any low intensity commercial use that exceeds 20,000 square feet shall be considered a high intensity Use.																			
34. <i>Adult Entertainment.</i>	Establishments based primarily on materials and performances that depict, describe, or relate to sexual activities.	High	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	LDA IDA

Use Type	Description	Use Intensity	RPD	RSC	RCL	RL-T	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
35. <i>Animal Boarding.</i>	Shelter and care (feeding exercise, incidental medical care) for animals, including kennels and boarding facilities for domestic animals and pets and shelters for unwanted or abandoned animals.	Low *	P	P	L	A	A	-	-	-	L	L	-	L	L	-	-	-	LDA IDA
36. <i>Animal Hospital.</i>	Establishments for the medical and surgical treatment of domestic and farm animals, including grooming and boarding of animals for no more than 30 days if incidental to the hospital uses and limited to animals receiving medical care.	Low *	L	-	L	-	-	-	-	L	L	L	L	L	P	P	-	-	LDA IDA
37. <i>Animal Sales and Service.</i>	Establishment engaged in boarding, veterinary care, retail sales of domestic and farm animals, and services such as grooming, feed and tack stores. May include impregnation, gestation and birthing of domestic animals on a commercial basis. This classification does not include livestock auctions, or incidental sales from animal husbandry operations. (For breeding of farm animals, see <i>Animal husbandry</i>)	Low *	P	L	P	-	-	-	-	L	L	L	L	P	-	-	-	-	LDA IDA
9/06/11 38. <i>Campground and Day or Boarding Camp.</i>	Outdoor establishment improved, used or intended to provide camping sites designated for tents or providing servicing or temporary accommodation of one or more recreational vehicles used for travel, camping or recreational purposes. Dwelling and recreation facilities under single ownership used for programmed activities on a commercial basis.	High	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C/A LDA IDA
39. <i>Commercial Parking Facility.</i>	Facility which offers parking to the public with or without a fee on parking lots which are not attendant to or required by another use. Fee use of a parking lot that is attendant to or required by another use is exempt from regulation as a commercial parking facility.	High	C	A	A	A	A	-	-	L	L	L	P	P	P	P	-	-	LDA IDA
40. <i>Conference Facility.</i>	Establishment providing meeting, training and catering kitchen space for lease or rent. Facility may be either a principal or an accessory use.	Low *	C	P	-	C	C	-	-	P	P	P	P	P	P	A	A	A	LDA IDA
41. <i>Construction Materials and Equipment Storage.</i>	Stockpiling and storage of construction vehicles, materials and equipment or commercial goods, and building contractors' yards.	High	L	-	-	-	-	-	-	-	-	-	-	-	-	L	-	C	LDA IDA
42. <i>Convenience Store.</i>	Retail establishment engaged in the sale of prepackaged food products, household items, newspapers and magazines and sandwiches and other freshly prepared foods for off-site consumption. Accessory fuel sales only in accordance with "Motor fuel sales".	Low *	-	L	L	-	-	-	-	-	P	P	P	P	P	-	P	A	LDA IDA
43. <i>Corporate Campus.</i>	Large office complex planned, developed and operated to serve a single corporate user in an integrated facility with special attention given to circulation, parking, utility needs, and provision of services and amenities to employees and clients.	High	PD	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	LDA IDA
44. <i>Day Care, Facility, Medical.</i>	Day care facility providing health care programs licensed or approved by a government agency to provide daytime health services and therapeutic recreational services to adults aged 18 and over with severe functional impairments.	Low	-	-	-	P	P	-	-	P	P	P	P	P	P	P	P	-	LDA IDA

Use Type	Description	Use Intensity	RPD	RSC	RCL	RL-T	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
45. <i>Day Care, Non-Medical.</i>	Day care facility licensed or approved by a governmental agency to provide non-medical care for nine or more children or adults on less than 24-hour basis. Includes nursery schools, preschools and social adult day care that provides a safe and supervised daytime program of meals, recreational activities, and socialization for adults 18 years or over who require a safe controlled environment but who do not meet the need for health care services required by the Medical Adult Day Service programs.	Low	P	P	P	P	P	P	C	P	P	P	P	P	P	P	P	-	LDA IDA
46. <i>Fairgrounds and Flea Markets.</i>	Commercial establishments engaged in maintaining building(s) or open area in which buildings, parking facilities and open areas rented or otherwise provided for temporary uses including public or private shows or events or for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique. May include selling of goods at retail by businesses or individuals that are generally engaged in retail trade of new or secondhand, reclaimed or salvaged goods.	Low *	P	P	-	-	-	-	-	P	P	P	P	P	A	A	A	-	LDA IDA
47. <i>Financial Institution.</i>	Establishments including banks, credit union offices, savings and loans, or check cashing services that provide central banking functions to individuals and businesses. This classification includes only those institutions engaged in the on-site circulation of cash money.	Low *	-	P	P	-	-	-	-	P	P	P	P	P	P	P	P	-	LDA IDA
48. <i>Funeral and Interment Service.</i>	Services involving the care, preparation or disposition of human or small domestic animal remains other than in a cemetery. Typical uses include crematories and mortuaries.	Low *	C	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	LDA IDA
49. <i>Golf course.</i>	Golf courses, country clubs, and connected facilities such as pro shops.	Low *	C	-	-	C	C	-	L	-	-	C	-	-	-	-	C	-	LDA IDA
50. Hospital.	Licensed general hospital with or without surgical facilities, primarily engaged in providing diagnostic and medical treatment to inpatients suffering from a wide variety of medical conditions. These facilities maintain inpatient beds and an organized staff of physicians and medical professionals to provide patient care services. Hospitals may also provide supporting outpatient, diagnostic, laboratory, and pharmacy services. This classification includes psychiatric and substance abuse hospitals and specialty hospitals licensed to provide diagnostic and medical treatment to inpatients suffering from a specific disease or medical condition.	High	-	-	-	-	-	-	-	-	L	L	L	-	-	-	-	-	LDA IDA
51. <i>Laboratory.</i>	Facility engaged in routine processing, analysis and testing to provide medical, dental, photographic and technical laboratory services. Use class excludes laboratories primarily engaged in developing new methods for processing, analysis and testing (see Research and Development) and laboratories for other types of service (See Industry, limited.)	Low *	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	LDA IDA

Use Type	Description	Use Intensity	RPD	RSC	RCL	RL-T	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
52. <i>Lodging, Bed and Breakfast Inn.</i>	Visitor accommodations providing guest rooms for lodging on a less than weekly basis, with incidental eating and drinking service provided to lodgers and their guests.	Low *	P	P	P	P	C	-	-	P	P	P	P	-	-	-	-	P	RCA LDA IDA
53. <i>Lodging, Hotel and Motel.</i>	Visitor accommodations providing guest rooms for lodging, typically on a less than weekly basis, with no or minimal kitchen facilities in the guest units and daily housekeeping service. Guest units may be reached either from a common entrance or directly from the outside of the building. This classification may include accessory recreational facilities, or eating, drinking and banquet service, and conference facilities.	Low *	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	A	LDA IDA
54. <i>Long-Term Care Facility.</i>	Primarily engaged in providing inpatient nursing and rehabilitative services to individuals requiring 24-hour nursing care for an extended period of time. This classification includes nursing homes, rest homes, and homes for the elderly with nursing care.	High	-	-	-	C	C	C	-	-	P	P	P	C	-	-	-	-	LDA IDA
55. <i>Maintenance and Repair Service, Major.</i>	Establishments engaged in maintenance and repair of industrial equipment and machinery and any other repair maintenance service that provides outdoor storage and work areas in addition to interior shop space for working on agricultural equipment and implements. Use may include the sale, installation, and service of related equipment and parts. Use excludes maintenance and repair of vehicles, boats or ships.	High	L	C	C	-	-	-	-	L	L	L	L	L	L	P	L	A	LDA IDA
56. <i>Maintenance and Repair Service, Minor.</i>	Repair and incidental sales of supplies for appliances, office machines, home electronic equipment, bicycles, tools, small engines or garden equipment. This classification includes furniture refinishing and repair, but excludes maintenance and repair of vehicles, boats or ships, or industrial equipment.	Low *	L	P	P	-	-	-	-	P	P	P	P	P	A	P	-	A	LDA IDA
57. <i>Manufactured Home Sales.</i>	Establishments engaged in the retail sale or leasing, delivery and installation of manufactured homes where models are located or purchasable products are stored on site.	High	-	-	-	-	-	-	-	-	P	P	C	P	-	A	-	-	LDA IDA
58. <i>Fuel Sales.</i>	Establishments engaged in the retail dispensing or sale of vehicular fuels and lubricants or household propane.	Low *	-	L	L	-	-	-	-	-	L	P	P	P	-	A	L	A	LDA IDA
59. <i>Motor Vehicle Maintenance Service, Major.</i>	Repair of automobiles, trucks, motorcycles, tractors, motor homes, and recreational vehicles, including the sale, installation, and servicing of related equipment and parts. This classification includes towing, engine repair, body and fender shops, vehicle painting, wheel repairs, tire sales and installation and/or repair of heavy trucks or construction vehicles, but excludes vehicle dismantling or salvage, tire re-treading and recapping. Includes facilities providing services for major repair and maintenance of recreational or commercial watercraft and marine engines. (Use may be accessory to a marina or boatyard use)	High	-	L	L	-	-	-	-	-	L	P	P	L	A	P	-	A	LDA IDA

Use Type	Description	Use Intensity	RPD	RSC	RCL	RL-T	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
60. <i>Motor Vehicle Maintenance Service, Minor.</i>	Establishments where vehicle repairs and routine maintenance are made in enclosed bays and no vehicles are stored overnight, including quick-service oil, tune-up, tire, and brake and muffler shops. Washing, waxing, or cleaning of automobiles or similar vehicles. This classification excludes uses providing towing, engine repair, body and fender work, vehicle painting, or repair of heavy trucks or construction vehicles. May include accessory motor fuel sales.	Low *	-	L	L	-	-	-	-	-	L	P	P	P	P	P	-	A	LDA IDA
61. <i>Office.</i>	Offices of firm(s) or organization(s) providing professional, executive, management, or administrative services, such as architectural, data management, engineering, interior design, graphic design, real estate, insurance, investment, law offices, physicians, dentists or chiropractors, including medical/dental laboratories incidental to the medical office use, emergency medical care offices and communications facilities located entirely within buildings. This classification excludes financial institutions.	Low *	-	P	L	-	-	-	-	P	P	P	P	P	P	P	P	A	LDA IDA
62. <i>Outpatient Care Center.</i>	Licensed facility with medical staff primarily engaged in providing primary care and general or specialized outpatient care, including family planning, mental health, physical therapy, substance abuse, and kidney dialysis centers or clinics. No overnight patient or dormitory facilities shall be allowed. This classification includes HMO medical centers, freestanding ambulatory surgical and emergency centers (except hospitals), where surgical services are provided on an outpatient basis, and medical and diagnostic laboratories providing analytic or diagnostic services to the medical profession or to the patient on referral from a health practitioner.	High	-	L	L	-	-	-	-	P	P	P	P	P	P	P	P	-	LDA IDA
63. <i>Personal Improvement Service.</i>	Establishment providing facilities for and instruction in, but not limited to, photography, fine arts, crafts, dance, music, gymnastics, martial arts, driving, scuba instruction, sailing, and weight management.	Low *	L	P	P	-	-	-	-	P	P	P	P	P	P	P	P	A	LDA IDA
64. <i>Personal or Business Service.</i>	Establishment providing a range of support activities for services and incidental sales to persons and businesses. This classification includes, but is not limited to, barber and beauty shops, watch and jewelry repair shops, engraving studios; picture framing shops; shops for tailors, shoe repair, dry cleaners, locksmiths, film developing, telegraph and fax services, mail receiving and boxes, delivery services and self-service laundries. Also includes janitorial or building maintenance services, construction services, document delivery, mail receiving and distribution, drafting, blueprinting, typesetting, copying, photographic or other similar services.	Low *	-	P	P	-	-	-	-	P	P	P	P	P	-	-	P	-	LDA IDA

Use Type	Description	Use Intensity	RPD	RSC	RCL	RL-T	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
65. <i>Personal Storage.</i>	Storage of goods and materials within an enclosed building with direct access to individual storage spaces and available to the general public for a fee. This classification does not include warehousing or wholesaling and distribution centers.	Low *	-	-	P	-	-	-	-	-	L	L	-	L	-	P	P	-	LDA IDA
66. <i>Recreational Facility, Major.</i>	This classification includes commercially operated indoor and outdoor recreation and entertainment facilities not specifically classified elsewhere that provide accommodations for any number of spectators or that occupy 15 acres or more of land. This use type includes, but is not limited to, live performing arts theaters, drive-ins, amphitheaters, sports arenas, amusement parks and water parks.	High	PD	-	-	-	-	-	-	-	-	-	-	PD	PD	PD	-	-	LDA IDA
67. <i>Recreational Facility, Motor Sports Facilities</i>	This classification includes any commercially operated motor sports facility including, but not limited to, a speedway, drag strip, raceway, oval track or road course. Also includes associated vehicle or equipment maintenance, repair or testing facilities.	High	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	LDA IDA
68. <i>Recreational Facility, Minor Indoor.</i>	This classification includes but is not limited to commercially operated indoor recreation and entertainment facilities such as bowling alleys, billiard parlors, ice or roller skating rinks, swimming pools, miniature golf, tennis or racquetball courts, movie theaters, health or fitness clubs and gyms, dance halls, and game centers including pinball arcades or establishments having five or more coin-operated electronics or mechanical game machines.	Low *	C	P	L	-	-	-	-	P	P	P	P	P	P	P	A	-	LDA IDA
69. <i>Recreational Facility, Minor Outdoor.</i>	This classification includes but is not limited to commercially operated outdoor recreation and entertainment facilities such as miniature golf or scale-model courses, skating rinks, swimming pools, tennis or racquetball courts, target shooting, golf driving or batting ranges.	High	C	L	-	-	-	-	-	P	-	P	L	L	L	L	-	-	LDA IDA
70. <i>Rental and Leasing.</i>	Establishments that provide tangible goods, such as vehicles, computers, construction or agricultural machinery and equipment, office equipment, power and hand tools, party supplies, and similar equipment, in return for a periodic rental or lease payment. Establishments that rent real property are classified under "offices."	High	-	P	P	-	-	-	-	-	P	P	P	P	P	P	-	L	LDA IDA
71. <i>Research and Development Service.</i>	Industrial or scientific research, including limited product testing. This classification includes electronic research firms, computer software development and pharmaceutical research laboratories, and laboratories primarily engaged in developing new methods for processing, analysis and testing for manufacturing or medical activities.	Low *	C	-	-	-	-	-	-	C	L	L	L	L	-	P	P	-	LDA IDA

Use Type	Description	Use Intensity	RPD	RSC	RCL	RL-T	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
72. <i>Restaurant.</i>	An establishment serving unpackaged food and beverages in a ready to consume state primarily to persons seated at counters or tables within the building. May include outside dining and sale of food prepared onsite and beverages for consumption off the premises. Where alcoholic beverages are sold in conjunction with sale of food for consumption on the premises and the sale of said beverages comprise less than 50% of the gross receipts. (See "Tavern" for establishments where sales of alcoholic beverages comprise more than 50% of gross receipts).	Low *	-	P	P	-	-	-	-	P	P	P	P	P	P	A	A	A	LDA IDA
73. <i>Restaurant, Fast Food.</i>	An establishment that offers quick eat-in or take-out food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried, grilled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customers' table, food is not served at the same table or counter where the food is consumed, and food is generally served in disposable wrapping and containers.	High	-	L	C	-	-	-	-	-	L	L	P	P	L	-	-	-	LDA IDA
74. <i>Retail Sales or Service, Vehicles.</i>	Establishments engaged in the retail sale of new or used vehicles of all types-cars, trucks, recreational vehicles, motorcycles, ATV, bicycles, boats, watercraft, outboard motors. They may have showrooms or open lots for selling vehicles, may provide repair and maintenance services and may sell related parts, accessories and equipment.	High	-	-	L	-	-	-	-	-	-	P	P	P	P	-	-	A	LDA IDA
75. <i>Retail Sales, General.</i>	Establishment engaged in high volume retail sales of goods and merchandise not specifically listed under another use classification. Use type includes department stores, discount stores, retail warehouses and shopping "clubs," home furnishing stores, pharmacies and supermarkets; retail plant nurseries and garden centers; and establishments engaged in retailing or wholesaling of building supplies or equipment including lumberyards and implement, tool and equipment sales. Use also includes any establishment listed under "Retail sales limited" that occupies a gross floor area in excess of 20,000 square feet. Except in the RCL	Low *	-	P	P	-	-	-	-	-	P	P	P	P	P	-	-	-	LDA IDA
76. <i>Retail Sales, Limited.</i>	Establishment engaged in low volume retail sales of goods and merchandise not specifically listed under another use classification, including, but not limited to, specialty stores engaged in the retail sale of antiques, appliances, art, art supplies and services, new automotive parts and accessories, (excluding service and installation), bicycles, cameras, carpeting and floor coverings, coins, electronic equipment, hand-crafted items, hardware, hobby materials, jewelry, kitchen utensils, medical supplies, office supplies, paint and wallpaper, photographic supplies, records, sporting goods, toy stores, pawnshops, grocers, liquor stores or delicatessens.	Low *	-	P	P	-	-	-	-	A	P	P	P	P	P	A	A	A	LDA IDA

Use Type	Description	Use Intensity	RPD	RSC	RCL	RL-T	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
77. <i>Rural Medical Practice.</i>	Facility with licensed professional staff engaged in general or specialized medical care and licensed by the Department of Health and Mental Hygiene.	High	L	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	LDA IDA

All succeeding Use Types, beginning with Use Type 78, Take-Out Food and Beverage Sales, remain the same.

E. In Section 51.3, Specific Regulations and Standards, amend this Section to rearrange new Use Type 44, Day Care Facility, Medical; new Use Type 45, Day Care, Non-Medical; new Use Type 50, Hospital; new Use Type 54, Long-Term Care Facility; new Use Type 62, Outpatient Care Center; and new Use Type 77, Rural Medical Practice according to the changes to Schedule 50.4. Renumber all other use types accordingly. These changes cover pages 51-2 through 51-28 of the Ordinance.

F. In Section 60.3, Development or Land Use Requiring a Site Plan, amend as shown below. The Planning Commission did not include this section of the Ordinance as part of their review. However, staff presents it for the sole purpose of renaming “Public and semi-public uses” as shown below:

60.3. Development or Land Use Requiring a Site Plan. (See Flow Chart on Page 21-5)

1. Site plan approval is required for any development or land use involving:
 - a. A planned development.
 - b. Any multi-family residential development.
 - c. Any cluster development not subject to subdivision approval.
 - d. Commercial and industrial uses or structures or changes of uses therein.
 - e. ~~Public and semi-public~~ Civic and Institutional uses.
 - f. Conditional uses.
 - g. Agricultural uses as required by Section 51.2 of this Ordinance.
 - h. Any development in the Critical Area Overlay Zone, except development on an existing single family lot.

G. In Section 64.3, Off-Street Parking and Loading Spaces Required and Permitted, amend “Parking Standards and Loading Space Group Reference Schedule 64.3.1” by renaming

“Public and Semi-Public Use Classifications” to “Civic and Institutional Use Classifications.” Rearrange new Use Type 44, Day Care Facility, Medical; new Use Type 45, Day Care, Non-Medical; new Use Type 50, Hospital; new Use Type 54, Long-Term Care Facility; new Use Type 62, Outpatient Care Center; and new Use Type 77, Rural Medical Practice according to the changes made to Schedule 50.4 Renummer all other use types accordingly. Schedule 64.3.1 is covered on pages 64-3 through 64-7.

OPTION 2: Adopt a variation of the Planning Commission’s recommendations.

- A. Maintain existing language in the Ordinance, but add the Planning Commission’s recommended footnote 6 to Schedule 32.2; or
- B. Maintain existing language in the Ordinance but simplify footnote 6 to read, “Public and Semi-public uses may achieve the maximum floor area ratio stipulated in Schedule 32.1 without applying these methods; or
- C. Adopt the Planning Commission’s recommendation to rename Public and Semi-Public to Civic and Institutional; adopt proposed footnote 6, but do not move any use types from the Public and Semi-Public uses classification to the Commercial uses classification; or
- D. Maintain the current use types, but rename “Public and Semi-Public” to “Civic and Institutional.

OPTION 3: Do not make any changes to the Ordinance.

Cc: Sue Sabo, Acting County Administrator
George Sparling, County Attorney
David Weiskopf, Deputy County Attorney

Attachments: Planning Commission Resolution No. 13-01
Letter from Ken R. Crouse, P.E.
December 19, 2012 e-mail from Joe Wible, Sr. to Phil Shire
January 24, 2013 letter from Ford L. Dean to the Planning Commission
Draft BOCC Ordinance

CROUSE ENGINEERING, INC.

3215 Leonardtown Road • Waldorf, MD 20602 • Phone: 301-638-4401 • Fax: 301-638-4403
Email: Crouse-Inc@verizon.net

St. Mary's County Department of Land Use & Growth Management
23150 Leonard Hall Drive
Leonardtown, Maryland 20650

Attn: Phil Shire, Director

Re: Text Amendment To Amend Floor Area Ratio To Exempt Public and Semi-Public Uses
Planning Commission Meeting of December 10, 2012
Public Hearing Testimony
Agent For Faith Bible Church

Dear Phil,

As requested by the Planning Commission I am providing a written copy of my testimony from last evening.

As I indicated last evening Faith Bible Church of Mechanicsville will continue on their current path with or without the proposed text amendment. I indicated that I was there with a prepared statement but after hearing the Planning Commission discussion I attempted to provide them answers to some of their questions.

I indicated that I have been practicing engineering the Tri-County area for almost 30 years. I do work in Charles, Calvert, St. Mary's, Prince George's, and Anne Arundel County. Each County controls the intensity of their developments differently. Charles County has subarea plans as well as limiting commercial and industrial properties to impervious surface ratio maximums. Charles County also has a Mattawoman Creek Protection Program which requires additional stormwater filtering and shading of parking lots beyond the impervious surface limits if the site is within the Mattawoman Creek Watershed. Calvert County is very similar but they have Master Plans for their Town Centers. Growth control is different, to some degree, in each Town Center. Prince George's County has so many different zones and controls that I could not begin to discuss them all. None of these counties has a TDR program except for Charles County and it is strictly for residential.

I indicated that I was there support the Text Amendment on behalf of the church. I indicated that the text amendment will provide benefit to the church. Yet, the community will also benefit from the text amendment in that the church can devote the funds needed to purchase TDRs to further community programs.

I also indicated that I had performed some research and found that there are quite a number of jurisdictions throughout the country with TDR programs to control growth in their communities. I indicated that I had to limit my research to six ordinances as there were so many to review. My research found that many of these jurisdictions have exemptions for institutional uses. Generally the definition of an institutional use was found to be a nonprofit or quasi-public use or institution, such as a church, library, public or private school, hospital or municipally owned or operated building, structure or land used for public purposes.

Additional qualifications were found to state that a civic or institutional use that provides a basic or fundamental public service or public amenity, will be available to the general public or will be held for the public's benefit, serves primarily the local community, provides facilities in response to growth, and is not itself a growth generator; or is a necessary facility of a non-profit institution whose mission is consistent with the purposes of the Land Use Code and with the goals and policies of the Comprehensive Plan. The aforementioned definitions were found to be held from Montgomery Counties program to Aspen Colorado, New Jersey, to Portland Oregon.

I ended my discussion indicating that I believe that not only churches should be exempt but police, fire, ems, and nonprofits as defined by the County's ordinances.

In response to several questions from the Planning Commission I indicated that I thought the need for the Text Amendment was being driven by expansion of existing facilities not necessarily by new construction. Most churches start out small trying to build congregations. Then as the congregations grow they find the need to expand. The expansion is what causes most of them to now need TDRs.

I ended my testimony stating that an TDR Exemption Agreement should be executed in that if the user with the exemption sells the property to another entity that is not exempt then TDRs must be purchased for that property.

I did answer some additional questions that I do not believe need to be cited here. I trust the above information is as the Planning Commission requested.

Professionally Submitted,
CROUSE ENGINEERING, INC.



Ken R. Crouse, P.E.
President

Bob Bowles - Fwd: TDRs and Churches

From: Phil Shire
To: Bob Bowles; Yvonne Chaillet
Date: 12/19/2012 8:33 AM
Subject: Fwd: TDRs and Churches

Comment received for the record.

>>> <jandcwible@verizon.net> 12/17/2012 4:50 PM >>>

Mr. Shire,

I attended the December Planning Commissions meeting where you made a presentation to that board regarding relief from TDR expenses for "non commercial entities". I can understand that opening a "hole" BIG enough for a herd of elephants to get through may be concerning for the members of that board.

However, churches do provided benefits to society that are much broader that the narrow focus of TDRs. These benefits often go unnoticed or "fly under the radar" so to speak. Churches with their programs teach people spiritual principles that promote a better society by instilling respect for authority, discipline, love of GOD, family and Country. I see this first hand at the Living Word Community Church in Mechanicsville. These programs, I believe, help curb delinquency, crime, drug abuse, alcohol consumption, and school drop out ;and, I believe that these benefits out weight the TDR focus and Churches should be given relief from TDR expenses so that they can use their donated money to the max to further their goals.. Anybody paying attention knows that Churches have a lot of work to do.

Maybe you should consider a streamlined, "short cut" appeals process for Churches so that they can demonstrate on a case by case basis just how their programs, such as building a new hall or gym to support youth programs, override the narrow focus of TDRs so that they don't have to pay. Also, it would be easy for fire departments and rescue squads to show much broader benefits as well to protect lives and property.

Please forward my comments to the Planning Commission for their consideration.

R/Joe Wible Sr.

RECEIVED

JAN 28 2013

FORD L. DEAN
26960 Three Notch Road
Mechanicsville, MD 20659

St. Mary's County
Land Use & Growth Management

301 884-3612

Fax: 301 884-0387

deanfordlin@md.metrocast.net

January 24, 2013

St. Mary's County Planning Commission
P.O. Box 653
Leonardtown, MD 20650

Dear Members of the Commission:

I read in a recent issue of the "County Times" an article regarding the Planning Commission's continuing discussion about which organizations might be granted a waiver of the requirements of the County TDR Program.

It seems to me that the discussion should be centered on whether or not there now exists the need for the continuation of the County's TDR Program. The County's TDR Program was conceived as a means of protecting farmland and resource protection areas and was implemented prior to the enactment of the Maryland Sustainable Growth and Agricultural Preservation Act of 2012 (MSG&APA), which among other provisions bans the use of septic systems in major subdivisions consisting of more than seven (7) lots. I believe there is general agreement that the MSG&APA will in fact significantly limit the development of farmland and resource protection areas in our County and in my view there should be an assessment of the **need** for the continuation of the County TDR Program, or at the minimum appropriate revisions thereto.

One of the most onerous provisions of the TDR Program, in my view, is the requirement for the purchase of TDR's for houses built on RPD land after the initial house located on the parcel of record, even if the new house(s) is for children of the property owner. The ability of parents in a position to do so to make available to children a residential building lot on RPD land which they own is a birth right of long standing. The requirement for the purchase of TDR's in such cases, in addition to the now requirement for nitrogen removal in new septic systems, dramatically impacts this birth right by driving up the cost of building. While the County is perhaps powerless to address the nitrogen removal septic systems, it is within the County's authority to address the cost of TDR's in the instant case.

If there is consideration of exempting certain organizations from the requirement of purchasing TDR's, it seems that such consideration should at the very least also involve some relief in those cases as stated in the immediately preceding paragraph, but as stated herein there is the need for an overall assessment of the County TDR Program in light of the MSG&APA.

Respectfully,

A handwritten signature in black ink, appearing to read "Ford L. Dean". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Ford L. Dean

cc Board of County Commissioners

RESOLUTION

**TO AMEND SCHEDULE 32.2, SECTION 50.4, SCHEDULE 50.4,
SECTION 51.3, AND SCHEDULE 64.3 OF CHAPTER 285 OF
THE CODE OF ST. MARY'S COUNTY, MARYLAND TO
RENAME THE PUBLIC AND SEMI-PUBLIC USE
CLASSIFICATIONS AND TO EXEMPT THIS CLASSIFICATION
FROM THE REQUIREMENT TO ADHERE TO THE METHODS
FOR ACHIEVING AN INCREASE IN FLOOR AREA RATIO**

WHEREAS, pursuant to Section 28.1.2 of the St. Mary's County Comprehensive Zoning Ordinance (Ordinance Z-10-02), (hereinafter the "CZO"), the St. Mary's County Planning Commission (hereinafter, the "Planning Commission") may make recommendations to the Board of County Commissioners for St. Mary's County (hereinafter, the "Board") to supplement, modify, or repeal provisions of the text of the Zoning Ordinance; and

WHEREAS, the Planning Director wishes the Planning Commission to consider amending CZO Chapter 32 "Property Development Regulations," Schedule 32.2 "Modifications to Development Standards," to modify the methods for achieving an increase in floor area ratio by exempting public and semi-public uses from the requirement to comply with this Section;" and

WHEREAS, the Planning Commission, following due notice published in the November 7, 2012 and November 14, 2012 editions of the *Enterprise*, a newspaper of general circulation in St. Mary's County, held a public hearing on November 26, 2012 and continued the hearing to December 10, 2012 to accept public comment regarding the proposed amendment to Schedule 32.2 of the CZO to modify the methods for achieving an increase in floor area ratio by exempting public and semi-public uses from the requirement to comply with this Section; and

WHEREAS, the Planning Commission conducted a work session on January 14, 2013 and directed staff to modify Schedule 32.2, Section 50.4, Schedule 50.4, Section 51.3, and Schedule 64.3 of the CZO to rename "Public and Semi-Public Uses" to "Civic and Institutional Uses;" and to move Use Types 27, 28, 32, 33, 34, and 39 from the *Civic and Institutional Use Classifications* to the *Commercial Use Classifications*; and to renumber the use types in Section 51.3 and Schedule 64.3.1 in accordance with the changes to Schedule 50.4.

WHEREAS, upon due consideration of the comments of the public and staff and in furtherance of the public health, safety and welfare, the Planning Commission finds, with a four (4) to three (3) vote, that it is in the best interest of the public health, safety and welfare of the citizens of St. Mary's County, Maryland to recommend favorably the proposed amendments, and

WHEREAS, the Planning Commission authorized the Chairman to sign a resolution on its behalf to transmit its findings and recommendation to the Board of County Commissioners;

8/1/06

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that the following amendments to the CZO are recommended to the Board for adoption:

SECTION I: §32.2 of Chapter 285 of the Code of St. Mary's County, Maryland, be amended to add footnote 6 to the "Methods for achieving Floor Area Ratio Increase" as follows:

SCHEDULE 32.2 MODIFICATIONS TO DEVELOPMENT STANDARDS

		RPD	RSC	RCL	RL-T	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	OBP	I	CM
Methods for Achieving Residential Density Increase																	
Base Density Increase	Affordable housing (units per acre)	none	none	none	1.00	1.00	1.00	none	1.00	1.00	1.00	none	1.00	none	none	none	none
	Increase in units per acre with purchase of TDRs -- See Section 26.4.2	See Section 26.4.2	none	none	2 ^a	4	10	1 ^b	4	4	4	none	14	none	none	none	none
Methods for achieving Floor Area Ratio Increase																	
Added square feet per TDR		2,000	2,000	2,000	n/a	2,000	none	2,000	2,000	2,000	2,000	2,000 ²	2,000 ²	2,000 ²	2,000 ²	2,000	2,000
Added square feet or percent increase for design enhancements (cumulative footage not to exceed maximum FAR)	FAR increase for LEED Certified Site or Building Design	none	none	none	none	none	0.05	none	0.02	0.50	0.05	0.5	0.5	0.5	0.5	0.5	none
	FAR increase for LEED Silver Certified Site or Building Design	0.03	0.05	0.05	0.05	0.03	0.10	none	0.05	0.10	0.10	0.10	0.10	0.10	0.10	0.10	none
	FAR increase for LEED Gold Certified Site or Building Design	0.05	0.10	0.10	0.10	0.05	0.15	none	0.10	0.15	0.15	0.15	0.15	0.15	0.15	0.15	none

- TDR increase is possible only in growth areas.
- Additional square feet of first floor "footprint" above 60,000 sq. ft. in development districts may be achieved @ 1,000 sq. ft. per TDR
- In structure parking and structured parking shall not count toward FAR. Building height calculation shall exclude a single level of parking built within a building that also contains a principal use, except in the AICUZ.
- Bonus density is not available in the Critical Area.
- A bonus of one square foot for each square foot of amenity space provided, up to a maximum of 500 square feet per amenity, shall be provided for: (1) Outdoor seating areas, (2) Walking paths, (3) Public art, (4) Public gardens, (5) Plazas, (6) Water features, (7) Other amenity space approved by the Planning Director.
- Civic and Institutional Uses may achieve the maximum floor area ratio stipulated in Schedule 32.1 without applying these methods. To be eligible for an exemption from Schedule 32.2 the applicant shall demonstrate that the development meets the following standards:
 - The development must be listed in Schedule 50.4 as a Civic or Institutional use; provide a basic or fundamental public service or public amenity; must be available to the general public or held for the public's benefit; serve primarily the local community; provide facilities in response to growth, and must not itself be a growth generator; or
 - The development must be a necessary facility of a non-profit institution whose mission is consistent with the purposes of this Ordinance and with the goals and policies of the Comprehensive Plan.
 Footnote 6 shall expire three years from the date of adoption.

SECTION II: §50.4 of Chapter 285 of the Code of St. Mary's County, Maryland, be amended to read as follows:

Section 50.4: Refer to Schedule 50.4 to identify the use types and where they may locate within the County. The schedule provides the following information:

Use Type Number	Use Classification
1-13	Agricultural Uses
14-23	Residential Uses
24-33	Civic and Institutional Uses
34-81	Commercial Uses
82-87	Industrial Uses
88-98	Transportation, Communication, Utility Uses
99-107	Marine Uses
108-124	Accessory Uses
125-129	Temporary Uses

1. **Use Classification Groups:** Agricultural, Residential, Civic and Institutional, Commercial, Industrial, Transportation/Communication/Utility, Marine, Accessory and Temporary.

Schedule 50.4 "Use Classifications, Use Types and Location Within Zoning Districts"
(No changes have been made to Use Types 1 through 23.)

Use Type	Description	Use Intensity	RPD	RSC	RCL	RL-T	RL	RH	RNC	RMC	VMC	TMC	DMC	CMC	CC	I	OBIP	CM	Critical Area Overlay

Civic and Institutional Use Classifications																			
24.	<i>Burial Grounds.</i>	Cemeteries, crypts, tombs, mausoleums or columbariums for the interment of deceased humans or animals. This classification does not include crematories or mortuaries.	Low	P	A	A	P	P	A	A	A	P	P	A	A	A	A	-	RCA LDA IDA
25.	<i>Clubs or Lodges.</i>	Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls, social clubs, and youth centers. Retail sales of food, beverage, incidentals or provisions of recreation and entertainment to other than club members and their guests shall require approval as an accessory restaurant, tavern, retail sales outlet, or recreation and entertainment facility.	High	C	P	P	C	C	C	C	P	P	P	P	P	-	-	A	LDA IDA

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26.	<i>Cultural Institutions.</i>	Nonprofit institutions displaying or preserving objects of interest in the arts or sciences. This classification includes visitors' centers, libraries, museums, and art galleries. Facilities may include auditoriums, exhibition halls, classrooms, administrative support facilities, concessions for visitors or any combination thereof.	Low	C	C	C	-	-	C	-	P	P	P	P	P	P	P	A	A	A	LDA IDA
27.	<i>Education Facility, College.</i>	Public or private institution of higher education providing curricula of a general, religious, or professional nature, typically granting recognized degrees. This classification includes establishments engaged in the teaching of vocational and technical skills.	High	C	-	-	C	C	C	-	C	P	P	P	-	C	L	L	-	-	LDA IDA
28.	<i>Education Facility, School.</i>	Public or private facility for primary or secondary education, including elementary, middle and high schools and private institutions having a curriculum comparable to that required in the public schools in the State of Maryland.	High	C	-	P	P	P	P	L	P	P	P	C	-	C	C	-	-	-	LDA IDA
29.	<i>Government Facility.</i>	Administrative, clerical, or public contact offices of federal, state or local government agencies. Also publicly owned and operated facilities such as fairgrounds and parking facilities, postal facilities, etc.	High	C	P	C	C	C	C	L	P	P	P	P	P	P	P	P	P	C	LDA IDA
30.	<i>Public Recreation Facility.</i>	Non-commercial park, playground, recreation facility, and publicly accessible open space. This classification includes fields for amateur and youth sports including, but not limited to, baseball, softball, football, and soccer fields. Golf courses are regulated separately under this Ordinance.	Low	P	-	P	P	P	P	L	P	P	P	P	P	-	P	P	P	-	LDA IDA
31.	<i>Public Maintenance Facility.</i>	Facilities providing maintenance and repair services for public and utility vehicles and equipment, and materials storage areas. This classification includes utility and road maintenance depots, equipment service centers, and similar facilities.	High	P	-	C	-	-	-	-	C	C	C	C	-	P	P	-	-	-	LDA IDA
32.	<i>Public Safety Facility.</i>	Facility for public safety and emergency services, including fire protection, rescue squad, police, and detention service. Includes private non-profit ambulance services.	High	C	C	P	L	L	C	L	P	P	P	P	P	P	P	C	L	-	LDA IDA
33.	<i>Religious Assembly.</i>	Religious worship and incidental religious education, not including private schools.	Low	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	LDA IDA
Commercial Use Classifications *NOTE: Any low intensity commercial use that exceeds 20,000 square feet shall be considered a high intensity Use.																					
34.	<i>Adult Entertainment.</i>	Establishments based primarily on materials and performances that depict, describe, or relate to sexual activities.	High	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	LDA IDA
35.	<i>Animal Boarding.</i>	Shelter and care (feeding exercise, incidental medical care) for animals, including kennels and boarding facilities for domestic animals and pets and shelters for unwanted or abandoned animals.	Low	P	P	L	A	A	-	-	-	L	L	-	L	L	-	-	-	-	LDA IDA
36.	<i>Animal Hospital.</i>	Establishments for the medical and surgical treatment of domestic and farm animals, including grooming and boarding of animals for no more than 30 days if incidental to the hospital uses and limited to animals receiving medical care.	Low	L	-	L	-	-	-	-	L	L	L	L	L	P	P	-	-	-	LDA IDA

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45.	<i>Day Care, Non-Medical.</i>	Day care facility licensed or approved by a governmental agency to provide non-medical care for nine or more children or adults on less than 24-hour basis. Includes nursery schools, preschools and social adult day care that provides a safe and supervised daytime program of meals, recreational activities, and socialization for adults 18 years or over who require a safe controlled environment but who do not meet the need for health care services required by the Medical Adult Day Service programs.	Low	P	P	P	P	P	P	C	P	P	P	P	P	P	P	P	-	LDA IDA
46.	<i>Fairgrounds and Flea Markets.</i>	Commercial establishments engaged in maintaining building(s) or open area in which buildings, parking facilities and open areas rented or otherwise provided for temporary uses including public or private shows or events or for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique. May include selling of goods at retail by businesses or individuals that are generally engaged in retail trade of new or secondhand, reclaimed or salvaged goods.	Low •	P	P	-	-	-	-	-	P	P	P	P	P	A	A	A	-	LDA IDA
47.	<i>Financial Institution.</i>	Establishments including banks, credit union offices, savings and loans, or check cashing services, that provide central banking functions to individuals and businesses. This classification includes only those institutions engaged in the on-site circulation of cash money.	Low •	-	P	P	-	-	-	-	P	P	P	P	P	P	P	P	-	LDA IDA
48.	<i>Funeral and Interment Service.</i>	Services involving the care, preparation or disposition of human or small domestic animal remains other than in a cemetery. Typical uses include crematories and mortuaries.	Low •	C	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	LDA IDA
49.	<i>Golf course.</i>	Golf courses, country clubs, and connected facilities such as pro shops.	Low •	C	-	-	C	C	-	L	-	-	C	-	-	-	-	C	-	LDA IDA
50.	<i>Hospital.</i>	Licensed general hospital with or without surgical facilities, primarily engaged in providing diagnostic and medical treatment to inpatients suffering from a wide variety of medical conditions. These facilities maintain inpatient beds and an organized staff of physicians and medical professionals to provide patient care services. Hospitals may also provide supporting outpatient, diagnostic, laboratory, and pharmacy services. This classification includes psychiatric and substance abuse hospitals and specialty hospitals licensed to provide diagnostic and medical treatment to inpatients suffering from a specific disease or medical condition.	High	-	-	-	-	-	-	-	-	L	L	L	-	-	-	-	-	LDA IDA
51.	<i>Laboratory.</i>	Facility engaged in routine processing, analysis and testing to provide medical, dental, photographic and technical laboratory services. Use class excludes laboratories primarily engaged in developing new methods for processing, analysis and testing (see Research and Development) and laboratories for other types of service (See Industry, limited.)	Low •	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	LDA IDA

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52. <i>Lodging, Bed and Breakfast Inn.</i>	Visitor accommodations providing guest rooms for lodging on a less than weekly basis, with incidental eating and drinking service provided to lodgers and their guests.	Low	P	P	P	P	C	-	-	P	P	P	P	-	-	-	-	P	RCA LDA IDA
53. <i>Lodging, Hotel and Motel.</i>	Visitor accommodations providing guest rooms for lodging, typically on a less than weekly basis, with no or minimal kitchen facilities in the guest units and daily housekeeping service. Guest units may be reached either from a common entrance or directly from the outside of the building. This classification may include accessory recreational facilities, or eating, drinking and banquet service, and conference facilities.	Low	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	A	LDA IDA
54. <i>Long-Term Care Facility.</i>	Primarily engaged in providing inpatient nursing and rehabilitative services to individuals requiring 24-hour nursing care for an extended period of time. This classification includes nursing homes, rest homes, and homes for the elderly with nursing care.	High	-	-	-	C	C	C	-	-	P	P	P	C	-	-	-	-	LDA IDA
55. <i>Maintenance and Repair Service, Major.</i>	Establishments engaged in maintenance and repair of industrial equipment and machinery and any other repair maintenance service that provides outdoor storage and work areas in addition to interior shop space for working on agricultural equipment and implements. Use may include the sale, installation, and service of related equipment and parts. Use excludes maintenance and repair of vehicles, boats or ships.	High	L	C	C	-	-	-	-	L	L	L	L	L	L	P	L	A	LDA IDA
56. <i>Maintenance and Repair Service, Minor.</i>	Repair and incidental sales of supplies for appliances, office machines, home electronic equipment, bicycles, tools, small engines or garden equipment. This classification includes furniture refinishing and repair, but excludes maintenance and repair of vehicles, boats or ships, or industrial equipment.	Low	L	P	P	-	-	-	-	P	P	P	P	P	A	P	-	A	LDA IDA
57. <i>Manufactured Home Sales.</i>	Establishments engaged in the retail sale or leasing, delivery and installation of manufactured homes where models are located or purchasable products are stored on site.	High	-	-	-	-	-	-	-	-	P	P	C	P	-	A	-	-	LDA IDA
58. <i>Fuel Sales.</i>	Establishments engaged in the retail dispensing or sale of vehicular fuels and lubricants or household propane.	Low	-	L	L	-	-	-	-	-	L	P	P	P	-	A	L	A	LDA IDA
59. <i>Motor Vehicle Maintenance Service, Major.</i>	Repair of automobiles, trucks, motorcycles, tractors, motor homes, and recreational vehicles, including the sale, installation, and servicing of related equipment and parts. This classification includes towing, engine repair, body and fender shops, vehicle painting, wheel repairs, tire sales and installation and/or repair of heavy trucks or construction vehicles, but excludes vehicle dismantling or salvage, tire re-treading and recapping. Includes facilities providing services for major repair and maintenance of recreational or commercial watercraft and marine engines. (Use may be accessory to a marina or boatyard use)	High	-	L	L	-	-	-	-	-	L	P	P	L	A	P	-	A	LDA IDA

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60. <i>Motor Vehicle Maintenance Service, Minor.</i>	Establishments where vehicle repairs and routine maintenance are made in enclosed bays and no vehicles are stored overnight, including quick-service oil, tune-up, tire, and brake and muffler shops. Washing, waxing, or cleaning of automobiles or similar vehicles. This classification excludes uses providing towing, engine repair, body and fender work, vehicle painting, or repair of heavy trucks or construction vehicles. May include accessory motor fuel sales.	Low •	-	L	L	-	-	-	-	-	L	P	P	P	P	P	-	A	LDA IDA
61. <i>Office.</i>	Offices of firm(s) or organization(s) providing professional, executive, management, or administrative services, such as architectural, data management, engineering, interior design, graphic design, real estate, insurance, investment, law offices, physicians, dentists or chiropractors, including medical/dental laboratories incidental to the medical office use, emergency medical care offices and communications facilities located entirely within buildings. This classification excludes financial institutions.	Low •	-	P	L	-	-	-	-	P	P	P	P	P	P	P	P	A	LDA IDA
62. <i>Outpatient Care Center.</i>	Licensed facility with medical staff primarily engaged in providing primary care and general or specialized outpatient care, including family planning, mental health, physical therapy, substance abuse, and kidney dialysis centers or clinics. No overnight patient or dormitory facilities shall be allowed. This classification includes HMO medical centers, freestanding ambulatory surgical and emergency centers (except hospitals), where surgical services are provided on an outpatient basis, and medical and diagnostic laboratories providing analytic or diagnostic services to the medical profession or to the patient on referral from a health practitioner.	High	-	L	L	-	-	-	-	P	P	P	P	P	P	P	P	-	LDA IDA
63. <i>Personal Improvement Service.</i>	Establishment providing facilities for and instruction in, but not limited to, photography, fine arts, crafts, dance, music, gymnastics, martial arts, driving, scuba instruction, sailing, and weight management.	Low •	L	P	P	-	-	-	-	P	P	P	P	P	P	P	P	A	LDA IDA
64. <i>Personal or Business Service.</i>	Establishment providing a range of support activities for services and incidental sales to persons and businesses. This classification includes, but is not limited to, barber and beauty shops, watch and jewelry repair shops, engraving studios; picture framing shops; shops for tailors, shoe repair, dry cleaners, locksmiths, film developing, telegraph and fax services, mail receiving and boxes, delivery services and self-service laundries. Also includes janitorial or building maintenance services, construction services, document delivery, mail receiving and distribution, drafting, blueprinting, typesetting, copying, photographic or other similar services.	Low •	-	P	P	-	-	-	-	P	P	P	P	P	-	P	-	LDA IDA	

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65.	<i>Personal Storage.</i>	Storage of goods and materials within an enclosed building with direct access to individual storage spaces and available to the general public for a fee. This classification does not include warehousing or wholesaling and distribution centers.	Low	-	-	P	-	-	-	-	-	L	L	-	L	-	P	P	-	LDA IDA
66.	<i>Recreational Facility, Major.</i>	This classification includes commercially operated indoor and outdoor recreation and entertainment facilities not specifically classified elsewhere that provide accommodations for any number of spectators or that occupy 15 acres or more of land. This use type includes, but is not limited to, live performing arts theaters, drive-ins, amphitheaters, sports arenas, amusement parks and water parks.	High	PD	-	-	-	-	-	-	-	-	-	-	PD	PD	PD	-	-	LDA IDA
67.	<i>Recreational Facility, Motor Sports Facilities</i>	This classification includes any commercially operated motor sports facility including, but not limited to, a speedway, drag strip, raceway, oval track or road course. Also includes associated vehicle or equipment maintenance, repair or testing facilities.	High	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	LDA IDA
68.	<i>Recreational Facility, Minor Indoor.</i>	This classification includes but is not limited to commercially operated indoor recreation and entertainment facilities such as bowling alleys, billiard parlors, ice or roller skating rinks, swimming pools, miniature golf, tennis or racquetball courts, movie theaters, health or fitness clubs and gyms, dance halls, and game centers including pinball arcades or establishments having five or more coin-operated electronics or mechanical game machines.	Low	C	P	L	-	-	-	-	P	P	P	P	P	P	P	A	-	LDA IDA
69.	<i>Recreational Facility, Minor Outdoor.</i>	This classification includes but is not limited to commercially operated outdoor recreation and entertainment facilities such as miniature golf or scale-model courses, skating rinks, swimming pools, tennis or racquetball courts, target shooting, golf driving or batting ranges.	High	C	L	-	-	-	-	-	P	-	P	L	L	L	L	-	-	LDA IDA
70.	<i>Rental and Leasing.</i>	Establishments that provide tangible goods, such as vehicles, computers, construction or agricultural machinery and equipment, office equipment, power and hand tools, party supplies, and similar equipment, in return for a periodic rental or lease payment. Establishments that rent real property are classified under "offices."	High	-	P	P	-	-	-	-	-	P	P	P	P	P	P	-	L	LDA IDA
71.	<i>Research and Development Service.</i>	Industrial or scientific research, including limited product testing. This classification includes electronic research firms, computer software development and pharmaceutical research laboratories, and laboratories primarily engaged in developing new methods for processing, analysis and testing for manufacturing or medical activities.	Low	C	-	-	-	-	-	-	C	L	L	L	L	-	P	P	-	LDA IDA

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72. <i>Restaurant.</i>	An establishment serving unpackaged food and beverages in a ready to consume state primarily to persons seated at counters or tables within the building. May include outside dining and sale of food prepared onsite and beverages for consumption off the premises. Where alcoholic beverages are sold in conjunction with sale of food for consumption on the premises and the sale of said beverages comprise less than 50% of the gross receipts. (See "Tavern" for establishments where sales of alcoholic beverages comprise more than 50% of gross receipts).	Low •	-	P	P	-	-	-	-	-	P	P	P	P	P	P	A	A	A	LDA IDA
73. <i>Restaurant, Fast Food.</i>	An establishment that offers quick eat-in or take-out food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried, grilled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customers' table, food is not served at the same table or counter where the food is consumed, and food is generally served in disposable wrapping and containers.	High	-	L	C	-	-	-	-	-	-	L	L	P	P	L	-	-	-	LDA IDA
74. <i>Retail Sales or Service, Vehicles.</i>	Establishments engaged in the retail sale of new or used vehicles of all types-cars, trucks, recreational vehicles, motorcycles, ATV, bicycles, boats, watercraft, outboard motors. They may have showrooms or open lots for selling vehicles, may provide repair and maintenance services and may sell related parts, accessories and equipment.	High	-	-	L	-	-	-	-	-	-	P	P	P	P	-	-	A	LDA IDA	
75. <i>Retail Sales, General.</i>	Establishment engaged in high volume retail sales of goods and merchandise not specifically listed under another use classification. Use type includes department stores, discount stores, retail warehouses and shopping "clubs," home furnishing stores, pharmacies and supermarkets; retail plant nurseries and garden centers; and establishments engaged in retailing or wholesaling of building supplies or equipment including lumberyards and implement, tool and equipment sales. Use also includes any establishment listed under "Retail sales limited" that occupies a gross floor area in excess of 20,000 square feet. Except in the RCL	Low •	-	P	P	-	-	-	-	-	P	P	P	P	P	-	-	-	LDA IDA	
76. <i>Retail Sales, Limited.</i>	Establishment engaged in low volume retail sales of goods and merchandise not specifically listed under another use classification, including, but not limited to, specialty stores engaged in the retail sale of antiques, appliances, art, art supplies and services, new automotive parts and accessories, (excluding service and installation), bicycles, cameras, carpeting and floor coverings, coins, electronic equipment, hand-crafted items, hardware, hobby materials, jewelry, kitchen utensils, medical supplies, office supplies, paint and wallpaper, photographic supplies, records, sporting goods, toy stores, pawnshops, grocers, liquor stores or delicatessens.	Low •	-	P	P	-	-	-	-	-	A	P	P	P	P	P	A	A	A	LDA IDA

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77.	Rural Medical Practice.	Facility with licensed professional staff engaged in general or specialized medical care and licensed by the Department of Health and Mental Hygiene.	High	L	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	LDA IDA
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All succeeding Use Types, beginning with Use Type 78, Take-Out Food and Beverage Sales, remain the same.

SECTION III: §51.3 "Specific Regulations and Standards" of Chapter 285 of the *Code of St. Mary's County, Maryland*, be amended to move Use Types 27, 28, 32, 33, 34, and 39 in accordance with the changes to Schedule 50.4 of the CZO and to renumber the Use Types accordingly.

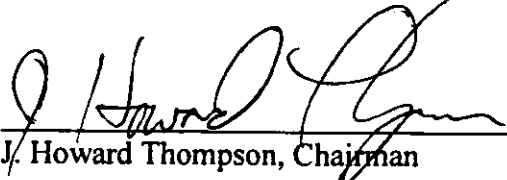
SECTION IV: Schedule 64.3.1 "Parking Standards and Loading Space Group Reference" of Chapter 285 of the *Code of St. Mary's County, Maryland*, be amended to change "Public and Semi-Public Use Classifications" to read "Civic and Institutional Use Classifications;" to move Use Types 27, 28, 32, 33, 34, and 39 from the "Civic and Institutional Use Classifications" to the "Commercial Use Classifications;" and to renumber the Use Types accordingly.

BE IT FURTHER RESOLVED by the Planning Commission that the foregoing recitals are hereby incorporated as if fully set forth herein.

Date of Adoption: February 11, 2013


Ayes: 4 Nays: 3 Abstain: 0

ST. MARY'S COUNTY PLANNING COMMISSION



 J. Howard Thompson, Chairman

Attest:



 Phillip Shire, Director
 Department of Land Use and Growth Management

Subject: Zoning - To Amend Chapters 32, 50, 51, 60 and 64 of Chapter 285 of the Code of St. Mary's County, Maryland Regulating Floor Area Ratio

ORDINANCE

TO AMEND CHAPTERS 32, 50, 51, 60 AND 64 OF CHAPTER 285 OF THE CODE OF ST. MARY'S COUNTY, MARYLAND TO EXEMPT CIVIC AND INSTITUTIONAL USES FROM THE REQUIREMENT TO ADHERE TO THE METHODS FOR ACHIEVING AN INCREASE IN FLOOR AREA RATIO

WHEREAS, pursuant to §§4-101 through 4-210 of the *Land Use Article* of the *Annotated Code of Maryland*, the Commissioners of St. Mary's County are authorized to establish zoning districts and prescribe and amend regulations applicable in such districts; and

WHEREAS, a notice of a public hearing was advertised on February 22, 2013 and March 1, 2013 in *The Enterprise*, a newspaper of general circulation in St. Mary's County, and a public hearing was held on March 12, 2013 to receive public comment and consider an amendment of §32.2 of Chapter 285 of the *Code of St. Mary's County, Maryland*, regulating floor area ratio requirements; and

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland, finds that it is in the best interest of the health, safety and welfare of the citizens of St. Mary's County to amend Chapters 32, 50, 51, 60, and 64 of Chapter 285 of the Code of St. Mary's County, Maryland, regulating the methods for achieving a floor area ratio increase; and

NOW, THEREFORE, BE IT ORDAINED, by the Commissioners of St. Mary's County, Maryland, pursuant to §§4-101 through 4-210 of the *Land Use Article* of the *Annotated Code of Maryland*, that:

SECTION I. Schedule 32.1 of Chapter 285 of the *Code of St. Mary's County, Maryland*, be amended to read as follows:

Schedule 32.1 Development Standards

	RPD	RSC	RCL	RL-T	RL	RH	RNC ⁹	RMX	VMX	TMX	DMX	CMX	CC	OBP	I	CM
Residential Density																
Base Density (units per acre)	1 dwelling per 5 acres subject to footnote 13	none ¹⁴	none ¹⁴	1 ¹⁶	1	10	1	1	1	1	20	1	none	none	none	none ¹⁴
Maximum Density (units/acre) See Table 32.2 for methods to achieve Residential Density Increase	1 dwelling per 3 acres	none	none	3 ¹⁶	5	20	2	5	5	5	20	15	none	none	none	none
Development Intensity (per acre)																
Base Floor Area Ratio	0.05	0.10	0.25	0.10	0.10	0.30	0.10	0.20	0.20	0.20	0.60	0.40	0.35	0.40	0.40	0.20
Maximum Floor Area Ratio (see Table 32.2 for methods to achieve FAR Increase) (per acre)	0.15	0.30	0.30	0.20	0.20	0.30	0.15	0.35	0.45	0.60	none	0.50	0.50	0.50	0.60	0.30

Subject: Zoning - To Amend Chapters 32, 50, 51, 60 and 64 of Chapter 285 of the Code of St. Mary's County, Maryland Regulating Floor Area Ratio

07/31/12
07/31/12

Minimum Lot Dimensions	These standards do not apply for detached, townhouse and multi-family development in accordance with cluster provisions in Section 32.3.3.															
Minimum Lot Area	none	none	none	None ¹⁷	none	none	none	none	none	none	none	none	none	none	none	1ac
Width	150	none	none	75	75	none	75	none	80	80	none	80	175	100	100	none
Depth	160	none	none	100	100	60	100	none	100	100	none	100	300	200	200	none
Frontage	75	none	none	50	50	none	50	none	50	50	none	50	100	none	none	none
Principal Structure Minimum Setbacks^{1,2,3,4}																
Minor Collector or lesser	25	25	25	25	25	25	25	25	25	25	5	20	25	25	25	25
Major Collector	35	35	35	35	35	35	35	35	35	35	10	30	35	35	35	35
Arterial	50	50	50	50	50	50	50	50	50	50	50//10 ²	50	50	50	50	50
Side ⁴	15	15	15	10	10	10	10	15	15	15	10	10	20	20	25	25
Rear ⁴	20	20	20	20	20	20	20	25	25	25	20	20	30	25	25	25
Minimum Separation between detached principal structures on a site	2 times the side yard setback															
Other Requirements																
Maximum footprint of a Commercial structure on a site by right	5,000	10,000	15,000	20,000	20,000	none	5,000	20,000	15,000	30,000	50,000	50,000	50,000	50,000	none	none
Maximum footprint of a Commercial structure on a site	6,250 See Footnote 11	12,500	25,000	25,000	25,000	none	6,250	25,000	25,000	50,000	See Footnote 5, 6	See Footnote 5, 6	See Footnote 5, 6	See Footnote 5, 6	none	none
Maximum Height ¹²	40 ⁷	40 ⁷	40 ⁷	40 ⁷	40 ⁷	75	40 ⁷	40 ⁷	40 ⁷	40 ⁷	100	100	100	100	100	60
Minimum Landscaping	none	15%	15%	none	none	15%	20%	20%	20%	20%	20%	20%	none	20%	20%	20%
Minimum Open Space¹⁰																
Useable Open Space for Civic and Institutional or Commercial Use Classifications, (percent of development envelope)	5%	none	none	5%	5%	5%	none	5%	5%	2%	2%	5%	5%	5%	2%	none
Useable Open Space (sq. ft. per residential unit in developments with 25 units or more)	2000	none	none	2000	2000	200	none	2000	200	200	200	200	none	none	none	none
Undeveloped Open space	50%	none	none	50%	50% ¹⁵	50% ¹⁵	50%	50% ¹⁵	20%	20%	15%	20%	20%	none	none	none

SECTION II. Section 32.2 of Chapter 285 of the *Code of St. Mary's County, Maryland*, be amended to read as follows:

32.2 Modifications to Basic Standards.

1. Schedule 32.2 identifies modifications that can be used to increase intensity of residential and non-residential development through the use of enhanced site and architectural design, transfer of development rights, and provision of affordable housing. This schedule reduces existing requirements in order to allow greater flexibility in site design and building configuration.
2. To be eligible for an exemption under Footnote 6 of Schedule 32.2, the applicant must demonstrate that the development meets the following standards:
 - a. The development must be listed in Schedule 50.4 as a Civic or Institutional use; provide a basic or fundamental public service or public amenity; must be available to the general public or held for the public's benefit; serve primarily the local community; provide facilities in response to growth, and must not itself be a growth generator; or

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- b. The development must be a necessary facility of a non-profit institution whose mission is consistent with the purposes of this Ordinance and with the goals and policies of the Comprehensive Plan.
- c. A use that has obtained an exemption under this section shall record a form provided by the Department of Land Use and Growth Management, which stipulates that at such time application is made to change the use from an exempt use to another use, the applicant for the change in use must comply with all regulations in effect at the time of application, which may include the purchase of transferable development rights.
- d. Footnote 6 shall expire in _____.

SECTION III. Schedule 32.2 of Chapter 285 of the *Code of St. Mary's County, Maryland*, be amended to read as follows:

SCHEDULE 32.2 MODIFICATIONS TO DEVELOPMENT STANDARDS

		RPD	RSC	RCL	RL-T	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	OBP	I	CM
Methods for Achieving Residential Density Increase																	
Base Density Increase	Affordable housing (units per acre)	none	none	none	1.00	1.00	1.00	none	1.00	1.00	1.00	none	1.00	none	none	none	none
	Increase in units per acre with purchase of TDRs – See Section 26.4.2	See Section 26.4.2	none	none	2 ⁴	4	10	1 ¹	4	4	4	none	14	none	none	none	none
Methods for achieving Floor Area Ratio Increase⁶																	
Added square feet per TDR		2,000	2,000	2,000	n/a	2,000	none	2,000	2,000	2,000	2,000	2,000 ²	2,000 ²	2,000 ²	2,000 ²	2,000	2,000
Added square feet or percent increase for design enhancements (cumulative footage not to exceed maximum FAR)	FAR increase for LEED Certified Site or Building Design	none	none	none	none	none	0.05	none	0.02	0.50	0.05	0.5	0.5	0.5	0.5	0.5	none
	FAR increase for LEED Silver Certified Site or Building Design	0.03	0.05	0.05	0.05	0.03	0.10	none	0.05	0.10	0.10	0.10	0.10	0.10	0.10	0.10	none
	FAR increase for LEED Gold Certified Site or Building Design	0.05	0.10	0.10	0.10	0.05	0.15	none	0.10	0.15	0.15	0.15	0.15	0.15	0.15	0.15	none

1. TDR increase is possible only in growth areas.
2. Additional square feet of first floor "footprint" above 60,000 sq. ft. in development districts may be achieved @ 1,000 sq. ft. per TDR
3. In structure parking and structured parking shall not count toward FAR. Building height calculation shall exclude a single level of parking built within a building that also contains a principal use, except in the AICUZ.
4. Bonus density is not available in the Critical Area.
5. A bonus of one square foot for each square foot of amenity space provided, up to a maximum of 500 square feet per amenity, shall be provided for: (1) Outdoor seating areas, (2) Walking paths, (3) Public art, (4) Public gardens, (5) Plazas, (6) Water features, (7) Other amenity space approved by the Planning Director.
6. Civic and Institutional Uses may achieve the maximum floor area ratio stipulated in Schedule 32.1 without applying these methods in accordance with Section 32.2.2 of this Ordinance

SECTION IV. Section 50.4.1 of Chapter 285 of the *Code of St. Mary's County, Maryland*, be amended to read as follows:

Section 50.4: Refer to Schedule 50.4 to identify the use types and where they may locate within the County. The schedule provides the following information:

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Use Type Number	Use Classification
1-13	Agricultural Uses
14-23	Residential Uses
24-33	Civic and Institutional Uses
34-81	Commercial Uses
82-87	Industrial Uses
88-98	Transportation, Communication, Utility Uses
99-107	Marine Uses
108-124	Accessory Uses
125-129	Temporary Uses

1. Use Classification Groups: Agricultural, Residential, Civic and Institutional, Commercial, Industrial, Transportation/Communication/Utility, Marine, Accessory and Temporary.

SECTION V. Schedule 50.4 of Chapter 285 of the *Code of St. Mary's County, Maryland*, be amended to read as follows:

Schedule 50.4 Use Classifications, Use Types and Location Within Zoning Districts

Legend	P	Use is permitted in accordance with Chapter 51 General Standards
	L	Use is permitted in accordance with Chapter 51 General and Limited Standards
	C	Use is permitted in accordance with Chapter 51 General and Conditional Standards
	A	Use is permitted as accessory to an allowable use (See Section 11.2.4.b)
	PD	Use is permitted only within a Planned Unit Development subject to the review, conditions, and approval of the Board of County Commissioners
	-	Use is prohibited within the zone
	RCA	Use may be allowed in the Resource Conservation Area Overlay in accordance with the provisions of this Ordinance only if use is allowed in the base zoning district.
	LDA	Use may be allowed in the Limited Development Area Overlay in accordance with the provisions of this Ordinance only if use is allowed in the base zoning district.
	IDA	Use may be allowed in the Intensely Developed Area Overlay in accordance with the provisions of this Ordinance only if use is allowed in the base zoning district.
	X	In the Critical Area, new non-maritime industries may be permitted only in the IDA and then only if the facility or activity demonstrates that there will be a net improvement in water quality to the adjacent body of water.

Use Type	Description	Use Intensity	RPD	RSC	RCL	RL-T	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
Civic and Institutional Use Classifications																			
24. Burial Grounds.	Cemeteries, crypts, tombs, mausoleums or columbariums for the interment of deceased humans or animals. This classification does not include crematories or mortuaries.	Low	P	A	A	P	P	A	A	A	P	P	A	A	A	A	A	-	RCA LDA IDA

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Use Type	Description	Use Intensity	RPD	RSC	RCL	RL-T	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
25. <i>Clubs or Lodges.</i>	Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls, social clubs, and youth centers. Retail sales of food, beverage, incidentals or provisions of recreation and entertainment to other than club members and their guests shall require approval as an accessory restaurant, tavern, retail sales outlet, or recreation and entertainment facility.	High	C	P	P	C	C	C	C	C	P	P	P	P	P	-	-	A	LDA IDA
26. <i>Cultural Institutions.</i>	Nonprofit institutions displaying or preserving objects of interest in the arts or sciences. This classification includes visitors' centers, libraries, museums, and art galleries. Facilities may include auditoriums, exhibition halls, classrooms, administrative support facilities, concessions for visitors or any combination thereof.	Low	C	C	C	-	-	C	-	P	P	P	P	P	P	A	A	A	LDA IDA
27. <i>Education Facility, College.</i>	Public or private institution of higher education providing curricula of a general, religious, or professional nature, typically granting recognized degrees. This classification includes establishments engaged in the teaching of vocational and technical skills.	High	C	-	-	C	C	C	-	C	P	P	P	-	C	L	L	-	LDA IDA
28. <i>Education Facility, School.</i>	Public or private facility for primary or secondary education, including elementary, middle and high schools and private institutions having a curriculum comparable to that required in the public schools in the State of Maryland.	High	C	-	P	P	P	P	L	P	P	P	C	-	C	C	-	-	LDA IDA
29. <i>Government Facility.</i>	Administrative, clerical, or public contact offices of federal, state or local government agencies. Also publicly owned and operated facilities such as fairgrounds and parking facilities, postal facilities, etc.	High	C	P	C	C	C	C	L	P	P	P	P	P	P	P	P	C	LDA IDA
30. <i>Public Recreation Facility.</i>	Non-commercial park, playground, recreation facility, and publicly accessible open space. This classification includes fields for amateur and youth sports including, but not limited to, baseball, softball, football, and soccer fields. Golf courses are regulated separately under this Ordinance.	Low	P	-	P	P	P	P	L	P	P	P	P	P	-	P	P	P	LDA IDA
31. <i>Public Maintenance Facility.</i>	Facilities providing maintenance and repair services for public and utility vehicles and equipment, and materials storage areas. This classification includes utility and road maintenance depots, equipment service centers, and similar facilities.	High	P	-	C	-	-	-	-	C	C	C	C	-	P	P	-	-	LDA IDA
32. <i>Public Safety Facility.</i>	Facility for public safety and emergency services, including fire protection, rescue squad, police, and detention service. Includes private non-profit ambulance services	High	C	C	P	L	L	C	L	P	P	P	P	P	P	P	C	L	LDA IDA
33. <i>Religious Assembly.</i>	Religious worship and incidental religious education, not including private schools.	Low	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	LDA IDA

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Use Type	Description	Use Intensity	RPD	RSC	RCL	RL-T	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
Commercial Use Classifications *NOTE: Any low intensity commercial use that exceeds 20,000 square feet shall be considered a high intensity Use.																			
34. <i>Adult Entertainment.</i>	Establishments based primarily on materials and performances that depict, describe, or relate to sexual activities.	High	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	LDA IDA
35. <i>Animal Boarding.</i>	Shelter and care (feeding exercise, incidental medical care) for animals, including kennels and boarding facilities for domestic animals and pets and shelters for unwanted or abandoned animals.	Low *	P	P	L	A	A	-	-	-	L	L	-	L	L	-	-	-	LDA IDA
36. <i>Animal Hospital.</i>	Establishments for the medical and surgical treatment of domestic and farm animals, including grooming and boarding of animals for no more than 30 days if incidental to the hospital uses and limited to animals receiving medical care.	Low *	L	-	L	-	-	-	-	L	L	L	L	L	P	P	-	-	LDA IDA
37. <i>Animal Sales and Service.</i>	Establishment engaged in boarding, veterinary care, retail sales of domestic and farm animals, and services such as grooming, feed and tack stores. May include impregnation, gestation and birthing of domestic animals on a commercial basis. This classification does not include livestock auctions, or incidental sales from animal husbandry operations. (For breeding of farm animals, see <i>Animal husbandry</i>)	Low *	P	L	P	-	-	-	-	L	L	L	L	P	-	-	-	-	LDA IDA
9/06/11 38. <i>Campground and Day or Boarding Camp.</i>	Outdoor establishment improved, used or intended to provide camping sites designated for tents or providing servicing or temporary accommodation of one or more recreational vehicles used for travel, camping or recreational purposes. Dwelling and recreation facilities under single ownership used for programmed activities on a commercial basis.	High	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C/A	LDA IDA
39. <i>Commercial Parking Facility.</i>	Facility which offers parking to the public with or without a fee on parking lots which are not attendant to or required by another use. Fee use of a parking lot that is attendant to or required by another use is exempt from regulation as a commercial parking facility.	High	C	A	A	A	A	-	-	L	L	L	P	P	P	P	-	-	LDA IDA
40. <i>Conference Facility.</i>	Establishment providing meeting, training and catering kitchen space for lease or rent. Facility may be either a principal or an accessory use.	Low *	C	P	-	C	C	-	-	P	P	P	P	P	P	A	A	A	LDA IDA
41. <i>Construction Materials and Equipment Storage.</i>	Stockpiling and storage of construction vehicles, materials and equipment or commercial goods, and building contractors' yards.	High	L	-	-	-	-	-	-	-	-	-	-	-	-	L	-	C	LDA IDA
42. <i>Convenience Store.</i>	Retail establishment engaged in the sale of prepackaged food products, household items, newspapers and magazines and sandwiches and other freshly prepared foods for off-site consumption. Accessory fuel sales only in accordance with "Motor fuel sales".	Low *	-	L	L	-	-	-	-	-	P	P	P	P	P	-	P	A	LDA IDA

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Use Type	Description	Use Intensity	RPD	RSC	RCL	RL-T	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
43. <i>Corporate Campus.</i>	Large office complex planned, developed and operated to serve a single corporate user in an integrated facility with special attention given to circulation, parking, utility needs, and provision of services and amenities to employees and clients.	High	PD	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	LDA IDA
44. <i>Day Care, Facility, Medical.</i>	Day care facility providing health care programs licensed or approved by a governmental agency to provide daytime health services and therapeutic recreational services to adults aged 18 and over with severe functional impairments.	Low	-	-	-	P	P	-	-	P	P	P	P	P	P	P	P	-	LDA IDA
45. <i>Day Care, Non-Medical.</i>	Day care facility licensed or approved by a governmental agency to provide non-medical care for nine or more children or adults on less than 24-hour basis. Includes nursery schools, preschools and social adult day care that provides a safe and supervised daytime program of meals, recreational activities, and socialization for adults 18 years or over who require a safe controlled environment but who do not meet the need for health care services required by the Medical Adult Day Service programs.	Low	P	P	P	P	P	P	C	P	P	P	P	P	P	P	P	-	LDA IDA
46. <i>Fairgrounds and Flea Markets.</i>	Commercial establishments engaged in maintaining building(s) or open area in which buildings, parking facilities and open areas rented or otherwise provided for temporary uses including public or private shows or events or for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique. May include selling of goods at retail by businesses or individuals that are generally engaged in retail trade of new or secondhand, reclaimed or salvaged goods.	Low *	P	P	-	-	-	-	-	P	P	P	P	P	A	A	A	-	LDA IDA
47. <i>Financial Institution.</i>	Establishments including banks, credit union offices, savings and loans, or check cashing services that provide central banking functions to individuals and businesses. This classification includes only those institutions engaged in the on-site circulation of cash money.	Low *	-	P	P	-	-	-	-	P	P	P	P	P	P	P	P	-	LDA IDA
48. <i>Funeral and Interment Service.</i>	Services involving the care, preparation or disposition of human or small domestic animal remains other than in a cemetery. Typical uses include crematories and mortuaries.	Low *	C	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-	LDA IDA
49. <i>Golf course.</i>	Golf courses, country clubs, and connected facilities such as pro shops.	Low *	C	-	-	C	C	-	L	-	-	C	-	-	-	-	C	-	LDA IDA

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Use Type	Description	Use Intensity	RPD	RSC	RCL	RL-T	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
50. Hospital.	Licensed general hospital with or without surgical facilities, primarily engaged in providing diagnostic and medical treatment to inpatients suffering from a wide variety of medical conditions. These facilities maintain inpatient beds and an organized staff of physicians and medical professionals to provide patient care services. Hospitals may also provide supporting outpatient, diagnostic, laboratory, and pharmacy services. This classification includes psychiatric and substance abuse hospitals and specialty hospitals licensed to provide diagnostic and medical treatment to inpatients suffering from a specific disease or medical condition.	High	-	-	-	-	-	-	-	-	L	L	L	-	-	-	-	-	LDA IDA
51. Laboratory.	Facility engaged in routine processing, analysis and testing to provide medical, dental, photographic and technical laboratory services. Use class excludes laboratories primarily engaged in developing new methods for processing, analysis and testing (see Research and Development) and laboratories for other types of service (See Industry, limited.)	Low *	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	LDA IDA
52. Lodging, Bed and Breakfast Inn.	Visitor accommodations providing guest rooms for lodging on a less than weekly basis, with incidental eating and drinking service provided to lodgers and their guests.	Low *	P	P	P	P	C	-	-	P	P	P	P	-	-	-	-	P	RCA LDA IDA
53. Lodging, Hotel and Motel.	Visitor accommodations providing guest rooms for lodging, typically on a less than weekly basis, with no or minimal kitchen facilities in the guest units and daily housekeeping service. Guest units may be reached either from a common entrance or directly from the outside of the building. This classification may include accessory recreational facilities, or eating, drinking and banquet service, and conference facilities.	Low *	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	A	LDA IDA
54. Long-Term Care Facility.	Primarily engaged in providing inpatient nursing and rehabilitative services to individuals requiring 24-hour nursing care for an extended period of time. This classification includes nursing homes, rest homes, and homes for the elderly with nursing care.	High	-	-	-	C	C	C	-	-	P	P	P	C	-	-	-	-	LDA IDA
55. Maintenance and Repair Service, Major.	Establishments engaged in maintenance and repair of industrial equipment and machinery and any other repair maintenance service that provides outdoor storage and work areas in addition to interior shop space for working on agricultural equipment and implements. Use may include the sale, installation, and service of related equipment and parts. Use excludes maintenance and repair of vehicles, boats or ships.	High	L	C	C	-	-	-	-	L	L	L	L	L	L	P	L	A	LDA IDA

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Use Type	Description	Use Intensity	RPD	RSC	RCL	RL-T	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
56. <i>Maintenance and Repair Service, Minor.</i>	Repair and incidental sales of supplies for appliances, office machines, home electronic equipment, bicycles, tools, small engines or garden equipment. This classification includes furniture refinishing and repair, but excludes maintenance and repair of vehicles, boats or ships, or industrial equipment.	Low *	L	P	P	-	-	-	-	P	P	P	P	P	A	P	-	A	LDA IDA
57. <i>Manufactured Home Sales.</i>	Establishments engaged in the retail sale or leasing, delivery and installation of manufactured homes where models are located or purchasable products are stored on site.	High	-	-	-	-	-	-	-	-	P	P	C	P	-	A	-	-	LDA IDA
58. <i>Fuel Sales.</i>	Establishments engaged in the retail dispensing or sale of vehicular fuels and lubricants or household propane.	Low *	-	L	L	-	-	-	-	-	L	P	P	P	-	A	L	A	LDA IDA
59. <i>Motor Vehicle Maintenance Service, Major.</i>	Repair of automobiles, trucks, motor-cycles, tractors, motor homes, and recreational vehicles, including the sale, installation, and servicing of related equipment and parts. This classification includes towing, engine repair, body and fender shops, vehicle painting, wheel repairs, tire sales and installation and/or repair of heavy trucks or construction vehicles, but excludes vehicle dismantling or salvage, tire re-treading and recapping. Includes facilities providing services for major repair and maintenance of recreational or commercial watercraft and marine engines. (Use may be accessory to a marina or boatyard use)	High	-	L	L	-	-	-	-	-	L	P	P	L	A	P	-	A	LDA IDA
60. <i>Motor Vehicle Maintenance Service, Minor.</i>	Establishments where vehicle repairs and routine maintenance are made in enclosed bays and no vehicles are stored overnight, including quick-service oil, tune-up, tire, and brake and muffler shops. Washing, waxing, or cleaning of automobiles or similar vehicles. This classification excludes uses providing towing, engine repair, body and fender work, vehicle painting, or repair of heavy trucks or construction vehicles. May include accessory motor fuel sales.	Low *	-	L	L	-	-	-	-	-	L	P	P	P	P	P	-	A	LDA IDA
61. <i>Office.</i>	Offices of firm(s) or organization(s) providing professional, executive, management, or administrative services, such as architectural, data management, engineering, interior design, graphic design, real estate, insurance, investment, law offices, physicians, dentists or chiropractors, including medical/dental laboratories incidental to the medical office use, emergency medical care offices and communications facilities located entirely within buildings. This classification excludes financial institutions.	Low *	-	P	L	-	-	-	-	P	P	P	P	P	P	P	P	A	LDA IDA

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Use Type	Description	Use Intensity	RPD	RSC	RCL	RL-T	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
68. <i>Recreational Facility, Minor Indoor.</i>	This classification includes but is not limited to commercially operated indoor recreation and entertainment facilities such as bowling alleys, billiard parlors, ice or roller skating rinks, swimming pools, miniature golf, tennis or racquetball courts, movie theaters, health or fitness clubs and gyms, dance halls, and game centers including pinball arcades or establishments having five or more coin-operated electronics or mechanical game machines.	Low *	C	P	L	-	-	-	-	P	P	P	P	P	P	P	A	-	LDA IDA
69. <i>Recreational Facility, Minor Outdoor.</i>	This classification includes but is not limited to commercially operated outdoor recreation and entertainment facilities such as miniature golf or scale-model courses, skating rinks, swimming pools, tennis or racquetball courts, target shooting, golf driving or batting ranges.	High	C	L	-	-	-	-	-	P	-	P	L	L	L	L	-	-	LDA IDA
70. <i>Rental and Leasing.</i>	Establishments that provide tangible goods, such as vehicles, computers, construction or agricultural machinery and equipment, office equipment, power and hand tools, party supplies, and similar equipment, in return for a periodic rental or lease payment. Establishments that rent real property are classified under "offices."	High	-	P	P	-	-	-	-	-	P	P	P	P	P	P	-	L	LDA IDA
71. <i>Research and Development Service.</i>	Industrial or scientific research, including limited product testing. This classification includes electronic research firms, computer software development and pharmaceutical research laboratories, and laboratories primarily engaged in developing new methods for processing, analysis and testing for manufacturing or medical activities.	Low *	C	-	-	-	-	-	-	C	L	L	L	L	-	P	P	-	LDA IDA
72. <i>Restaurant.</i>	An establishment serving unpackaged food and beverages in a ready to consume state primarily to persons seated at counters or tables within the building. May include outside dining and sale of food prepared onsite and beverages for consumption off the premises. Where alcoholic beverages are sold in conjunction with sale of food for consumption on the premises and the sale of said beverages comprise less than 50% of the gross receipts. (See "Tavern" for establishments where sales of alcoholic beverages comprise more than 50% of gross receipts).	Low *	-	P	P	-	-	-	-	P	P	P	P	P	P	A	A	A	LDA IDA
73. <i>Restaurant, Fast Food.</i>	An establishment that offers quick eat-in or take-out food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried, grilled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customers' table, food is not served at the same table or counter where the food is consumed, and food is generally served in disposable wrapping and containers.	High	-	L	C	-	-	-	-	-	L	L	P	P	L	-	-	-	LDA IDA

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Use Type	Description	Use Intensity	RPD	RSC	RCL	RL-T	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
74. <i>Retail Sales or Service, Vehicles.</i>	Establishments engaged in the retail sale of new or used vehicles of all types-cars, trucks, recreational vehicles, motorcycles, ATV, bicycles, boats, watercraft, outboard motors. They may have showrooms or open lots for selling vehicles, may provide repair and maintenance services and may sell related parts, accessories and equipment.	High	-	-	L	-	-	-	-	-	-	P	P	P	P	-	-	A	LDA IDA
75. <i>Retail Sales, General.</i>	Establishment engaged in high volume retail sales of goods and merchandise not specifically listed under another use classification. Use type includes department stores, discount stores, retail warehouses and shopping "clubs," home furnishing stores, pharmacies and supermarkets; retail plant nurseries and garden centers; and establishments engaged in retailing or wholesaling of building supplies or equipment including lumberyards and implement, tool and equipment sales. Use also includes any establishment listed under "Retail sales limited" that occupies a gross floor area in excess of 20,000 square feet. Except in the RCL	Low *	-	P	P	-	-	-	-	-	P	P	P	P	P	-	-	-	LDA IDA
76. <i>Retail Sales, Limited.</i>	Establishment engaged in low volume retail sales of goods and merchandise not specifically listed under another use classification, including, but not limited to, specialty stores engaged in the retail sale of antiques, appliances, art, art supplies and services, new automotive parts and accessories, (excluding service and installation), bicycles, cameras, carpeting and floor coverings, coins, electronic equipment, hand-crafted items, hardware, hobby materials, jewelry, kitchen utensils, medical supplies, office supplies, paint and wallpaper, photographic supplies, records, sporting goods, toy stores, pawnshops, grocers, liquor stores or delicatessens.	Low *	-	P	P	-	-	-	-	A	P	P	P	P	P	A	A	A	LDA IDA
77. <i>Rural Medical Practice.</i>	Facility with licensed professional staff engaged in general or specialized medical care and licensed by the Department of Health and Mental Hygiene.	High	L	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	LDA IDA

The information on all succeeding Use Types, beginning with Use Type 78, Take-Out Food and Beverage Sales, and ending with Use Type 129, Temporary Residence During Construction, shall remain unchanged.

SECTION VI. Section 51.3 of Chapter 285 of the *Code of St. Mary's County, Maryland*, be amended to rearrange new Use Type 44, Day Care Facility, Medical; new Use Type 45, Day Care, Non-Medical; new Use Type 50, Hospital; new Use Type 54, Long-Term Care Facility; new Use Type 62, Outpatient Care Center; and new Use Type 77, Rural Medical Practice according to the changes to Schedule 50.4. Renumber all other use types accordingly.

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SECTION VII. Section 60.3 of Chapter 285 of the *Code of St. Mary's County, Maryland*, be amended to read as follows:

60.3. Development or Land Use Requiring a Site Plan. (See Flow Chart on Page 21-5)

1. Site plan approval is required for any development or land use involving:

- a. *A planned development.*
- b. *Any multi-family residential development.*
- c. *Any cluster development not subject to subdivision approval.*
- d. *Commercial and industrial uses or structures or changes of uses therein.*
- e. *Civic and Institutional uses.*
- f. *Conditional uses.*
- g. *Agricultural uses as required by Section 51.2 of this Ordinance.*
- h. *Any development in the Critical Area Overlay Zone, except development on an existing single family lot.*

SECTION VIII. Schedule 64.3.1 of Chapter 285 of the *Code of St. Mary's County, Maryland*, be amended to rename "Public and Semi-Public Use Classifications" to "Civic and Institutional Use Classifications;" and to rearrange new Use Type 44, Day Care Facility, Medical; new Use Type 45, Day Care, Non-Medical; new Use Type 50, Hospital; new Use Type 54, Long-Term Care Facility; new Use Type 62, Outpatient Care Center; and new Use Type 77, Rural Medical Practice according to the changes made to Schedule 50.4; and to renumber all other use types accordingly.

BE IT FURTHER ORDAINED, by the Commissioners of St. Mary's County that this Ordinance shall be effective upon the date written below.

Those voting Aye: _____

Those voting Nay: _____

Those Abstaining: _____

Date of Adoption: _____

**Subject: Zoning - To Amend Chapters 32, 50,
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Code of St. Mary's County, Maryland
Regulating Floor Area Ratio**

Effective Date: _____

ATTEST:

COMMISSIONERS OF ST. MARY'S COUNTY

John Savich
County Administrator

Francis Jack Russell, President

Lawrence D. Jarboe, Commissioner

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Cynthia L. Jones, Commissioner

George R. Sparling
County Attorney

Todd B. Morgan, Commissioner

Daniel L. Morris, Commissioner