

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS'
ZONING ORDINANCE WORK SESSION
Governmental Center
Thursday, August 23, 2001**

Present: Commissioner President Julie B. Randall
Commissioner Joseph F. Anderson
Commissioner Shelby P. Guazzo
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
Alfred A. Lacer, County Administrator
John B. Norris III, Assistant County Attorney
Jon Grimm, Director, Planning and Zoning
Tom Russell, Deputy Director, Planning and Zoning
Kate Mauck, Administrative Assistant (Recorder)

The work session began at 6:30 p.m.

Table 32.1.a - Density

Mr. Grimm provided the Board of County Commissioners with a comparative chart in order to analyze lot yields for various Rural Preservation District (RPD) densities, as was requested at the work session held on August 21, 2001. Background documentation was also presented and outlined by Mr. Grimm.

Mr. Russell appeared before the Board of County Commissioners to provide information regarding undevelopable lots of record in the County. He outlined numerous developments within the County that cannot be completely built out for a variety of reasons. Mr. Russell stated that most pre-recorded lots that have not been built upon might be undevelopable.

An in-depth discussion took place concerning how to best achieve the goal of the Comprehensive Plan by reducing density by 50%. Discussion occurred in consideration of proposals that were submitted at the August 21st work session by Commissioner President Randall, Commissioner Anderson and Commissioner Mattingly.

Commissioner Guazzo presented the following information and proposal:

- Reiterated the need to keep any proposal simple and to reduce density by 50% as is the goal in the Comprehensive Plan;
- Outlined the purposes of reducing density;
- Proposed density be reduced to one in five as was proposed by Commissioner Mattingly;
- To increase density on a parcel, would need to purchase two TDRs per home;
- Major subdivisions must cluster on 50% of the parcel;
- Farmstead of 15 acres allowed; no TDRs required. Farmsteads may not be further subdivided;
- Cost of TDRs would be market driven;
- TDRs can be transferred within the RPD or to the Growth Areas;
- Each TDR preserves three acres;
- Outlined ways to obtain TDRs; and
- Examples were illustrated and discussed.

The following issues were also discussed:

- Mandatory clustering;
- Concerns that one in five would not achieve the 50% goal and how best to achieve that goal; and
- Cumulative effect of stormwater management, adequate public facilities, etc. on the density issue.

Commissioner Raley stated that he agreed with the one in five proposal. Although he was dissatisfied with mandatory clustering, he would allow it, if it were the way to achieve one in five. In addition, Commissioner Raley suggested that the density issue be reviewed within a couple of years to determine whether or not the numbers should be changed. He cautioned the viewing audience to use care in selling their TDRs, as they are irrevocable.

As the majority of Commissioners (Guazzo, Mattingly and Raley) were in favor of the one in five density proposal as submitted by Commissioner Guazzo, it was decided that one in five would be the direction given.

Mr. Grimm proposed that Table 32.1.a be done away with. Also in Schedule 32.2, where the reference is made to the other Table, the base density of one unit per five be inserted. The maximum density was not discussed, however, the current draft contained, and Mr. Grimm recommended, that the maximum density per three acres be continued. He will research the best way to handle the clustering requirement, the assignment of TDR acreages, and the farmstead requirement. A consolidated Table will be prepared and presented for review. Commissioners agreed with Mr. Grimm's proposals.

Chapter 43 - Historic Districts

Also Present: Teresa Wilson, Chair, Historic Preservation Commission
Kirk Ranzetta, Historic Site Surveyor

Mr. Grimm outlined documents that applied to the discussion regarding Historic Districts. The following items were discussed and/or determined:

- *Page 43-1, line 28 – under the title “Initiation” it should read, “an application for amendment to the Zoning Map for Historic Landmark or Historic District zoning is to be initiated by the property owner, or if a district application, by 2/3 of the property owners of the proposed district”. This would need to be carried also onto page 43-2.d – “If the application is for district designation, consent in writing of 2/3 of the property owners in the proposed district is required. 43-2, item c would be eliminated. Also in d, need to define majority as 2/3 of the property owners for the district. Add to this (in d): “that all effective property owners should be notified by registered mail of the proposed action”;*
- *Chapter 28, Page 28-1 – Amendments – add sentence at 28.1.2 – Authority – “in the cases of a petition for a change of zoning to historic status, only the landowners may request such a change as defined in Chapter 43;*
- *Page 20-9 – Mr. Grimm to research reasons for the Board of Appeals being bypassed and appeals going directly to the Circuit Court;*
- *Section 43.13 and from Page 43.4 through 43-6 – Demolition by Neglect – Mr. Grimm outlined a variety of reasons why the County might take over property due to neglect or falling into disrepair;*
- *It was pointed out that there are currently only two local historic districts in the County and they are both single homes. There are several State or Federal historic districts/sites within the County, and each have their own set of regulations to follow;*
- *Mr. Grimm outlined reasons for inserting certain information within County regulations based on State and/or Federal funding requirements. He responded to questions from the Board of County Commissioners;*
- *43.5 – identify name of “Historic Preservation Commission”;*
- *Ms. Wilson stated that the provisions as outlined provide a safeguard in order to prevent other problems;*
- *Mr. Ranzetta reported to the Commissioners on a conversation he had with MHT regarding property owner consent. MHT would prefer the document be vague and he reported that it might affect the County's CLG status. If CLG is received, the County could then apply to several other State funded programs. The Board of County Commissioners determined that the more specific guidelines would be inserted within the document.*

It was determined that Article 5 – Use Regulations that was planned to be discussed at today's work session would be deferred until the work session of August 28th.

ADJOURNMENT

The work session adjourned at 8:20 p.m.

Minutes Approved by the
Board of County Commissioners on 9/25/01

Judith Spalding for
Kate Mauck, Administrative Assistant