

Charles County Planning Commission
Charles County Government Building
PO Box 2150
La Plata, Maryland 20646

Subject: Zoning Text Amendment #08-98, (ZTA)
Waterfront Planned Residential Development Zone

Dear Sirs:

The attached comments on the proposed zoning text amendment are submitted by the Port Tobacco River Conservancy (PTRC). Members of the Conservancy attended the public meeting held on January 26, 2009. Subsequent to the public meeting, as part of our effort to garner as much factual information on the proposal and to understand the implications on our community and the natural resources of the Port Tobacco River (PTR), we met with representatives of the applicant (Loiderman, Soltez and Associates) and Charles County Planning and Growth Management staff. In addition several of our members have spent considerable time reading and discussing the proposed ZTA and evaluating it in relation to adopted Charles County plans and planning documents prepared for Charles County government.

The ZTA would allow the conversion of presently forested and agricultural lands to residential and commercial uses. The ZTA places no limits on the absolute number of residences or the amount of commercial development that could be constructed. In fact County staff has recommended the removal of the limit on commercial development proposed by the applicant.

Although the development would take place on as yet to be identified private lands the impacts would affect public resources held in trust by the United States, the State and Charles County. Primarily these resources include, the water quality of the PTR, the public's navigation servitude, migratory birds that use the forested lands, and adjacent wetlands and the waters of the PTR and, potentially federally and state listed endangered and threatened species (Current and Historical Rare, Threatened, and Endangered Species of Charles County, Maryland, December 13, 2007, Maryland Department of Natural Resources). It must be noted that the PTR has already been impacted by shoreline and upstream development in the watershed. This 47-square mile watershed receives runoff, via the Port Tobacco Creek, from Waldorf and White Plains. Other tributaries convey runoff and wastewater from La Plata, the College of Southern Maryland, and other wastewater plants to the river. The addition of impervious cover to that already constructed and projected in the watershed, will further degrade the water quality of the PTR. Stormwater from numerous sources is causing stream erosion and sedimentation of the river. The PTR has poor circulation and additional sources of runoff will have increasing, nonlinear, effects on water quality.

Primary questions concerning the ZTA are why is a ZTA required for permitting new waterfront development – and what is the basis for the proposed zone consisting of

both sides of the Port Tobacco River and the east side of the Potomac down to Cobb Neck? The County should not encourage waterfront development by selecting an environmentally sensitive zone, but should enact environmentally friendly development standards for all areas. They should review specific plans from landowners who wish to gain approval of their land for residential development. It is difficult to quantify the proposed requirement to “remediate existing environmental deficiencies in the Port Tobacco River watershed” without first reviewing developer plans and matching them to known deficiencies which the PTRC uncovered and contributed to the Port Tobacco River Watershed Restoration Action Strategy (WRAS).

The community surrounding the PTR is presently served by 2-lane arterial roads, such as Chapel Point Road and Shirley Drive. If approved the development allowed by the ZTA, even if access is provided where possible to U.S. 301, would substantially increase the traffic on these roads resulting in demands for road “improvements” further impacting the PTR.

Although the ZTA includes a number of positive purposes and objectives there is little substance to support a prediction that the amount of development allowed by the rezoning would, at best, cause little or no harm to the PTR or favorably affect the quality of life for the present residents. The ZTA does not clearly describe what development would be allowed in the Critical Area. This is particularly a concern of present residents. In fact, few of the present residents whose lives and property would be affected by the proposed ZTA are aware that their land is subject to the rezoning.

The lack of clarity, standards, and limits in the proposed ZTA, the great potential for the permanent degradation of the PTR and the surrounding watershed lead the Port Tobacco River Conservancy to request that the Planning Commission reject the Zoning Text Amendment as proposed.

Sincerely

Joseph E. Tieger
Vice-President
For/ Board of Directors
Port Tobacco River Conservancy

(attachment)

cc: Ms. S Wagner, Planning and Growth Management

General Comments on the Proposed Zoning Text Amendment (ZTA) #08-98 Waterfront Planned Residential Development Zone (WPRD)

Analysis:

The analysis attached to the ZTA refers to the 1999 and 2007 Waterfront Development Plans and a 2007 staff update to these plans. These plans have not been formally adopted as County policy by an action of the County Commissioners. As such, although relied upon by County staff, these documents are purely informational and have no official status. A similar document, "Nature and Experiential Tourism, Report and Recommendations for Charles County Maryland," prepared by Fremata, Inc., 2000 should also be considered in evaluating the ZTA. The information and recommendations of the "Fremata Report" should also be identified to the Planning Commission and weighed equally in considering the ZTA. In particular, the recommendation that "*Charles County should take the lead in every effort to purchase, protect and or conserve open space and culturally/historical y important sites*" (page 21) should be a guiding principle.

The Fermata report also noted that "Charles County is essentially surrounded by water, and its tidal rivers—the Potomac, Patuxent, Wicomico and Port Tobacco—remain almost completely unleveraged as sources of nature tourism revenue. The county's vast tidal marshes and wetlands as well as its large contiguous tracts of diverse forest habitats have gone unpromoted and unnoticed in planning decisions for the county.(emphasis added)" (Page 17, Recommendations)

The Port Tobacco River Watershed Restoration Action Strategy (WRAS) which was adopted by the County Commissioners by Resolution 07-57, July 31, 2007, and is therefore County policy, includes the following recommendations.

- Use forest conservation fee-in-lieu funds to assist landowners in placing their properties in permanent easement, by paying for the required surveying and easement plat. (emphasis added)
- Set goal of preserving 50% of the Port Tobacco watershed. The County's Comprehensive Plan calls for 50% protection of the County, but does not apply this ratio to each watershed. (Charles County 2006b) County to develop strategy and funding plan to protect 8,850 acres by regulatory methods, easement donation, or acquisition. (emphasis added)
- Work with Conservancy for Charles County and Maryland Environmental Trust to place properties in conservation easements.

Zoning Text Amendment

Notes: The present language in the ZTA (below) provides for "bonus" TDR's for the fifth, seventh, and ninth units. This form of construction subsidy is frequently provided to a proposed development when the development is intended to achieve some high

priority public policy goal such as low income housing. The WPRD does not address any public policy objective that warrants being subsidized through bonus TDRs.

****Density Calculations in the WPRD Zone – To achieve a density over the base density in this zone, the applicant must purchase one Transferable Development Right for each of the fourth, sixth, eighth and tenth lots/dwelling units per acre.

Design Standards:

The second “objective” would allow for “a system of flexible development standards.” Flexibility could include many positive features, such as smaller, more energy efficient housing units and innovative design. However, there is an equal potential for inappropriate design and amenities that would otherwise be precluded by existing ordinances. In order to allow for innovation this element of the ZTA should be conditioned on the inclusion of public review and comment on the proposed innovative features that would otherwise be inconsistent with County code.

← - - - - Formatted: Justified

Environmental Site Design:

This is also called Low Impact Development (LID) and was part of a 2007 law in Maryland that went into effect in 2008 aimed at improving stormwater management practices. Under it, MDE was required to establish regulations and a model ordinance that requires implementation of ESD to the maximum extent practicable. Developers are required to demonstrate that ESD has been implemented to the maximum extent practicable, and that standard best management practices (BMPs) have been used only where absolutely necessary. The model ordinance apparently is still a work in progress, but a consensus proposal for an ordinance was developed by a consortium of watershed, environmental and advocacy groups. It can be found at <http://www.dnr.state.md.us/ed/SWMAActCorePrinciplesAugust07-1.pdf>, if the ZTA is approved these regulations should apply.

LID was developed in Prince George’s county, starting in 1990, as an alternative to best management practices stormwater management such as detention ponds and retention basins, which were found to be neither cost effective nor did results meet water quality goals. LID uses engineered small-scale hydrologic controls to replicate the pre-development [hydrologic regime](#) of [watersheds](#) through [infiltrating](#), [filtering](#), storing, [evaporating](#), and detaining runoff close to its source. The Low Impact Development Center (<http://www.lowimpactdevelopment.org/>) is a non-profit that promotes LID and has a lot of useful information. No stormwater runoff should be allowed to be discharged into stream valleys as this will cause erosion of the stream banks leading to the eventual destruction of stream habitat, the adjoining riparian forest, and siltation of the Port Tobacco River.

Water Supply :

Each proposed development must be evaluated as to the impact it will have on local water supplies, including the wells of adjoining landowners, and identify their water source.

Transportation

Public Transportation

Projects in the WPRD should include an analysis of their impact on or projected demand for public transportation and how the project will provide or support such transportation. This could include a project supported bus system (similar to VanGo) to take residents shopping and to transit centers (i.e., Keller Bus or Metro)

Sensitive lands (stream valleys, steep slopes, etc):

No building, including road crossings, on sensitive lands. Crossings of these areas must be on bridges, not earth fills.

Public waterfront access:

The waters of the State are a public resource and adequate access must be required, including boat launches, fishing piers and beach access if there is one. Adequate parking for cars and boat trailers on pervious surfaces must also be available. If any proposed facilities should require dredging a permanent dredge material disposal site must be identified and a dredge material management plan, including project provided funding, must be part of the plan.

The following facilities are incompatible with the stated objectives of the WPRD and should be excluded:

- golf course
- marina
- hardening of shorelines (with rip rap, bulkheads, etc)
- destruction of tidal or non-tidal marshes
- individual private docks
- intensive develop of any size similar to National Harbor

Zoning Text Amendment – Specific Comments and Recommendations

RED *italics* indicates **PGM** staff comments

GREEN are the edits of the **PTRC**

1

**COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND
2009 Legislative Session**

Legislative Day #

BILL NO. 2009-

Introduced by: Dave Cooksey, Loiderman Soltesz Associates

Date introduced: 00 / 00/ 2009

Public Hearing: // 2009

Commissioners Action: // 2009

Commissioner Votes: WC: , EP: , RC: , SG: , GH:

Pass/Fail:

Effective Date: // 2009 12:01 a.m.

Remarks: _____

2

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2009 Legislative Session

Bill No. 2009-

Chapter. No. 297

Introduced by Charles County Commissioners

Date of Introduction, 2009

BILL

AN ACT concerning: 1

Waterfront Planned Residential Development (WPRD) 2

FOR the purpose of:

Establishing a new floating zone for residential waterfront development.

6

BY repealing and re-enacting with amendments:

Chapter 297- Zoning Ordinance

Article V, Figure V-1 Maximum Residential Densities.

Code of Charles County, Maryland

(June, 2006)

13

Chapter 297- Zoning Ordinance

Article V, Figure V-2 Residential Density Ranges.

Code of Charles County, Maryland

(June, 2006)

3

1

Chapter 297- Zoning Ordinance

Article XVII, §284. TDR receiving area; use of transferable development rights.

Code of Charles County, Maryland

(June, 2006)

6

Chapter 297- Zoning Ordinance

Article XXII, Figure XXII-1 Bufferyard Between Adjacent Zones – Residential

Zones

Code of Charles County, Maryland

(June, 2006)

Chapter 297- Zoning Ordinance
Article XXII, Figure XXII-2 Bufferyard Between Adjacent Zones – Commercial and Industrial Zones
Code of Charles County, Maryland
(June, 2006)

BY adding with amendments:

Chapter 297- Zoning Ordinance
Article VII, §112. Waterfront Planned Residential Development (WPRD) Zone.
Code of Charles County, Maryland
(June, 2006)

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

1

§297-75. Residential density.

Figure V-1 Maximum Residential Densities

Amend as incorporated herein.

Figure V-2 Residential Density Ranges

Amend as incorporated herein.

§297-112. Waterfront Planned Residential Development (WPRD) Zone.

A. PURPOSE. THE WATERFRONT PLANNED RESIDENTIAL DEVELOPMENT (WPRD) FLOATING ZONING DISTRICT shall ACCOMPLISH THE FOLLOWING:

Deleted: IS INTENDED TO

(1) PERMIT AND require THE UNIFIED PLANNING OF DESIGNATED, PRE-MAPPED AREAS IN ORDER TO ACHIEVE THE MIXTURE, VARIETY AND COHESIVENESS OF RESIDENTIAL LAND USES AND AMENITIES THAT SUCH LARGE SCALE PLANNING MAKES POSSIBLE, DESIGNED WITH ENVIRONMENTAL AND GREEN DEVELOPMENT STANDARDS, and that remediate existing environmental deficiencies in the Port Tobacco River watershed as documented by the State or Charles County Government .

Deleted: ENCOURAGE

Deleted: AND ASSIST IN THE RESOLUTION OF AN EXISTING OR DOCUMENTED ENVIRONMENTAL DEFICIENCY

(2) ESTABLISH DEVELOPMENT PARAMETERS FOR RESIDENTIAL LAND USES, DENSITIES, AND DESIGN STANDARDS, WHICH EMBRACE

ENVIRONMENTAL SENSITIVITY AND GREEN DESIGN.

(The underlined terms are undefined, have no standards, and are therefore unenforceable criteria.)

B. OBJECTIVES

(1) CREATE A COMPREHENSIVELY BALANCED MIX OF RESIDENTIAL, RECREATIONAL, COMMERCIAL, AND PUBLIC USES;

(2) ALLOWS FOR A SYSTEM OF FLEXIBLE INNOVATIVE, environmentally friendly DEVELOPMENT STANDARDS that will require the use of sustainably grown and/or recycled materials for residential construction, energy star appliances, high efficiency heating and cooling, renewable energy including wind, solar and geothermal. ~~ENCOURAGE~~ (These terms lack definition or standards) CONSTRUCTION TECHNIQUES WHICH WILL PROVIDE AN ALTERNATIVE TO CONVENTIONAL DEVELOPMENT PATTERNS, INCLUDING Mature Adult only (50+), GATED COMMUNITY CONCEPTS AND UTILIZATION OF REDUCED ROAD SECTIONS AND PRIVATE STREETS; (LEED to the degree that these standards may apply to residential construction.)

Deleted: WHICH WILL

(3) INCORPORATE AN OVERALL REDUCTION IN PROJECT footprint to minimize area of vegetative disturbance THROUGH Innovative DESIGNS TO MAXIMIZE AREAS OF NATIVE VEGETATION AND PROVIDE FOR the planting of only plants native to Maryland and native grass lawns and provide for an increase in SITE BIODIVERSITY No plants identified by the Maryland Department of Natural Resources as invasive may be planted in the WPRD

Deleted: DEVELOPMENT

Formatted: Font color: Green

Formatted: Font color: Green

Formatted: Font color: Green

Formatted: Font color: Green

(4) CREATE DEVELOPMENT DESIGNS THAT LIMIT preclude DISRUPTION OF NATURAL HYDROLOGY BY REDUCING IMPERVIOUS COVER, INCREASING ON-SITE INFILTRATION AND EFFECTIVELY MANAGING STORMWATER RUNOFF. Projects shall incorporate Environmental Site Design principles, as spelled out in the consensus proposal to be found at <http://www.dnr.state.md.us/ed/SWMAActCorePrinciplesAugust07-1.pdf> in stormwater management design.

(5) ~~PROVIDE~~ Establish DEVELOPMENT THAT PROMOTE WALKABLE NEIGHBORHOODS AND PRESERVE UNIQUE ENVIRONMENTAL FEATURES; such as wetlands, stream valleys, bogs and similar habitats as identified and defined by the Maryland Department of Natural Resources and the U.S. Fish and Wildlife Service.

Deleted: S

7

(6) PROVIDE WELL-DEFINED FOCAL POINTS THAT WILL PROVIDE

GATHERING PLACES FOR THE COMMUNITY TO PARTICIPATE IN NEIGHBORHOOD AFFAIRS AND ACTIVITIES;

(7) PROVIDE ARCHITECTURAL DESIGNS THAT ARE COMPLIMENTARY TO THE EXISTING HISTORICAL CHARACTER OF THE NEIGHBORHOOD;

(8) PROVIDE A COMPREHENSIVE NETWORK OF OPEN SPACES (**excluding golf courses**) DESIGNED TO SERVE A VARIETY OF SCENIC, RECREATIONAL, AND ENVIRONMENTAL CONSERVATION PURPOSES, INCLUDING PUBLIC **WATERFRONT ACCESS AND/OR ACCESS TO TIDAL WATERS**;

(9) PROVIDE A SYSTEM OF FORESTED CORRIDORS FOR CONTINUITY OF WILDLIFE AND PLANT HABITAT, AND THE PRESERVATION OF ENVIRONMENTALLY SENSITIVE AREAS AND SIGNIFICANT NATURAL FEATURES **permanently protected from any future disturbance**;

(10) INCORPORATE BEST MANAGEMENT PRACTICES AND GREEN SITE DEVELOPMENT AND BUILDING TECHNIQUES;

(What BMPs, as determined or established by what organization, what does "green site development include/exclude?)

(11) ARRANGE LAND USES TO PROVIDE INTERCONNECTION OF PEDESTRIAN TRAILS AND SIDEWALKS;

(12) TO FOSTER PROSPEROUS AND VIABLE COMMUNITIES THAT ARE OF AN ENHANCED DESIGN AND STRUCTURAL QUALITY WHICH WILL RESULT IN PROPERTY VALUES THAT WILL BE SUSTAINED OVER TIME;

What does this mean? Is there a description?

(13) ~~Shall TO~~ PROVIDE INFRASTRUCTURE DESIGNED TO **avoid the creation of new environmental problems (including diminishment of the water table)** and to **remediate** ~~INCORPORATE ADJACENT FAILED SEPTIC AREAS AND/OR WATER SYSTEMS TO ADDRESS EXISTING DEFICIENCIES within the ZTA area;~~

(14) TO INCORPORATE ENVIRONMENTAL AND CULTURAL RESOURCES and EDUCATIONAL OPPORTUNITIES, WHEN FEASIBLE.

(15) PROVIDE NEW DEVELOPMENT THAT DOES NOT INCREASE WATER QUALITY IMPAIRMENTS.

(16) Any irrigation must be with recycled (grey) water. Only native grasses may be used for lawns and public spaces.

C. GENERAL PROVISIONS 23

(1) THE WPRD IS AN FLOATING ZONING DISTRICT WHICH MAY BE APPLIED TO THE DESIGNATED AREAS SET FORTH IN THIS ORDINANCE, AS SHOWN ON THE AMENDED OVERALL CHARLES COUNTY ZONING MAP.

The present map includes lands that are protected by public ownership and or conservation easements. These lands should be clearly delineated and removed from inclusion in the proposed zoning text amendment.

1

(2) THE MINIMUM gross acreage ASSEMBLAGE OF PROPERTY FOR A 2 WPRD project SHALL BE 250 ~~30~~-ACRES

Small project areas do not provide the siting flexibility necessary to meet the purpose or objectives of the proposed zoning text amendment. Small developments will also lack the economic base to support the planning, public amenities, and environmental remediation identified as objectives of, and presumably, conditions for, the ZTA.

6

(3) PARAMETERS FOR DEVELOPMENT ARE ESTABLISHED THROUGH APPROVAL OF A GENERAL DEVELOPMENT PLAN FOR THE ENTIRE 250 acre or greater WPRD SITE. PRIOR TO DEVELOPMENT ON ANY SITE WITHIN A WPRD, APPROVAL OF SPECIFIC DEVELOPMENT PLANS, INCLUDING, BUT NOT LIMITED TO PRELIMINARY SUBDIVISION PLANS AND SITE DEVELOPMENT PLANS ARE REQUIRED. SPECIFIC DEVELOPMENT PLANS PROVIDE THE DETAILS OF DEVELOPMENT FOR INDIVIDUAL DEVELOPMENT PARCELS IN THE WPRD.

(4) MINIMUM OPEN SPACE FOR A WPRD ZONE SHALL BE ~~40%~~ 50% OF THE TOTAL GROSS TRACT.

(5) A ~~MAXIMUM~~ MINIMUM OF 5% OF THE TOTAL GROSS SITE AREA MAY BE PROPOSED AS COMMERCIAL USES, DIRECTLY RELATED TO THE PRIMARY RESIDENTIAL DEVELOPMENT. All commercial buildings shall meet LEED platinum standards.

(6) THE WPRD HAS A BASE RESIDENTIAL DENSITY OF 3 DWELLING UNITS PER ACRE WITH A MAXIMUM DENSITY OF 6 DWELLING UNITS PER ACRE. THE DETERMINATION OF THE SPECIFIC DENSITY OF DEVELOPMENT OF A PARTICULAR WPRD SITE WILL BE BASED UPON AN APPROVAL OF THE GENERAL DEVELOPMENT PLAN ~~AND THE REQUIREMENTS OF A GROWTH ALLOCATION, IF REQUIRED.~~ WPRD DEVELOPMENTS PROPOSING 4 (3) OR MORE DWELLING UNITS PER ACRE WILL BE REQUIRED TO UTILIZE TDR'S. sent from, forested lands

within the WPRD.

7

(7) A DESIGN CODE WHICH CONFORMS TO THE SITE DESIGN AND ARCHITECTURAL (SDA) GUIDELINES SHALL BE SUBMITTED WITH ANY GENERAL DEVELOPMENT PLAN.

(8) IN ADDITION TO THE BUFFERYARD REQUIREMENTS OF ARTICLE XXIII, DWELLING UNITS LOCATED NEAR THE PERIPHERY OF A WPRD ZONE SHALL BE COMPATIBLE WITH NEIGHBORING AREAS AND PROVIDE ADQUATE TRANSITION IN DENSITY AND DWELLING UNIT TYPE.

(9) A PROPOSED SCHEDULE OF ZONE REGULATIONS, REFLECTIVE OF THE DESIGNS AND PROPOSED STANDARDS PROVIDED ON THE GDP WILL BE INCLUDED AS PART OF THE APPLICATION.

(10) AN APPROVED WPRD ZONE PROJECT SHALL COMPLY WITH ALL APPLICABLE CHARLES COUNTY CHESAPEAKE CRITICAL AREA PROGRAM REQUIREMENTS FOR ANY PORTIONS OF THE SUBJECT SITE CONTAINED WITHIN THE CHESAPEAKE BAY CRITICAL AREA ZONE. GROWTH ALLOCATIONS WILL BE REQUIRED FOR ANY PROJECT THAT EXCEEDS DENSITY ALLOWANCES IN THE COUNTY CRITICAL AREA OVERLAY ZONES.

D. USE REGULATIONS

7

(1) USES PERMITTED, INCLUDING ALL RESIDENTIAL UNIT TYPES AND NON-RESIDENTIAL USES WITHIN HE WPRD ZONE SHALL BE LIMITED TO THOSE USES, AS SET FORTH IN THE GENERAL DEVELOPMENT PLAN.

(2) HEIGHT REGULATIONS, YARD AND SETBACK REGULATIONS, DENSITY AND LOT SIZE STANDARDS SHALL BE THOSE AS SET FORTH IN THE GENERAL DEVELOPMENT PLAN AND THE SCHEDULE OF ZONE REGULATIONS APPLICABLE TO EACH SPECIFIC APPROVED WPRD APPLICATION. THE PROPOSED WPRD DEVELOPMENT STANDARDS, ALTHOUGH DIFFERENT THAN ESTABLISHED SITE DEVELOPMENT STANDARDS, MAY BE APPROVED **after public notice and comment.**

F. REQUIRED PLAN SUBMITTAL

(1) APPLICATIONS FOR A WPRD SHALL BE FILED AND PROCESSED IN THE SAME MANNER AS OTHER AMENDMENTS TO THE CHARLES COUNTY ZONING MAP. NOTICE AND PROCEDURES FOR PUBLIC HEARINGS SHALL CONFORM TO THE PROCEDURES PRESCRIBED IN ARTICLE XXVII, § 297-448 OF THE CHARLES COUNTY ZONING ORDINANCE, AMENDED.

5

(2) THE WPRD APPLICATION SHALL BE ACCOMPANIED BY A DETAILED GENERAL DEVELOPMENT PLAN WHICH SHALL CONSIST OF THE FOLLOWING:

(A) MAP(S), PLAN(S) SHOWING THE FOLLOWING:

- 1. BOUNDARY OF THE PROPOSED WPRD DISTRICT WITH METES AND BOUNDS DESCRIPTION AND ADJACENT PROPERTIES.**
- 2. GENERAL BOUNDARIES, ACREAGE, AND PROPOSED LAND USE OF EACH DEVELOPMENT PARCEL (INCLUDING THE DIFFERENT TYPES AND DENSITIES OF RESIDENTIAL USE AND INTENSITIES OF COMMERCIAL USES).**
- 3. LOCATION OF ALL ADJACENT ARTERIAL AND COLLECTOR STREETS.**
- 4. LANDSCAPING CONCEPT PLAN.**
- 5. TOPOGRAPHIC CHARACTER OF LAND.**
- 6. ENVIRONMENTAL FEATURES ELEMENT, CONTAINING IDENTIFIED ENVIRONMENTAL FEATURES WITHIN THE SITE. (e.g., vegetative cover, soil type, stream valleys, wetlands, existing and historic land use, archeological study results, etc.)**
- 7. PRELIMINARY STORMWATER MANAGEMENT AND DRAINAGE PLAN.**
- 8. GENERAL PHASING BOUNDARIES.**

(B) DEVELOPMENT NARRATIVE INCLUDING AT LEAST THE FOLLOWING:

- 1. DESCRIPTION OF THE PROPOSED WPRD AND THE NATURE OF THE DEVELOPMENT PROPOSED INCLUDING HOW THE SPECIFIC PROPOSAL MEETS THE PURPOSE, OBJECTIVES AND GENERAL PROVISIONS OF THE WPRD ZONE.**
- 2. DISCUSSION OF THE INTERNAL AND EXTERNAL LAND USE RELATIONSHIPS AND COMPATIBILITY.**
- 3. DISCUSSION OF THE PROPOSED PUBLIC FEATURES TO BE PROVIDED INCLUDING PUBLIC ACCESS POINTS TO TIDAL WATER.**
- 4. IDENTIFICATION OF UTILITIES AND SERVICES TO BE PROVIDED FOR THE DEVELOPMENT.**
- 5. SCHEDULE OF DEVELOPMENT PARCELS LISTING LAND USE,**

Formatted: Font color: Sea Green

ACREAGE, DENSITY, AND APPLICABLE DEVELOPMENT 3 STANDARDS.

6. ~~OVERALL DENSITY PROPOSED~~ **for each specific development unit.**

Formatted: Strikethrough

7

7. **LANDSCAPING CONCEPTS.**

8. **PHASING PLAN AND ANTICIPATED TIMING FOR IMPLEMENTATION OF THE DEVELOPMENT.**

9. **MASTER STREET PLAN, INCLUDING STREET WIDTH AND CROSS-SECTIONS AND PEDESTRIAN CIRCULATION PLANS.**

10. **TRAFFIC IMPACT ANALYSIS INCLUDING INFORMATION ON TRIP GENERATION FOR EACH DEVELOPMENT UNIT, TRAFFIC VOLUMES AND LOS CAPACITY ANALYSIS.**

(What is LOS?)

11. **FISCAL ANALYSIS REPORT. THE FISCAL IMPACT STUDY MUST TAKE INTO CONSIDERATION UTILITY, TRANSPORTATION, AIR/WATER QUALITY IMPACTS AND ANY ADDITIONAL FEES OR INCREASE IN FEES or mitigation efforts NECESSARY TO OFFSET THESE IMPACTS.**

12. **RESTRICTIVE COVENANTS (IF APPLICABLE).**

13. **A CONCEPT PLAN OR DESCRIPTION OF THE WATERFRONT AMENITIES BEING PROPOSED including a proposed agreement binding the development to operate and maintain these amenities without the use of public funds.**

(3) **THE COUNTY COMMISSIONERS SHALL INCLUDE CONDITIONS TO THE APPROVAL OF A WPRD INCLUDING MAXIMUM DENSITY, MAXIMUM BUILDING HEIGHTS, MAXIMUM LOT COVERAGE, MINIMUM SETBACKS, TIMING AND PHASING, AND OTHER CONSIDERATIONS.**

§297-284. **TDR receiving areas; use of transferable development rights.**

4

A. Creation and purpose of TDR receiving area; ability to use TDR's.

1) There is hereby created a TDR receiving area, which shall be limited to properties located in the RL, RM, RH, MX, TOD, [and] PRD **AND WPRD** Zones. **Excluding any lands within the Critical area.** A TDR in the above residential zones shall only be used when the development conforms to standards for cluster development or planned development contained in this chapter.

§297-370. **Bufferyards.**

Figure XXII-1 Bufferyard Between Adjacent Zones – Residential Zones

Amend as herein incorporated.

Figure XXII-2 Bufferyard Between Adjacent Zones – Commercial and Industrial Zones

Amend as herein incorporated.

SECTION 2. BE IT FURTHER ENACTED, that this Act shall take effect TEN (10) calendar days after it becomes law.

COUNTY COMMISSIONERS OF
CHARLES COUNTY, MARYLAND

Wayne Cooper, President

Edith J. Patterson, Vice President

Reuben B. Collins, II

Samuel N. Graves, Jr.

Gary V. Hodge
ATTEST:

Denise Ferguson, Clerk

Notes:

**The County Commissioners may not grant density bonuses as set forth in Section 241 for the WPRD.

***Density Calculations in the CER, CMR and CRR Zones – To achieve a density over the base density in these zones, the applicant must purchase one Transferable Development Right for each of the additional ~~third, fifth, seventh and ninth lots/~~ dwelling units per acre.

Formatted: Font color: Green, Strikethrough

Density is established by dividing the number of lots/dwelling units by the number of acres devoted to residential development. The resulting density, usually a mixed number, is used to determine the number of development rights required.

Any fractional portion of a number resulting from a density calculation will follow the automatically be rounded up to the next whole number. For instance, if the resulting density calculation yields 2.01 units per acre, this will be considered to be 3 units per acre, and one Transferable Development Right must be purchased for each of the lots/dwelling units.

****Density Calculations in the WPRD Zone – To achieve a density over the base density in this zone, the applicant must

purchase one Transferable Development Right for each of the ~~fourth, sixth, eighth and tenth lots~~/dwelling units per acre.

Formatted: Font color: Green, Strikethrough

Density is established by dividing the number of lots/dwelling units by the number of acres devoted to residential development. The resulting density, usually a mixed number, is used to determine the number of development rights required. Any fractional portion of a number resulting from a density calculation will automatically be rounded up to the next whole number.

In no case may densities in these zones exceed 15 units per acre in the Core Retail Residential (CRR) and Core Employment Residential (CER) zones or 10 units per acre in the Core Mixed Residential (CMR) zone. In the WPRD zone, 6 units per acre represent the maximum density allowed.