

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2006 Legislative Session

Legislative Day # 10

BILL NO. 2006-09

Introduced by: Charles County Commissioners

RC(D) Lot Size Exemption

Date introduced: 05 / 01 / 2006

Public Hearing: 06 / 19 / 2006

Commissioners Action: 07 / 11 / 2006 Enact

Commissioner Votes: WC: Y, RF: Y, AS: Y, EP: Y, CQK: Y

Pass/Fail: Pass

Effective Date: 07 / 26 / 2006 12:01 a.m.

Remarks: _____

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2006 Legislative Session

Bill No. 2006-09

Chapter. No. 297

Introduced by Charles County Commissioners

Date of Introduction May 1, 2006

BILL

1 AN ACT concerning:

2 **Zoning Ordinance**

3 **Addition of Language to govern the adjustments to minimum lot sizes on certain properties**
4 **in the RC(D) Zoning District**

5
6 FOR the purpose of:

7
8 Adding language to Zoning Ordinance to allow owners of properties within the RC(D) Zone that:
9 (1) contain features that are eligible for listing on the National Register of Historic Places or; (2)
10 contain portions of the Mattawoman Stream Valley as delineated by the U.S. Army Corps of
11 Engineers; to create lots smaller than ten (10) acres in order to protect sensitive natural resources
12 and provide critical supporting infrastructure.

13
14 BY amending:

15 Chapter 297, Section 88 E

16 Code of Charles County

17
18 AND BY adding:

19 Chapter 297, Section 88 F

20 Code of Charles County

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

4
5 **Chapter 297: Zoning**
6 **Article VI - Base Zone Regulations**

7
8 **Section 297-88: Rural Zones:**

9
10 **E. REDUCTION IN MINIMUM LOT SIZE FOR CERTAIN PROPERTIES**
11 **LOCATED WITHIN THE RC(D) RURAL CONSERVATION DEFERRED**
12 **DEVELOPMENT DISTRICT ZONE.**

13
14 **(1) WHERE A PROPERTY IN THE RC(D) ZONE HAS BEEN DETERMINED**
15 **BY THE CHARLES COUNTY PLANNING COMMISSION TO CONTAIN**
16 **A LANDMARK, STRUCTURE, ARCHAEOLOGICAL SITE, OR OTHER**
17 **FEATURE THAT SATISFIES ALL APPLICABLE MARYLAND**
18 **HISTORICAL TRUST ELIGIBILITY REQUIREMENTS FOR LISTING**
19 **ON THE NATIONAL REGISTER OF HISTORIC PLACES OR IS LISTED**
20 **ON SAID REGISTER, IT MAY BE SUBDIVIDED INTO LOTS**
21 **CONTAINING LESS THAN TEN (10) ACRES, IN ACCORDANCE WITH**
22 **THE FOLLOWING CONDITIONS:**

23
24 **(a) THE TOTAL NUMBER OF LOTS THAT MAY BE CREATED ON**
25 **THE SUBJECT PROPERTY SHALL NOT EXCEED THE**
26 **MINIMUM BASE DENSITY OF ONE LOT PER TEN (10) ACRES,**
27 **EXCEPT WHERE PROVIDED IN ACCORDANCE WITH**
28 **SUBPARAGRAPH (b) BELOW.**

29
30 **(b) THE MINIMUM LOT SIZE FOR ALL LOTS CREATED UNDER**
31 **THIS PROVISION SHALL BE THREE (3) ACRES, UNLESS THE**
32 **PROPERTY SHALL BE SERVED BY PUBLIC WATER AND**

1 SEWER, IN WHICH CASE DEVELOPMENT OF THE SUBJECT
2 PROPERTY SHALL BE GOVERNED BY RESTORATION OF
3 THE BASE ZONE THAT APPLIED TO THE SUBJECT
4 PROPERTY IMMEDIATELY PRIOR TO THE ESTABLISHMENT
5 OF THE RC(D) ZONE.

6
7 (c) ANY DEVELOPMENT WHICH RECEIVES AN INCREASE IN
8 MAXIMUM PERMITTED DEVELOPMENT DENSITY,
9 THROUGH RESTORATION OF THE BASE ZONE THAT
10 APPLIED TO THE SUBJECT PROPERTY IMMEDIATELY
11 PRIOR TO THE ESTABLISHMENT OF THE RC(D) ZONE,
12 SHALL BE SUBJECT TO REVIEW AND APPROVAL BY THE
13 SITE DESIGN AND ARCHITECTURAL REVIEW BOARD IN
14 ACCORDANCE WITH § 297-298 OF THE CHARLES COUNTY
15 ZONING ORDINANCE.

16
17 (d) ANY LOTS CREATED UNDER THE TERMS OF THIS
18 PROVISION SHALL BE LOCATED OR SITED, TO THE
19 MAXIMUM EXTENT FEASIBLE, IN AN AREA OF THE
20 PROPERTY THAT WOULD MINIMIZE THE VISUAL IMPACT
21 OF THE SUBDIVISION AND ALL SUBSEQUENT
22 DEVELOPMENT ON THE NATURAL LANDSCAPE AND
23 SETTING OF THE HISTORIC FEATURE. THE CREATION OF
24 NEW LANDSCAPED BUFFERS, EARTHEN BERMS, FENCES, OR
25 WALLS ON THE PROPOSED LOT(S) SHALL BE CONSIDERED
26 AS AN OPTION TO MITIGATE VISUAL IMPACTS ON THE
27 HISTORIC FEATURE ONLY WHEN NO ALTERNATIVE LOT
28 LOCATION OR ARRANGEMENT IS TECHNICALLY FEASIBLE,
29 DUE TO REGULATORY OR ENVIRONMENTAL
30 CONSTRAINTS.

1 (2) **WHERE A PROPERTY OR A PORTION OF A PROPERTY IN THE**
2 **RC(D) ZONE FALLS WITHIN THE BOUNDARIES OF THE**
3 **MATTAWOMAN CREEK STREAM VALLEY, AS DEFINED AND**
4 **DELINEATED BY THE U.S. ARMY CORPS OF ENGINEERS IN THE**
5 **AUGUST 2003 MATTAWOMAN CREEK WATERSHED MANAGEMENT**
6 **PLAN, IT MAY BE SUBDIVIDED INTO LOTS CONTAINING LESS**
7 **THAN TEN (10) ACRES, IN ACCORDANCE WITH THE FOLLOWING**
8 **CONDITIONS:**

9
10 (a) **THE TOTAL NUMBER OF LOTS THAT MAY BE CREATED ON**
11 **THE SUBJECT PROPERTY SHALL NOT EXCEED THE**
12 **MINIMUM BASE DENSITY OF ONE LOT PER TEN (10) ACRES,**
13 **EXCEPT WHERE PROVIDED IN ACCORDANCE WITH**
14 **SUBPARAGRAPH (b) BELOW.**

15
16 (b) **THE MINIMUM LOT SIZE FOR ALL LOTS CREATED UNDER**
17 **THIS PROVISION SHALL BE THREE (3) ACRES, UNLESS THE**
18 **PROPERTY SHALL BE SERVED BY PUBLIC WATER AND**
19 **SEWER, IN WHICH CASE DEVELOPMENT OF THE SUBJECT**
20 **PROPERTY SHALL BE GOVERNED BY RESTORATION OF**
21 **THE BASE ZONE THAT APPLIED TO THE SUBJECT**
22 **PROPERTY IMMEDIATELY PRIOR TO THE ESTABLISHMENT**
23 **OF THE RC(D) ZONE.**

24
25 (c) **ANY DEVELOPMENT WHICH RECEIVES AN INCREASE IN**
26 **MAXIMUM PERMITTED DEVELOPMENT DENSITY,**
27 **THROUGH RESTORATION OF THE BASE ZONE THAT**
28 **APPLIED TO THE SUBJECT PROPERTY IMMEDIATELY**
29 **PRIOR TO THE ESTABLISHMENT OF THE RC(D) ZONE,**
30 **SHALL BE SUBJECT TO REVIEW AND APPROVAL BY THE**
31 **SITE DESIGN AND ARCHITECTURAL REVIEW BOARD IN**

1 **ACCORDANCE WITH § 297-298 OF THE CHARLES COUNTY**
2 **ZONING ORDINANCE.**

3
4 **(d) THE PROPOSED SUBDIVISION SHALL BE DESIGNED IN A**
5 **MANNER THAT NO NEW LOTS OR IMPERVIOUS SURFACES**
6 **SHALL BE CREATED WITHIN THE AREAS OF THE**
7 **DEVELOPMENT SITE THAT FALL WITHIN THE**
8 **MATTAWOMAN CREEK STREAM VALLEY. WHERE A**
9 **POCKET OF DEVELOPABLE LAND IS SURROUNDED BY LAND**
10 **WITHIN THE MATTAWOMAN CREEK STREAM VALLEY, THE**
11 **PLANNING COMMISSION MAY APPROVE A ROAD CROSSING**
12 **TO ACCESS SAID DEVELOPMENT POCKET WHERE IT CAN**
13 **BE DETERMINED THAT NO FEASIBLE ALTERNATIVE EXISTS**
14 **AND THAT THE ROAD CROSSING WILL HAVE MINIMAL**
15 **CLEARING, GRADING AND IMPERVIOUS SURFACE IMPACTS**
16 **ON LAND WITHIN THE MATTAWOMAN CREEK STREAM**
17 **VALLEY.**

18
19 **(e) PRIOR TO THE RECORDATION OF ANY LOT CREATED**
20 **UNDER THE TERMS OF THIS PROVISION, THE PROPERTY**
21 **OWNER SHALL EXECUTE AND RECORD A PERMANENT**
22 **CONSERVATION EASEMENT ON THOSE PORTIONS OF THE**
23 **DEVELOPMENT SITE THAT FALL WITHIN THE**
24 **MATTAWOMAN CREEK STREAM VALLEY TO PROHIBIT**
25 **FUTURE SUBDIVISION OF ALL LAND ON THE**
26 **DEVELOPMENT SITE THAT IS WITHIN THE MATTAWOMAN**
27 **CREEK STREAM VALLEY AND TO MAINTAIN THE LAND IN A**
28 **NATURAL STATE.**

29
30 **[E.] F. Permitted Uses.** The permitted uses within the rural zones shall be in conformance with
31 the uses permitted in the Table of Permissible Uses.¹¹

