

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2009 Legislative Session

Legislative Day # 3

BILL NO. 2009-03

Introduced by: Charles County Commissioners

Removal of the RC(D) Lot Size Exemption

Date introduced: 03 / 11 / 2009

Public Hearing: 03 / 31 / 2009 @ 6:00 p.m.

Commissioners Action: 04 / 15 / 2009 Enact

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

Pass/Fail: Pass

Effective Date: 04 / 25 / 2009 12:01 a.m.

Remarks: _____

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2009 Legislative Session

Bill No. 2009-03

Chapter. No. 297

Introduced by Charles County Commissioners

Date of Introduction March 11, 2009

BILL

AN ACT concerning:

Zoning Ordinance

Removal of Language governing the adjustments to minimum lot sizes on certain properties in the RC(D) Zoning District

FOR the purpose of:

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

BY amending:

Chapter 297- Zoning Regulations

ARTICLE V , § 88 E-F Rural Zones

Code of Charles County

(September, 2008 Edition)

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

Chapter 297: Zoning

Article VI - Base Zone Regulations

Section 297-88: Rural Zones:

[E. Reduction in minimum lot size for certain properties located within the RC(D) rural conservation deferred development district zone.

- (1) Where a property in the RC(D) zone has been determined by the Charles County Planning Commission to contain a landmark, structure, archaeological site, or other feature that satisfies all applicable Maryland Historical Trust eligibility requirements for listing on the National Register of Historic Places or is listed on said register, it may be subdivided into lots containing less than ten (10) acres, in accordance with the following conditions:
 - (a) The total number of lots that may be created on the subject property shall not exceed the minimum base density of one lot per ten (10) acres, except where provided in accordance with subparagraph (b) below.
 - (b) The minimum lot size for all lots created under this provision shall be three (3)

acres, unless the property shall be served by public water and sewer, in which case development of the subject property shall be governed by restoration of the base zone that applied to the subject property immediately prior to the establishment of the RC(D) zone.

- (c) Any development which receives an increase in maximum permitted development density, through restoration of the base zone that applied to the subject property immediately prior to the establishment of the RC(D) zone, shall be subject to review and approval by the Site Design and Architectural Review planner in accordance with § 297-298 of the Charles County Zoning Ordinance.
 - (d) Any lots created under the terms of this provision shall be located or sited, to the maximum extent feasible, in an area of the property that would minimize the visual impact of the subdivision and all subsequent development on the natural landscape and setting of the historic feature. The creation of new landscaped buffers, earthen berms, fences, or walls on the proposed lot(s) shall be considered as an option to mitigate visual impacts on the historic feature only when no alternative lot location or arrangement is technically feasible, due to regulatory or environmental constraints.
- (2) Where a property or a portion of a property in the RC(D) zone falls within the boundaries of the Mattawoman Creek Stream Valley, as defined and delineated by the U.S. Army Corps of Engineers in the august 2003 Mattawoman Creek watershed management plan, it may be subdivided into lots containing less than ten (10) acres, in accordance with the following conditions:
- (a) The total number of lots that may be created on the subject property shall not exceed the minimum base density of one lot per ten (10) acres, except where provided in accordance with subparagraph (b) below.

(b) The minimum lot size for all lots created under this provision shall be three (3) acres, unless the property shall be served by public water and sewer, in which case development of the subject property shall be governed by restoration of the base zone that applied to the subject property immediately prior to the establishment of the RC(D) zone.

(c) Any development which receives an increase in maximum permitted development density, through restoration of the base zone that applied to the subject property immediately prior to the establishment of the RC(D) zone, shall be subject to review and approval by the Site Design and Architectural Review planner in accordance with § 297-298 of the Charles County Zoning Ordinance.

(d) The proposed subdivision shall be designed in a manner that no new lots or impervious surfaces shall be created within the areas of the development site that fall within the Mattawoman Creek Stream Valley where a pocket of developable land is surrounded by land within the Mattawoman Creek Stream Valley, the Planning Commission may approve a road crossing to access said development pocket where it can be determined that no feasible alternative exists and that the road crossing will have minimal clearing, grading and impervious surface impacts on land within the Mattawoman Creek Stream Valley.

(e) Prior to the recordation of any lot created under the terms of this provision, the property owner shall execute and record a permanent conservation easement on those portions of the development site that fall within the Mattawoman Creek Stream Valley to prohibit future subdivision of all land on the development site that is within the Mattawoman Creek Stream Valley and to maintain the land in a natural state.]

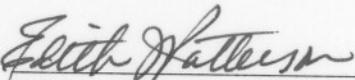
[F.] E. Permitted Uses. The permitted uses within the rural zones shall be in conformance with the uses permitted in the Table of Permissible Uses.

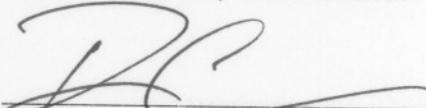
SECTION 2. BE IT FURTHER ENACTED, that this Act shall take effect TEN (10) calendar days after it becomes law.

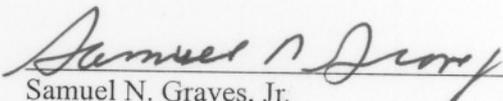
SECTION 3. BE IT FINALLY ENACTED, that this Act shall not apply to any projects which were filed and under review by the County prior to the introduction of this Bill on March 11, 2009.

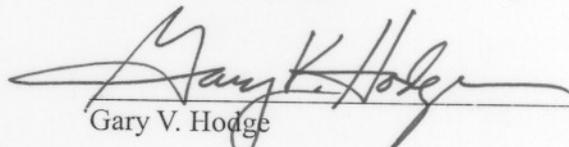
COUNTY COMMISSIONERS OF
CHARLES COUNTY, MARYLAND


Wayne Cooper, President

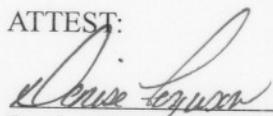

Edith J. Patterson, Vice President


Reuben B. Collins II


Samuel N. Graves, Jr.


Gary V. Hodge

ATTEST:


Denise Ferguson, Clerk

NOTICE
Enactment of Bill 2009-03

Removal of Language governing the adjustments to minimum lot sizes on certain properties in the RC(D) Zoning District

The Charles County Commissioners enacted Bill 2009-03, Removal of language governing the adjustments to minimum lot sizes on certain properties in the RC(D) Zoning District on April 15, 2009. The Bill removes language to the County's Zoning Ordinance that allowed owners of properties within the RC(D) Zone that: (1) contain features that are eligible for listing on the National Register of Historic Places or; (2) contain portions of the Mattawoman Stream Valley as delineated by the U.S. Army Corps of Engineers; to create lots smaller than ten (10) acres in order to protect sensitive natural resources and provide critical supporting infrastructure. Bill 2009-03 becomes effective on April 25, 2009.

Please publish in the Maryland Independent 3 times

Send bill to: Denise Ferguson, Clerk
Charles County Commissioners
P.O. Box 2150
La Plata, MD 20646

FAX to Legal Advertising:
Maryland Independent
301-627-2835