COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2011 Legislative Session

Legislative Day #___

BILL NO. 2011-05

Introduced by: Cornell Posey

Public Hearing: 06 / 15 / 2011

Commissioners Action: 07 / 27 / 2011 Denied

Commissioner Votes: CQK: N , RC: N , KR: N , DD: N , BR N

Pass/Fail: Fail

Effective Date: 07 / 28 / 2011 12:01 a.m.

Remarks: Bill failed by a 5-0 vote.

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2011 Legislative Session

Bill No. 2011-05

Chapter. No. 297

Introduced by Cornell Posey

BILL

AN ACT concerning:

Affordable Housing in the Rural Area

FOR the purpose of:

Permitting affordable, multi-family housing in the Agricultural Conservation (AC) and Rural Conservation (RC) zones.

BY repealing and reenacting, with amendments:

Chapter 297- Zoning Ordinance
Article IV, § 63, Figure IV-1 Table of Permissible Uses.
Code of Charles County, Maryland
(June, 2006)

Chapter 297- Zoning Ordinance
Article V, § 75, Figure V-1 Maximum Residential Densities.
Code of Charles County, Maryland
(June, 2006)
Chapter 297- Zoning Ordinance

Article VI, § 87, Figure VI-1 Schedule of Zone Regulations: Agricultural Conservation Zone.
Code of Charles County, Maryland
(June, 2006)

Chapter 297- Zoning Ordinance
Article VI, § 88, Figure VI-2 Schedule of Zone Regulations: Rural Residential Zones
Code of Charles County, Maryland
(June, 2006)

Chapter 297- Zoning Ordinance
Article XIII, § 212, Uses corresponding with the Table of Permissible Uses.
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:

§ 297-63. Figure IV-1 Table of Permissible Uses

Incorporated herein.

§ 297-75. Figure V-1 Maximum Residential Densities

Incorporated herein.

Figure VI-1 Schedule of Zone Regulations: Agricultural

Conservation Zone

Incorporated herein.

§ 297-88. Rural zones.

Figure VI-2 Schedule of Zone Regulations: Rural Residential Zones

Incorporated herein.

§ 297-211. Uses corresponding with Table of Permissible Uses.

3.02.100 Single-family attached residential: duplex. [Amended 3-1-1999 by Ord. No. 99-16; 10-25-1999 by Ord. No. 99-92; 7-25-2005 by Ord. No. 05-01]

This use is permitted with conditions in the PRD, MX, TOD, CER, CMR and CRR Zones, subject to the requirements below. Where this use is shown and approved on a master plan, general development plan or preliminary plan of subdivision, it is permitted in the PUD and WPC Zones, subject to the following requirements:

A. This use is permitted in the PRD and MX Zones subject to all applicable provisions of Article VII, Planned Development Zones.

B. The conditions for this use are the same as specified below for 3.02.200 Single-family attached residential: townhouse.

THIS USE IS PERMITTED BY SPECIAL EXCEPTION IN THE AC AND RC ZONES, SUBJECT TO THE SAME CONDITIONS AS SPECIFIED IN USE 3.02.200 IN ADDITION TO THE FOLLOWING

REQUIREMENTS:

A. ALL DUPLEX UNITS WILL BE FOR AFFORDABLE HOUSING ONLY. AFFORDABLE HOUSING IS DEFINED AS HOUSING LOCATED IN CHARLES COUNTY THAT CAN BE RENTED OR PURCHASED BY HOUSEHOLDS EARNING BETWEEN 30-80% OF THE CHARLES COUNTY MEDIAN FAMILY INCOME AS DETERMINED ANNUALLY BY THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

B. THE MAXIMUM AREA FOR AFFORDABLE HOUSING ON ANY GIVEN TRACT SHALL BE 20 ACRES.

C. MUST BE WITHIN 0.25 MILES OF AN EXISTING PUBLIC ELEMENTARY, MIDDLE OR HIGH SCHOOL.

D. MUST BE WITHIN 0.25 MILES OF TWO (2) EXISTING PUBLIC TRANSPORTATION STOPS.

E. MUST BE WITHIN 5 MILES OF AN EXISTING COMMUNITY CENTER.

F. MUST HAVE AN APPROVED SEWAGE EASEMENT PLAT FROM THE CHARLES COUNTY DEPARTMENT OF HEALTH AND HYGIENE.

G. APPLICANT MUST SUBMIT A PRO FORMA FOR REVIEW BY THE HOUSING AUTHORITY TO INCLUDE:

(1) PROJECT TIMELINE;

(2) POTENTIAL NON-PROFIT FUNDING SOURCES AND/OR GRANTS; AND

(3) AN AFFORDABLE HOUSING NEEDS ANALYSIS FOR THE AREA IN WHICH THE PROJECT IS PROPOSED.

H. APPLICANT MUST INCLUDE DRAFT DOCUMENTS FOR REVIEW BY THE COUNTY ATTORNEY AND HOUSING AUTHORITY TO INCLUDE ANY POLICIES, PROCEDURES, AGREEMENTS AND/OR COVENANTS IN ORDER TO VERIFY, IMPLEMENT AND MONITOR THE USE OF THE UNITS AS AFFORDABLE HOUSING. AT A MINIMUM THE DRAFT DOCUMENTS SHOULD INCLUDE:

(1) ELIGIBILITY REQUIREMENTS FOR RESIDENTS.

(2) DESIGNATION OF THE RESPONSIBLE ENTITY FOR REVIEWING ELIGIBILITY AND QUALIFYING TENANTS FOR AFFORDABLE HOUSING.

(3) SPECIFY CONDITIONS FOR SUBSEQUENT SALE OR RENTAL UNITS TO ENSURE THE UNITS REMAIN RESERVED FOR THOSE NEEDING

AFFORDABLE HOUSING.

(4) DESIGNATION OF A TIME FOR DEVELOPMENT TO BE MAINTAINED AS AFFORDABLE HOUSING BEFORE IT CAN BE SOLD OR RENTED AS MARKET RATE HOUSING.

I. A MINIMUM OF 60% OF THE PROPERTY SHALL BE DEVOTED TO GREEN AREA AND OUTDOOR RECREATION SPACE.

3.02.300 Single-family attached residential: multiplex. [Amended 3-1-1999 by Ord. No. 99-16; 10-25-1999 by Ord. No. 99-92; 7-25-2005 by Ord. No. 05-01]

This use is permitted with conditions in the PRD, MX, TOD, CER, CMR and CRR Zones, subject to the same conditions as specified in Use 3.02.200. Where this use is shown and approved on a master plan, general development plan or preliminary plan of subdivision, it is permitted in the PUD and WPC Zones, subject to the same conditions for this use as Use 3.02.200.

THIS USE IS PERMITTED BY SPECIAL EXCEPTION IN THE AC AND RC ZONES, SUBJECT TO THE SAME CONDITIONS AS SPECIFIED IN USE 3.02.200 IN ADDITION TO THE FOLLOWING REQUIREMENTS:

A. ALL MULTIPLEX UNITS WILL BE FOR AFFORDABLE HOUSING ONLY. AFFORDABLE HOUSING IS DEFINED AS HOUSING LOCATED IN CHARLES COUNTY THAT

CAN BE RENTED OR PURCHASED BY HOUSEHOLDS EARNING BETWEEN 30-80% OF THE CHARLES COUNTY MEDIAN FAMILY INCOME AS DETERMINED ANNUALLY BY THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

B. THE MAXIMUM AREA FOR AFFORDABLE HOUSING ON ANY GIVEN TRACT SHALL BE 20 ACRES.

C. MUST BE WITHIN 0.25 MILES OF AN EXISTING PUBLIC ELEMENTARY, MIDDLE OR HIGH SCHOOL.

D. MUST BE WITHIN 0.25 MILES OF TWO (2) EXISTING PUBLIC TRANSPORTATION STOPS.

E. MUST BE WITHIN 5 MILES OF AN EXISTING COMMUNITY CENTER.

F. MUST HAVE AN APPROVED SEWAGE EASEMENT PLAT FROM THE CHARLES COUNTY DEPARTMENT OF HEALTH AND HYGIENE.

G. APPLICANT MUST SUBMIT A PRO FORMA FOR REVIEW BY THE HOUSING AUTHORITY TO INCLUDE:

(1) PROJECT TIMELINE;

(2) POTENTIAL NON-PROFIT FUNDING SOURCES AND/OR GRANTS; AND

(3) AN AFFORDABLE HOUSING NEEDS ANALYSIS FOR THE AREA IN WHICH THE PROJECT IS PROPOSED.

H. APPLICANT MUST INCLUDE DRAFT DOCUMENTS FOR REVIEW BY THE COUNTY ATTORNEY AND HOUSING AUTHORITY TO INCLUDE ANY POLICIES, PROCEDURES, AGREEMENTS AND/OR COVENANTS IN ORDER TO VERIFY, IMPLEMENT AND MONITOR THE USE OF THE UNITS AS AFFORDABLE HOUSING. AT A MINIMUM THE DRAFT DOCUMENTS SHOULD INCLUDE:

(1) ELIGIBILITY REQUIREMENTS FOR RESIDENTS.

(2) DESIGNATION OF THE RESPONSIBLE ENTITY FOR REVIEWING ELIGIBILITY AND QUALIFYING TENANTS FOR AFFORDABLE HOUSING.

(3) SPECIFY CONDITIONS FOR SUBSEQUENT SALE OR RENTAL UNITS TO ENSURE THE UNITS REMAIN RESERVED FOR THOSE NEEDING AFFORDABLE HOUSING.

(4) DESIGNATION OF A TIME FOR DEVELOPMENT TO BE MAINTAINED AS AFFORDABLE HOUSING BEFORE IT CAN BE SOLD OR RENTED AS

MARKET RATE HOUSING.

I. A MINIMUM OF 60% OF THE PROPERTY SHALL BE DEVOTED TO GREEN AREA AND OUTDOOR RECREATION SPACE.

SECTION 2. BE IT FURTHER ENACTED, that this Act did not pass and shall not be enacted as law.

COUNTY COMMISSIONERS OF
CHARLES COUNTY, MARYLAND

Candice Quinn Kelly, President

Reuben B. Collins, II, Esq., Vice President

Ken Robinson

Debra M. Davis, Esq.

Bobby Rucci

ATTEST:

Denise Ferguson, Clerk

Figure VI-1
Schedule of Zone Regulations: Agricultural Conservation Zone

ABBREVIATIONS:
du: dwelling unit.
FAR: floor area ratio. An intensity measured as a ration derived by dividing the total floor area of a building by the base site area.
ISR: impervious surface ratio. The ratio derived by dividing the area of impervious surface by the base site area. Impervious surfaces are those which do not absorb water. They consist of all buildings, parking areas, driveways, roads and sidewalks.

Uses	Minimum Lot Criteria					Minimum Yard Requirements (feet)				Maximum Height		Lot Coverage	Intensity	Minimum Open Space	Maximum ISR	Minimum Tract Size
	Area	Square feet per du	Width (feet)	Depth (feet)	Frontage (feet)	Front	Side	Total	Rear	Feet	Stories					
AC Zone																
Agricultural 1.00.000	3 acres		150	200	120	75	40	80	50	40						
Grain dryers, etc. 1.01.410	20 acres		600	600	450	200	200	400	200							
Commercial stables 1.01.500	20 acres		350	350	300	100	100	200	100	40						
Park-and-ride facilities 4.09.200	1 acre		100	150	75	30	15	30	20							
DUPLEX 3.02.100	**20 ACRES**	**800 SQUARE FEET**	**50**	**100**	**30**	**30**	**15**	**40**	**20**	**30**	**2**			**60%**	**0.35**	**20 ACRES**
MULTIPLEX 3.02.300	**20 ACRES**	**800 SQUARE FEET**	**50**	**100**	**30**	**30**	**15**	**40**	**20**	**30**	**2**			**60%**	**0.35**	**20 ACRES**
Sawmill 7.01.230	20 acres		800	800	650	100	300	600	300	40						
Residential lots less than 3 acres created before 12-31-1974	20,000 square feet					30	8	18	20							
All other permitted uses	3 acres		150	200	120	75	40	80	50	40	3					

Figure VI-2
Schedule of Zone Regulations: Rural Residential Zones

ABBREVIATIONS:
du: dwelling unit.
FAR: floor area ratio. An intensity measured as a ratio derived by dividing the total floor area of a building by the base site area.
ISR: impervious surface ratio. The ratio derived by dividing the area of impervious surface by the base site area. Impervious surfaces are those which do not absorb water. They consist of all buildings, parking areas, driveways, roads and sidewalks.

Uses	Minimum Lot Criteria					Minimum Yard Requirements (feet)				Maximum Height		Lot Coverage	Intensity	Minimum Open Space	Maximum ISR	Minimum Tract Size
	Area	Square feet per du	Width (feet)	Depth (feet)	Frontage (feet)	Front	Side	Total	Rear	Feet	Stories					
RC Zone																
Agricultural 1.00.000	3 acres[1]		150	200	120	75	40	80	50	40						
Grain dryers, etc. 1.01.410	20 acres		600	600		200	200	400	200	40						
Residential 3.00.000	3 acres[1]		120	200	100	50	30	60	50	36	3					
DUPLEX 3.02.100	**20 ACRES**	**800 SQUARE FEET**	**50**	**100**	**30**	**30**	**15**	**40**	**20**	**30**	**2**			**60%**	**0.35**	**20 ACRES**
MULTIPLEX 3.02.300	**20 ACRES**	**800 SQUARE FEET**	**50**	**100**	**30**	**30**	**15**	**40**	**20**	**30**	**2**			**60%**	**0.35**	**20 ACRES**
Institutional/utilities/ recreation 4.00.000	3 acres[1]		120	200	100	50	30	60	50	36	3		0.20 FAR			
Park-and-ride facilities 4.09.200	1 acre		100	150	75	30	15	30	20							
Sawmills 7.01.230	20 acres		800	800	650	100	300	600	300	40						
Residential lots less than 3 acres (existing prior to 10-31-2000)						30	15	35	36	36	3					
RR Zone																
Agricultural 1.00.000	3 acres		150	200		75	40	80	50	40						
Residential 3.00.000	30,000 square feet		100	150	80	40	20	40	40	36	3	25%		15%		
Institutional/utilities/ recreation 4.00.000	1 acre		100	150	80	50	20	40	40	36	3	30%				
Residential lots less than 3 acres (existing prior to 10-31-2000)			100			30	15	35	30	36	3	30%				

NOTES:
[1] For the RC(D) Zone, the minimum lot area shall be 10 acres, except as set forth in §297-88D for Neighborhood Conservation Districts.