Chapter 3: Land Use

Land Use 3-1
Goals and Objectives 3-1
Land Use Plan 3-2
Changes from the 2006 Land Use Map 3-4
Other Land Use Map elements 3-13
The Sustainable Growth & Agricultural Preservation Act (Land Use Tiers) 3-18
Growth Rate 3-19
Rights of Development, Grandfathering 3-20
Regional and Inter-Jurisdictional Coordination 3-20
Summary 3-21
Policies 3-24
Actions 3-25

Chapter 3
Land Use

The land use plan is the most important element of the Charles County Comprehensive Plan because it establishes the relationship between the County's existing pattern of development and the location, distribution, and scale of future development.

The land use element integrates goals and objectives from all chapters, and expresses a future vision of Charles County's pattern of development and preservation.

Goals & Objectives

3.1 Maintain a planned land use pattern that gives opportunities to create great places to live, work, play and a vibrant county economy.

3.2 Concentrate most future growth in areas of the County already served or proposed to be served with public water and sewer. Direct 75 percent of future residential growth to the sewer service areas and to the Towns of Indian Head and La Plata.

3.3 Plan for and encourage the highest development densities along the planned US 301 transit corridor.

3.4 Provide adequate land area for the approximately 32,000 new dwelling units projected to be built in the County by 2040 and to expand the county tax base and accommodate at least 20,898 new jobs.

3.5 Ensure that the amount and rate of development in the County is consistent with its ability to provide necessary public facilities and services in a timely, cost effective and efficient manner.

3.6 Locate future employment uses in and near existing employment areas in Waldorf (including St. Charles), in White Plains, within Maryland Airport, in the Towns, selected villages, and adjacent to the Harry Nice Bridge.

3.7 Concentrate commercial and business areas primarily in the currently developed portions of the development district and in the towns of La Plata and Indian Head, and secondarily in the development districts and village centers rather than sprawling along the County's major roads.

3.8 Provide services for rural areas in existing villages while protecting their unique character.

3.9 Protect the County’s natural resources.

Land use plan

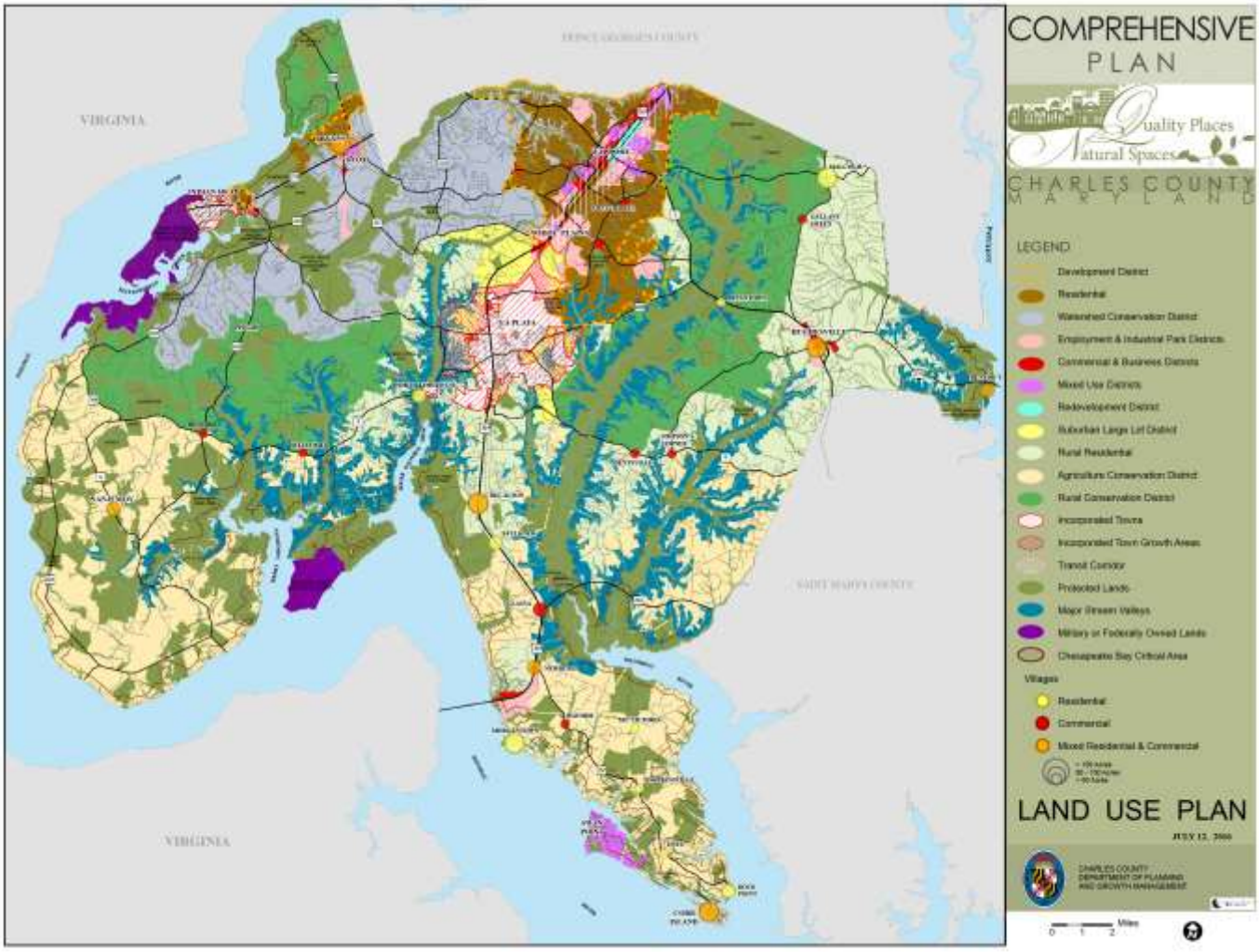
The County future land use plan contains 12 general land use areas or districts:

1. Development District
2. Residential District
3. Employment and Industrial Districts
4. Commerical and Business Districts
5. Mixed Use Districts
6. Redevelopment District
7. Watershed Conservation District
8. Villages
9. Rural Conservation District
10. Agricultural Conservation District
11. Suburban – Large Lot District
12. Rural Residential District

The districts derive from a number of inter-related determinants including: existing land use patterns; projected growth and development trends; the natural capacity and suitability of the land to support development; the availability or proposed availability and adequacy of development infrastructure (roads, sewer and water); and the Comprehensive Plan's goals and objectives. The district descriptions below outline the general type, intensity and/or character of development envisioned for the district.

The Land Use Plan Map (Figure 3-1) shows the general location of the districts and establishes the framework and basis for a further refined classification of land into districts for zoning purposes. The land use plan also serves as a guide to County decision makers regarding community facilities (primarily schools, and water and sewer) and transportation planning. The land use map graphic was updated from the previous 2006 plan to better graphically illustrate the land use relationship with the existing protected lands.

Figure 3-1 Land Use Map



Changes from the 2006 Land Use Map

This 2016 Comprehensive Plan makes a number of significant changes to the 2006 Comprehensive Plan's Land Use Concept Plan:

1. Replaces the 2006 Plan's Urban Core with a Transit Corridor. The Urban Core was first established in the 1990 Comprehensive Plan to encourage high-density suburban or urban centers. With a few exceptions the Urban Core has developed at medium rather than at high density and intensity. To encourage higher density, transit-supportive development this 2016 Plan designates future transit stations. The new Transit Corridor further focuses density more directly on the US 301 corridor from Waldorf to White Plains.
2. Designates a new "Redevelopment District" over the Waldorf Urban Design Study area, now referred to as the Waldorf Urban Redevelopment Corridor (WURC) (see below).
3. Revises the Rural Conservation District (RC) to include the Rural Legacy Area, other lands predominantly covered by agricultural and forest uses, and parts of the County's Zekiah Swamp Run watershed which is the County's Rural Legacy Area. These areas are designated as a "Tier IV" Area of the Tier Map by the Sustainable Growth and Agricultural Preservation Act of 2012.
4. Deletes all future road improvements from being shown on the land use map, but it includes them in the Transportation Element (see Chapter 8).
5. Deletes the Neighborhood Conservation Districts. These districts were established in 1990 to recognize residential subdivisions that had already been developed in the County. In these districts future development was to be permitted to continue in the density and pattern at which the respective subdivisions were designed at the time they were first planned. The 2006 Plan deleted these districts in the Development District but in the Deferred Development District, minor subdivisions at a base density of one dwelling unit per acre is permitted. These subdivisions have now had 12 years to complete their development plans since the Deferred Development District was created in 2000, and future development should occur in a manner consistent with this 2016 Comprehensive Plan. Implementing this Comprehensive Plan provision will require revising the County Code at §297-88.
6. All of the Villages from the 2006 Plan are retained; however the 2016 Plan classifies them by size and future function and includes Bryans Road as a mixed use village (see below and in Chapter 10).
7. Does not show the Highway Corridor District. This district was created in the 1990 Comprehensive Plan and first mapped in the 1997 Plan. The Highway Corridor District is an overlay district designed to protect and improve the visual appearance along key highway corridors and to ensure that buffering, landscaping, lighting, signage, and proposed structures are internally consistent and of a quality that contributes to County character. This district is well established and is codified in Article X of the zoning code, so it is no longer needed on the Land Use Plan Map.
8. Shows lands protected as of 2014 to provide a framework for land use policy decisions. Protected lands are recreation or natural resource-oriented open space lands under government or conservation organization ownership or perpetual easement, plus land in the Resource Protection Overlay Zoning district.
9. Revises the Rural Residential Land Use Category to be more accurately described as Suburban – Large Lot (1 unit per acre) to correspond with the designation of this area as

either "Tier II" or "Tier III" (depending on its location) on the Tier Map. Provides direction for future comprehensive rezoning of this area as such.

10. Revises the majority of the previously designated Rural Conservation land uses to be more accurately described as Rural Residential Land Use (1 unit per 3 acres) to correspond with the direction to designate this area as "Tier III" on the Tier Map such that the future vision for the land use will no longer be dominated by agriculture or forestry, but predominantly residential large lot uses of 3 acres or greater. Provides direction for future comprehensive rezoning of this area as such.
11. Eliminated the Deferred Development District (DDD) from the Land Use Map. This is revised to designate a new land use category titled: "Watershed Conservation District (WCD)" with a density of one unit per ten acres (1:20) to recognize the importance of protecting the Mattawoman Stream Valley and Creek with limited impervious coverage and to better align with the Tier Map designation of a "Tier IV" area.
12. Revises the Agricultural Conservation (AC) Land Use District to designate an area south of State Highway 6 in the southern county as such. This designation keeps the land use density at one unit per three acres, but recognizes that it may not be possible to achieve this density because of the Tier Map restrictions limiting development to minor subdivisions on septic systems of no more than seven (7) lots regardless of parcel size. However, the intent of this designation is to recognize the importance of farm and forest lands in Charles County and to better prioritize farmland protection policies and programs to this area to help preserve farmlands. (See Chapter 11, Agriculture, Fisheries and Forestry for the PPA area map).
13. This plan reduces the Development District in the Waldorf area and Bryans Road by over 30,000 acres, redrawing it to match a revised Priority Funding Areas (PFA) in this vicinity. The result of this is the need to rezone the remaining undeveloped lands to a lower and more appropriate density outside of the Development District.
14. Revises the previously designated Industrial and Employment based land uses around the Maryland Airport and for the Indian Head Science and Technology Park to Watershed Conservation District in order to further protect water quality and the Mattawoman Creek.
15. Reduces densities only in the major stream valleys of the rural areas in Agricultural Conservation and Rural Conservation from one unit per three acres (1:3) to one unit per ten acres (1:10).

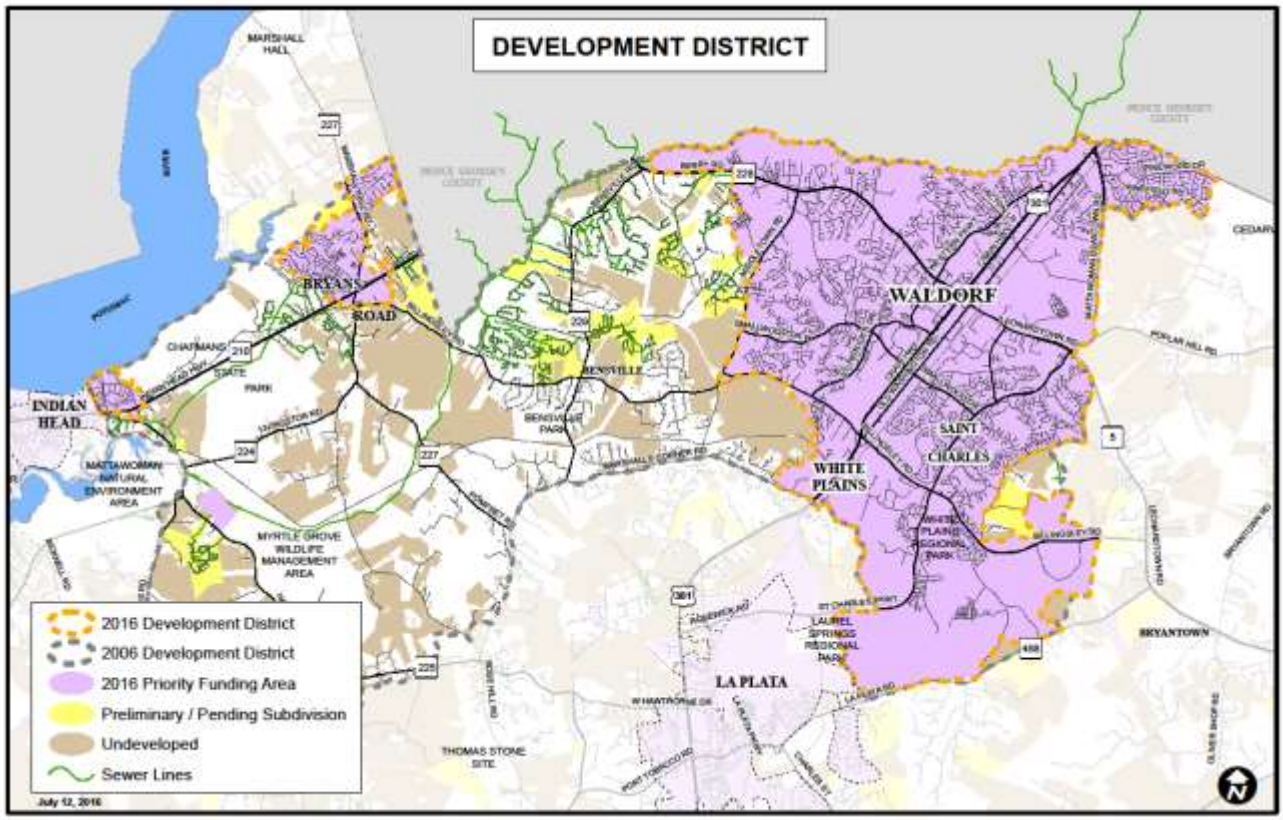
The following land use districts correspond to permitted densities, intensities and zoning as stipulated in Tables 3-2 and 3-3 of this Chapter. In addition, they also correspond to tier map designations regarding allowance of development on septic systems or those areas to be serviced by sewage treatment facilities, and subject to other criteria, as stipulated in the Sustainable Growth and Agricultural Preservation Act of 2012 (SB236). (See Figure 3-3 and associated text further in this Chapter for additional information).

1. Development Districts

The Land Use Plan Map designates a primary Development District of approximately 22,189 acres. This Development District is the principal center of population, services and employment for the County. The incorporated Towns of La Plata and Indian Head serve as separate development districts, although the towns are not under the planning authority of the Charles County government. The Development Districts are the most suitable areas for

new population growth. This plan reduced the Development District from previous plans by matching the Development District with the modified Priority Funding Area in the northern part of the County, in part to limit sprawl development and further protect the Mattawoman Creek from runoff from development. It also eliminated the Deferred Development District, converting it to a new Watershed Conservation District. Overall, these changes reduced the Development District from the previous 2006 Comprehensive Plan from 52,200 acres to 22,189 acres for a total reduction in the Development District of 30,011 acres.

Figure 3-2, Development District



The major advantage of the Development District concept is to map in advance those areas where 75% of the County's residential growth will occur and the County will provide infrastructure to support growth, including water and sewer, schools and roads. By providing opportunities for development in these areas, the County can better achieve its resource protection and agricultural preservation objectives by reducing pressure for development in areas dominated by farming activity or natural resources. To further these objectives, the Development District is designated as a receiving area for development rights that may be purchased and transferred from agricultural conservation and rural conservation areas of the County.

Natural resources such as the Mattawoman Creek as well as elements of rural character that are considered desirable within the Development Districts will be protected.

2. Residential District

The Land Use Plan Map shows the general locations of Residential Districts within the Development District. Because the Development District was reduced in size by this plan, it resulted in large areas of existing residential development to be located outside of the Development District. These areas will be grandfathered and continue, while other projects that are not built and vacant properties now located outside of the Development District may be subject to being downzoned to Watershed Conservation District (WCD) to prevent further development at unacceptable densities in these areas.

These districts may contain other uses especially institutional and open space uses. A few small areas of commercial, business, and employment uses may also occur in residential districts, but some of these areas are not identified on the Land Use Plan Map due to their small size.

Residential density within the Residential District will vary ranging from low to moderate density in some areas such as Bensville, Pinefield, and near Indian Head, to higher density in other areas, especially in and near the Transit Corridor. Housing types will be primarily single-family detached, but with townhouses and multi-family units in higher density areas.

A large portion of the east side of the Residential District is St. Charles, a large, mixed use Planned Unit Development that functions under approvals originally granted in the 1974 County Zoning Ordinance. St. Charles covers 8,300 acres and is approximately 65 percent complete. St. Charles will continue to develop consistent with the terms of its approval and in conformance with any other pertinent regulations. St. Charles contains various land uses and is, in part, governed by Docket #90, a land development agreement between Charles County and the developer.

Clustering of residential development is encouraged within the Development District. Since the 1992 comprehensive zoning, most subdivisions in the Development District have followed cluster development procedures that encourage better design than development regulations that apply to conventional subdivisions. The procedures assist in the provision of open space, active and passive recreational areas, landscaping and buffering and, in the case of mixed-residential developments, require a design code for such items as street, block and lot layout, streetscape, and architectural standards.

3. Employment and Industrial Districts

To provide locations for additional up-graded and diverse tax base, business that provides higher quality jobs and more job opportunities in general in the County, the land use plan designates several areas for development into employment and industrial districts. These designations were made based on the following considerations:

- Provide a variety of districts in locations near collector and arterial highways and which have or could have access to water and sewer.
- Proximity and relationship to nearby residential areas.
- Allow for a variety of types of industry job opportunities with varying land use requirements.
- Provide sufficiently large land areas.
- Minimize negative environmental impacts.

Employment and industrial areas are located in several key locations: in and around the established industrial parks at White Plains and DeMarr Road; adjacent to the commercial core in Waldorf; on Billingsley Road near MD 5; in Morgantown; in Hughesville; and within the boundary of the Maryland Airport.

As part of the Comprehensive Plan, a Land Use Market Supply and Demand Analysis was conducted to research the demand for and supply of land in Charles County to satisfy projected population, housing, and employment growth[1]. Based on this Analysis, the Comprehensive Plan does not designate new large additional areas of land for employment or commercial use (see additional discussion in Chapter 7). During the Comprehensive Plan process several participants questioned some of the assumptions in the Land Use Market Supply and Demand Analysis, suggesting that demand for employment and commercial land will be higher than stated. A future study to assess the County's inventory of employment and commercial land is recommended. (See below under Actions).

Commercial and Industrial Floating Zone

To promote economic development and increase the opportunities to attract target industries designated by the Economic Development Department, Commercial, Business and Industrial Parks with a minimum 10-acre area are permitted as a floating Planned Development zone. Such areas would be in addition to the Employment and Industrial Districts designated on the Land Use Plan Map. Guidelines call for a park-like atmosphere providing an attractive buffer between commercial uses and other neighboring land uses. Among the locational criteria considered when approving such a floating zone is the availability of direct traffic access to arterial or collector routes.

4. Commercial and Business Districts

The Land Use Plan Map indicates several core areas in Waldorf and other locations where future commercial development should occur. These areas are centrally located to serve the most concentrated population areas of the County and are accessible to the region by major highways. Combined with the Mixed Use Districts and Villages, these areas will channel commercial development into nodes.

Site plan approval procedures for business parks are required and facilitate coordinating new activities with existing ingress and egress points onto the local street system. Traffic controls can be provided in accordance with anticipated volumes. On-site parking facilities and internal traffic patterns as well as landscaping and buffering are controlled via the site plan review process.

Commercial zoning districts establish access control and landscape or buffer performance standards appropriate to their redevelopment or infill development over time. Where possible, service roads or access management policies will be applied to existing commercial areas adjacent to major routes (e.g., Routes 301, 210, and 5) to protect their through-traffic capacity and function.

Technical Memorandum, July 2011. Note, this Memorandum is provided in the Comprehensive Plan background materials in the County's Planning Division. (See Appendix "C")

The Waldorf area has a legacy of older commercial and business land uses. The Waldorf Sub-Area Plan and the Waldorf Urban Design Study discuss ways in which over time these areas can improve their viability, aesthetics and functionality.

5. Mixed Use Districts

The Land Use Plan Map shows Mixed Use districts in several locations in Waldorf and also in Bryans Road. These areas were first identified as mixed use areas in the Waldorf and Bryans Road-Indian Head Sub-Area Plans. These areas encourage a mix of medium to high density residential, business, and employment uses in a compact, well-designed, pedestrian-friendly environment. The Sub-Area Plans and the Waldorf Urban Design Study contain detailed guidance plans, as well as design concepts to help guide development in these areas. The direction of this plan is to reduce development in the Bryans Road area by focusing development more into a Bryans Road Village center, while rezoning vacant properties previously designated for residential growth by the Bryans Road Sub-Area Plan which are not already fully vested for development. Retail sales over 100,000 square feet on one story is not a use compatible with the intent or purpose of this district (Mixed Use District) and the Transit Corridor.

One other mixed use district is identified on the Land Use Plan Map, Swan Point between Newburg and Cobb Island. This Planned Unit Development functions under a unique approval granted pursuant to the 1974 Zoning Ordinance, and the project will continue to develop consistent with the terms of its approval and with any other pertinent regulations.

6. Redevelopment District

The Redevelopment District recognizes an approximately 320-acre area along Old Washington Road in the heart of Waldorf. The Waldorf Sub-Area Plan (2004) was followed by the Waldorf Urban Design Study (WUDS) that sets forth a vision for a study area comprising the Acton and Waldorf Activity centers, two of four activity centers identified in the Waldorf Sub-Area Plan. The vision is to create a downtown center, an attractive focal point for the larger Waldorf community and a destination with a unique sense of place not offered elsewhere in Waldorf. The WUDS was adopted in 2010 along with changes in the zoning regulations designed to facilitate the types of development that would begin to achieve the vision. This area is now referred to as The Waldorf Urban Redevelopment Corridor (WURC) and is discussed further in Chapter 10.

Transit Corridor

The Transit Corridor is a sub-area of the Development District, surrounding and including the business and commercial centers along US 301 from Waldorf to White Plains. This portion of the County has the closest links to the Washington metropolitan area, and has the best opportunity for the use of alternative modes of transportation, including transit.

This area encourages an integrated mix of medium to high density residential, business, and employment uses in a compact, well-designed, mixed-use, pedestrian-friendly environment. Such higher density development promotes alternative modes of transportation, including mass transit and efficient investment in urban services.

Since the highest residential densities are envisioned in the Transit Corridor and mixed use area, lower densities are prescribed in other portions of the Development District.

The County envisions that transit-oriented redevelopment will ultimately emanate from the Redevelopment District (Waldorf Urban Redevelopment Corridor) out into the entire Transit Corridor. Redevelopment proposals consistent with the intent of this corridor will be viewed favorably.

7. Watershed Conservation District (WCD)

The Watershed Conservation District (WCD) incorporates the Mattawoman Stream Valley, most of the watershed, plus an additional 1,160 acres on the eastern end of the district which is within the Port Tobacco Watershed. This eastern area is to be removed from the Priority Funding Area (PFA) designation, except for the property planned for a future school site which will retain the PFA designation. The entire WCD covers 37,455 total acres.

The WCD includes protected lands, steep slopes to the top of bank and wetlands. It was defined by analysis completed by the US Army Corps of Engineers and the Maryland Department of Natural Resources. This area is mostly undevelopable due to its topography and natural resources. (See Mattawoman Creek Stream Valley Map in the Natural Resources Chapter 5, Figure 5-5). However, there are additional transitional lands in between the fingers of the slopes. These areas were previously defined as a "Deferred Development District" which was a holding area for potential future development and assigned a density of one unit per ten acres (1:10). This plan protects this sensitive natural resource for its long term value to the community, its ecological, aesthetic and scenic values, and for its recreation and economic value of a sustainable natural resource. New zoning will be developed to implement this land use district and the density will be set at one unit per twenty acres (1:20) on a permanent basis and no longer as a holding area for development. The updated zoning code should also examine the Resource Protection Zone (RPZ) areas to ensure they are compatible with this new land use district. This plan recognizes that there are existing development projects on sewer and water located within the WCD land use area which will be legal non-conforming uses once the zoning is enacted to implement the new land use district.

8. Villages

The concept of the Village is included in the land use plan to recognize and provide for the special needs of these rural, unincorporated population centers. Villages perform a number of functions in the growth management program, including serving as rural service centers, maritime centers, satellites for heritage tourism and ecotourism and locations for rural residential development. Characteristics common to most of the villages are post offices, country stores, locally owned businesses, religious institutions, small residential enclaves and volunteer fire departments/community centers. Villages tend to be basically residential in character, but they can offer some employment through limited retail, commercial services as well as public or institutional uses.

Village designation in the Comprehensive Plan is important in that designated villages are Priority Funding Areas (PFAs). PFAs are areas where the County and State encourage economic development and growth under the state's Smart Growth policies. PFAs are eligible for grants and other funding and assistance to achieve these objectives provided a project is consistent with these policies. In villages consistency means that a project must serve to maintain the character of the community and not serve to increase the growth capacity of the area except for limited peripheral and in-fill development. Removing village

designation would take away the eligibility for funding and assistance and should only be done if further development of a village in a particular location would be undesirable.

Collectively villages play an important part in Charles County life. Villages range in scale from a fork in the road where a general store and service station are located (often referred to as a "commercial crossroads"), to a residential cluster, or "hamlet" surrounding a long-standing business or institutions, and up to a rapidly expanding community that is beginning to emerge as a true mixed-use service center village of regional scope, such as Hughesville. Some, such as Bryantown, have historic designations or heritage elements which suggest future development near them should be limited in scale. As waterfront villages, both Benedict and Cobb Island serve as home to the County's commercial seafood industry work boats that provide it with a unique identity worthy of protection. Benedict is also historically significant for its role in The War of 1812, and is a planned stop on the Star Spangled Banner National Historic Trail that the National Park Service is currently developing between the mouth of the Patuxent River and Fort McHenry to celebrate the bicentennial of this historic event. In 2012, the County adopted a Benedict Waterfront Village Revitalization Plan.

Each of the villages, except Newburg, have either a Village Commercial (CV) or a Village Residential (RV) zoning designation, or a mix of both zoning designations[2]. This plan envisions new zoning categories to be enacted to implement Village Master Plans.

As part of this 2016 Comprehensive Plan update, the County conducted a special assessment of the County's 22 villages to assess their function and potential for growth. This assessment resulted in the following classification of villages, which indicates each village's intended future function and size (see Table 3-1 and the Land Use Plan Map).

Table 3-1 Village Classification

Residential	Commercial	Mixed Residential / Commercial
Small Scale – up to 50 acres		
Bryantown	Dentsville	
Issue	Gallant Green	
Mt. Victoria	Ironsides	
Tompkinsville	Simpson's Corner	
	Wayside	
	Welcome	
Medium Scale - 50 to 150 acres		
Faulkner	Glasva	Benedict

[2] Newburg was zoned differently as it was located close to the former designated Newburg Town Center.

Port Tobacco		Nanjemoy
Rock Point		Newburg
Large Scale - 150 acres plus		
Malcolm		Bel Alton
Morgantown		Cobb Island
		Hughesville
		Bryans Road

Other places in Charles County, such as Pisgah, provide similar functions as the designated villages. To avoid confusion these places are not shown as villages on the Land Use Plan Map because they cannot be PFAs. PFAs only recognize villages that were designated when the Smart Growth Act took effect in 1998. Future development in these places will be considered on a case by case basis. The county will examine opportunities to eliminate the Priority Funding Area (PFA) designations for the small sites located within the Cobb Neck Area which are not in use and transfer those designations to the larger Newburg-Cliffton-Aqualand Sub-Area Plan as needed once the plan has been adopted.

Chapter 10, Community Development, contains additional discussion of development in villages including design concept plans for Bel Alton and Newburg.

9. Rural Conservation District (RC)

The area designated on the Land Use Map as Rural Conservation is a diverse land use and ecological area and includes several current and former sand and gravel mining areas, farm and forest lands, and those lands of most importance for conservation in the Zekiah Swamp Run Watershed. It is focused on land outside the development district and the Zekiah Swamp Run Watershed. Parts of this area have also been designated by the state and County as the Rural Legacy Area. This designation was established in 1998. It is a voluntary program that offers State, federal and local conservation monies for land acquisition or conservation easements on qualifying land to willing property owners seeking to conserve their land. While the zoning allows for 1 unit per 3 acres in upland areas, any development in the ecologically sensitive portions of this area should be designed to minimize impacts to the watershed, drainage and environmentally sensitive resources. This area is designated as “Tier IV” in accordance with the Sustainable Growth and Agricultural Preservation Act of 2012 which only permits minor subdivisions served by individual sewage disposal systems. It is further the intent that areas designated Tier IV are predominantly conservation areas. All major stream valleys within this land use district are restricted to a density of one unit per ten acres (1:10).

10. Agricultural Conservation District (AC)

The area designated on the Land Use Map as the Agricultural Conservation District most closely corresponds to those areas where farming is prevalent. Included are farmlands, open fields, woodlands, stream valley and marshes. In this District, the County seeks to preserve

the agricultural industry and the land base necessary to support it. The County's fine agricultural soils are looked upon as a natural resource to be retained for farm use wherever possible. Although the district allows housing at a density of one unit per three acres (1:3) in upland areas, the Agricultural Conservation District's objective is to promote agricultural conservation by prioritizing this area to concentrate governmental fiscal resources that can be used for agricultural conservation easements. Therefore, it supports clustering of lots with a minimum lot size of 40,000 square feet to reduce the impacts of development on farms and forests. Efforts and techniques to preserve the County farmland resources and agricultural industry are discussed in Chapter 11. All major stream valleys within this land use district are restricted to a density of one unit per ten acres (1:10).

This area is designated as "Tier IV" in accordance with the Sustainable Growth and Agricultural Preservation Act of 2012 which only permits minor subdivisions served by individual sewage disposal systems. It is further the intent that areas designated Tier IV are predominantly conservation related uses.

The area east of Highway 301 where most of the larger tracts of farmland are located is designated as a part of the County's Priority Preservation Area (PPA). By designating this as the PPA, the County will further prioritize this area within the district to focus its farmland preservation programs such as Transfer of Development Rights (TDR's), Purchase of Development Rights (PDR's), Maryland Agricultural Land Preservation Foundation (MALPF), the US Navy's Readiness and Environmental Protection Integration Program (REPI) to buffer nearby military bases from new residential development, and other programs as they become available.

11. Suburban – Large Lot District (SL)

Suburban Large Lot Districts (SL) are areas that surround the Town of La Plata and generally serve to buffer the development district edges from the more rural residential areas of the County. These areas tend to be fairly close to community services and facilities including schools and major roads.

Development in these areas are at one unit per acre with one unit per three acres in the adjacent Rural Residential (RR) land use area. Residential development in this area corresponds to "Tier II" or "Tier III" on the tier map associated with the Sustainable Growth and Agricultural Preservation Act of 2012. Therefore these are consistent with areas planned and zoned for large lot development.

12. Rural Residential Districts (RR)

Rural Residential Districts are intended to allow for rural development at one unit per three acres while preserving the rural character and open space whenever possible. However, major stream valleys within these areas are also subject to a density of one unit per ten acres.

Rural Residential also provides for a full range of agricultural and farming uses and the farmer's right to farm is acknowledged with no restrictions on hours of operation of farm equipment, normal agricultural related noise and odors, and sale of farm products produced on the farm.

Rural Residential Districts are intended to accommodate residential densities up to one dwelling unit per acre with cluster development practices provided the overall gross density remains at one unit per three acres.

This area is designated as "Tier III" per the requirements of the Sustainable Growth and Agricultural Preservation Act of 2012. This designation means that the area is planned and zoned for large lot development on septic tanks as the intended predominant use. Any major subdivisions proposed in Tier III areas require public hearings per the requirements of the legislation.

While farming can and is expected to continue in the near future, the long-range land use over time can be replaced by rural residential housing on large lots as the dominant use. Therefore, the designation of Tier III is appropriate and the designation to Rural Residential (RR) is provided to match this policy. Future comprehensive rezoning of this area will be required to better match the land use designation.

Other Land Use Plan Map elements

Protected Lands

To provide a framework for land use policy decisions the Land Use Plan Map shows "protected lands". Protected lands are recreation or natural resource-oriented open space lands already under government or conservation organization ownership or perpetual easements, plus land in the Resource Protection Zoning district. Protected lands are shown as of 2014 (see Chapter 5).

Chesapeake Bay Critical Area

The Land Use Plan Map shows land in the Chesapeake Bay Critical Area. Maryland's Chesapeake Bay Critical Area law, adopted in 1984, covers lands within 1,000 feet of tidal waters as critical environmental areas in need of protection.

Growth Allocation refers to the size of growth areas assigned to each county based on their shoreline. Charles County has a fixed amount of approximately 1,120 acres of Growth Allocation available for the purposes of increasing the acres of Intensely Developed and Limited Developed Zones. As of 2016, approximately 927 acres remain unallocated (see Chapter 5).

Waterfront Development

Of the County's more than 180 miles of shoreline, relatively little is developed. From an economic development perspective waterfront development can be very valuable and increasing access to the water is also a County recreation objective. A 1999 Waterfront Development Opportunities study identified seven locations as most appropriate for targeting future waterfront development.

- Upper Potomac River shorefront
- Wades Bay/Mallows Bay Corridor
- Potomac River 301 Corridor Crossing
- Village of Benedict
- Mattawoman Creek/Sweden Point
- Port Tobacco River
- Lower Potomac Area

In 2010, the County Commissioners reviewed development concepts for these seven areas and prioritized Port Tobacco, Benedict, and Potomac Crossing/Aqualand for further work.

A Benedict Waterfront Village Revitalization Plan was adopted in 2012 and a plan for Port Tobacco was completed in 2012. This Comprehensive Plan recommends further study to develop a sub area plan for the Potomac River Crossing/Aqualand/Newburg area (see also Chapter 10).

Incorporated Town Growth Areas

The Land Use Plan Map shows Growth Areas around La Plata and Indian Head. As noted in Chapter 1, under state law, the towns have their own planning authority and adopt their own comprehensive plans and land use regulations. Town comprehensive plans must include a "municipal growth element" that identifies the towns' future growth (annexation) areas. The County coordinated the development of the Comprehensive Plan with the towns. The Land Use Plan Map shows La Plata's and Indian Head's future growth area as shown in its Comprehensive Plan.

Federally owned lands – military installations

Charles County is home to two military installations, Naval Support Facility Indian Head and Blossom Point Research Facility. Both are important facilities that the County supports and wants to retain in the County. Two other military installations are located nearby: The Naval Support Facility at Dahlgren, located in King George County, Virginia, and also the Naval Air Station – Patuxent River NAS, located in St. Mary's County, Maryland. The Dahlgren facility is closer, directly across the Potomac River. Although Charles County is within the Military Awareness Area boundary of Patuxent River NAS, it is far enough away to limit most potential land use compatibility issues.

Charles County has participated in Joint Land Use Studies related to all of these facilities. These studies are designed to examine compatibility of the facilities and the neighboring communities in an effort to ensure the facility's long term ability to meet its mission at their locations. The studies have several common recommendations including:

- Establish a Military Influence Area in the Comprehensive Plan land use map, based on noise, frequency and other impacts.
- Develop a process for County staff and the facility staff to review and comment on various development applications within the influence areas.
- Assure that Charles County real estate disclosures are up to date and in place so that potential buyers are made aware of potential issues related to these facilities.
- Target priority properties near the facilities for acquisition and/or protection to ensure compatibility.
- Review the Zoning Ordinance to ensure that county zoning regulations adequately address concerns with development encroachment of the various facilities.

The following exhibits/figures illustrate the areas of potential concern when considering the various ways to implement the JLUS study recommendations. Pertinent policy and implementation action items related to these studies are included at the end of this chapter.

Figure 3-3 Naval Support Facility Indian Head - Military Awareness Area

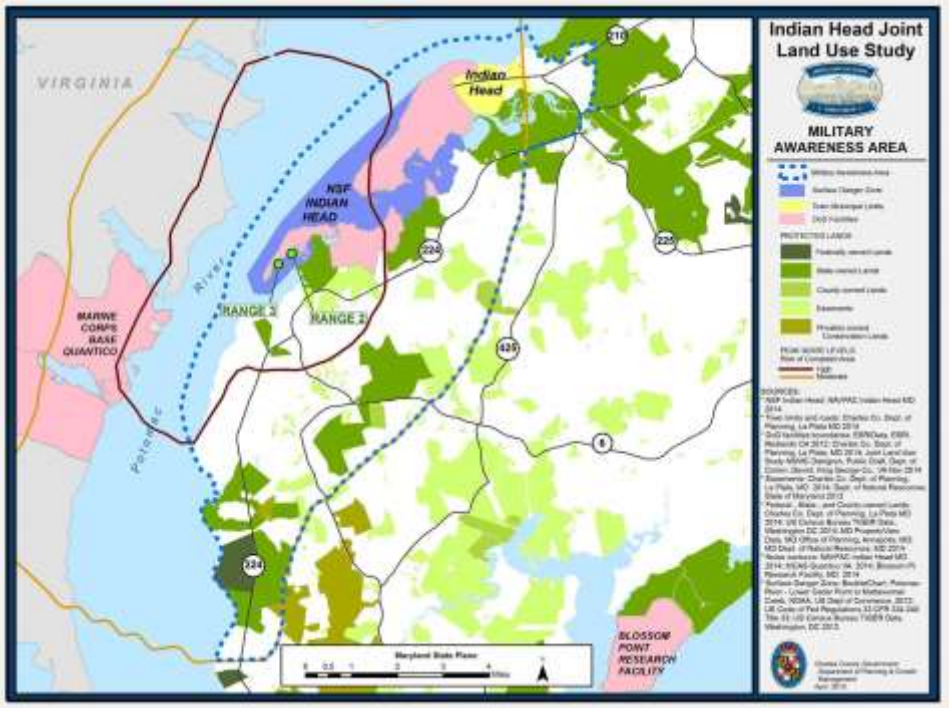


Figure 3-4 Blossom Point Research Facility – Military Awareness Area

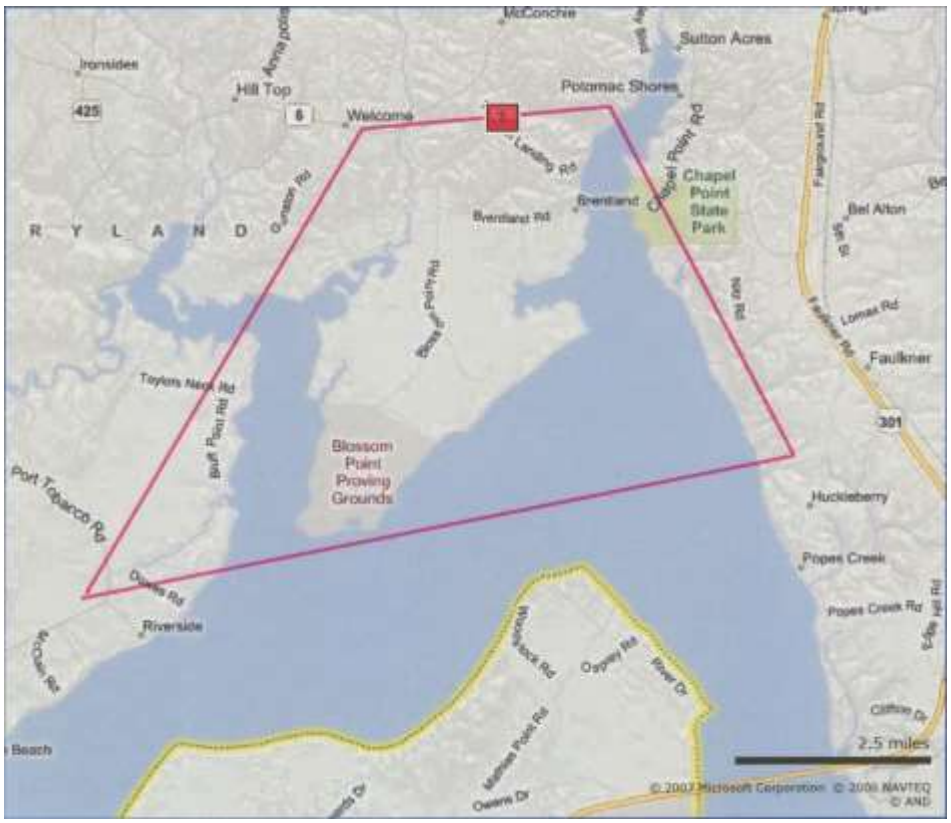


Figure 3-5 Naval Support Facility Dahlgren (King George County, VA) - Military Awareness Area

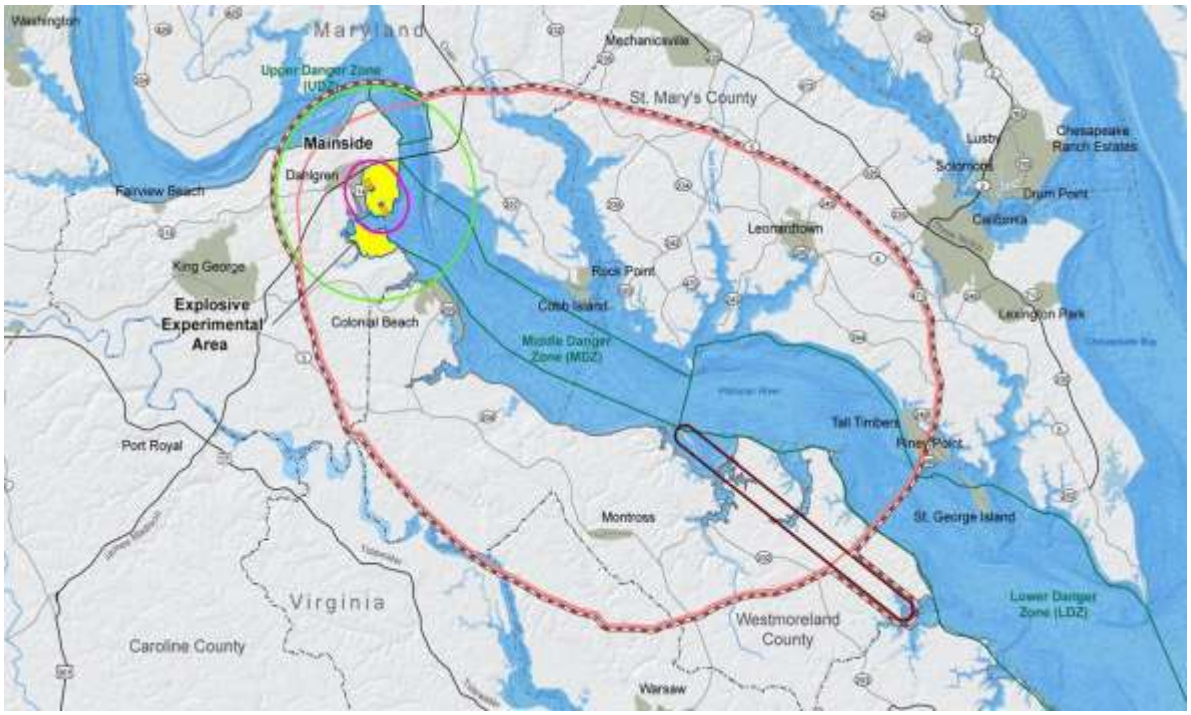
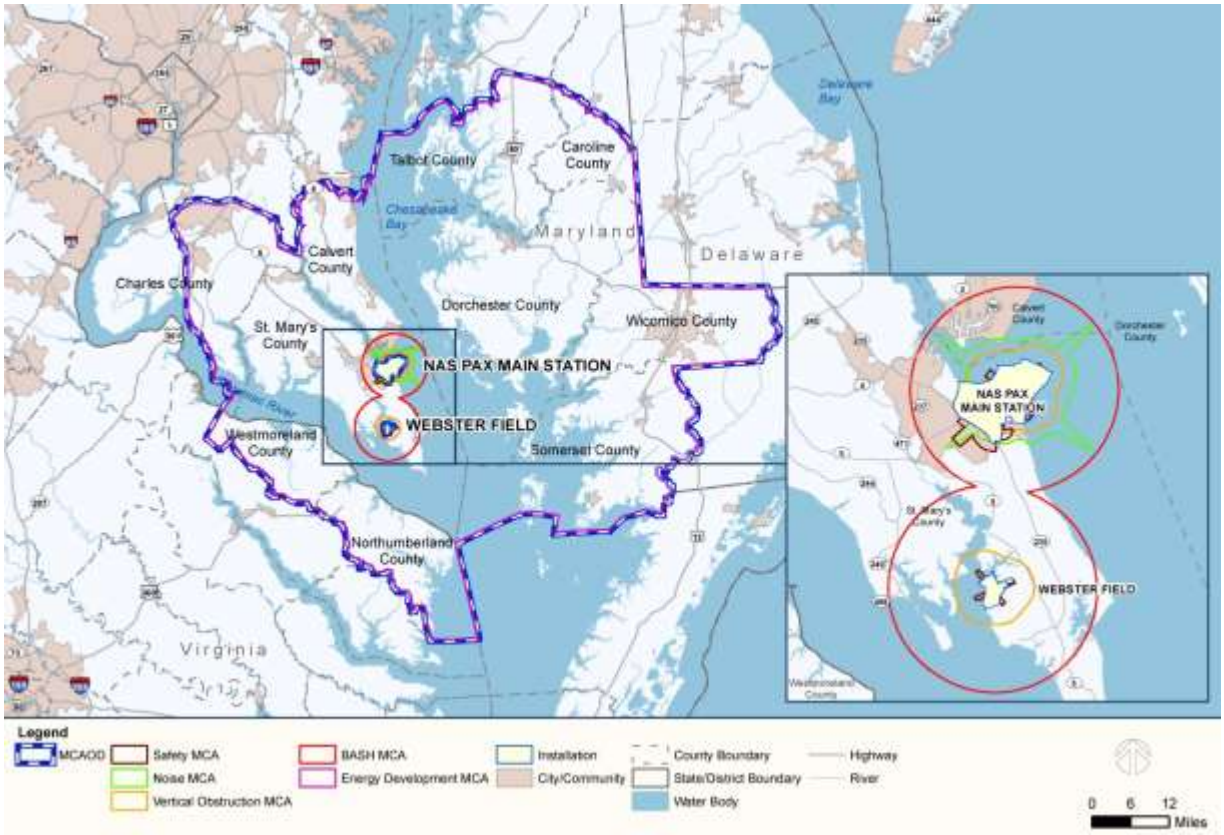


Figure 3-6 Naval Air Station Patuxent River (St. Mary's County, MD) - Military Awareness Area



The Sustainable Growth & Agricultural Preservation Act of 2012. Land Use Tiers

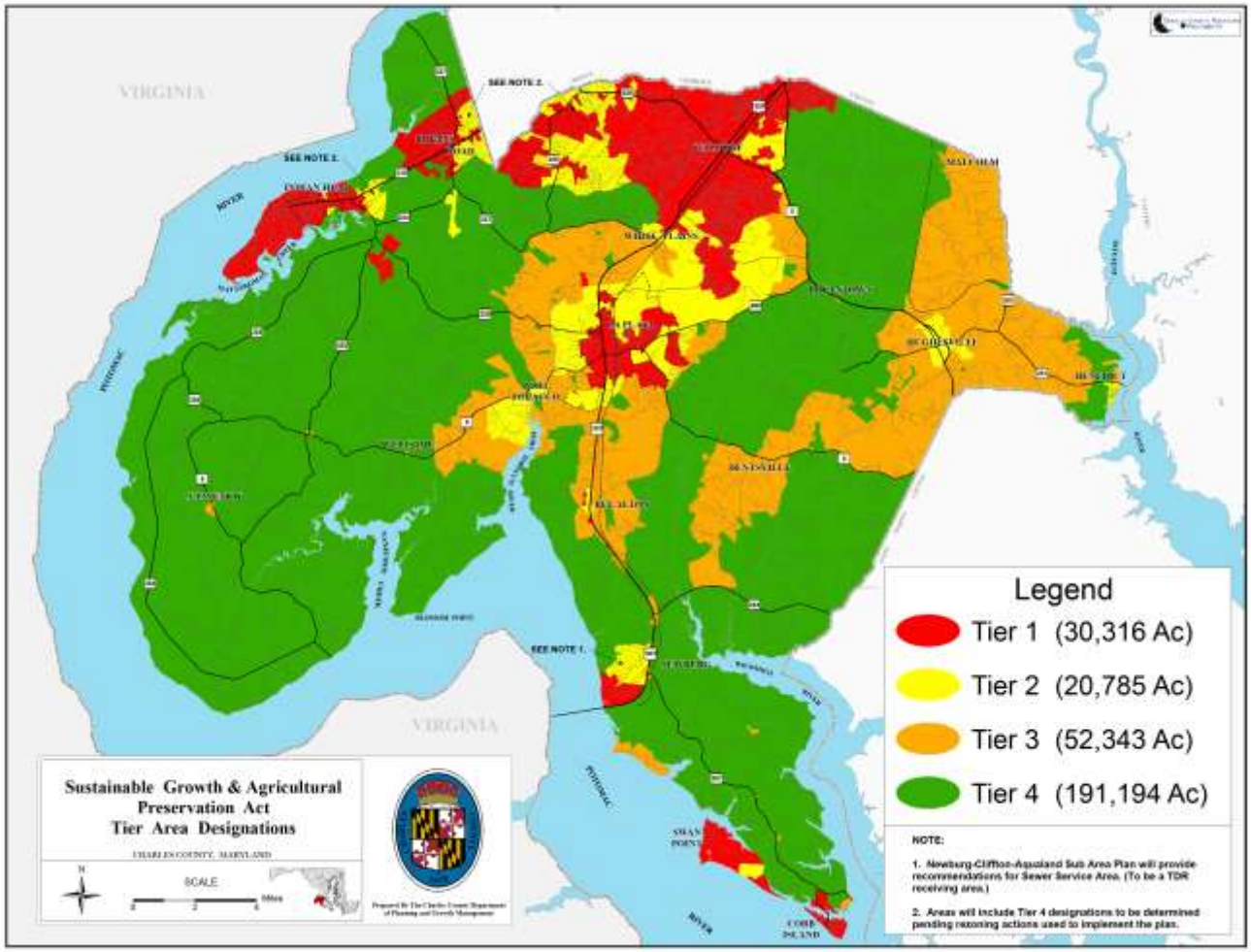
The Maryland General Assembly approved the Sustainable Growth and Agricultural Preservation Act (Senate Bill 236), also known as the septic bill, during the 2012 General Assembly session. The bill is intended to limit the spread of septic systems on large-lot residential development to reduce nitrogen pollution into the Chesapeake Bay and other waterways.

Under the bill, counties and towns must classify all land under their jurisdiction into four "tiers" (I, II, III, and IV).

- Tier I areas are areas that are served by public sewerage systems.
- Tier II areas are areas planned for public sewerage service. Within Tier II areas, community, shared and individual on-site sewage disposal systems are permitted for residential minor subdivisions. However, these systems are considered interim systems until public sewerage service is made available.
- Tier III areas are areas that are not dominated by agricultural or forest land and are not planned for sewerage service. Generally these are areas planned for large lot and rural development on septic systems.
- Tier IV areas have significant contiguous agricultural and forest land. Residential major subdivisions are prohibited in Tier IV areas.

Charles County adopted a "Tier Map" on April 29, 2014. However, this Comprehensive Plan provided a new land use policy framework that resulted in changes to the Tier Map. The new Tier Map was incorporated into this plan and adopted along with the Comprehensive Plan on July 12, 2016. (See figure 3-7 on the following page). The Tier Map and the Comprehensive Plan's Land Use Map (See Figure 3-1) are consistent.

Figure 3-7 Tier Map



Growth rate

As noted in Chapter 2, the County's average annual rate of growth was 1.97 percent, higher than its 1.8 percent rate between 1990 and 2000, and from 2004 to 2014 was 1.35 percent.

While Charles County's growth has remained within its objective, during the Comprehensive Plan process several participants raised the issue of the County's growth rate. Some participants stated the rate was too high, while others stated that the rate has slowed significantly since the economic recession began in 2007. The County Commissioners' actions to curb sprawl, reduce the development district size and limit densities in sensitive natural resource lands is anticipated to result in a slower rate of growth than in previous decades, to approximately 1% or less – which is the intent of this plan. This should be monitored during the course of this plan to determine the effect of these new growth management land use policy provisions as it impacts the rate of growth over time.

Rights of Development, Grandfathering

Grandfathered rights means that a property owner is permitted to move forward with a development proposal even though a change in the applicable law would currently prevent such development[3].

During the Comprehensive Plan process which included public outreach in 2011-2012, several participants raised the issue of grandfathering. The Department of Planning and Growth Management reported to the Planning Commission[4] that the current process is not fair to the applicant (developer) or to the public for the following reasons:

1. At some point a development should be allowed to proceed without the need to come back to the county for additional reviews and extensions even though the project is not yet 100% completed.
2. The public has the right to know that projects, once approved, will be advancing in the development process in a timely manner and complying with the most appropriate development regulations. Development should not have secure permits forever without doing any improvements, as is currently allowed.
3. The County accounts for public facility impacts for each project; so if a project does not move forward it could be locking up facility capacity that would otherwise be available for projects that are prepared to move forward but cannot because the capacity is lacking. The school allocation process is a good example.
4. The current system is a waste of time and resources for both developers and the County staff.

As a result of this public feedback, the county implemented changes to the Subdivision Code in 2014 which now incorporates time limits on preliminary plans and plan renewals. If applicants fail to meet these time restrictions, their plans become void and will be required to re-submit and begin the process again under any new policy or regulations put in place since the original approval. Additional analysis and changes to the County's Adequate Public Facilities Ordinance may also be of value.

Due to other significant changes to this plan, projects will be reviewed on a case by case basis to determine consistency with this plan and vested development rights or changes required to previously approved plans to comply with the Comprehensive Plan.

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[3] Cases on vesting in Maryland include: *Pemberton v. Montgomery County,* 275 Md. 363, 340 A.2d (1975) and *Prince George's County v. Sunrise Development, L.P.,* 330 Md. 296, 623 A.2d 1296 (1993). To claim a vested right in Maryland, a property owner must meet a two-part test: 1) The property owner must have followed existing procedures and laws or representations of government (generally this means spending money to progress through the development process); and 2) The property owner must have made changes on the property that can be discerned as a manifestation of the commencement of work, thereby giving notice to the public. Generally this means that some kind of construction has occurred on the property, such as digging and the pouring of footings. Source: Maryland Department of Planning, Planning Commission, Planning Board and Board of Appeals Education Course 2010.

[4] Planning Commission Meeting of February 27, 2012. Comprehensive Plan Work Session #I.

Regional and inter-jurisdictional coordination

Today's complex land use and growth management issues cross jurisdictional boundaries and frequently require inter-jurisdictional and regional solutions. Vital regional issues include: transportation, especially highways and transit; environmental issues, especially water and air quality; groundwater; economic development, including agricultural markets, marketing, and tourism promotion; public safety, fire and emergency services, and recreation. Benefits of coordination include:

- Compatible goals to guide development and resource protection.
- Improved environment, better business climate, and higher quality of life.
- More efficient and more cost effective service delivery.
- Fewer conflicts and political and legal battles.

Charles County participates actively in numerous regional organizations including the Tri-County Council for Southern Maryland and its various committees and commissions, the Metropolitan Washington Council of Governments, the Southern Maryland Travel and Tourism Commission and the Southern Maryland Agricultural Development Commission.

The County coordinates closely with the Towns of Indian Head and La Plata especially in the areas of public safety, emergency management, housing and development policies as they relate to school capacity, and recreation. While agreement on all issues is not always forthcoming, there exists a good working relationship between the three jurisdictions.

Summary

Table 3-2 summarizes proposed residential densities by Comprehensive Plan Land Use Districts. Table 3-3 lists the zoning districts that are consistent with the Land Use District designations. Land use and zoning must be consistent prior to consideration of development approvals. The base densities will be further examined after adoption of the plan in order to consider changes as a mechanism to improve the use of transferable development rights (TDRs). (See policies that are located at the end of this chapter).

Table 3-2 General Guidelines for Residential Densities by Land Use District

	Dwelling Units Per Acre	
Comprehensive Plan Land Use District	**Base densities for the respective district that may be permitted by right**	**Anticipated average densities for all residential development in the district**
Residential District	1[1]	2 to 4 [2]
Mixed Use Districts	0 to 2[3]	2 to 6 [2]
Village Centers	Per approved village plans	1-5
Suburban Large Lot	1	1
Rural Conservation	0.33	0.2
Agricultural Conservation	0.33	0.2[4]
Watershed Conservation	0.05	0.05[4]
Rural Residential	0.33	0.2
Redevelopment District/ Transit corridor (including Mixed Use Districts)	12-15[4]	14-24[5]

Notes

1 *The overall densities in the areas of St. Charles and Swan Point are determined by existing agreements and Zoning and Subdivision Code restrictions. Densities in planned development will be determined on a case by case basis. WCD zoned areas within the Residential District may have a density of one unit per twenty acres.*

2 *To achieve these average densities, per-site densities (dwelling unit yield) allowed in portions of each planning district will be higher. Maximum residential densities may be achieved through floating zones, density bonuses of varying types, and/or transfer of development rights*

3 *The zero figure reflects the fact that the base district in some mixed use districts is non-residential.*

4 *Although these land uses allow one unit per three (1:3) acres, the approved "Tier Map" restricts the total number of units allowed on septic systems to minor subdivisions in Tier IV areas (conservation land uses), up to seven (7) units. Therefore, overall gross density varies based on how much land is proposed for development*

5 *Zoning Code §297-96 Activity Center Zones; Waldorf Urban Design Study*

Table 3-3 Land Use District Zoning District Consistency

Land Use Category Designation	**Consistent Zoning Districts***
Residential	RR, RL, RM, RH, RO, PRD, MX, PMH, TOD, WCD
Watershed Conservation District	WCD
Employment & Industrial Park District	IG, IH, BP, MX, PEP, TOD
Commercial & Business District	CN, CC, CB
Mixed Use Districts	CC, CB, MX. (WPC & Docket #250 for Swan Point)
Redevelopment Districts	WC, AUC – Waldorf. CRR, CER, CMR – Bryan's Road
Rural Conservation	RC, WCD
Agricultural Conservation	AC, WCD
Rural Residential	Rural Residential (RR) to be revised, updated.
Suburban – Large Lot	Currently RR, to be rezoned SL to be a new zoning district.
Incorporated Towns	(See La Plata and/or Indian Head Zoning Codes)
Transit Corridors	CN, CC, CB, Transit Corridor = MX, TOD
Protected Lands	Per underlying zoning
Military or Federally Owned Lands	RC (Federal Jurisdictions)
Chesapeake Bay Critical Area	IDZ, LDZ, RCZ (and underlying zones)
Villages	RV, CV, MX, PEP (or village master plan zoning)
St. Charles Area	PUD*

Consistent zoning may vary based upon land use boundaries, parcel sizes, permitted densities or other regulations such as Chesapeake Bay Critical Area, Wetland Protection Regulations, Resource Protection Zones, Septic Tier restrictions or other local, state or federal regulations. St. Charles PUD is also regulated by Docket #90.

Please see Appendix "C" at the end of this plan for a description of each Zoning District as abbreviated above. Zoning districts not shown by the corresponding land uses in the table above shall be considered inconsistent with the land use.

Policies

3.1 Coordinate the use of the Land Use Plan Map, the zoning map, the subdivision regulations, the capital improvements plan, and the Comprehensive Water and Sewer Plan with one another in terms of districts, locations, planned expansions and coordination with the Public School System Capital Improvements Plan (CIP) to assure growth management efforts are consistent. Under state law, zoning and development policies and actions must be consistent with the Comprehensive Plan (Land Use Article (effective October 1, 2012, Section 1–303).

3.2 Maintain the designation of the Development District as a receiving area for development rights that may be purchased and transferred from sending areas in rural areas of the County.

3.3 In order to improve the market for the Transfer of Development Rights (TDRs), and to conserve natural resources in the countryside of the county, examine the base densities for residential development in all zoning or development districts or dockets, and consider changing and lowering base densities but allowing for established development density thresholds with the purchase of development rights (TDRs).

3.4 Revise the Transfer of Development Rights (TDR) regulations to

a) Eliminate the buyback provisions currently in place in order to ensure resource lands remain protected once they are restricted through the TDR process.

b) Consider requiring commercial TDRs.

3.5 Use the adequate public facilities ordinance to manage the location and timing of new development and its effects on schools, roads, and other public facilities.

3.6 Consider amendments to the Land Use Plan Map and zoning maps to accommodate the expansion of incorporated towns provided:

- Such amendments are based on the incorporated town's Comprehensive Plan;
- Incorporated towns agree to enter into intergovernmental agreements to ensure the provision of adequate public utilities to these areas; and,
- The proposed development is consistent with the goals of this Comprehensive Plan.

3.7 Coordinate on regional issues by nurturing good, working relationships with the State, with neighboring jurisdictions especially Calvert, Prince George's, and St. Mary's Counties, and with the Towns of Indian Head and La Plata through planning agreements, plan referrals, information sharing, and consultations.

3.8 Use land use controls, including but not limited to architectural and site design guidelines, to establish standards for development which improves its quality.

3.9 Protect residential areas from incompatible activities and land uses in order to ensure comfortable and safe living environments.

3.10 Protect commercial, business and employment areas from incompatible activities and land uses in order to ensure their continued viability and growth.

3.11 Guide development away from areas vulnerable to natural hazards.

3.12 Protect military installations from incompatible land uses and consider implementation of recommendations contained in approved Joint Land Use Studies.

3.13 Ensure that zoning is consistent with the land use districts as designated on the Comprehensive Plan Land Use Map.

3.14 Establish a Priority Preservation Area (PPA).

Actions

1. Update the County's land development regulations (zoning, subdivision codes and related ordinances) to implement the Comprehensive Plan's land use chapter and ensure the regulations are consistent with this plan's objectives, policies and direction. In conjunction with this, process a Comprehensive Rezoning of the County's Zoning maps to also be consistent with the objectives, policies and direction of this Comprehensive Plan.
2. Update the county's land development regulations to limit the footprint of a single-user retail building use in the mixed use district and transit corridor to 100,000 square feet.
3. Examine mechanisms, strategies and actions to manage growth and develop a growth rate management model based on best management practices, and present various options to the Planning Commission for review and consideration.
4. Conduct a detailed study of the employment and commercial undeveloped land supply (including location and development potential) to determine whether additional land should be recommended for designation as employment or commercial land.
5. Develop a small area plan for the Potomac River Crossing/Aqualand/Newburg area. (See also discussion in Chapter 10).
6. Consider revisions to Transferable Development Rights and potential new receiving areas such as Newburg, Bel Alton and other village locations.
7. Study and recommend potential changes to the provisions for adequate public facilities to improve the effectiveness and efficiency of such systems
8. Implement the recommendations of the various Joint Land Use Studies. Develop specific measures, ordinances or other actions to ensure compatibility between land uses in Charles County and the associated military installations.
9. Examine opportunities to transfer the Priority Funding Area (PFA) designations for the small sites located within the Cobb Neck Area to the larger Newburg-Cliffton-Aqualand Sub-Area Plan as needed once the plan has been adopted.
10. Rezone vacant residential properties that were removed from the Development District in this plan to a lower density in order to limit sprawl development and protect water resources.
11. Coordinate with the State of Maryland to establish a new Nanjemoy-Mattawoman Rural Legacy Area.

12. Rezone major stream valleys to one unit per ten acres (1:10).

13. Rezone the Watershed Conservation District lands to one unit per twenty acres (1:20).