



Notice of Public Hearing

NOTICE IS HEREBY GIVEN that the St. Mary's County Planning Commission will conduct two public hearings in the main meeting room of the Chesapeake Building, located at 41770 Baldrige Street, Leonardtown, MD, on November 26, 2012, beginning at 6:30 p.m., for the purpose of receiving public testimony and to consider amendments to the text of the St. Mary's County Comprehensive Zoning Ordinance (Z-10-02), as amended, (the "Zoning Ordinance"). The Amendments proposed for consideration are as follows:

Text amendments to the Zoning Ordinance:

1. Floor Area Ratio public hearing: In Chapter 32, "Property Development Regulations," Schedule 32.2, "Modifications to Development Standards," modify the methods for achieving an increase in floor area ratio by exempting public and semi-public uses from complying with this regulation.
2. Use type 12a, Distillery public hearing:
 - a) In Chapter 50, "Use Classifications," Schedule 50.4, "Use Classifications, Use Types and Location within Zoning Districts," amend Use Type 12a "Distillery" to expand the description of this use type.
 - b) In Chapter 51, "Use Regulations and Standards," Section 51.3 "Specific Regulations and Standards," amend Use Type 12a, "Distillery" to allow tours, product sampling, events, and retail sales.
 - c) In Chapter 90, "Definitions," amend the definition of "Distillery."

Note: As a result of the evidence and comments made at the public hearing, amendments may be made to the proposed ordinances. No final action will be taken on an amendment until the expiration of the 10-day open record period which is 10 calendar days following the public hearing. Written comments regarding the proposed text amendments may be sent to the Department of Land Use and Growth Management, P.O. Box 653, Patuxent Building, 23150 Leonard Hall Dr., Leonardtown, MD 20650.

Copies of the proposed amendments are available to the public at each public library within the County, at the Public Information Office located in the Chesapeake Building, 41770 Baldrige St., Leonardtown, MD 20650, at the Department of Land Use and Growth Management; and for viewing or downloading through links on the St. Mary's County Government web page: www.stmarysmd.com.

Yvonne Chaillet
Zoning Administrator
Department of Land Use and Growth Management
301-475-4200, ext. 1523

Please publish as a Legal Notice in *The Enterprise* on November 7, 2012 and November 14, 2012.



MEMORANDUM

To: Planning Commission
From: Phil Shire, Director
Yvonne Chaillet, Zoning Administrator
Date: October 15, 2012
Subject: Public hearing on proposed zoning text amendment to Schedule 32.2 of the Comprehensive Zoning Ordinance to modify the methods for achieving an increase in floor area ratio (F.A.R..)

Purpose: The purpose of the proposed text amendment is to modify Schedule 32.2 of the Comprehensive Zoning Ordinance (Ordinance), "Modifications to Development Standards," to exempt public and semi-public uses from the requirement to adhere to the methods for achieving an increase in floor area ratio.

Background: Staff introduced the proposed text amendment to the Board of County Commissioners (BOCC) on July 31, 2012. Following discussion the BOCC directed staff to clarify the purpose of the amendment and bring a revised text amendment to the BOCC for a second reading.

On September 18, 2012 the BOCC accepted the revised amendments as proposed for a second reading in accordance with County Commissioner Resolution No. 2005-03, and directed the Planning Commission to proceed with a public hearing and prepare a recommendation for the BOCC relating to the proposed amendments.

Background: "Public and semi-public" is a use classification specified in Schedule 50.4 of the Ordinance. This classification comprises 16 different use types: burial grounds, clubs or lodges, cultural institutions, medical day care facility, non-medical day care, education facility (college), education facility (primary and secondary), government facility (includes publicly owned and operated facilities such as fairgrounds and postal facilities), hospital, long-term care facility, outpatient care center, public recreation facility, public maintenance facility, public safety facility, religious assembly, and rural medical practice. Such uses serve a public good and their funding depends heavily on public monies and, or, private or philanthropical contributions.

Schedule 32.1 of the Ordinance, "Development Standards," stipulates a base floor area ratio for development intensity in all zoning districts. This same Section stipulates a maximum floor area ratio that may be achieved in all (but one) zoning districts, if an applicant for development uses one of two methods in Schedule 32.2 of the Ordinance for increasing the base floor area ratio per acre. An applicant may either purchase Transferable Development Rights (TDRs) or obtain LEED (Leadership in Energy and Environmental Design) certification.

Floor area ratio is defined in Chapter 91 of the Ordinance as: "The gross floor area of the building or buildings on a zoning lot divided by the total area of such zoning lot. The "floor area ratio" requirements, as set forth under each zoning district, shall determine the maximum floor

area allowable for the building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot.”

Proposed amendments to the Ordinance: Staff recommends amending Schedule 32.2 of the Ordinance by adding a footnote after “Methods for Achieving Floor Area Ratio Increase,” to read as follows:

Public and semi-public uses may achieve the maximum floor area ratio stipulated in Schedule 32.1 without applying these methods.

The table below shows the proposed text amendment in Schedule 32.2. (Underline: to be added to existing law)

SCHEDULE 32.2 MODIFICATIONS TO DEVELOPMENT STANDARDS

		RPD	RSC	RCL	RL-T	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	OBP	I	CM
Methods for Achieving Residential Density Increase																	
Base Density Increase	Affordable housing (units per acre)	none	none	none	1.00	1.00	1.00	none	1.00	1.00	1.00	none	1.00	none	none	none	none
	Increase in units per acre with purchase of TDRs – See Section 26.4.2	See Section 26.4.2	none	none	2 ⁴	4	10	1 ¹	4	4	4	none	14	none	none	none	none
Methods for achieving Floor Area Ratio Increase^a																	
Added square feet per TDR		2,000	2,000	2,000	n/a	2,000	none	2,000	2,000	2,000	2,000	2,000 ²	2,000 ²	2,000 ²	2,000 ²	2,000	2,000
Added square feet or percent increase for design enhancements (cumulative footage not to exceed maximum FAR)	FAR increase for LEED Certified Site or Building Design	none	none	none	none	none	0.05	none	0.02	0.50	0.05	0.5	0.5	0.5	0.5	0.5	none
	FAR increase for LEED Silver Certified Site or Building Design	0.03	0.05	0.05	0.05	0.03	0.10	none	0.05	0.10	0.10	0.10	0.10	0.10	0.10	0.10	none
	FAR increase for LEED Gold Certified Site or Building Design	0.05	0.10	0.10	0.10	0.05	0.15	none	.0.10	0.15	0.15	0.15	0.15	0.15	0.15	0.15	none

1. TDR increase is possible only in growth areas.
2. Additional square feet of first floor “footprint” above 60,000 sq. ft. in development districts may be achieved @ 1,000 sq. ft. per TDR
3. In structure parking and structured parking shall not count toward FAR. Building height calculation shall exclude a single level of parking built within a building that also contains a principal use, except in the AICUZ.
4. Bonus density is not available in the Critical Area.
5. A bonus of one square foot for each square foot of amenity space provided, up to a maximum of 500 square feet per amenity, shall be provided for: (1) Outdoor seating areas, (2) Walking paths, (3) Public art, (4) Public gardens, (5) Plazas, (6) Water features, (7) Other amenity space approved by the Planning Director.
6. Public and semi-public uses may achieve the maximum floor area ratio stipulated in Schedule 32.1 without applying these methods.

CC: John Savich, County Administrator
 George Sparling, County Attorney
 David Weiskopf, Deputy County Attorney

RESOLUTION

TO AMEND §32.2 OF CHAPTER 285 OF THE CODE OF ST. MARY'S COUNTY, MARYLAND TO EXEMPT PUBLIC AND SEMI-PUBLIC USES FROM THE REQUIREMENT TO ADHERE TO THE METHODS FOR ACHIEVING AN INCREASE IN FLOOR AREA RATIO

WHEREAS, pursuant to Section 28.1.2 of the St. Mary's County Comprehensive Zoning Ordinance (Ordinance Z-10-02), (hereinafter the "CZO"), the St. Mary's County Planning Commission (hereinafter, the "Planning Commission") may make recommendations to the Board of County Commissioners for St. Mary's County (hereinafter, the "Board") to supplement, modify, or repeal provisions of the text of the Zoning Ordinance; and

WHEREAS, the Planning Director wishes the Planning Commission to consider amending CZO Chapter 32 "Property Development Regulations," Schedule 32.2 "Modifications to Development Standards," to modify the methods for achieving an increase in floor area ratio by exempting public and semi-public uses from the requirement to comply with this Section;" and

WHEREAS, the Planning Commission, following due notice published in the November 7, 2012 and November 14, 2012 editions of the *Enterprise*, a newspaper of general circulation in St. Mary's County, held a public hearing on November 26, 2012 to accept public comment regarding the proposed amendments to §32.2 of the CZO to modify the methods for achieving an increase in floor area ratio by exempting public and semi-public uses from the requirement to comply with this Section; and

WHEREAS, upon due consideration of the comments of the public and staff and in furtherance of the public health, safety and welfare, the Planning Commission finds, with a ___ to ___ vote, that it is in the best interest of the public health, safety and welfare of the citizens of St. Mary's County, Maryland, to recommend favorably the proposed amendment, and

WHEREAS, the Planning Commission authorized the Chairman to sign a resolution on its behalf to transmit its findings and recommendation to the Board of County Commissioners;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that the following amendments to the CZO are recommended to the Board for adoption:

SCHEDULE 32.2 MODIFICATIONS TO DEVELOPMENT STANDARDS

Methods for achieving Floor Area Ratio Increase ⁶																		
Added square feet per TDR		2,000	2,000	2,000	n/a	2,000	none	2,000	2,000	2,000	2,000	2,000 ²	2,000 ²	2,000 ²	2,000	2,000		
Added square feet or percent increase for design enhancements (cumulative footage not to exceed maximum FAR)	FAR increase for LEED Certified Site or Building Design	none	none	none	none	none	0.05	none	0.02	0.50	0.05	0.5	0.5	0.5	0.5	0.5	none	
	FAR increase for LEED Silver Certified Site or Building Design	0.03	0.05	0.05	0.05	0.03	0.10	none	0.05	0.10	0.10	0.10	0.10	0.10	0.10	0.10	none	
	FAR increase for LEED Gold Certified Site or Building Design	0.05	0.10	0.10	0.10	0.05	0.15	none	.10	0.15	0.15	0.15	0.15	0.15	0.15	0.15	0.15	none

1. TDR increase is possible only in growth areas.
2. Additional square feet of first floor "footprint" above 60,000 sq. ft. in development districts may be achieved @ 1,000 sq. ft. per TDR
3. In structure parking and structured parking shall not count toward FAR. Building height calculation shall exclude a single level of parking built within a building that also contains a principal use, except in the AICUZ.
4. Bonus density is not available in the Critical Area.
5. A bonus of one square foot for each square foot of amenity space provided, up to a maximum of 500 square feet per amenity, shall be provided for: (1) Outdoor seating areas, (2) Walking paths, (3) Public art, (4) Public gardens, (5) Plazas, (6) Water features, (7) Other amenity space approved by the Planning Director.
6. Public and semi-public uses may achieve the maximum floor area ratio stipulated in Schedule 32.1 without applying these methods.

BE IT FURTHER RESOLVED by the Planning Commission that the foregoing recitals are hereby incorporated as if fully set forth herein.

Date of Adoption: _____

Ayes: _____ Nays: _____ Abstain: _____

ST. MARY'S COUNTY PLANNING COMMISSION

 J. Howard Thompson, Chairman

Attest:

 Phillip Shire, Director
 Department of Land Use and Growth Management

Subject: Zoning - To Amend §32.2 of Chapter 285 of the Code of St. Mary's County, Maryland Regulating Floor Area Ratio

1. TDR increase is possible only in growth areas.
2. Additional square feet of first floor "footprint" above 60,000 sq. ft. in development districts may be achieved @ 1,000 sq. ft. per TDR
3. In structure parking and structured parking shall not count toward FAR. Building height calculation shall exclude a single level of parking built within a building that also contains a principal use, except in the AICUZ.
4. Bonus density is not available in the Critical Area.
5. A bonus of one square foot for each square foot of amenity space provided, up to a maximum of 500 square feet per amenity, shall be provided for: (1) Outdoor seating areas, (2) Walking paths, (3) Public art, (4) Public gardens, (5) Plazas, (6) Water features, (7) Other amenity space approved by the Planning Director.
6. Applies only to commercial uses. Non-commercial uses may achieve the maximum floor area ratio stipulated in Schedule 32.1 without applying these methods.

BE IT FURTHER ORDAINED, by the Commissioners of St. Mary's County that this Ordinance shall be effective upon the date written below.

Those voting Aye: _____

Those voting Nay: _____

Those Abstaining: _____

Date of Adoption: _____

Effective Date: _____

ATTEST:

COMMISSIONERS OF ST. MARY'S COUNTY

John Savich
County Administrator

Francis Jack Russell, President

Lawrence D. Jarboe, Commissioner

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Cynthia L. Jones, Commissioner

George R. Sparling
County Attorney

Todd B. Morgan, Commissioner

Daniel L. Morris, Commissioner