

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

20__ Legislative Session

Text Amendment/ Bill No. ZTA #22-170

Chapter. No. 278

Introduced by Department of Planning & Growth Management

Date of Introduction _____

ZONING TEXT AMENDMENT

AN ACT concerning

WCD WATERSHED CONSERVATION DISTRICT

FOR the purpose of

Amending certain provisions of the Charles County Zoning Ordinance to correct inconsistencies between the Table of Permissible Uses and the text of the Base Zone Regulations, to reduce the minimum lot size required in the Watershed Conservation District (WCD) while maintaining the density of one unit per twenty acres, to create flexibility for intrafamily transfers, and to eliminate conflicts between the Base Zone Regulation and the amended Comprehensive Plan.

BY Amending:

Chapter 297 – ZONING ORDINANCE

Article VI, § 98 – WCD Watershed Conservation District

Code of Charles County, Maryland

Chapter 297 – ZONING ORDINANCE

Article XIII, § 212 – Uses Corresponding with Table of Permissible Uses

Code of Charles County, Maryland

Chapter 297 – ZONING ORDINANCE

Figure IV-1, Table of Permissible Uses

Code of Charles County, Maryland

Chapter 297 – ZONING ORDINANCE

Figure VI-10, Schedule of Zone Regulations: Watershed Conservation District Zone

Code of Charles County, Maryland

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

4
5 **Article VI, § 297-98. WCD Watershed Conservation District. [Added 6-6-2017**
6 **by Bill No. 2017-03]**

7 D. Zoning Map boundary and criteria. The Watershed Conservation District
8 (WCD) Zoning Map is based on the Watershed Conservation District Land Use
9 Map. The Land Use Map is a generalized conceptual map, and the Zoning Map
10 is more site- specific. For small developed parcels on the edge of the district,
11 the property line was used as the WCD boundary. Some other parcels have split
12 or multiple zones. For those properties where the boundary was set as the Stream
13 Valley's top of slope, boundary modifications related to the exact location of the
14 top of slope can be considered by the Planning and Growth Management staff
15 upon approval by the Zoning Officer based on site-verified conditions and data.

16 (1) Properties with multiple zoning districts. When properties contain more
17 than one zoning district and a proposed project falls within the WCD
18 Zoning District, the following rules will apply.

19 (a) The WCD shall be consistent with § 297-22 of the Zoning Ordinance
20 and subject to all the regulations applicable to the zone in which it
21 is located in accordance with those provisions;

22 (b) The density calculation of the WCD area is to be based on one unit
23 per 20 acres;

24 (c) The area with WCD zoning can only include permitted uses allowed by
25 the Table of Permissible Uses for that zone;²

26 (d) WCD areas can include open space, forest conservation, public uses,
27 stormwater management and access to support the entire project, provided
28 it meets the impervious surface and other development requirements for
29 the WCD area;

30 (e) WCD areas can be used for residue and reserved as open space for future
31 development, provided the future development complies with the WCD
32 regulations.

33 (2) [Except as specified below in this subsection, c]Commercial, INDUSTRIAL,
34 and business park zoning areas shall not be included in the WCD boundary
35 area and shall be allowed to retain their commercial-related zoning.[:]

36 (a) The County-owned Indian Head Science and Technology Site shall
37 remain in the WCD boundary area;

38 (b) The commercial and mixed use commercial areas in the Bryans Road area
39 shall remain in the WCD boundary in order to plan its future as a village

and not a growth area;
(c) The commercial and industrial lands around the airport shall remain in the WCD boundary.]

I. Intrafamily transfers of property within the Watershed Conservation District (WCD) is to recognize the family legacy associated with the land and to allow for the limited transfer of land from the property owner to an immediate family member as sale or gift for their use in this zoning district that otherwise would not be permitted due to density restrictions.

(1) "Immediate family" is defined as mother, father, son, daughter, grandfather, grandmother, grandson, granddaughter, stepparents, stepchildren, and legal wards and guardians.

(2) Total number of parcels or lots. Intrafamily transfers will be permitted on parcels of land in the Watershed Conservation District (WCD) Zoning District where a portion of such parcel in the WCD is at least 10 acres and not more than 60 acres in size.

(3) A notation shall be placed on the final subdivision plat denoting the lot(s) and residue that are created under these provisions of the Code.

(4) Subdivision of land within the WCD under the bona fide intrafamily transfer provisions contained herein shall be subject to the following limitations:

(a) Parcels of 10 acres to 60 acres cannot be subdivided into more than three lots (two intrafamily lots and one existing or primary lot);

(b) Minimum parcel size for intrafamily lots is one acre;

(c) [In order to qualify for an intrafamily transfer, the existing property owner must have owned the land at the time of adoption of this section, and for a period of at least 10 years;

(d)]Lots created pursuant to these provisions shall not be created for the purpose of ultimate commercial sale. A lot created pursuant to these provisions may not be subsequently conveyed to any person except as provided herein:

[1] Where the conveyance is to a member of the owner's immediate family; or

[2] Where the conveyance of the lot is part of a default on a mortgage or deed of trust.

(5) Any lot created under this subsection may not be transferred or sold to a third party who is not a member of the owner's immediate family or holder of a mortgage or deed of trust on the property unless and until the Planning Commission has determined the following conditions apply:

- (a) A change in circumstances has occurred since the original transfer, which would warrant permitting a subsequent transfer, when such circumstances are consistent with the warrants and exceptions contained herein;
- (b) A change in circumstances may include situations where the intrafamily transfer recipient has not resided in the County for the past five consecutive years and signs an affidavit verifying their intent not to reside in Charles County or demonstrates significant financial hardship; or
- (c) Other circumstances necessary to maintain land area to support protective uses of agriculture, forestry, open space and natural habitats in the Watershed Conservation District warrant an exception.
- (6) Deeds of transfer shall include a covenant stating that the lot is subject to the provisions of this subsection and be approved for legal sufficiency by the County Attorney's Office prior to recordation of the intrafamily lot(s). These covenants shall restrict the subsequent transfer or sale of the lot or lots created pursuant to the intrafamily transfer provisions contained herein to a third party who is not a member of the owner's immediate family or a holder of a mortgage or deed of trust on the property except as otherwise provided herein.
- (7) Once the intrafamily transfer has occurred, additional transfers for subsequent generations of the original owner cannot qualify for further intrafamily transfers.
- (8) All other subdivisions regulations shall apply to intrafamily transfers except for the density provisions of the Zoning Ordinance as allowed and stated herein.

Article XIII, § 297-212. Uses corresponding with Table of Permissible Uses.¹

The following uses are listed according to the numbering system on the **Table of Permissible Uses** and establish the specific minimum requirements for uses permitted with conditions or special exception uses:

- (12) **1.05.200 Commercial greenhouse operation with on-premises sales permitted.** This use is permitted by special exception in the **WCD, RC,** and RR Zones, together with buildings incidental thereto, subject to the following:

A. Such use will not cause a negative impact because of traffic, noise or

1 other factors.

2 B. Such use will not include the sale or storage of general hardware or
3 power equipment.

4 C. The use is located on a tract of land containing greater than two acres.

5 D. The use will be set back more than 50 feet from the nearest property line.

6 E. Greenhouses shall have a minimum setback of twice the height of the building.

7 F. Storage of all materials which produce odors or attract pests shall be
8 effectively covered.

9 *****

10 (13) **1.06.000 Kennel, commercial.** This use is permitted by special exception in
11 the RC and RL Zones and is permitted with conditions in the AC, CN, CC,
12 CV, MX, **WCD**, and TOD Zones, subject to the following: [**Amended 10-25-**
13 **1999 by Ord. No. 99-92; 6-19-2012 by Bill No. 2012-08]**

14 A. The minimum area shall be five acres if dogs are left out, two acres if
15 placed in a soundproof building. Boarding areas will be in an enclosed
16 area in a soundproof building.

17 B. Boarding and exercise/run areas shall not be located within 200 feet of a
18 residential structure; in the RC and RL Zones the distance required is 300
19 feet.

20 C. In the RC and RL Zone, the Board of Appeals will establish appropriate hours
21 of operation for this use.

22 D. The facility will conform to the Animal Regulations of Charles County for
23 commercial animal establishments.³

24 E. Solid waste shall be collected, stored and disposed of in accordance with
25 applicable rules and regulations of the Charles County Health Department.

26 F. The facility shall have drainage and plumbing adequate for daily cleaning and
27 sanitation purposes.

28 G. In the RC and RL Zones, a Buffer Yard C shall be provided along the property
29 line.

30 H. Dog runs and/or exercise areas shall be enclosed by eight-foot-tall solid
31 fencing.

- I. In the RC and RL Zones, pens and enclosures where dogs are kept shall have a minimum area of 50 square feet per dog boarded within the facility.
- J. Dogs shall not be allowed outside between the hours of 7:00 p.m. and 7:00 a.m.
- K. The facility shall at all times employ at least one employee per 30 dogs boarded within the facility to ensure proper care of animals and safety of staff.

(17) **2.02.200 Seafood processing and seafood operations with products raised on the premises.** This use is permitted with conditions in the HVG, HVE, AC, **WCD**, and RC Zones, subject to the following requirements: **[Amended 11-28-2017 by Bill No. 2017-07]**

- A. The use will be located a minimum of 100 feet from all property lines.
- B. Seventy-five percent of the products must be raised on site.
- C. The minimum area shall be 50 acres.

(23) **3.01.700 Single-family detached residential: primary residence with accessory apartment.** This use is permitted with conditions in the HVC, HVG, HVR, AC, RC, RR, RV, RL, RM, RH, RO, MX, TOD, **WCD**, CER, CMR and CRR Zones, subject to the following requirements: **[Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100; 10-25-1999 by Ord. No. 99-92; 7-25-2005 by Bill No. 2005-01; 11-3-2009 by Bill No. 2009-12; 11-28-2017 by Bill No. 2017-07]**

- A. An accessory apartment may be located either in the principal dwelling unit or in an accessory building.
- B. Apartment size. The minimum floor area for an accessory apartment within a principal dwelling shall be 300 square feet, but in no case shall it exceed 50% of the gross floor area of the dwelling in which it is located. For accessory apartments located in accessory buildings, the minimum floor area shall also be 300 square feet, there shall be no more than two bedrooms in the apartment, and the apartment shall not occupy more than 50% of the accessory structure.

- C. There shall be no more than one accessory apartment permitted per existing single-family dwelling.
- D. Exterior appearance. If an accessory apartment is located in the principal dwelling building, the entry to such unit and its design shall, to the degree reasonably feasible, reflect the appearance of the single-family residential structure. No external entrance that faces a road or street shall be added to either the principal dwelling or an accessory building.
- E. Water and sewerage service. Prior to the issuance of a zoning permit for the establishment of an accessory apartment in or existing residential structure or the conversion of an existing accessory building to an accessory apartment use, approval of the proposed method of water supply and sewage disposal shall be obtained from the County Department of Health.
- F. Off-street parking. Off-street parking shall be provided in accordance with the standards and requirements of Article XX, Parking Facilities.

Figure IV-1, Table of Permissible Uses

Figure VI-10, Schedule of Zone Regulations: Watershed Conservation District Zone

SECTION 2. BE IT FURTHER ENACTED, that this act shall take effect forty-five (45) calendar days after it becomes law.

ADOPTED this ____ day of _____ 2023.

COUNTY COMMISSIONERS
CHARLES COUNTY, MARYLAND

Reuben B. Collins, Esq., President

Ralph E. Patterson II, M.A., Vice President

Thomasina O. Coates, M.S.

Amanda M. Stewart, M.Ed.

Gilbert O. Bowling, III

ATTEST:

Carol A. DeSoto, CAP, OM, Clerk

Astericks *** mean intervening code language remaining unchanged
NOTE: **CAPITALS** indicate language added to existing law
[Brackets] indicate language deleted from existing law