

COUNTY ORDINANCE 97-05

**A BILL ENTITLED**

AN ACT CONCERNING the Repeal and Re-enactment with Amendments of certain Sections of Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Edition) and the Official Zoning Maps of Queen Anne's County, and enacting Subtitles 5 and 6 of Title 18.

FOR THE PURPOSE of repealing and re-enacting with amendments Sections 18-1-013, 18-1-020 and 18-1-146 and Queen Anne's County Official Zoning Maps 49 and 57 of Title 18 of the Code of Public Local Laws of Queen Anne's County, 1996 Edition, enacting new Subtitle 5 and Subtitle 6 of Article 18; implementing the recommendations of the Draft Chester Community Plan including land use, development, environmental, community facilities, infrastructure and design recommendations for the Chester area of Kent Island; creating development standards for tax proposed zoning districts (Planned Development District and Town Center District).

**SECTION I**

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that the Code of Public Local Laws of Queen Anne's County, 1996 Edition be and is hereby amended by the repeal of Sections 18-1-013, 18-1-020 and 18-1-146 and Queen Anne's County Official Zoning Maps 49 and 57 and the re-enactment thereof with the changes set forth on the attached.

**SECTION II**

BE IT FURTHER ENACTED that the Code of Public Local Laws of Queen Anne's County, 1996 Edition be amended by the enactment of Title 5 and of Title 18 to read as set forth on the attached.

**SECTION III**

BE IT FURTHER ENACTED that this Act shall take effect on the forty-sixth day following its passage.

INTRODUCED BY: Commissioner Michael F. Zimmer, Jr.  
DATE OF INTRODUCTION: 5/20/97  
HEARING SCHEDULED: Tuesday, June 17, 1997 7:00 P.M.  
ACTION: 3 YEA 0 NAY  
DATE OF ACTION: July 1, 1997

Effective Date: August 15, 1997

Proposed Queen Anne's Code, Title 18, Land Use and Development,  
Amendments Recommended by the Planning Commission on February 13,  
1997

Add New Text

Delete Existing Text

18-1-013. Zoning districts.

- (12) village center (VC) district; and
- (13) Waterfront Village Center (WVC) District (see Subtitle 4 of this title);
- ~~(14) Chester Master-Planned Development (CMPD) District; and~~
- ~~(15) Town Center (TC) District.~~

18-1-020. Purpose of zoning district.

~~(o) Chester Master-Planned Development (CMPD) District.~~

~~This district is intended to provide for master-planned residential or mixed use development on large sites at appropriate locations as identified in the Chester Community Plan. The district provides for a flexible development concept, good site design, architectural integration in the configuration and style of buildings, functional open space and required public facilities as part of a unified and coherent plan of development. Permitted uses generally include a variety of housing types, institutional uses and non-residential uses which can be compatibly integrated within the development.~~

~~(p) Town Center (TC) District.~~

~~This district is intended to provide higher density, mixed-use development and redevelopment along the Chester "Main Street" corridor as identified in the Chester Community Plan (Route 18, Main Street, Postal Road and Piney Creek Service Road). Design standards and guidelines are incorporated within this district to foster an attractive, pedestrian-oriented pattern of mixed-use residential and non-residential development that focuses on "Main Street" as opposed to Route 50/301.~~

18-1-146. Right of Transfer.

(b) *Limitations.*

(7) Transferrable Development Rights (TDRs) used on receiving parcels within the Chester Master-Planned Development (CMPD) and Town Center (TC) zoning districts must be derived from eligible transferor parcels located within the Fourth (Kent Island) Election District.

Subtitle 5. Chester Master-Planned Development (CMPD) District

18-501. Definitions.

Unless otherwise defined in this subtitle, the definitions provided in 18-1-001 of this title shall apply to this subtitle as well.

18-502. Location.

The CMPD district is intended to have specific application to the Chester Growth Sub-Area for the purposes described in the Chester Community Plan and Section 18-1-020 (o) of this title. As such, the CMPD district may only be applied to lands designated as "Chester Planned Development" by the Chester Community Plan.

18-503. Uses.

(a) *Permitted Uses*

The following uses are permitted within the CMPD District:

(1) Single-family, duplex, patio, townhouse, multiplex and apartment residential uses.

(2) All institutional uses, including golf courses, as defined by Section 18-1-030 of this title.

(3) Commercial uses are permitted only in association with a residential and/or institutional mixed-use development. The Planning Commission shall approve the type and size of any commercial use(s) proposed as a component of an overall mixed-use development plan. In order to approve any specific commercial use and its appropriate size, the Planning Commission must find that the proposed commercial use:

(i) is compatible with surrounding and anticipated development in the area;

(ii) is consistent with the intent of the Chester Community Plan; and

(iii) will not create undue traffic congestion in the area.

(4) The following commercial uses are permitted as a component of a mixed-use development pending approval by the Planning Commission:

(i) small-scale retail and service businesses sized to accommodate the convenience commercial needs of the Chester community;

(ii) restaurants;

(iii) business or professional offices;

(iv) medical offices or clinics;

(v) banks or financial institutions;

(vi) hotels, country inns, bed and breakfasts and associated ancillary resort uses such as conference facilities, aquatic facilities, health spas, athletic courts, etc.;

(vii) home occupations;

(viii) marinas; and

(ix) other commercial uses with similar impacts as determined by the Planning Commission.

(5) Effluent Disposal uses.

(6) All temporary uses as permitted in Section 18-1-033 of this title.

(7) All accessory uses as permitted in Subtitle 1, Part V, Subpart 5 of this title.

(b) **Conditional uses.**

There are no conditional uses in the CMPD district.

#### 18-504. Development standards.

Applications for development in the CMPD district shall meet the following standards in addition to all other applicable requirements of this title which do not conflict with the standards contained in this section. In cases where other standards within

this title may be found to conflict with the standards contained in this section, only the standards contained in this section shall apply.

(a) *Minimum site size.*

Minimum site size for a CMPD district development shall be five (5) acres.

(b) *Use mix.*

In a mixed-use development which includes commercial uses, no more than fifty (50) percent of the developed portion (total site area less the required 25 percent open space area) of the site may be utilized for commercial use unless the Planning Commission determines that allowance for a greater percentage is desirable given review of the overall development plan.

(c) *Maximum density.*

Maximum gross density for the residential portion of a CMPD district development shall be six (6) dwelling units per acre and up to eight dwelling units per acre if Transferrable Development Rights (TDRs) are utilized.

(d) *Maximum floor area ratio.*

Maximum floor area ratio for the non-residential portion of a CMPD district development is 0.25. The maximum permitted amount of non-residential floor area may be increased by 25 percent if Transferrable Development Rights (TDRs) are utilized.

(e) *Planning Commission final determination on density and floor area ratio.*

The Planning Commission may require a lower residential density and/or floor area ratio if it finds that the maximum permitted density or floor area ratio would result in development that would:

- (1) not be compatible with existing or anticipated development in the surrounding area; or
- (2) create a detrimental impact on the environment; or
- (3) create a situation where public facilities including, but not limited to, roads and schools would not be adequate.

The Planning Commission may also find that a proposed residential density and/or floor area ratio is too low and would not be an efficient use of limited lands zoned for master-planned

development within a designated growth sub-area.

**(f) Open Space.**

Common or public open space shall comprise at least 25 percent of the total site area. At least 10 percent of the required common or public open space shall be utilized for outdoor recreational uses as defined in Section 18-1-30 of this title. If the open space is to be commonly owned, legal documentation ensuring its continuance and maintenance must be submitted to and approved by the Planning Commission.

**(g) Design standards.**

Building setbacks, lot sizes, impervious coverage, height, landscaping, bufferyard, lighting and road standards shall be determined by the Planning Commission for each individual development in the CMPD district. In determining these requirements the Planning Commission shall consider such factors as the proposed intensity of the development, use mix, design and compatibility with existing or anticipated development on surrounding lands. The purpose of this standard is to provide design flexibility, consistent with public health and safety, to the developer who subdivides property and constructs buildings in accordance with a unified and coherent plan of development.

**(h) Traffic circulation and pedestrian linkages.**

On-site and off-site streets, traffic circulation patterns, and pedestrian linkages shall be adequate to accommodate the demands generated by the proposed development. Where practical, streets and pedestrian linkages shall be designed to link with those of adjacent existing or future developments. Private internal streets/roads are permitted if the Planning Commission finds that such streets/roads will be adequate to carry projected traffic, will be properly maintained, and are more appropriate to the overall development design than public streets built with existing road standards.

**(i) Development phasing.**

The development shall be master-planned as an integrated project with well-designed and coordinated transitions between various land uses and adjacent existing land uses. A phasing plan for various components of the development must be approved by the Planning Commission as a component of initial sketch and/or concept plan approval. Construction on the commercial component of a mixed-use project involving residential development shall not commence until at least fifty (50) percent of the residential development component is completed.

**(j) Non-applicability of certain sections of this title.**

None of the provisions of Subtitle 1, Part V, Subparts 1, 2, 3 and 4 of this title (General requirements, Residential standards, Non-Residential standards and Site capacity) shall apply to development in the CMPD district.

**(k) Sign standards.**

Sign standards for commercial development in the CMPD district shall be the same as those applying to the Suburban Commercial (SC) zoning district. Sign standards for all other types of development in the CMPD district shall be the same as those applying to the Suburban Residential (SR) zoning district.

**(l) Parking and loading standards.**

Off-street parking and off-street loading standards for development in the CMPD district are contained in Subtitle 1, Part VI, Subpart 2 of this title.

**(m) Natural resource protection standards.**

Natural resource protection standards for development in the CMPD district are contained in Subtitle 1, Part VI, Subpart 2 of this title.

**(n) Forest conservation standards.**

Forest conservation standards for development in the CMPD district outside of the Chesapeake Bay Critical Area are contained in Subtitle 2 of this title. Afforestation and reforestation standards shall be calculated as per the Village Center (VC) zoning district.

**18-505 Development Review Process.**

**(a) Procedures in general.**

In reviewing development proposals in the CMPD district the procedures prescribed in Subtitle 1, Part IX of this title shall generally apply.

**(b) Specific procedures for the CMPD district.**

Notwithstanding Subsection (a), the following items shall apply to the development review process for CMPD projects:

(1) A pre-application conference between the applicant and Department of Planning and Zoning staff is required for all CMPD district development.

(2) A public facilities impact assessment, traffic impact assessment, historic and cultural resources inventory, and environmental impact assessment is required to be submitted with concept or sketch plan development applications in the CMPD district.

(3) The applicant shall submit any additional information, plans, specifications, documents, drawings, etc. necessary to determine compliance with the CMPD development standards contained in section 18-504 and the Planning Commission findings contained in section 18-505 (c).

**(c) Planning Commission findings.**

The Planning Commission shall make the following findings with regard to development approvals in the CMPD district:

(1) The proposed development conforms to all applicable regulations contained in this title and Title 14, Subtitle 1, Chesapeake Bay Critical Area Act.

(2) The proposed development conforms to the Chester Community Plan

(3) The proposed development, in conjunction with reasonably anticipated development in the surrounding neighborhood, will not adversely impact the adequate and orderly provision of public services and facilities for the area.

(4) The proposed development, in conjunction with existing and reasonably anticipated development in the surrounding neighborhood, will not cause unacceptable traffic congestion or safety hazards near the site or elsewhere in the Chester area.

(5) The proposed development is planned in such a manner as to protect environmentally sensitive areas and important historic or cultural features on the site.

(6) The proposed development is designed to be compatible with existing development in the surrounding neighborhood and/or the proposed development contains adequate screening, landscaping and bufferyards to protect the surrounding neighborhood.

**Subtitle 6. Town Center (TC) District**

**18-601. Definitions.**

Unless otherwise defined in this subtitle, the definitions provided in 18-1-001 of this title shall apply to this subtitle as well.

**18-602. Location.**

The TC district is intended to have specific application to the Chester growth sub-area for the purposes described in the Chester Community Plan and section 18-1-020 (p) of this title. As such, the TC district may only be applied to lands designated as "Town Center" within the Chester Community Plan.

**18-603. Uses.**

**(a) Permitted uses.**

Permitted uses in the TC district include all uses listed as either "permitted by right" or "permitted as conditional use" in the Village Center (VC) and Urban Commercial (UC) zoning districts as provided in Subtitle 1, Part IV of this title. Mixed-use development incorporating permitted uses on the same site or within the same structure are permitted.

**(b) Conditional uses.**

There are no conditional uses in the TC district.

**18-604. Development standards.**

Applications for development in the TC district shall meet the following standards in addition to all other applicable requirements of this Ordinance which do not conflict with the standards contained in this section. In cases where other standards within this title may be found to conflict with the standards contained in this section, only the standards contained in this section shall apply:

**(a) Residential development standards.**

Residential development in the TC district shall comply with all standards of this Ordinance that apply to residential development in the Village Center (VC) district excepting that the Planning Commission may establish building restriction lines, parking, landscaping and bufferyard requirements on a case-by-case basis in order to ensure consistency with the TC district design guidelines.

**(b) Non-residential development standards.**

Nonresidential development in the TC district shall comply with all standards in this Ordinance that apply to nonresidential development in the Urban Commercial (UC) district except that the minimum landscape surface ratio is .20 and the maximum floor area ratio is .40. The Planning Commission may establish building restriction lines, parking, landscaping and bufferyard requirements

on a case-by-case basis to ensure consistency with the TC district design guidelines.

**(c) Access.**

All development and redevelopment in the TC district shall be required to limit and consolidate entrances and curb cuts, to the extent practical, through the use of shared entrances, off-site parking, internal circulation systems that connect parking areas, and other means.

**(d) Design guidelines.**

All new development and redevelopment in the TC district is strongly encouraged to incorporate the following design guidelines. The Planning Commission shall consider these guidelines and the community design objectives of the Chester Community Plan in their review of all new development and redevelopment within the TC district. The Planning Commission may not approve development applications that have not made a practical and good faith effort to comply with the following design guidelines and community design objectives of the Chester Community Plan.

(1) Buildings and structures should be oriented towards local streets as opposed to Rt. 50/301 whenever practical.

(2) Front setbacks should be reduced to bring buildings and structures closer to the street and sidewalks in order to foster town-scale streetscape and encourage pedestrian activity.

(3) Side setbacks and yards between buildings should be reduced to foster a town-scale streetscape and encourage pedestrian activities.

(4) Roadside sidewalks should be provided when sites are developed or redeveloped. Sidewalks linking structures to roadside sidewalks should be provided wherever practical.

(5) Parking should be to the side and rear of buildings with allowances for shared and off-site parking to the rear of buildings. Connecting rear parking lots should be encouraged to allow customers and residents to drive to shops within the corridor without entering public roads and interrupting traffic and pedestrian flows. Individual curb-cuts should be reduced. To the extent possible parking should be screened from public ways and should not be placed directly in front of the building facade containing the primary entrance to the structure.

(6) Newly installed utility and service connections should be placed underground wherever possible.

(7) Attractive landscape transition to adjoining properties should be provided and existing mature landscaping/trees on sites should be preserved. Landscape and screening treatments between potentially incompatible uses should be enhanced when necessary to lessen any negative impacts.

(8) Parking areas and sidewalk areas should be enhanced with landscaping.

(9) Exterior lighting should be of a design and size compatible with the building and adjacent areas. Lighting should be restrained in design and excessive brightness or glare should be avoided. Lighting for pedestrian areas and walkways should be aesthetically pleasing and adequate for public safety.

(10) Buildings should be in good scale and harmonious conformance with neighboring development.

(11) Mechanical equipment or other utility hardware on roof, ground or buildings should be screened from public view with materials harmonious with the building, or they should be located so as not to be visible from public ways. Outside storage areas and service equipment should also be screened from public view with materials harmonious to the building.

(12) Hedges, decorative fences and other forms of landscaping should be used to close gaps between building and define the streetscape.

(13) Street trees should be planted to help enclose and shade the street and pedestrian ways.

(14) Flat roofs and false mansard roofs should be discouraged and gabled roofs should be encouraged.

(15) Pedestrian oriented open spaces should be created by groupings of small-scale buildings in clusters and utilizing spaces between the buildings.

(16) Multiple story buildings with commercial uses on the ground floor and mixed office or residential uses on upper floors should be encouraged.

(17) Full facade treatment, foundation landscaping and lighting should be required on all building elevations which are visible from a public way.

(18) New construction should be designed and built to blend with historical Eastern Shore architectural forms (interpretations of colonial and victorian) in terms of formal characteristics such as shape, height, massing, roof shapes and door and window proportions.

**18-605. Development Review Process.**

**(a) General procedures.**

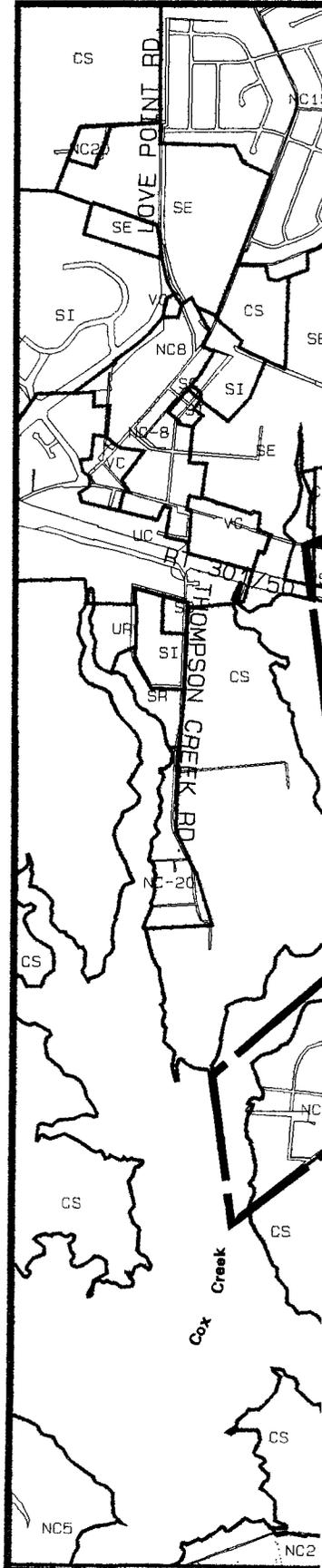
In reviewing development proposals in the TC district the procedures prescribed in Subtitle 1, Part IX of this title shall generally apply.

**(b) Specific procedures for the TC district.**

Notwithstanding subsection (a), the following items shall apply to the development review process for TC projects:

(1) A pre-application conference between the applicant and Department of Planning and Zoning staff is required for all TC district development.

(2) The applicant shall submit any additional information, plans, specifications, documents, drawings, etc. necessary to determine compliance with the TC development standards contained in section 18-604.

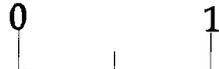


# Chester Community Plan

## Proposed Zoning District Amendments

-  Planning Area
-  Agriculture
-  Countryside
-  Estate
-  Suburban Estate
-  Suburban Residential
-  Neighborhood Conservation
-  Urban Residential
-  Village Center
-  Suburban Commercial
-  Urban Commercial
-  Suburban Industrial
-  Light Industrial Highway Service
-  Proposed Town Center District
-  Proposed Chester Master Planned Development District
-  Proposed NC-15 District

1 in. = 2800 ft.



February 1997