

COUNTY ORDINANCE NO. 12-03

A BILL ENTITLED

AN ACT CONCERNING the Maximum Height Allowable in the Waterfront Village Center (WVC) Zoning District in Queen Anne’s County and to add “Horizontal Mixed Use With A Marina” to the Definition of Mixed Use under the Queen Anne’s County Zoning Ordinance (Chapter 18:1) of the Code of Public Local Laws;

FOR THE PURPOSE of allowing the Queen Anne’s County Planning Commission to permit a maximum height of 55 feet for nonresidential and multifamily residential buildings in the Waterfront Village Center (WVC) zoning district; adding “Horizontal Mixed Used with a Marina” to the definition of “Mixed Use” in Chapter 18:App-1. Definitions; establishing the allowable percentage of residential use or commercial apartments with respect to a Horizontal Mixed Use with a Marina;

BY AMENDING Sections 18:1-26 N.(1)(a) and the definition of Mixed Use in § 18 App-1. Definitions of Chapter 18 of the Code of Public Local Laws of Queen Anne’s County.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE’S COUNTY, MARYLAND that Section 18:1-26 N.(1)(a) of the Code of Public Local Laws be amended to read as follows:

§18:1-26 Waterfront Village Center

...

N. (1) In general.

- (a) When approving a site plan within the WVC District the Planning Commission at the time of the site plan review may consider a modification to Subsection F(2)(a)[2] and F (4) to permit a maximum nonresidential floor area ratio of 0.40 and height of 55 feet (for any nonresidential or multifamily residential building) with no other bonus provision requirements specified in subsection N(2) below provided at least 50% of the first floor area is elevated to allow for parking under the building.*
- (b) ...*
- (c) Subject to Subsection N(2) below, the Planning Commission may grant a specified bonus:
[1] Up to 0.50 FAR; and*

[2] Up to 60 feet in allowable building height.

...

SECTION II

BE IT FURTHER ENACTED that the definition of “Mixed Use” in Section 18 App. 1. Definitions of the Code of Public Local Laws be amended to read as follows:

*Chapter 18App
Appendix a: Glossary*

§18App-1. Definitions.

In Chapter 18, the following words have the meanings indicated:

...

MIXED USE - The combining of retail/commercial and/or service uses with residential or office use in the same building or on the same site in one of the following ways: [Added 2-24-2009 by Ord. No. 08-19]

A. VERTICAL MIXED USE -- A single structure with the above floors used for residential or office use and a portion of the ground floor for retail/commercial or services uses.

B. HORIZONTAL MIXED USE -- A single structure which provides retail/commercial or service use in the portion fronting the public or private street or public accessway with attached residential or office uses behind.

C. HORIZONTAL MIXED USE -- Two or more structures on one site which provide retail/commercial or service uses in the structure(s) fronting the public or private street or public accessway, and residential or office uses in separate structure(s) behind or to the side.

Mixed Use Options	Number of Floors	Percentage of Residential Use or Commercial Apartments
<i>Vertical mixed use</i>	<i>2</i>	<i>50% of total gross floor area with residential located on upper floor</i>
<i>Vertical mixed use</i>	<i>3</i>	<i>66% of total gross floor area with residential located on upper floors</i>
<i>Vertical mixed use</i>	<i>4</i>	<i>75% of total gross floor area with residential located on upper floors</i>
<i>Horizontal mixed use -- single structure</i>	<i>1</i>	<i>50% of total gross floor area using a vertical split with commercial located along the street front or public accessway</i>
<i>Horizontal mixed use -- single structure</i>	<i>2</i>	<i>50% of total gross floor area using a vertical split with commercial located along the street front or public accessway on all floors</i>

<i>Horizontal mixed use -- single structure</i>	3	66% of total gross floor area using the following allocation: <i>Floors 1 and 2 -- 50% vertical split of commercial and residential uses with commercial located along the street front or public accessway 3rd floor -- 100% residential use</i>
<i>Horizontal mixed use -- single structure</i>	4	75% of total gross floor area using the following allocation: <i>Floors 1 and 2 -- 50% vertical split of commercial and residential uses with commercial located along the street front or public accessway Floors 3 and 4 -- 100% residential use</i>
<i>Horizontal mixed use -- multiple structures</i>	N/A	<i>50% of total gross floor area of development with retail/commercial fronting the public or private street or public accessway</i>
<u>Horizontal Mixed Use with a Marina</u>	<u>NA</u>	<u>50% of the total site area</u>
. . .		

SECTION III

BE IT FURTHER ENACTED that this Act shall take effect on the forty-sixth (46th) day following its enactment.

INTRODUCED BY: Commissioner Dumenil

DATE: May 8, 2012

PUBLIC HEARING HELD: June 26, 2012 @ 6:15 p.m.

VOTE: 3 Yea 1 Nay 1 Abstain
(Commissioner Dumenil Opposed)
(Commissioner Simmons Abstained from vote)

DATE OF ADOPTION: July 10, 2012

EFFECTIVE DATE: August 25, 2012