

June 8, 2021

Board of County Commissioners  
Charles County Maryland  
200 Baltimore Street  
La Plata, Maryland 20646

Re: Zoning Text Amendment 19-154 June 8, 2021 Public Hearing

Dear Commissioners:

On behalf of the Maryland Building Industry Association (“MBIA”), I’m providing our comments and recommendations regarding the proposed changes to Single-Family Attached Residential and Multi-Family developments for the Commissioner’s consideration.

I would like to thank the Planning Staff for their public outreach during development of this Zoning Text Amendment. Overall the proposed changes will clarify and simplify how various provisions of the Zoning Ordinance are applied to single-family attached and multi-family developments which benefits staff, the public and the Building Industry. However, there are several areas of the Zoning Text Amendment that we believe could be improved. Our specific comments and recommended revisions are summarized below.

Page 13, 297-49 E. Definitions

Requiring a potable water source for community garden irrigation isn’t necessary. The only option to provide a potable source of water in the Development District is connecting to the public water system at a cost of approximately \$10,000 which discourages consideration of this amenity. Rain barrels should be an acceptable water source for irrigation which would encourage incorporation of Community Gardens in development plans. We recommend revising this section to read as follows:

“Community Garden – A parcel of land owned by a Community Association, Homeowners Association or Condominium Association designated for members of the association to cultivate vegetables, fruits and flowers. A source of water for irrigation shall be provided within the limits of the subject parcel of land. Operation of the Community Garden shall be regulated by the Community Association.”

Page 21, 297-212 3.02.200 A. Transitional Provisions

Transitional provisions should ensure previously approved projects have the option to utilize the revised standards once adopted. We recommend revising this section to read as follows:

“Transitional Provisions. Applications for Preliminary Subdivision Plans that include single-family attached dwelling units submitted after (insert effective date here) shall be subject to full compliance with the requirements herein. Applications for Preliminary Subdivision Plans that include single-family attached dwelling units submitted prior to (insert effective date here) may proceed to completion (i) in full compliance with the Zoning Ordinance requirements for single-family attached dwellings in effect at the time of Preliminary Subdivision Plan approval, or (ii) in full compliance with the requirements herein, or (iii) any combination of (i) and (ii).”

Page 23, 297-212 3.02.200 F.(1)(A) Dwelling Units Per Structure

Although increasing the number of units permitted in each structure has the potential to facilitate the creation of larger contiguous open spaces and positively impact affordability, the cost to vary roof heights or the number of stories in each building will discourage structures containing more than 5 units. We recommend revising this section to read as follows:

“There shall be no more than six dwelling units within a townhouse structure when averaged throughout a proposed development plan, but in no case shall more than eight dwelling units be permitted in a townhouse structure”.

Page 25, 297-212 3.02.200 F.(9) Rear Yard Access

The proposed changes to this section would require construction of a paved path behind homes creating additional impervious surfaces, increasing maintenance costs for the homeowners and encouraging public use of these private open spaces. Paved access to rear yards isn't necessary, nor is it required by other jurisdictions in Maryland. Access to rear yards is typically provided by creating an unobstructed grassed area adjacent to the rear lot lines that connects to sidewalks and/or streets at the front of the lots. We recommend revising this section to read as follows:

“Rear yard access. All dwelling units shall be sited to provide access to the rear yards. For dwelling units with garage access from the front and non-garage dwelling units, a minimum clear area six feet in width with a maximum cross slope of ten percent (10%) shall be provided adjacent to and parallel with the rear property line.”

Page 26, 297-212 3.02.200 F.(10) End Walls

Requiring two architectural features per story is excessive compared to the surrounding jurisdictions. There is no aesthetic value in providing enhanced architectural features on end walls of single-family attached buildings that are typically separated by 20 to 30 feet and aren't readily visible from a public way. Specific requirements for high visibility elevations should be specified to enhance their aesthetic appeal. We recommend revising this section to read as follows:

“End walls shall be designed such that the front, end and rear facades are compatible and contain common design elements in a balanced composition. All end walls shall have a minimum of two architectural features. High visibility lots where end walls are prominent shall be articulated with architectural features which are similar to the details provided on the front façade, shall have a minimum of 3 architectural features and at least 30% of these high visibility end walls, excluding the area of windows and doors, shall consist of brick, stone, fiber cement or a high quality building material such as polymeric siding.”

Page 27, 297-212 3.02.200 F.(11) Rear Walls

The requirements for screening rear elevations and high visibility elevation treatment should be specified. We recommend revising this section to read as follows:

“Rear walls shall be screened from views of public spaces, such as recreation areas, streets and parking lots, or articulated with architectural features which are similar to the details provided on the front façade and shall be designed such that the front, end and rear facades are compatible and contain common design

elements in a balanced composition. Single-family attached buildings backing to a Resource Protection Zone, Forest Conservation Easement, wooded open space or other buildings satisfy the screening requirement. Landscaped berms and fencing are also acceptable methods of screening. High visibility lots where rear walls are prominent shall possess accentuated window and door trim.”

Page 27&28, 297-212 3.02.200 F.(13)(A)&(B) Building Materials

Charles County’s proposed siding restrictions are significantly more stringent than Anne Arundel, Calvert, Howard, Montgomery, Prince George’s and St. Mary’s counties. Requiring 40% brick, stone or fiber cement and 20% polymeric siding for the entire single-family attached building limits our opportunities to vary colors, materials and textures reducing options to produce diverse, attractive streetscapes that minimize color repetition. This requirement also considerably increases the cost of housing. Fiber cement, polymeric and vinyl siding aren’t available in the same colors, sizes or patterns which significantly limits opportunities to transition between these materials. There is little aesthetic value in providing brick, stone, fiber cement or polymeric siding for end walls on single-family attached buildings that are typically separated by 20 to 30 feet and aren’t readily visible from a public way. Rear walls of single-family attached buildings are required to be screened or possess enhanced architectural treatments. Requiring these siding materials on side or rear elevations has a negligible aesthetic benefit while significantly increasing cost. In addition, restricting choices of color pallets further limits our options to minimize color repetition, which is critical to creating distinctive, attractive streetscapes.

There are numerous examples of high quality, attractive single-family attached communities in Maryland that were developed without the mandate of strict architectural controls such as those proposed in this legislation. Flexibility provides us the opportunity to build high quality, attractive and unique communities that will stand the test of time.

To provide flexibility that will encourage the use of various high quality materials, textures and colors to create more attractive, diverse streetscapes, we recommend revising this section to read as follows:

**Building Materials**

- (A) Masonry percentage. At least 60% of the front elevations of each single-family attached building, excluding the area of windows, doors and gables, shall consist of a combination of brick, stone, fiber cement or a high quality building material such as polymeric siding.”
- (B) Color Schemes and Material Selections. All dwelling units in a single-family attached building shall be designed to minimize color and material repetition.

Page 31, 297-212 3.02.200 K.(2) Required Parking

Most jurisdictions permit off-lot parking requiring the spaces to be located within 200 to 700 feet from the building being served. The proposed 200-foot distance to off-lot parking is reasonable if on-lot parking is not proposed. However, if a portion of the parking is provided on-lot there should be more flexibility in the off-lot space location. We recommend revising this section to read as follows:

“(2) The parking space requirement for single-family attached residential dwelling units may be satisfied via a combination of the following: an on-lot driveway, an integral garage, a detached garage on-lot or off-lot parking with a pedestrian link from the parking area to the associated lot. The maximum walking distance to an off-lot parking space from the associated lot shall be 200 feet if no on-lot parking spaces are provided or 400 feet if at least 1 on-lot parking space is provided.”

Page 33, 297-212 3.02.200 N. Pedestrian Connectivity

Pedestrian connectivity should be required on both sides of streets where practical. However, there are instances when a road is single loaded to minimize impacts to environmental features such as specimen trees, wetlands or streams where additional grading for a sidewalk would create an unnecessary impact. We recommend revising this section to read as follows:

“(2) Pedestrian connectivity shall be provided on both sides of a given street where practical. Sidewalks and walkways shall interconnect with building entrances and individual dwelling units, off-lot and guest parking areas, usable open space and recreation areas.”

The wording of subsection (3) implies significant offsite improvements may be required without consideration of the cost or potential impediments. It isn't reasonable to require a development to extend sidewalks or trails up to ½ mile from the subject property boundary. The cost and inability to obtain offsite easements for these connections could prevent projects from moving forward. This subsection should be deleted in its entirety.

We believe our revisions to the proposed Zoning Text Amendment will facilitate development of distinctive, attractive and affordable single-family attached housing in Charles County that will stand the test of time.

Sincerely,



Douglas W. Meeker  
Charles County Chapter - Maryland Building Industry Association