

To: Charles County Commissioners
From: Soltesz, Inc.
Re: Bill 2021-02 - ZTA #19-154 – proposed additional amendments

As part of the current ZTA process, we request review and consideration of the following additional changes to *Figure VII-3 (BoardDocs Attachment 'F')*:

Article VII, Figure VII-3 Schedule of Zone Regulations

The additional requested amendments to *Figure VII-3* apply specifically to Multi-family Residential uses in the MX Zone. A copy of *Figure VII-3* that illustrates the additional changes has been provided and identified as **Exhibit 'A'**. The proposed changes are summarized below in **bold** text; the current corresponding regulations are shown in **red**:

Use 3.03.100 Garden apartments:

Minimum Yard Requirements
Front yard setback = 10'
Side yard setback = 0/10', total 10'
Rear yard setback = 10' (50')

Use 3.03.200 Mid-rise apartments:

Minimum Yard Requirements
Front yard setback = 10'
Side yard setback = 0/10', total 10'
Rear yard setback = 10' (50')

Maximum height limits

Feet = 60' *
Stories = 5 (4 story maximum)

Use 3.03.300 High-rise apartments:

Minimum Yard Requirements
Front yard setback = 10'
Side yard setback = 0/10', total 10'
Rear yard setback = 10' (50')

Maximum height limits

Feet = 60' *
Stories = 6 (5 story maximum)

* may be increased as per *Chapter 297-210, Article XIII*.

Please note that the requested revision to the number of stories for mid-rise and high-rise apartment buildings is not a true "amendment" to the Code, per se. It actually represents a "correction" to the existing Code, which is needed to address an inconsistency between *Article VII, Figure VII-3* and *Article II, Chapter 297-49 Definitions*.

Currently, *Figure VII-3* shows mid-rise buildings allowed in the MX Zone up to (60') in height, but with a limit of (4) stories. A high-rise building is also allowed up to (60') in height, but with a limit of only (5) stories. However, in *Article II*, a "residence, mid-rise" building is defined and illustrated with **4 or 5 stories**, and a "residence, high-rise" building is defined and illustrated with **6 or more stories**. As amended, *Figure VII-3* would become consistent with the text in the Definitions section of *Article II*. This correction would also align with the guidance in *Chapter 297-9D., Rules of Construction*, which states that the "text" shall control in the case of any discrepancy.

Substantial constraint to full utilization of an MX site is apparent when *Figure VII-3* is compared to *Figure VI-9*. The dimensional requirements for the MX Zone do not align at all with those put in place for the Activity Center Zones, especially as it relates to multi-family housing. The greatest discrepancy involves the rear yard building setback, which is (0') in the Activity Center Zones, and (50') in the MX Zones. While a (50') setback is common and appropriate in rural or industrial zones, it is far too large for an "urban" setting on an MX site that is intended to be "compact". The current regulation works against, rather than supports, creation of high-density residential development in the Opportunity Zone. In recognition of the fact that MX sites are generally larger (10 acre minimum) than WC or AUC zoned parcels, and include a substantial residential component, the ZTA proposes a **(10') rear yard building setback**. A copy of *Figure VI-9* has been provided and identified as **Exhibit 'B'**.

Further justification for these additional amendments to the Zoning Ordinance may be found in *Chapter 297-109D*. In this section of the Code, guidance is provided for future planned development zone applications that involve properties within the area included in the Downtown Waldorf Vision Plan. As noted in *Chapter 297-109D*, such development shall conform to the Downtown Waldorf Design Guidelines so that "*the proposed development may be integrated into and be consistent with the character desired for Downtown Waldorf*". Amendment of the setback standards as requested will support the outcomes conceived by the Vision Plan, and support the Opportunity Zone initiative.

Thank you for your attention and consideration of our request.

Respectfully submitted,

Soltész, Inc.

Cathy Flerlage, AICP