

**ST. MARY'S COUNTY GOVERNMENT
DEPARTMENT OF LAND USE
AND GROWTH MANAGEMENT**

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TO: Board of County Commissioners
Dr. Rebecca Bridgett, County Administrator

FROM: Phil Shire, Director

DATE: October 10, 2013

SUBJ: Proposed text amendment to Chapter 285 of the Code of St. Mary's County, to exempt all site plans for non-residential developments containing less than 5,000 square feet of floor area from adequate public facility requirements.

PURPOSE: Text amendment for clarification of exemption applicability.

BACKGROUND: On August 20, 2013 an introduction reading was held and the Board of County Commissioners accepted this reading 4 to 1 directing staff to proceed with the scheduling of the Public Hearing on the proposed Text Amendment. A notice of a public hearing was advertised on October 11, 2013 and October 18, 2013 in *The Enterprise*, a newspaper of general circulation in St. Mary's County.

CZO Chapter 60 requires site plan review for non-residential development. Section 60.4 allows minor site plans to be used for additions to commercial structures or for an accessory commercial building. There are no hard and fast rules relating to minor site plan usage – it is at the planning director's discretion to determine whether or not a minor site plan will suffice for any given circumstance.

Regardless of size, a stand-alone principal use requires the major site plan review process, which includes Planning Commission review at the conceptual site plan stage.

CZO Chapter 70 addresses adequate public facilities. Section 70.3 currently exempts minor site plans for non-residential development containing less than 5,000 square feet of floor area. The impact on the surrounding community of any non-residential development is related directly to the development project's size as measured in floor area – not on whether a site plan designation is minor or major.

Staff proposes that the existing exemptions pursuant to CZO Section 70.3 be made to apply to all or any site plans for non-residential developments containing less than 5,000 square feet of floor area, in recognition of the relatively minimal impact of such small projects. An average retail store of 5000 square feet floor area generates approximately 17 morning peak-hour trips and 23 evening peak-hour trips per day. Traffic impact studies are typically not required for uses that generate less than 50 peak-hour trips per day.

It is important to understand that there are no exemptions from the requirements for adequate water supply, sewage disposal or fire suppression.

PROPOSED AMENDMENT TO THE ZONING ORDINANCE:

§70.3 of Chapter 285 of the *Code of St. Mary's County, Maryland*, is amended to read as follows:

70.3. Exemptions.

Except for a determination of the adequacy of sewer and water service, this Chapter does not apply to a residential subdivision that creates no more than two (2) family lots from a parcel or from a lot of record as of September 4, 2008, or a site plan for non-residential developments containing less than 5,000 square feet of floor area.