

Subject: To Amend §51.3.16 of Chapter 285 of the Code of St. Mary's County, Maryland, to require recycling collection receptacles for apartment and condominium buildings with 10 or more dwelling units

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ORDINANCE

TO AMEND §51.3.16 OF CHAPTER 285 OF THE CODE OF ST. MARY'S COUNTY, MARYLAND, TO REQUIRE RECYCLING COLLECTION RECEPTACLES FOR APARTMENT AND CONDOMINIUM BUILDINGS WITH 10 OR MORE DWELLING UNITS.

WHEREAS, pursuant to §§4-101 through §4-104 of the *Land Use Article* of the *Annotated Code of Maryland*, the Commissioners of St. Mary's County, Maryland, are authorized to establish zoning districts and prescribe and amend regulations applicable in such districts; and

WHEREAS, a notice of a public hearing was advertised on August 29, 2014 and September 5, 2014 in *The Enterprise*, a newspaper of general circulation in St. Mary's County, and a public hearing was held on September 16, 2014 to receive public comment and consider amendments to §51.3.16 of Chapter 285 of the *Code of St. Mary's County, Maryland* to require recycling collection receptacles for apartment and condominium buildings with 10 or more dwelling units; and

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland finds that it is in the best interest of the health, safety and welfare of the citizens of St. Mary's County to amend §51.3.16 of Chapter 285 of the *Code of St. Mary's County Maryland* to require recycling collection receptacles for apartment and condominium buildings with 10 or more dwelling units.

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of St. Mary's County, pursuant to §§4-101 through §4-104 of the *Land Use Article* of the *Annotated Code of Maryland*, that:

SECTION I. Use Type 16, Dwelling Unit, Multi-family Residence of Section 51.3 of Chapter 285 of the *Code of St. Mary's County, Maryland*, is amended to read as follows:

16. Dwelling Unit, Multi-family Residence.

a. *General Standards:*

- (1) Site plan approval shall be required.
- (2) Maximum lot coverage for a principal structure shall not exceed 30 percent of the total tract area.
- (3) Recycling Collection Receptacles. Apartment communities with 10 or more dwelling units and multi-family residential buildings with 10 or more multi-family dwelling units shall provide recycling.
- (4) At least 30 percent of the total tract area shall be maintained in open space (exclusive of rear yards, driveways and parking or loading areas). At least 50 percent of the open space shall be useable open space.
- (5) Apartments:

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- (a) Private rear yards, having an area of at least 15 feet by 15 feet, shall be screened from adjacent private yards by the equivalent of six-foot privacy fence.
- (b) Minimum distance between two unattached multi-family structures shall be 40 feet between exterior walls. This setback shall increase to 60 feet if the structures are face to face.
- (c) At least 30 percent of the development envelope shall be maintained in Useable Open Space. At least 25 percent of the open space shall be Amenity Space.

BE IT FURTHER ORDAINED, by the Commissioners of St. Mary's County, that this Ordinance shall be effective upon the date written below.

Those voting Aye: _____

Those voting Nay: _____

Those Abstaining: _____

Date of Adoption: _____

Effective Date: _____

ATTEST:

COMMISSIONERS OF ST. MARY'S COUNTY

Rebecca B. Bridgett
County Administrator

Francis Jack Russell, President

Lawrence D. Jarboe, Commissioner

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Cynthia L. Jones, Commissioner

George R. Sparling
County Attorney

Todd B. Morgan, Commissioner

Daniel L. Morris, Commissioner