

**St. Mary's County Government**  
**DEPARTMENT OF LAND USE**  
**AND GROWTH MANAGEMENT**

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*William B. Hunt, Deputy Director*



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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 amend §70.7.2.d. of Chapter 285 of the *Code of St. Mary's County, Maryland*, to clarify Adequate Public Facilities requirements for roads in designated development districts and town centers

**PURPOSE:** Text amendment proposed to allow for traffic mitigation in town centers.

**BACKGROUND:** On August 20, 2013 an introduction reading was held and the Board of County Commissioners accepted this reading 3 to 2 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.

The purpose of CZO Chapter 70 Adequate Public Facilities is to implement the policies and goals of the Comprehensive Plan. The fundamental goal of the Comprehensive Plan is to direct growth to appropriate areas that can sustain it and to preserve non-growth areas.

The standard measure for road adequacy is “level of service” or LOS. Areas experiencing LOS failures are steadily increasing throughout the County. There is a provision in CZO Section 70.7.2.d that will allow a project to proceed in these failing LOS areas as long as the project provides mitigation proportional to the project to assure that the level of failure is not increased by the project, and in fact shows “...an improvement in traffic operations beyond what would have been expected if the development had not occurred.”

However, this provision applies only in the development districts of Leonardtown and Lexington Park. In town and village centers with failing LOS, development simply cannot be approved unless the failure is corrected to a passing level - which could involve reconstruction of a major intersection or major highway. This is cost prohibitive for most smaller or moderate sized development projects. This text amendment is not intended for Village Centers.

Commissioner Morris wanted assurance that this amendment would only impact commercial projects. This would not meet the Comprehensive Plan objective for Mixed Use Zones to accommodate residential, office, personal business and moderate to low intensity commercial development adjacent to the principal transportation corridor. All are recommended uses that make up the Town Centers.

This Text Amendment is intended to apply to all five (5) of the County's Town Centers, (Charlotte Hall, New Market, Mechanicsville, Hollywood and Piney Point).

**PROPOSED AMENDMENT TO THE ZONING ORDINANCE:**

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

- d. The development is located within designated development districts and town centers where the County wants to encourage new development, or redevelopment. These developments would be allowed to proceed in certain areas experiencing unacceptable levels of service, provided that transportation improvements are made which would result in an improvement in traffic operations beyond what would have been expected if the development had not occurred. In addition, mitigation measures may be required by the Planning Commission to comply with the standards specified in Section 70.7.3.b.