



OFFICE OF THE PLANNING AND ZONING COMMISSION

**PLANNING & ZONING COMMISSION  
AGENDA  
NOVEMBER 8, 2022**

- I. Call to Order & Roll Call**
- II. Approval of the November 8, 2022 Planning & Zoning Agenda.**
- III. Approval of the minutes of the October 26, 2022 Planning & Zoning Meeting.**
- IV. Public Comment on any item on the agenda: NOTE: There will be a 2-minute limit on comments received.**
- V. Unfinished Business – Continue discussion on the following:**

**Consideration of Text Amendment to the Zoning Ordinance (previously published with the Agenda for the 9/6/2022 Planning Commission Work Session as “Planner Recommendation E”:** Amendment to Article V, Section 290-19M, Design Standards for Townhouses, to incorporate new standards and revise certain existing standards for proposed townhouse and multi-family developments.

**Consideration of Text Amendment to the Zoning Ordinance (previously published with the Agenda for the 9/6/2022 Planning Commission Work Session as “Planner Recommendation F”:** Amendment to Article V, by adding new section called “Section 290-23, Findings of Compatibility” creating seven required compatibility standards applicable to new development and regulations on their purpose, applicability, and administration.

**Critical Area Regulations** – Review and discussion of Parts 1 & 2 of the Model Critical Area Ordinance.

- VI. Adjournment:**

# Memorandum

To: Planning Commission  
From: Christopher Jakubiak  
Date: November 1, 2022  
Re: Additions and Revisions to the Design Standards for Townhouses and Multi-family Developments

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Per the Planning Commission’s request at the October 26, 2022 meeting, I have expanded the draft proposed Design Standards for Townhouses and Multi-family Developments. It now includes standards principally for walkability and sustainability but also for parking and site lighting. I also made a few revisions such as restoring the “Exceptions” section—that is, the section that allows the Planning Commission to approve reductions to the building setbacks per the discussion at the meeting.

This set of standards is still called “Planner Recommendation E”. At the end (pg. 8), I attached the Compatibility Standards --“Planner Recommendation F” --for your information but made no changes to them.

## Planner Recommendation E:

Amendment to Article V, Section 290-19M, Design Standards for Townhouses, to incorporate new standards and revise certain existing standards for proposed townhouse and multi-family developments.

### **M. Design Standards for townhouses AND MULTI-FAMILY BUILDINGS DEVELOPMENTS OF THREE OR MORE DWELLING UNITS**

#### **(1) Setbacks BETWEEN BUILDINGS**

- (a) Purpose. The purpose of requiring setbacks is to ensure that residents in the community and surrounding area will receive adequate light and air and will be able to maintain privacy and freedom from undesirable disturbance from neighbors. ~~However, the strict application of setback requirements can discourage innovation and promote unnecessarily monotonous site designs. Therefore, flexibility is incorporated into the following provisions in order to enable designers to address the problems of light, air, privacy and freedom from disturbance from traffic and neighbors through the use of techniques other than setback requirements.~~

(b) Basic requirements for building-to-building setbacks **IN TOWNHOUSE AND MULTI-FAMILY BUILDINGS:**

Front building to front building	35 feet
Rear building to rear building	50 feet
Side building to side building	<del>60</del> 30 feet*
Front building to rear building	75 feet
Front building to side building	<del>50</del> 20 feet
Rear building to side building	30 feet
Corner to corner	30 feet*

Notes:

\*A break between clusters ~~clusters~~ **BLOCKS** of **FIVE** or fewer units may be reduced to a minimum of ~~five~~ 15 feet, **IF THE PLANNING COMMISSION FINDS THE REDUCTION IS NECESSARY TO ACHIEVE BETTER OVERALL DESIGN OR AN IMPROVED ARRANGEMENT OF OPEN SPACE.** ~~provided the space is surfaced as a walkway and receives approval from the Planning and Zoning Commission.~~

(2) Size and scale and building mass.

- (a) To avoid monotonous linear development, townhouse and **MULTI-FAMILY development DEVELOPMENTS** shall be in small clusters designed as neighborhood units. A cluster shall not include more than 50 **DWELLING** units.
- (b) The number of **TOWNHOUSE** units in a row **BLOCK** ~~is to~~ **SHALL** be limited to a maximum of ~~eight~~ six units.
- (c) **THE NUMBER OF DWELLING UNITS IN A MULTI-FAMILY BUILDING WITHIN THE RV-2 DISTRICT SHALL BE LIMITED TO EIGHT UNITS EXCEPT THAT THE PLANNING COMMISSION MAY APPROVE A BUILDING WITH MORE THAN EIGHT UNITS, UP TO THE MAXIMUM OTHERWISE ALLOWED BY THIS ORDINANCE, UPON A THIRD PARTY EVALUATION OF ARCHITECTURAL DESIGN COMPATIBILITY AS AUTHORIZED IN SECTION 19-23C(4) OF THIS ORDINANCE.**
- ~~(d)~~ Offsets at party walls and/or front and rear facades and/or similar devices are required to visually reduce building mass and create individualized spaces (courtyards, seating areas, etc.) for both townhouse and multifamily projects. ~~If techniques other than offsets are utilized, building elevations prepared by a registered architect will be required.~~
- (e) **EACH STORY OF THE END UNITS OF A TOWNHOUSE BLOCK OR THE SIDE OF A MULTI-FAMILY BUILDING SHALL BE ARTICULATED WITH WINDOWS AND PROJECTIONS (SUCH AS PORCHES, BAY WINDOWS, BALCONIES, ETC.) TO AVOID MONOTONOUS BLANK WALLS.**

- (f) AT THE TIME OF BUILDING CONSTRUCTION, EACH UNIT OF A TOWNHOUSE DEVELOPMENT SHALL BE PROVIDED WITH A FRONT PORCH, A REAR DECK OR PATIO, AND BOUNDARY FENCING THAT PROVIDES A UNIFIED PRESENTATION FOR THE OVERALL DEVELOPMENT PROJECT.
  - (g) ALONG WITH THE REQUIRED SITE PLAN, THE DEVELOPER SHALL SUBMIT A LANDSCAPE DESIGN PLAN PREPARED BY A REGISTERED LANDSCAPE ARCHITECT FOR PLANNING COMMISSION APPROVAL WHICH SHALL PROVIDE FOR AN ORGANIZED AND UNIFIED DEVELOPMENT.
- (3) Exceptions. If all of the following conditions are met, building-to-building setback requirements may be waived:
- (a) Private outdoor spaces, if provided, are visually screened from each other and from public travel ways (vehicular and pedestrian) to a height of at least four feet. (To qualify, screening must be permanent, year-round and require little to no maintenance.)
  - (b) Windows of individual units do not directly face each other unless a minimum of 25 feet is provided between windows.
  - (c) At least one wall of each unit is provided with windows looking onto a space at least 50 feet square (50 feet by 50 feet).
  - (d) Each unit is designed to ensure adequate ventilation.
  - (e) No distinction is made, in terms of exterior siding and trim, between fronts, sides and rears of buildings.
  - (f) ~~Approval is granted from the Department of Public Safety.~~ **THE CALVERT COUNTY FIRE MARSHALL HAS REVIEWED THE PLAN SHOWING THE PROPOSED BUILDING-TO-BUILDING SETBACKS AND HAS NO ADVERSE COMMENTS.**
  - (g) The waiver of building-to-building setbacks substantially improves the design and aesthetic quality of the project.
- (4) Building setback from streets.
- (a) Purpose: to provide a visual and sound buffer between buildings and roadways.
  - (b) Within townhouse or multi-family developments served by private streets, the setback from all streets shall be 25 feet minimum.
  - (c) Exception. A setback reduction to no less than ~~10~~ **15 feet FROM A PRIVATE STREET** may be approved in cases where a specialized site design warrants a reduced setback, and the **PLANNING COMMISSION FINDS THAT THE COMPATIBILITY STANDARDS SET FORTH IN SECTION 290-23 ARE MET.** ~~and noise, and safety considerations are adequately addressed.~~

(5) Building setback from adjacent property.

- (a) Purpose: to protect the privacy of existing residents; to provide a visual transition between different housing densities and to help ensure compatibility with the existing character of the neighborhood.
- (b) The minimum setback **TO ANY FRONT, SIDE, OR REAR LOT LINE** shall equal the height of the building, ~~excluding the roof~~, or 30 feet, whichever is greater. If variable roof heights are utilized, the average height of the building at the boundary to adjacent property shall be used to establish minimum setbacks.
- (c) **EXCEPTION. THE SETBACK FROM FRONT, SIDE, OR REAR LOT LINES MAY BE REDUCED TO THE MINIMUM ALLOWED IN THE ZONING DISTRICT WHERE THE PROJECT IS PROPOSED IF THE PLANNING COMMISSION FINDS THAT THE COMPATIBILITY STANDARDS IN SECTION 290-23 ARE MET.**

(6) PARKING

- (a) **PURPOSE: TO ENSURE PARKING AREAS DO NOT DOMINATE THE OVERALL SITE DEVELOPMENT, THAT THEIR IMPERVIOUS SURFACES ARE MINIMIZED TO ONLY THAT NECESSARY, AND THEY ARE INTEGRATED INTO THE OVERALL PROJECT DESIGN.**
- (b) **PARKING SHALL BE LOCATED AT THE REAR OR INTERIOR OF A DEVELOPMENT SITE WHERE POSSIBLE AND THE PLACEMENT OF PARKING LOTS THAT FRONT THE STREET SHALL BE AVOIDED TO THE EXTENT POSSIBLE, BUT IF APPROVED, ANY PORTION OF A STREET FRONTING PARKING AREA SHALL BE SET BEHIND A MINIMUM 10-FOOT WIDE LANDSCAPING STRIP AND SCREENED FROM THE STREET.**
- (c) **DECIDUOUS SHADE TREES SHALL BE PLANTED, IN PROTECTED PARKING LOT PLANTING BEDS SIZED FOR THE TREES' MATURE SIZES, AT A MINIMUM RATIO OF 1 TREE PER 7 PARKING SPACES.**
- (d) **WHERE ON-STREET PARKING IS READILY AVAILABLE, AFTER ACCOUNTING FOR EXISTING USE, OR WHERE SUCH PARKING COULD BE PROVIDED OR ENHANCED THROUGH DEVELOPER IMPROVEMENTS TO THE PUBLIC STREET, THE PLANNING COMMISSION MAY PERMIT A COMMENSURATE REDUCTION IN ON-SITE PARKING REQUIREMENTS THAT OTHERWISE WOULD HAVE APPLIED.**
- (e) **SNOW STORAGE AREAS SHALL BE PROVIDED FOR SNOW CLEARED FROM PARKING AND DRIVEWAYS SURFACES.**
- (f) **TOWNHOUSE OR MULTIFAMILY DEVELOPMENTS MAY ALLOW FOR SURFACE PARKING OR FOR PARKING BELOW GRADE BUT SHALL NOT PROVIDE PARKING IN A STRUCTURE ABOVE GRADE LEVEL.**

(7) PEDESTRIAN ACCESSIBILITY

- (a) PURPOSE: TO PROMOTE WALKING AND CONNECTIVITY BETWEEN HOUSING DEVELOPMENTS AND THEIR NEIGHBORHOODS, AND TO ENSURE THE SAFEST AND MOST CONVENIENT ROUTING FOR OCCUPANTS AND VISITORS INCLUDING CHILDREN AND THE DISABLED.
- (b) BUILDINGS SHALL PRESENT A FAÇADE THAT ENCOURAGES INTERACTION BETWEEN THE BUILDINGS AND THE STREET BY INCLUDING ENTRY FEATURES, WINDOWS, AND LANDSCAPING ALONG THE STREET SIDES OF THE BUILDING.
- (c) SITES SHALL HAVE OBVIOUS AND DIRECT PEDESTRIAN ACCESS WAYS BETWEEN BUILDING ENTRANCES AND ADJACENT STREETS / SIDEWALKS, PARKING AREAS, AND OPEN SPACE FEATURES.
- (d) FRONT YARDS SHALL INCLUDE AN ENTRANCE SEQUENCE BETWEEN THE SIDEWALK AND THE BUILDING INCLUDING ELEMENTS SUCH AS LAWN, LANDSCAPED BORDERS, LOW FENCES AND HEDGES, SHRUB PLANTINGS ALONG THE BUILDING WALL AND PORCHES.
- (e) FENCES, SIGNAGE, GATES, BOLLARDS, PLANTED AREAS, AND TOPOGRAPHY SHALL BE USED TO ASSIST AND GUIDE USERS IN NAVIGATING THE SITE IN A PROSCRIBED MANNER WHILE SIMILARLY IMPEDING OR DISCOURAGING UNDESIRABLE MOVEMENTS WITHIN THE PROPERTY.
- (f) DEVELOPMENT PROJECTS SHALL DESIGN AND INSTALL A PUBLIC SIDEWALK ALONG THE FULL STREET FRONTAGE(S) OF THE SITE UNDER THE TERMS OF A TOWN PUBLIC WORKS AGREEMENT. THE DEVELOPER MAY BE REQUIRED TO DEDICATE LAND OR PEDESTRIAN EASEMENTS TO THE TOWN TO MEET THIS REQUIREMENT.

(8) LIGHTING

- (a) PURPOSE: TO ENSURE SITE LIGHTING PROVIDES A SAFE AND SECURE HOUSING COMMUNITY THAT RESPECTS THE AMBIENT LIGHT LEVEL CONDITIONS AND CHARACTER OF THE NEIGHBORHOOD, AND PREVENTS GLARE, EXCESSIVE LIGHT LEVELS AND THE INTRUSION OF ILLUMINATION FROM THE SITE.
- (b) PHOTOMETRIC PLANS SHALL BE PROVIDED FOR THE ENTIRE SITE DOCUMENTING THE PROPOSED HORIZONTAL ILLUMINATION ON THE SITE AND THE VERTICAL LIGHT TRESPASS AROUND THE PERIMETER OF THE SITE. THE PLAN SHALL REFLECT ADHERENCE TO THE GUIDELINES AND RECOMMENDATIONS OF THE ILLUMINATION SOCIETY OF NORTH AMERICA (IESNA) LIGHTING HANDBOOK (MOST CURRENT EDITION).
- (c) PARKING AREAS AND ENTRY DRIVES SHALL BE ILLUMINATED TO FACILITATE PEDESTRIAN MOVEMENT, SAFETY, AND SECURITY.

- (d) POLE LIGHTING SHALL BE PLACED TO ACHIEVE MAXIMUM ENERGY EFFICIENCY, HAVE A MAXIMUM HEIGHT OF 14 FEET, AND SHALL BE SHIELDED FROM THE SKY (FULL-CUTOFF).
- (e) PEDESTRIAN-SCALED LIGHTING (SUCH AS BOLLARD LIGHTING, STEP LIGHTING AND POLE MOUNTED LIGHTING) SHALL BE PROVIDED FOR ALL ONSITE WALKWAYS.
- (f) ACCENT AND ARCHITECTURAL LIGHTING SHALL BE USED TO HIGHLIGHT SPECIAL FOCAL POINTS SUCH AS BUILDING AND SITE ENTRANCES AND SIGNAGE.
- (g) BUILDING LIGHTING MAY BE PLACED ON THE SIDE OR REAR OF A MULTI-FAMILY BUILDING ONLY BUT SHALL BE LOCATED BELOW THE EAVE LINE AND NO HIGHER THAN 14 FEET FROM GRADE AND SHALL BE SHIELDED FROM THE SKY (FULL-CUTOFF), GLARE FREE, AND SHIELED FROM ADJACENT PROPERTIES.
- (h) DETAILS AND SPECIFICATIONS ON ALL SITE LIGHTING FIXTURES AND POLES SHALL BE PROVIDED WITH THE SITE PLAN AND SHALL DEMONSTRATE THAT THE PROPOSED LIGHTING IS ARCHITECTURALLY INTEGRATED WITH THE BUILDING STYLE, MATERIAL, AND COLORS.

(9) SUSTAINABILITY

- (a) PURPOSE: TO PROMOTE HOUSING IN ARRANGEMENTS AND DESIGNS THAT MAXIMIZE ENERGY EFFICIENCY AND MINIMIZE IMPACT TO AREA WATER QUALITY.
- (b) SITE LIGHTING FIXTURES SHALL BE ENERGY EFFICIENT, SHALL UTILIZE LED LAMPS FOR ENERGY EFFICIENCY AND LONG LAMP LIFE, AND HAVE PHOTOSENSITIVE TIMERS.
- (c) BUILDING ORIENTATION: WHENEVER POSSIBLE, BUILDING SHALL BE ORIENTED WITHIN 20 DEGREES OF NORTH/SOUTH AXIS, WITH 90% OF SOUTH FACING GLAZING SHADED FROM THE SUN AT NOON ON JUNE 21 WITH OVERHANGS, AWNINGS, VEGETATION, OR AUTOMATED SHADING DEVICES, AND UNSHADED FROM THE SUN AT NOON ON DECEMBER 21.
- (d) TO THE EXTENT POSSIBLE, THE FLOOR PLAN OF DWELLINGS SHALL BE ORIENTED ON AN EAST/WEST AXIS WITH DAYTIME LIVING PORTIONS RELATED TO THE SUN TO CAPITALIZE ON NATURAL LIGHT AND PASSIVE SOLAR HEAT.
- (e) THE SITE'S STORMWATER MANAGEMENT SYSTEM SHALL BE DESIGNED WITH AN EMPHASIS ON STORMWATER INFILTRATION, BIO-RETENTION, AND OPEN CHANNEL CONVEYANCE, WITH AS LITTLE CONVENTIONAL PIPED CONVEYANCE AS POSSIBLE.

(f) NATIVE TREES AND SHRUBS SHALL BE THE PRIMARY MEANS FOR BUFFERING AND SCREENING REQUIRED BY SECTION 290-21D OF THIS ORDINANCE.

(10) THE MINIMUM TRACT SIZE FOR TOWNHOUSE OR MULTI-FAMILY DEVELOPMENTS SHALL BE 20,000 SQUARE FEET.

(11) COMMON OPEN SPACE SHALL BE PROVIDED IN THE MANNER PRESCRIBED BY SECTION 290-19N OF THIS ORDINANCE.

--End--



## Planner Recommendation F:

Amendment to Article V, by adding a new section called "Section 290-23, Findings of Compatibility", creating seven required compatibility standards applicable to new development and regulations on their purpose, applicability, and administration.

### **Section 290-23 Findings of Compatibility**

#### **A. Purpose and Defining Criteria**

The purpose of requiring findings of compatibility is to ensure that the site planning, building design, and landscape features of new development aesthetically complement the neighborhood within which they are proposed.

#### **B. Applicability**

1. The provision of this section shall apply to proposed developments requiring site plan approval.
2. In the review of Category 1 site plans the Planning Commission shall make findings with respect to a development's consistency with the compatibility standards in this section.
3. In the review of Category 2 site plans for single-family detached houses, the Planning and Zoning Administrator shall make findings with respect to a development's consistency with the compatibility standards.

#### **C. Administration**

1. The Planning Commission shall take into consideration each of the following in its evaluation of compatibility:

- a) Each standard is accompanied by a statement of explanation to be used by the Planning Commission (or Zoning Administrator) as guidance in applying the standard.
  - b) It may not be possible for a project to meet every standard because of other regulations or site constraints.
  - c) Some standards may have greater importance and appropriateness to different development sites and surrounding conditions than others.
  - d) In this section the term neighborhood means the area adjacent to and extending from the proposed development site to a definable boundary, which may be a major street, an area of significant land use change, or a major natural feature that visually separates one area from another. The Planning and Zoning Administrator shall provide the Planning Commission with a recommendation as to the boundaries of neighborhood for the application of the compatibility standards.
  - e) Neighborhood context is essential for the application of the standards but the absence of a specific precedent for a proposed development project within the neighborhood shall not be a basis for discounting the standard or for finding the developer has not met the standard.
2. Compliance with compatibility standards shall not be grounds for not meeting the minimum development requirements and other regulations of this Zoning Ordinance.
  3. Upon establishing findings with respect to each compatibility standard, the Planning Commission may direct that reasonable revisions be made to the proposed development for its further review and may approve a site plan on the condition that such revisions be made.
  4. For any multi-family housing development with greater than 8 units in a building, or any non-residential building exceeding 10,000 square feet in size, the Planning Commission is authorized to retain the services of a third-party architectural design review by a Maryland Registered Architect of the project's adherence to Compatibility Standard D6 (in the subsection below); the cost of such review shall be borne by the developer.
  5. The Planning Commission may upon the conduct of a public hearing, recommend that the Mayor and Town Council adopt specific design guidelines

as means to assist in the administration of the compatibility standards in this section.