

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2023 Legislative Session

Bill No. 2023- / Zoning Text Amendment 22-175

Chapter. No. 297

Introduced by: _____

Date of Introduction: _____

BILL

AN ORDINANCE concerning

**STANDARDS AND PROCEDURES FOR APPROVAL OF AMENDMENTS TO
MASTER PLANS AND/OR CONDITIONS OF ZONING APPROVAL FOR
PLANNED DEVELOPMENT ZONES**

FOR the purpose of

Amending certain provisions of the Zoning Ordinance of Charles County, Maryland to establish the contents and timing for filing an application to amend a previously-approved Master Plan and/or conditions of approval for Planned development Zones.

BY amending:

Chapter 297 – ZONING ORDINANCE

Article VII, Planned Development Zone Regulations

Section 297-104, Approval

Code of Charles County, Maryland

Asterisks *** mean intervening code language remaining unchanged
CAPITALS mean language added to the law
[Brackets] mean language deleted from the law

PREAMBLE

WHEREAS, Chapter 297 of the Code of Charles County, Maryland (known as the County's Zoning Ordinance) has enabled the innovative and creative design of residential, commercial and industrial development through the creation of Planned Development Zones;

WHEREAS, prior to 2010, the Zoning Ordinance required two separate zoning approvals in order to develop property within a Planned Development Zone (Master Plan and General Development Plan);

WHEREAS, through the adoption of Bill No. 2010-06, the zoning approval process was streamlined by, amongst other things, removing the need for a General Development Plan;

WHEREAS, a draft version of Bill No. 2010-06 included a provision that allowed the Planning Commission to approve modifications to a Master Plan provided that the modification (1) remains in conformance with the conditions of the zoning approval; (2) is in substantial conformance with the original approved Master Plan; and (3) does not increase the number of residential development units or square footage of nonresidential development;

WHEREAS, as a result of the legal review of Bill No. 2010-06, the text was modified and as a result, the Planning Commission was not given the authority to amend previously-approved Master Plans; instead, the authority to amend Master Plans was limited to the County Commissioners;

WHEREAS, Bill No. 2010-06, as adopted, limits the nature and scope of revisions to a previously-approved Master Plan, as outlined in § 297-104;

WHEREAS, the primary purpose of this Zoning Text Amendment (ZTA 22-175) is to allow for greater flexibility in the nature and scope of proposed revisions to a previously-approved Master Plan provided that the project is able to satisfy all applicable standards and requirements of the Planned Development Zone;

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1 NOW, therefore:

2

3 **SECTION 1. BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF**

4 **CHARLES COUNTY, MARYLAND**, that the Laws of Charles County, Maryland read as

5 follows:

6

7 **§ 297-104. Approval.**

8 A. In order to approve a planned development zone, the County Commissioners must find

9 that the proposed project, with its master plan, is sufficient to achieve the purposes of the

10 zone requested, is compatible with the surrounding area and is consistent with the

11 Comprehensive Plan. The specific maximum density is determined by use of Figure V-1,

12 maximum residential densities (dwelling units per acre) in Article V of this

13 chapter. Intensity (square feet) for the project shall be specified in the application and is

14 to be approved by the County Commissioners in the grant of zoning approval based on the

15 master plan. [Once approved by the County Commissioners, the master plan design may

16 be amended, with approval of the County Commissioners, if the project:

- 17
- 18 (1) Remains in conformance with the conditions of the zoning approval;
- 19 (2) Is in substantial conformance with the original approved master plan; and
- 20 (3) Does not increase the number of residential development units or square footage of
- 21 nonresidential development.]

22

23 *****

24 **E. ONCE APPROVED BY THE COUNTY COMMISSIONERS, A MASTER**

25 **PLAN AND/OR CONDITIONS OF ZONING APPROVAL MAY ONLY BE**

26 **AMENDED WITH THE APPROVAL OF THE COUNTY COMMISSIONERS.**

27 **THE APPLICATION, WHICH MAY BE FILED WITH THE PLANNING**

28 **DIVISION AT ANY TIME SHALL:**

- 29 (1) **INCLUDE A SUMMARY OF THE PROPOSED CHANGES FROM THE**
- 30 **APPROVED MASTER PLAN AND/OR THE CONDITIONS OF THE ZONING**
- 31 **APPROVAL, AND A STATEMENT OF JUSTIFICATION FOR THE**
- 32 **REQUEST;**
- 33 (2) **SATISFY ALL APPLICABLE REQUIREMENTS AND STANDARDS**
- 34 **ESTABLISHED WITHIN ARTICLE VII; AND**

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**(3) ADHERE TO ALL PROCEDURES AND REQUIREMENTS ESTABLISHED
IN § 297-448 D. THRU Y.**

SECTION 2. BE IT FURTHER ORDAINED that this ORDINANCE shall take effect forty-five (45) calendar days after it is adopted.

ADOPTED this _____ day of _____, 2023.

COUNTY COMMISSIONERS OF
CHARLES COUNTY, MARYLAND

Reuben B. Collins, II, Esq., President

Ralph E. Patterson II, M.A., Vice President

Thomasina Coates, M.S.

Amanda M. Stewart, M.Ed.

Gilbert O. Bowling, III

ATTEST:

Carol DeSoto, CAP, OM, Clerk to the Commissioners

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