

1 **COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND**

2
3 **2023 Legislative Session**

4
5 Bill No. 2023- / Zoning Text Amendment 22-175

6 Chapter. No. 297

7 Introduced by: _____

8
9 Date of Introduction: _____

10
11 **BILL**

12 AN ORDINANCE concerning

13
14 **STANDARDS AND PROCEDURES FOR APPROVAL OF AMENDMENTS TO**
15 **MASTER PLANS AND/OR CONDITIONS OF ZONING APPROVAL FOR**
16 **PLANNED DEVELOPMENT ZONES**

17
18 FOR the purpose of

19
20 Amending certain provisions of the Zoning Ordinance of Charles County, Maryland
21 to establish the contents and timing for filing an application to amend a previously-approved
22 Master Plan and/or conditions of approval for Planned development Zones.

23
24 BY amending:

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26 Chapter 297 – ZONING ORDINANCE
27 Article VII, Planned Development Zone Regulations
28 Section 297-104, Approval
29 *Code of Charles County, Maryland*

1 **PREAMBLE**

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

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

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

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

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

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

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

NOW, therefore:

SECTION 1. BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND, that the Laws of Charles County, Maryland read as follows:

§ 297-104. Approval.

A. In order to approve a planned development zone, the County Commissioners must find that the proposed project, with its master plan, is sufficient to achieve the purposes of the zone requested, is compatible with the surrounding area and is consistent with the Comprehensive Plan. The specific maximum density is determined by use of Figure V-1, maximum residential densities (dwelling units per acre) in Article V of this chapter. Intensity (square feet) for the project shall be specified in the application and is to be approved by the County Commissioners in the grant of zoning approval based on the master plan. [Once approved by the County Commissioners, the master plan design may be amended, with approval of the County Commissioners, if the project:

- (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.]

E. ONCE APPROVED BY THE COUNTY COMMISSIONERS, A MASTER PLAN AND/OR CONDITIONS OF ZONING APPROVAL MAY ONLY BE AMENDED WITH THE APPROVAL OF THE COUNTY COMMISSIONERS. THE APPLICATION, WHICH MAY BE FILED WITH THE PLANNING DIVISION AT ANY TIME SHALL:

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

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

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

8
9 ADOPTED this _____ day of _____, 2023.

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11 COUNTY COMMISSIONERS OF
12 CHARLES COUNTY, MARYLAND

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14 _____
15 Reuben B. Collins, II, Esq., President

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17 _____
18 Ralph E. Patterson II, M.A., Vice President

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20 _____
21 Thomasina Coates, M.S.

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23 _____
24 Amanda M. Stewart, M.Ed.

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26 _____
27 Gilbert O. Bowling, III

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29 ATTEST:

30 _____
31 Carol DeSoto, CAP, OM, Clerk to the Commissioners

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