

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2024 Legislative Session

Bill 2024-05

Zoning Text Amendment (ZTA) #21-169; Zoning Map Amendment #21-02

Introduced by Charles County Commissioners

Implementation of Revisions to The Applicability of The Critical Area Overlay Zone as Mandated by The Critical Area Commission Pursuant to its conditional approval of the updated boundary of The Critical Area Overlay Zone And Revisions to Lot Coverage Limitations Standards within The Limited Development Zone (LDZ) and Resource Conservation Zone (RCZ) Provided In Zoning Text Amendment (ZTA) #21-169; Cross-Referenced With ZMA #21-02.

FOR the purpose of Amending the Zoning Ordinance as required by the Critical Area Commission for the Critical Overlay Zone applied to the General Development Plan for the "Villages of Swan Point." BY Amending: Chapter 297- Zoning Ordinance Article IX, Critical Area Zone (Overlay Zone) § 297-127. Applicability. *Code of Charles County, Maryland.*

Date introduced: 02/07/2024

Public Hearing: 03/19/2024 Virtual and In-Person @ 6:00 p.m.

Commissioners Action: 03/19/2024

Commissioner Votes: RBC: Y, GB: Y, TC: Y, AS: Y, RP: Y

Pass/Fail: Pass

Effective Date: 05/03/2024

Remarks: _____

NOTE: CAPITALS indicate matter added to existing text.
[Brackets] indicate matter deleted from existing law.

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

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3 **2024 Legislative Session**

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5 Bill No. 2024-05 / Zoning Text Amendment (ZTA) #21-169; ZMA #21-02

6 Chapter 297

7 Introduced by Board of County Commissioners

8 Date of Introduction February 7, 2024

9
10 **BILL**

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12 AN ACT concerning:

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14 **IMPLEMENTATION OF REVISIONS TO THE APPLICABILITY OF THE**
15 **CRITICAL AREA OVERLAY ZONE AS MANDATED BY THE CRITICAL AREA**
16 **COMMISSION PURSUANT TO ITS CONDITIONAL APPROVAL OF THE**
17 **UPDATED BOUNDARY OF THE CRITICAL AREA OVERLAY ZONE AND**
18 **REVISIONS TO LOT COVERAGE LIMITATIONS STANDARDS WITHIN THE**
19 **LIMITED DEVELOPMENT ZONE (LDZ) AND RESOURCE CONSERVATION ZONE**
20 **(RCZ) PROVIDED IN ZONING TEXT AMENDMENT (ZTA) #21-169; CROSS-**
21 **REFERENCED WITH ZMA #21-02**

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23 FOR the purpose of:

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25 Amending the Zoning Ordinance as required by the Critical Area Commission for the Critical
26 Overlay Zone applied to the General Development Plan for the "Villages of Swan Point."

27 BY Amending:

28 Chapter 297- Zoning Ordinance
29 Article IX, Critical Area Zone (Overlay Zone)
30 § 297-127. Applicability.
31 *Code of Charles County, Maryland*

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PREAMBLE

WHEREAS, the purpose of the Critical Area Zone (Overlay Zone) is to establish regulatory protection for land and water resources within 1,000 feet of tidal waters and tidal wetlands, including land use development standards and requirements to reduce impacts to water quality and natural habitats; and

WHEREAS, the County’s Critical Area maps were updated in accordance with requirements from Maryland General Assembly HB 1253 through Bill #2022-10/Zoning Text Amendment #21-169 and Zoning Map Amendment (ZMA #21-02), memorialized in Resolution No. 2023-02, which, together with its Attachment A and “Critical Area Map Update Exhibit” are attached hereto and incorporated by reference; and

WHEREAS, subsequent to passage of Bill #2022-10, the Critical Area Commission concurred with its chairman in granting approval of Zoning Text Amendment #21-169, with the condition that Section 297-127.C. of the Charles County Code be amended; and

WHEREAS, the Critical Area Program in each local jurisdiction is subject to the approval of the Critical Area Commission.

NOW THEREFORE, FOR THE PURPOSE of adhering to the requirements of the Critical Area Program and to abide by the conditions of approval of Zoning Text Amendment #21-169 by the Critical Area Commission:

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

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

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Chapter 297 – Zoning Ordinance
Article IX – Critical Area Zone (Overlay Zone)

§ 297- 127. Applicability

A. No person shall develop, alter or use any land for residential, commercial, industrial or institutional uses; nor conduct agricultural, fishery or forestry activities in the Charles County Critical Area, except in compliance with the applicable provisions contained herein.

B. Article IX shall only apply to the Charles County Critical Area, hereafter referred to as the "Critical Area Zone." The Critical Area Zone shall include all lands and waters within 1,000 feet beyond the landward boundaries of state or private wetlands and the heads of tides designated under Title 16 of the Natural Resources Article, Annotated Code of Maryland.

C. Development in accordance with the General Development Plan for "The Villages of Swan Point" shall be reviewed in accordance with the Growth Allocation Indenture and Docket 250 Indenture, which shall supersede any contrary language in this Article. To the extent that any portion of the property subject to the approved Growth Allocation and Docket 250 Indenture is shown to be within the Critical Area Zone as amended by virtue of ZMA 21-02, the remapping shall not affect the [development] INITIAL CONSTRUCTION of the property WITHIN THE NEWLY INCLUDED AREA, provided that such development is consistent with the Growth Allocation and Docket 250 Indenture, as may be amended from time to time.

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SECTION 2. AND BE IT FURTHER ENACTED, THAT THIS ACT SHALL TAKE EFFECT FORTY-FIVE (45) DAYS FROM THE DATE IT IS ADOPTED.

ADOPTED this 19th day of March 2024.

**COUNTY COMMISSIONERS
CHARLES COUNTY, MARYLAND**

Reuben B. Collins, II, Esq. President

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

Gilbert O. Bowling, III

Thomasina O. Coates, M.S.

Amanda M. Stewart, M.Ed.

ATTEST:

Carol DeSoto, Clerk to the Commissioners