



Notice of Public Hearing

NOTICE IS HEREBY GIVEN that the St. Mary's County Planning Commission will conduct a public hearing in the main meeting room of the Chesapeake Building, located at 41770 Baldrige Street, Leonardtown, MD, on August 12, beginning at 6:30 p.m., for the purpose of receiving public testimony and to consider an amendment to the text of Chapters 264 and 285, of the Code of St. Mary's County. The Amendments proposed for consideration are as follows:

Proposed amendments to the **Subdivision Ordinance**:

§§21.1.3 of Chapter 264 of the Code of St. Mary's County, Maryland, is amended to read as follows:

3. Extensions of Time.
 - a. Upon written request, the Planning Director may, for good cause shown and without any notice or hearing, grant an extension of any time limit imposed on an applicant by this Ordinance. An extension of time may also be granted by a body acting pursuant to this Ordinance unless this Ordinance expressly provides otherwise.
 - b. No permit, variance or approval in effect as of April 1, 2013, shall expire prior to May 4, 2017, unless required by a statute, rule or regulation of the State of Maryland

Proposed amendments to the **Zoning Ordinance**:

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

3. Extensions of Time.
 - a. Upon written request, the Planning Director may, for good cause shown and without any notice or hearing, grant an extension of any time limit imposed on an applicant by this Ordinance. An extension of time may also be granted by a body acting pursuant to this Ordinance unless this Ordinance expressly provides otherwise.
 - b. No permit, variance or approval in effect as of April 1, 2013, shall expire prior to May 4, 2017, unless required by a statute, rule or regulation of the State of Maryland.

Note that as a result of the evidence and comments made at the public hearing, amendments may be made to the proposed ordinance.

Copies of the proposed amendment are available to the public at each public library within the County, at the Public Information Office located in the Chesapeake Building at 41770 Baldrige Street in Leonardtown, and for viewing or downloading through links on the St. Mary's County Government web page: www.stmarysmd.com.

Robert E. Bowles, Sr., Planner IV, FCQP
Manager, Development Services Division
St. Mary's County Department of Land Use and Growth Management
(301) 475-4200 ext 1522

**ST. MARY'S COUNTY GOVERNMENT
DEPARTMENT OF LAND USE
AND GROWTH MANAGEMENT**

Phillip Shire, Director

William B. Hunt, AICP, Deputy Director



BOARD OF COUNTY COMMISSIONERS

Francis Jack Russell, President
Lawrence D. Jarboe, Commissioner
Cynthia L. Jones, Commissioner
Todd B. Morgan, Commissioner
Daniel L. Morris, Commissioner

MEMORANDUM

To: Planning Commission

From: Phil Shire, Director

Date: July 26, 2013

Subject: Proposed zoning text amendment to Chapters 264 and 285 of the Code of St. Mary's County, to extend the validity of land use approvals to May 4, 2017.

Purpose: To extend the validity period of approved projects by coordination with various state vesting deadlines.

Background: In 2009 the County Commissioners adopted measures allowing extension of project approvals in order to help the building industry withstand the difficult financial market of the times (*see attachments 1 and 2*). These measures provided an additional two (2) years to approvals that had already been granted. Since these 2009 measures were adopted, LUGM has issued 160 letters granting approval extensions for approximately 80 projects (*see attachments 3 and 4*). Many of these projects will expire unless measures to allow additional extensions are adopted.

On the residential list you will note there are nearly 3,900 dwelling units that will benefit from additional extensions. These projects represent substantial investment by land owners and the development community, and they also comprise a significant inventory of building sites that may become immediately available as the economy recovers. Such an inventory of lots is beneficial to any jurisdiction that continues to grow as St. Mary's County has.

In keeping with the various new State programs including: Stormwater Management, The Sustainable Growth and Agricultural Preservation Act of 2012, PlanMaryland; all of which have built-in vesting deadlines, staff has chosen the State Stormwater Management vesting date of May 4, 2017 as the local limit for extension of existing approvals. No site plan or subdivision approvals in effect as of April 1, 2013 shall expire prior to May 4, 2017 unless required by a statute, rule or regulation of the State of Maryland. Although 2017 seems distant, other State "grandfathering" deadlines may take effect sooner, but the County will have done everything within its power to help.

This text amendment was introduced to the Board of County Commissioners on July 16, 2013 and they directed the Planning Commission to proceed with the Public Hearing.

Proposed amendments to the Subdivision Ordinance:

§21.1.3 of Chapter 264 of the Code of St. Mary's County, Maryland, is amended to read as follows:

3. Extensions of Time.
 - a. Upon written request, the Planning Director may, for good cause shown and without any notice or hearing, grant an extension of any time limit imposed on an applicant by this Ordinance. An extension of time may also be granted by a body acting pursuant to this Ordinance unless this Ordinance expressly provides otherwise.
 - b. No permit, variance or approval in effect as of April 1, 2013, shall expire prior to May 4, 2017, unless required by a statute, rule or regulation of the State of Maryland

Proposed amendments to the Zoning Ordinance:

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

3. Extensions of Time.
 - a. Upon written request, the Planning Director may, for good cause shown and without any notice or hearing, grant an extension of any time limit imposed on an applicant by this Ordinance. An extension of time may also be granted by a body acting pursuant to this Ordinance unless this Ordinance expressly provides otherwise.
 - b. No permit, variance or approval in effect as of April 1, 2013, shall expire prior to May 4, 2017, unless required by a statute, rule or regulation of the State of Maryland.

Recommendation: "I move that the Planning Commission, having accepted the finding of the staff report, regarding the proposed text amendment, to make the changes to the Zoning Ordinance, Chapter 21.1 and the Subdivision Ordinance Chapter 21.1 as described in the Staff Report, approve a resolution recommending that the Board of County Commissioners approve this amendment and that the Chair be authorized to sign a resolution on behalf of the Planning Commission transmitting this recommendation to the Board of County Commissioners."

- Attachments:
1. CZO Section 21.1.3
 2. Sub. Ordinance Section 21.1.3
 3. Non-residential projects
 4. Residential Projects

Subject: To Amend §21.1.3 of Chapters 285 and 264 of the *Code of St. Mary's County, Maryland*, to Extend the Validity of Land Use Approvals to May 4, 2017

Page 1 of 2

RESOLUTION

TO AMEND §21.1.3 OF CHAPTER 285 AND 264 OF THE *CODE OF ST. MARY'S COUNTY, MARYLAND*, TO EXTEND THE VALIDITY OF LAND USE APPROVALS TO MAY 4, 2017

WHEREAS, pursuant to §§4-101 through §4-104 of the *Land Use Article* of the *Annotated Code of Maryland*, the Commissioners of St. Mary's County are authorized to establish zoning districts and prescribe and amend regulations applicable in such districts; and

WHEREAS, pursuant to §5.03 of the *Land Use Article* of the *Annotated Code of Maryland*, the Commissioners of St. Mary's County are authorized to adopt regulations governing the subdivision of land; and

WHEREAS, the Planning Director wishes the Planning Commission to consider amending Chapters 264 and 285 of the *Code of St. Mary's County, Maryland* to provide for approval of subdivisions around lawfully existing dwellings; and

WHEREAS, the Planning Commission, following due notice published in the July 26, 2013 and August 2, 2013 editions of the *Enterprise*, a newspaper of general circulation in St. Mary's County, held a public hearing on August 12, 2013, to accept public comment regarding the proposed amendment to Chapters 264 and 285 of the *Code of St. Mary's County, Maryland* to extend the validity of land use approvals to May 4, 2017; and

WHEREAS, upon due consideration of the comments of the public and staff and in furtherance of the public health, safety and welfare, the Planning Commission finds, with a _ to _ vote, that it is in the best interest of the public health, safety and welfare of the citizens of the St. Mary's County, Maryland, to recommend favorably the proposed amendment, and

WHEREAS, the Planning Commission authorized the chair to sign a resolution on its behalf to transmit its findings and recommendation to the Board of County Commissioners;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that the following amendments to the Zoning Ordinance are recommended to the Board for adoption:

SECTION I. §21.1.3 of Chapter 285 of the *Code of St. Mary's County, Maryland*, is amended to read as follows:

3. *Extensions of Time.*

- a. Upon written request, the Planning Director may, for good cause shown and without any notice or hearing, grant an extension of any time limit imposed on an applicant by this

Subject: To Amend §21.1.3 of Chapters 285 and 264 of the Code of St. Mary's County, Maryland, to Extend the Validity of Land Use Approvals to May 4, 2017

Ordinance. An extension of time may also be granted by a body acting pursuant to this Ordinance unless this Ordinance expressly provides otherwise.

- b. No permit, variance or approval in effect as of April 1, 2013, shall expire prior to May 4, 2017, unless required by a statute, rule or regulation of the State of Maryland.

SECTION II. §21.1.3 of Chapter 264 of the *Code of St. Mary's County, Maryland*, is amended to read as follows:

3. Extensions of Time.

- a. Upon written request, the Planning Director may, for good cause shown and without any notice or hearing, grant an extension of any time limit imposed on an applicant by this Ordinance. An extension of time may also be granted by a body acting pursuant to this Ordinance unless this Ordinance expressly provides otherwise.
- b. No permit, variance or approval in effect as of April 1, 2013, shall expire prior to May 4, 2017, unless required by a statute, rule or regulation of the State of Maryland.

BE IT FURTHER RESOLVED by the Planning Commission that the foregoing recitals are hereby incorporated as if fully set forth herein.

Date of Adoption: _____

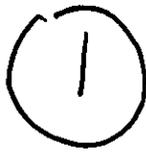
Ayes: _____ Nays: _____ Abstain: _____

ST. MARY'S COUNTY PLANNING COMMISSION

James Howard Thompson, Chair

Attest:

Phillip J. Shire, Director
Department of Land Use and Growth Management



1 **CHAPTER 21 GENERAL APPLICATION AND PUBLIC HEARING PROCEDURES**

2 Sections:

- 3 21.1 General Application Procedures.
4 21.2 Actions Requiring Public Hearings.
5 21.3 Public Hearing Notice Requirements.
6 21.4 Public Hearing Procedures.

7 **21.1. General Application Procedures.**

8 All applications that the provisions of this Ordinance require to be reviewed by the Technical Evaluation
9 Committee shall be processed in accordance with the following procedures:

10 1. **Determination of Completeness of Application.** Applications for development approvals shall be
11 submitted on the appropriate form designated by the Planning Director. After receipt of an
12 application, the Planning Director shall determine whether the application is complete. The time
13 period allowed for review of an application shall not begin until the application is determined to be
14 complete. If the application is not complete, the Planning Director shall notify the applicant in
15 writing within three days, specifying the deficiencies of the application and the additional
16 information that must be supplied and advising the applicant that the County will take no further
17 action on the application until the deficiencies have been corrected.

18 2. **Remedy of Deficiencies.** If the applicant fails to correct the specified deficiencies by the end of the
19 business day following the notification of deficiency, the application for development approval
20 shall be deemed withdrawn and will be returned to the applicant with any fees that have been paid.

21 3. **Extensions of Time.**

22 a. Upon written request, the Planning Director may, for good cause shown and without any
23 notice or hearing, grant extensions of any time limit imposed on an applicant by this
24 Ordinance. An extension of time may also be granted by any body acting pursuant to this
25 Ordinance unless this Ordinance expressly provides otherwise. The cumulative
26 extension(s) of time granted by such extension or extensions shall not exceed twice the
27 length of the original period.

28 *
29 b. Notwithstanding the above paragraph, and in light of economic conditions, for approvals
30 subject to the discretion of the Planning Director and needing extension between the
31 dates of January 1, 2008 and December 31, 2010, the Planning Director may, upon
32 written request, extend valid approvals for an additional two years. This provision applies
33 to any projects that have received approvals or extensions under any prior ordinance and
that are grandfathered pursuant to the provisions of Chapter 27 of the Ordinance.

34 4. **Fees.** The application shall be accompanied by all required fees. The applicant shall also be
35 responsible for payment of all expenses incurred to provide any public notice required by Section
36 21.3. Application fees and refund policy shall be as established by resolution of the Board of
37 County Commissioners.

38 5. **General Development Review Process.** Figures 21.1.a and 21.1.b summarizes the general
39 development review process under this Ordinance, which is described in detail in the following
40 parts of this chapter.

41 **21.2. Actions Requiring Public Hearings.**

42 1. **Conditional Uses, Variances and Appeals of Administrative Decisions.** The Board of Appeals
43 shall hold at least one public hearing to review, consider, and approve, approve with conditions, or
44 deny each application for a conditional use, or a variance, or to consider an appeal from any
45 administrative decision made pursuant to this Ordinance. Such hearing shall be held after public
46 notification pursuant to Section 21.3.

47 2. **Amendments to the Zoning Maps or the Text of this Ordinance.**

2

CHAPTER 21 GENERAL APPLICATION AND PUBLIC HEARING PROCESS

Sections:

- 21.1 General Application Procedures.
- 21.2 Actions Requiring Public Hearings.
- 21.3 Public Hearing Notice Requirements.
- 21.4 Public Hearing Procedures.

21.1. General Application Procedures.

All applications that the provisions of this Ordinance require to be reviewed by the Technical Evaluation Committee shall be processed in accordance with the following procedures:

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2. **Remedy of Deficiencies.** If the applicant fails to correct the specified deficiencies by the end of the business day following the notification of deficiency, the application for development approval shall be deemed withdrawn and will be returned to the applicant with any fees that have been paid.
3. **Extensions of Time.**
 - a. Upon written request, the Planning Director may, for good cause shown and without any notice or hearing, grant extensions of any time limit imposed on an applicant by this Ordinance. An extension of time may also be granted by any body acting pursuant to this Ordinance unless this Ordinance expressly provides otherwise. The cumulative extension(s) of time granted by such extension or extensions shall not exceed twice the length of the original period.
 - * b. Notwithstanding the above paragraph, and in light of economic conditions, for approvals subject to the discretion of the Planning Director and needing extension between the dates of January 1, 2008 and December 31, 2010, the Planning Director may, upon written request, extend valid approvals for an additional two years. This provision applies to any projects that have received approvals or extensions under any prior ordinance and that are grandfathered pursuant to the provisions of Chapter 27 of the Ordinance.
Adopted in 2009 →
4. **Fees.** The application shall be accompanied by all required fees. The applicant shall also be responsible for payment of all expenses incurred providing any public notice required by Section 21.3. Application fees and refund policy shall be as established by resolution of the Board of County Commissioners.
5. **General Development Review Process.** Figure 21.1 summarizes the general development review process under this Ordinance, which is described in detail in the following parts of this chapter.

| Site Plans in Queue-List with extensions waiting for turn in the economy | | | | |
|--|------------|---|----------------|-------------|
| School District | Case # | Name | Square Footage | |
| | 03-132-018 | Beck Bldg/Three Notch Crossing | 42,800 | |
| | 04-132-011 | St Andrews Corp Center | 14,274 | |
| | 04-132-030 | First Missionary Bapt Church | 36,307 | |
| | 04-132-010 | Oak Crest Center | 158,435 | |
| | 05-131-006 | 3 N Bldg | 1,013 | |
| | 05-131-024 | Milburn Cole Marina | 2,097 | |
| | 05-132-012 | Chesapeake Ind Park | 30,100 | |
| | 05-132-019 | St Marys Marketplace | 96,160 | |
| | 05-132-030 | Laurel Glenn Addition | 25,687 | |
| | 05-132-031 | Expedition Bldg 12 | 58,467 | |
| | 05-132-033 | Flower of the Forest | 20,083 | |
| | 05-132-036 | Watts Commercial Center | 6,086 | |
| | 05-132-038 | Hermanville Storage | 53,370 | |
| | 06-132-007 | Textland Property | 22,032 | |
| | 06-132-003 | St Marys Industrial PK Lot-14 | 15,600 | |
| | 06-132-010 | Patuxent Town Center | 612,105 | |
| | 06-132-014 | Cornerstone Presb Church | 19,575 | |
| | 06-132-018 | Charlotte Hall Lumber Yard | 52,800 | |
| | 06-132-024 | Airport View Office Campus | 69,610 | |
| | 06-132-028 | Charlotte Hall Station | 103,911 | |
| | 06-132-034 | Howlin Concrete | 7,740 | |
| | 06-132-033 | Watts Commercial Center II | 28,700 | |
| | 06-132-035 | Hickory Hills Lodge | 43,664 | |
| | 06-132-039 | Park Place | 836,072 | |
| | 06-132-041 | Flooring America | 13,850 | |
| | 07-131-011 | Esperanza Center | 4,696 | |
| | 07-131-044 | Queentree Knolls | 1,680 | |
| | 07-132-003 | Lexington Village | 175,210 | |
| | 07-132-005 | Cape St. Marys Marina | 8,216 | |
| | 07-132-016 | FT Colony Lot-500012-D | 8,400 | |
| | 07-132-021 | Charlotte Hall Vogel | 767,527 | |
| | 08-131-027 | Harbor View B&B | 1,962 | |
| | 08-132-001 | Wildewood Retirement | 70,000 | |
| | 08-132-019 | Willows Road Business PK | 120,000 | |
| | 09-131-013 | Ridge Supermarket | 3,600 | |
| | 10-132-002 | Expedition Bldg 7 | 41,705 | |
| | | From 6/23/2009 to 6/30 2013 Issued 160 Extension Letters | 3,480,153 | Total Sq.Ft |

Non Residential

