

11/14/2023

ZTA#22-170 WCD

Per Maryland State Land Use Law, zoning regulations must be consistent with a local government's comprehensive plan.

The Charles County 2016 Comprehensive Plan serves as the policy guide and framework for growth, development and preservation in the County, balancing growth with strong environmental protection measures.

The zoning Ordinance is the primary tool used to implement the Comprehensive Plan.

The Watershed Conservation District was created as a new zone that **implemented** some of the most important goals, policies and objectives of the Comp Plan.

The County can not amend the Zoning Ordinance if that amendment is not consistent with the 2016 Comp Plan.

There are 2 recent events that demonstrate the process the County must follow if it wants to make a change to the Zoning Ordinance that is not consistent with the comp plan: The creation of the Aviation Business Park around Maryland Airport, and the Bryans Road Sub Area Plan.

In both cases, The vision and language of the comp plan must be amended before the proposed ZTA's can be implemented.

For this ZTA:

The summary of changes in your power point slide 7 says that the ZTA will remove language that conflicts with the Comp Plan. However, some of the language to be deleted from the existing law not only doesn't conflict with the Comp Plan, it is the enabling language that implements one of the goals of the plan.

Specifically:

Article VI § 297-98 WCD Watershed Conservation District

D. (2)(b) *The commercial and mixed use commercial areas in the Bryans Road area shall remain in the WCD boundary in order to plan its future as a village and not a growth area.*

Maryland State Land Use Law requires zoning regulations be consistent with the comp plan.

As with the airport and Bryans Road plans, in order to comply with the law, the County must *first* amend the Comprehensive Plan to change its vision and direction before you can remove that language from the ZO.

The same 2 step process is required if you want to change the density in the WCD from 1:20 to 1:10.

It is a little disconcerting that the Planning Commission appears not to understand this when they forwarded their strong support for that change.

As we head into the holiday season, I ask that you keep the record open for an additional 60 days.

Respectfully Submitted,

Nancy Schertler