

RESOLUTION

**TO AMEND CHAPTERS 264 AND 285 OF THE CODE OF ST. MARY'S
COUNTY, MARYLAND TO PROVIDE FOR APPROVAL OF SUBDIVISIONS
AROUND LAWFULLY EXISTING DWELLINGS**

WHEREAS, pursuant to §§4.01-4.05 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 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 and October 28, 2013, to accept public comment regarding the proposed amendment to 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, 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. §30.3 of Chapter 264 of the *Code of St. Mary's County, Maryland*, is amended by adding:

7. Subdivision Around Lawfully Existing Single- Family Dwellings.

- a. A parcel containing more than one lawfully existing dwelling may be divided into not more than seven (7) residential lots of record each of which contains one such lawfully existing single-family dwelling.

- b. Subdivision standards and adequate public facility requirements are not applicable to a minor subdivision around lawfully existing dwellings approved pursuant to Section 30.3.7; provided however, that any existing nonconformity of such lots shall not be increased.

SECTION II. Article 5 of Chapter 264 of the *Code of St. Mary's County, Maryland*, is, amended by adding:

Dwelling, Single Family: A building containing one (1) dwelling unit, as a principal use.

SECTION III. §52.7 of Chapter 285 of the *Code of St. Mary's County, Maryland*, is amended by adding:

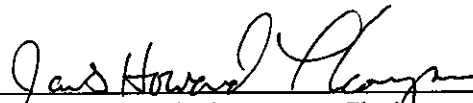
4. Development standards and adequate public facility requirements provisions of Chapter 70 are not applicable to lots in a minor subdivision around lawfully existing dwellings approved pursuant to Section 30.3.7 of the St. Mary's County Subdivision Ordinance; provided however, that any existing nonconformity of such lots shall not be increased.

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

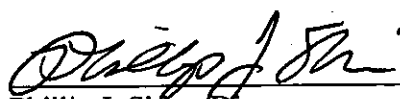
Date of Adoption: 10/28/13

Ayes: 6 Nays: 0 Abstain: 0

ST. MARY'S COUNTY PLANNING COMMISSION


James Howard Thompson, Chair

Attest:


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

Subject: Zoning -To Amend Chapters 264 and 285 of the Code of St. Mary's County, Maryland, to Provide for Subdivision around Lawfully Existing Dwellings

ORDINANCE

TO AMEND CHAPTERS 264 AND 285 OF THE CODE OF ST. MARY'S COUNTY, MARYLAND, TO PROVIDE FOR SUBDIVISION AROUND LAWFULLY EXISTING DWELLINGS

WHEREAS, pursuant to §§4.01-4.05 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 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, pursuant to §5.03 of the Land Use Article of the *Annotated Code of Maryland*, the St. Mary's County Planning Commission has recommended amendment of the regulations governing the subdivision of land as set forth hereinbelow; and

WHEREAS, a notice of a public hearing was advertised on November 15, 2013 and November 22, 2013 in *The Enterprise*, a newspaper of general circulation in St. Mary's County, and a public hearing was held on December 3, 2013 to receive public comment and consider amendments of Chapters 264 of the *Code of St. Mary's County, Maryland*, to provide for approval of nonconforming subdivisions; and

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland, finds that it is in the best interest of the health, safety and welfare of the citizens of St. Mary's County to amend Chapters 264 of the *Code of St. Mary's County, Maryland*, to provide for approval of nonconforming subdivisions,

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of St. Mary's County, that:

SECTION I. §30.03.7 of Chapter 264 of the *Code of St. Mary's County, Maryland*, be, and the same hereby is, amended to read:

30.03 Types of Subdivisions and Plats.

...

7. Subdivision around lawfully existing dwellings.

- a. A parcel containing more than one lawfully existing dwelling may be divided into not more than seven (7) residential lots of record each of which contains one such lawfully existing single-family dwelling.

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Subject: Zoning -To Amend Chapters 264 and 285 of the Code of St. Mary's County, Maryland, to Provide for Subdivision around Lawfully Existing Dwellings

- b. Subdivision standards and adequate public facility requirements are not applicable to a minor subdivision around lawfully existing dwellings approved pursuant to section 30.3.7; provided however, that any existing nonconformity of such lots shall not be increased.

SECTION II. Article 5 of Chapter 264 of the *Code of St. Mary's County, Maryland*, be, and the same hereby is, amended by adding:

Dwelling Single Family: A building containing one (1) dwelling unit as a principle use.

SECTION III. §52.7 of Chapter 285 of the *Code of St. Mary's County, Maryland*, be, and the same hereby is, amended to read:

...

- 4. Development standards and adequate public facilities requirement provisions of Chapter 70 are not applicable to lots in a minor subdivision around lawfully existing dwellings approved pursuant to Section 30.3.7 of the St. Mary's County Subdivision Ordinance; provided however, that any existing nonconformity of such lots shall not be increased.

SECTION IV. This Ordinance shall be effective upon the date written below.

Those voting Aye: _____

Those voting Nay: _____

Those Abstaining: _____

Date of Adoption: _____

Effective Date: _____

Subject: Zoning -To Amend Chapters 264 and 285 of the Code of St. Mary's County, Maryland, to Provide for Subdivision around Lawfully Existing Dwellings

ATTEST:

COMMISSIONERS OF ST. MARY'S COUNTY

Dr. Rebecca B. Bridgett
County Administrator

Francis Jack Russell, President

Lawrence D. Jarboe, Commissioner

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Cynthia L. Jones, Commissioner

George R. Sparling
County Attorney

Todd B. Morgan, Commissioner

Daniel L. Morris, Commissioner