

**TOWN COUNCIL
ZONING ORDINANCE
PUBLIC HEARING MINUTES
Monday, June 2, 2025
GoToMeeting**

Vice Mayor Sitoula called the Public Hearing to order at 6:04p.m. Those in attendance were:

Ron Sitoula, Vice Mayor
Cassandra Grumbine, Councilwoman
Ryan Hicks, Town Manager
Andrea Brady, Town Clerk

NUMBER OF CITIZENS AND GUESTS IN ATTENDANCE: 0

Councilwoman Stillwell made a motion to open the public hearing. Vice Mayor Sitoula seconds the motion. The public hearing opened at 6:05pm.

The purpose of the Public Hearing is to receive comments from residents regarding the proposed amendment to the Zoning Ordinance Critical Area Regulations. The draft Ordinance has been available to view on the Town's website. Any resident who was unable to attend tonight's meeting was able to submit comments by May 30th to be read during the public comment portion of this evening's hearing.

Zoning Administrator Mark Harman was unable to attend this evening's hearing. Town Clerk Brady read his staff report/summary of proposed revisions on his behalf. (See attached.)

No comments were received from outside organizations on the proposed amendment.

Town Clerk Brady read Mr. Harman's memo with the Planning Commission's recommendation as it related to the proposed amendment. (See attached)

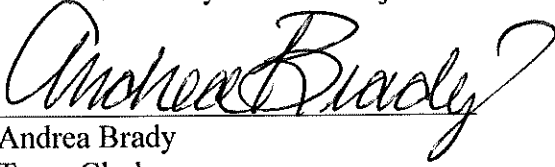
Vice Mayor Sitoula made a motion to open the floor to public comment. Councilwoman Stillwell seconds the motion. All in favor. The floor was opened to public comment. Town Clerk Brady did not receive any public comment prior to this evening's hearing.

There being no comment, and none received prior to the hearing, Vice Mayor Sitoula made a motion to close the floor to public comment. Councilwoman Stillwell seconds the motion. All in favor.

Council moved into the Council discussion portion of the agenda.

There being no Council discussion, Vice Mayor Sitoula made a motion to close the public hearing. Councilwoman Stillwell seconds the motion. All in favor. The public hearing was closed.

Vice Mayor Sitoula adjourned at 6:11pm.

A handwritten signature in cursive script, reading "Andrea Brady". The signature is written in black ink and is positioned above a horizontal line.

Andrea Brady
Town Clerk

Staff Report

Critical Area Text Amendment Change

For

Robinson Terminal

Introduction

The applicant proposes to construct a residential community with associated access roads, parking lots, utilities, and stormwater management facilities located on the north side of Indian Head Highway, in Indian Head, Charles County, Maryland: See the Robinson Terminal Critical Area Report, dated February 12, 2025. Development of the site will involve forest clearing and impacts to regulated environmental features such as nontidal wetlands and 25-foot wetland buffers. The property is identified as Parcel 142 on Tax map 11 and is zoned as Town Center Mixed Use (TCMX).

Note the following attachments:

- Attachment A. Chapter 440. Zoning Article IX. Zoning Districts and Zoning Map. Part 3. Special Overlay District: Chesapeake Bay Critical Area. Section 440-955. Growth Allocation.
 - This attachment defines the current ordinance language for Section 440-955. Growth Allocation.
 - The proposed language changes are to Section D. Regulations (highlighted in pink on the memo), subsections 1 and 3 (highlighted in yellow on the memo).
- Attachment B. Proposed Amendment to Section 440-955. Growth Allocation, Section D. Regulations.
 - The proposed language changes are to Section D. Regulations (highlighted in pink on the memo), subsections 1 and 3 (highlighted in yellow on the memo).

Town of Indian Head, MD
Thursday, May 1, 2025

Chapter 440. Zoning

ARTICLE IX. Zoning Districts and Zoning Map

Part 3. Special Overlay District: Chesapeake Bay Critical Area

§ 440-955. Growth allocation.

- SECTION WITH PROPOSED LANGUAGE CHANGES
- A. Growth allocation acreage and deduction.
- (1) Growth allocation available to the Town includes:
 - (a) An area equal to 5% of the RCA acreage located within the Town; and
 - (b) Growth allocation available to the Town as provided for by Charles County.
 - (2) The Town of Indian Head's original growth allocation acreage allocated by the county was 39.55 acres. The Town has use 22 acres as of April 6, 2022. The Town shall request from the county any growth allocation it may need when necessary.
 - (3) A local jurisdiction shall deduct acreage from its growth allocation reserves in accordance with COMAR 27.01.02.06-4.
- B. Purpose. Growth allocation is available for use in a resource conservation area (RCA) or in a limited development area (LDA) in the Town's Critical Area Overlay District. The purpose is to authorize a change in the Critical Area classification to develop at a higher density or use than the current classification allows.
- C. Process. An applicant shall submit to the Town a complete application for growth allocation that complies with the submittal and environmental report requirements of COMAR 27.01.02.06-1 through 0.06-2. A growth allocation request shall be approved by Charles County and the Town's Planning Commission prior to submission to the Commission.
- D. Requirements. When locating new intensely developed or limited development areas, the following requirements apply: LANGUAGE ADDED
- (1) A new intensely developed area shall be at least 20 acres. ←
 - (2) No more than half of the Town's growth allocation may be located in resource conservation areas except as provided in Subsection D(3) below.
 - (3) If the Town is unable to use a portion of its growth allocation as set out in Subsection D(2) above, then that portion of the growth allocation which cannot be so located may be located in the resource conservation area if growth allocation is consistent with the Town's adopted Comprehensive Plan and

whether the growth allocation would implement the goals and objectives of the adopted plan. "Consistency with" means that a standard or factor will further, and not be contrary to, the following items in the Comprehensive Plan:

- (a) Policies;
- (b) Timing of the implementation of the plan, of development, and of rezoning;
- (c) Development patterns;
- (d) Land uses; and
- (e) Densities or intensities.

E. Standards. When locating new intensely developed or limited development areas, the following standards shall apply:

- (1) A new intensely developed area shall only be located in a limited development area or adjacent to an existing intensely developed area;
- (2) A new limited development area shall only be located adjacent to an existing limited development area or an intensely developed area;
- (3) A new limited development area or intensely developed area shall be located in a manner that minimizes impacts to habitat protection area as defined herein and in COMAR 27.01.09 and in an area and manner that optimizes benefits to water quality;
- (4) A new intensely developed area shall only be located where it minimizes its impacts to the defined land uses of the resource conservation area (RCA);
- (5) A new intensely developed area or a limited development area in a resource conservation area shall be located at least 300 feet beyond the landward edge of tidal wetlands or tidal waters;
- (6) New intensely developed or limited development areas to be located in resource conservation areas shall conform to all criteria of the Town for such areas, shall be so designated on the Town's Critical Area Maps and shall constitute an amendment to this Part 3 subject to review and approval by the Town's Planning Commission, the Mayor and Town Council, and the Critical Area Commission as provided herein.

F. Additional factors. In reviewing map amendments or refinements involving the use of growth allocation, the Town shall consider the following factors:

- (1) Consistency with the Town's adopted Comprehensive Plan and whether the growth allocation would implement the goals and objectives of the adopted plan.
- (2) For a map amendment or refinement involving a new limited development area, whether the development is:
 - (a) To be served by a public wastewater system or septic system that uses the best available nitrogen removal technology;
 - (b) A completion of an existing subdivision;
 - (c) An expansion of an existing business; or
 - (d) To be clustered.
- (3) For a map amendment or refinement involving a new intensely developed area, whether the development is:

- (a) To be served by a public wastewater system;
 - (b) If greater than 20 acres, to be located in a designated priority funding area; and
 - (c) To have a demonstrable economic benefit.
- (4) The use of existing public infrastructure, where practical;
 - (5) Consistency with state and regional environmental protection policies concerning the protection of threatened and endangered species and species in need of conservation that may be located on- or off-site;
 - (6) Impacts on a priority preservation area;
 - (7) Environmental impacts associated with wastewater and stormwater management practices and wastewater and stormwater discharges to tidal waters, tidal wetlands, and tributary streams; and
 - (8) Environmental impacts associated with location in a coastal hazard area or an increased risk of severe flooding attributable to the proposed development.

COUNCIL OF THE TOWN OF INDIAN HEAD

Ordinance No. XX-XX-25

Introduced by:	Mayor & Council
Date Introduced:	Month XX, 2025
Planning Commission Hearing:	Month XX, 2025
Town Council Hearing:	Month XX, 2025
Amendments Adopted:	
Date Adopted:	Month XX, 2025
Date Effective:	Month XX, 2025

AN ORDINANCE concerning

**AMENDMENT OF ZONING ORDINANCE
CRITICAL AREA REGULATIONS**

FOR the purpose of amending certain provisions of the Town of Indian Head Zoning Ordinance Critical Area Regulations as provided by COMAR 27.01.02.06-3.D..

BY: repealing and reenacting with amendments
Zoning Ordinance of the Town of Indian Head (as dated _____)
Article IX, Zoning Districts and Zoning Map
Part III. Special Overlay District – Chesapeake Bay Critical Area
Section 955(d) Growth Allocation

SECTION 1. BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN HEAD, that Section 955(d) of Article IX, Zoning Districts, Part III, Special Overlay District – Chesapeake Bay Critical Area, of the Zoning Ordinance of the Town of Indian Head (as dated .), be and is hereby repealed and reenacted, with amendments, to read as follows:

Article IX, Zoning Districts and Zoning Map

Part III. Special Overlay District – Chesapeake Bay Critical Area

Section 955 Growth Allocation.

(d) Requirements.

When locating new Intensely Developed or Limited Development Areas, the following requirements apply:

← SHOWN AS (1) IN ATTACHMENT A
(i) A new Intensely Developed Area shall be at least 20 acres EXCEPT AS PROVIDED IN SUBSECTION D (III) BELOW.

(ii) No more than half of the Town's growth allocation may be located in Resource Conservation Areas except as provided in SUBSECTION (d) (iii) below.

← SHOWN AS (3) IN ATTACHMENT A
(iii) If the Town is unable TO SATISFY THE 20 ACRE SIZE THRESHOLD SET FORTH IN SUBSECTION D (I) ABOVE, OR to use a portion of its growth allocation as set out in SUBSECTION D (II) [paragraph (ii)] above, then THE TOWN MAY UTILIZE A PORTION OF ITS GROWTH ALLOCATION IN A MANNER THAT VARIES FROM SUBSECTIONS D(I) AND (D)(II) ABOVE, PROVIDED THAT THE AREA TO RECEIVE GROWTH ALLOCATION: [that portion of the growth allocation which cannot be so located may be located in the Resource Conservation Area. If growth allocation]

(1) is consistent with the Town's adopted comprehensive plan and [whether the growth allocation] would implement the goals and objectives of the adopted plan. "Consistency with" means that a standard or factor will further, and not be contrary to, the following items in the comprehensive plan:

(A) [1] Policies;

(B) [2] Timing of the implementation of the plan, of development, and of rezoning;

(C) [3] Development patterns;

(D) [4] Land uses; and

(E) [5] Densities or intensities.

(2) IS LOCATED IN A PRIORITY FUNDING AREA;

(3) WILL BE SERVED BY PUBLIC WATER AND SEWER; AND

(4) WILL HAVE AN OVERALL ECONOMIC BENEFIT TO THE COMMUNITY OR, IMPLEMENTS A SPECIFIC GOAL, OBJECTIVE OR POLICY OF THE TOWN'S COMPREHENSIVE PLAN.

SECTION 2: AND BE IT FURTHER ENACTED that this Ordinance shall take effect the later to occur of twenty (20) calendar days from the date of its approval by the Council and immediately following approval by the Chesapeake and Atlantic Bays Critical Area Commission.

INDIAN HEAD TOWN COUNCIL

Brandon Paulin, Mayor

Ron Sitoula, Vice Mayor

Cassandra Grumbine, Councilwoman

ATTEST:

Andrea Brady, Town Clerk

Date: _____

Key:

CAPITALS DENOTES LANGUAGE ADDED TO EXISTING LAW

[Brackets denotes language deleted from existing law.]

Underlining indicates amendments to bill.

Strike Out indicates language stricken from the bill by amendment or deleted from the law by amendment.

**** indicates matter in current law unchanged by this Ordinance and intentionally omitted.

MEMORANDUM

TO: Town Council

FROM: Mark Harman

RE: May 21, 2025 Planning Commission Public Hearing Recommendation

PROJECT NO.: 6508.25

DATE: May 23, 2025

The applicant proposes to construct a residential community with associated access roads, parking lots, utilities, and stormwater management facilities located on the northern side of Indian Head Highway, in Indian Head, Charles County, Maryland. Development of the site will involve forest clearing and impacts to regulated environmental features such as nontidal wetlands and 25-foot wetland buffers.

The property is identified as Parcel 142 on Tax Map 11 and is zoned as Town Center Mixed Use (TCMX). As part of this project, the applicant is requesting an amendment of the Town's Zoning Ordinance Critical Area regulations; see attached proposed text amendment.

At the May 21, 2025 public hearing, the Planning Commission unanimously recommended approval for the proposed amendment to Article IX, Part III, Section 955 [Growth Allocation], sub-section (d) [Requirements] of the Town's Zoning Ordinance Critical Area regulations to Town Council.