

**TOWN COUNCIL OF CENTREVILLE  
ORDINANCE NO. 10-2022**

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**AN ORDINANCE OF THE TOWN COUNCIL OF CENTREVILLE TO AMEND THE TOWN'S  
ZONING ORDINANCE CODIFIED AS CHAPTER 170 OF THE TOWN CODE TO CORRECT  
VARIOUS REFERENCES THROUGHOUT CHAPTER 170**

WHEREAS, Section 5-213 of the Local Government Article of the Annotated Code of Maryland enable the Town Council to enact zoning regulations;

WHEREAS, Section 4-201 *et seq.* of Land Use Article of the Annotated Code of Maryland enables the Town Council to divide the Town into districts and zones;


WHEREAS, Article III, Section 301(54) of the Charter of the Town of Centreville authorizes the Town to exercise the powers of Planning and Zoning; and

WHEREAS, the Town Council believes that it is in the best interests of the citizens of Centreville to amend Chapter 170 of the Town Code to correct various references throughout Chapter 170.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Centreville:

1. That Chapter 170 is hereby amended to include the text of which is attached hereto as Exhibit "A" with new material shown in **bold underlined** and deleted language shown with **bold** **strikeout**.
2. This Ordinance shall become effective on the twenty-first day after its enactment.

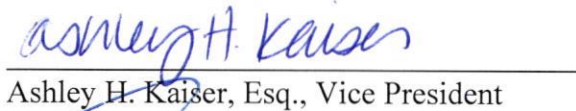
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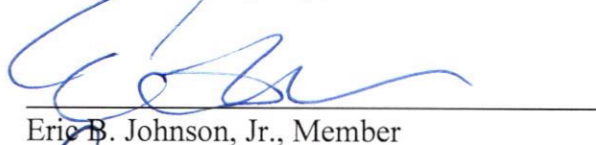
  
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Carolyn M. Brinkley  
Town Clerk

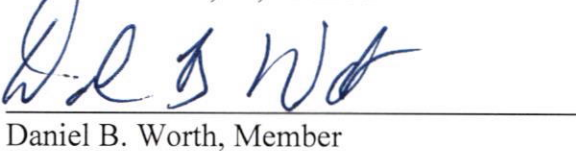
THE TOWN COUNCIL OF CENTREVILLE

  
\_\_\_\_\_  
Steven K. Kline, President

First Reading: August 18, 2022  
Second Reading: October 20, 2022  
Enacted: November 17, 2022  
Effective: December 8, 2022  
(21st calendar day after enactment)

  
\_\_\_\_\_  
Ashley H. Kaiser, Esq., Vice President

  
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Eric B. Johnson, Jr., Member

  
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Daniel B. Worth, Member

  
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Jim A. Beauchamp, Member

**Amend § 170-1.D**

- D. No changes of any nature shall be made in the Official Zoning Map except in conformity with the procedures set forth in this chapter. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this chapter and punishable as provided under ~~§ 170-66~~ § 170-68 of this chapter.

**Amend § 170-11**

A single lot or parcel of land in the Critical Area Overlay District that was legally recorded as of August 3, 1989, may be developed with a single-family dwelling and customary accessory building, if the dwelling was not already placed there, notwithstanding that such development may be inconsistent with the density provisions contained in ~~§ 170-30B~~ § 170-31.4. This provision shall only apply as follows:

**Amend § 170-11.D**

- D. Land that was subdivided into recorded, legally buildable lots, where the subdivision received Town or county final approval after December 1, 1985, provided that either any such land conforms to the provisions of the Critical Area Overlay District or the area of land is counted by the Town against the growth allocation permitted under ~~COMAR 14.15.02.06~~ COMAR 27.01.02.06.

**Amend § 170-14.D(3)**

- (3) When authorized by the Board of Appeals according to the provisions of ~~§§ 170-57~~ and ~~170-58~~ §§ 170-58 and 170-59 of this chapter, a nonconforming use of land may be changed to another nonconforming use, or a nonconforming use of a building may be changed to one of a less restricted classification.

**Amend § 170-14.F(1)**

- (1) A building devoted to a nonconforming use may be completed or extended, and other buildings may be erected in addition thereto, for uses necessary and incidental to the continuation of the existing use, provided that such additions and extensions are located on the same premises or on an adjoining premises that were under the same ownership on the date such building became nonconforming, and provided that the floor areas of all such additions and extensions shall not exceed, in the aggregate, 50% of the floor area of the existing building devoted to a nonconforming use. The expansion or redevelopment of existing structures and other development in the Modified Buffer Area may not increase impervious surfaces shoreward of the existing structure and shall not result in an increase greater than 25% in the total site area in impervious surfaces and shall be subject to the special provisions of § 170-30. Any other extension of a nonconforming building or use shall be subject to Board of Appeals approval as provided in ~~§§ 170-57~~ and ~~170-58~~ §§ 170-58 and 170-59. The extension or completion of a building or the construction of additional buildings as herein provided shall not be deemed to extend or otherwise affect the date when such nonconforming use or building must be changed or removed, if subject to any of the provisions of Article II.

**Amend § 170-26.B(1)**

- (1) The Planned Redevelopment Areas classification may be granted upon application by the property owner and after following the procedures necessary to zone or rezone a property under ~~§ 170-62~~ § 170-64, Amendments, of this chapter. When a Planned Redevelopment Area is approved to be applied to a specific area, that area shall be so designated on the Official Zoning Map, and such Planned Redevelopment Area shall be treated as a zone classification for the purpose of establishing and interpreting its boundaries.  
[Amended 3-18-1993 by Ord. No. 615B]

**Amend § 170-31.6.F(4)**

- (4) The Town Council shall review the growth allocation request and hold a public hearing, in accordance with program amendments, ~~§ 170-31.8~~ § 170-31.10. The Town Council shall consider the Planning and Zoning Commission's recommendations and shall approve or deny the growth allocation request.

**Amend § 170-31.12.F(8)**

- (8) An applicant shall post a subdivision with durable signs prior to final recordation in accordance with ~~COMAR 2.7.01.09.01-2~~ COMAR 27.01.09.01-2.

**Delete § 170-31.12.G(4)(c)**

- ~~(c) Fee in lieu — see Section I of this chapter.~~

**Amend § 170-31.12.H(2)**

- (2) Comply fully with all of the policies and criteria for a shore erosion control project stated in COMAR 27.01.04 and ~~COMAR 26.24.06.01~~ COMAR 27.01.09.01-6.

**Amend § 170-32.D(9)**

- (9) Notwithstanding other provisions of this chapter regarding accessory uses and structures, it shall not be necessary that parking areas be located in the rear yard. However, in the C-2 and C-3 Districts, parking areas shall be located to the rear and/or sides of buildings. The Planning and Zoning Commission may approve parking in front of a building when this allows better site design. ~~to comply with the standards of § 170-41, Landscaped areas, and § 170-43, Design standards for site plans.~~

**Amend § 170-55.D**

- D. The Zoning Administrator shall maintain record of all occupancy permits. Failure to obtain a zoning occupancy permit shall be a violation of this chapter and punishable under ~~§ 170-66~~ § 170-68 of this chapter.

**Amend § 170-57**

Zoning certified or zoning occupancy permits are issued on the basis of site plans and applications. Use, arrangement, or construction differing with that authorized shall be deemed violation of this chapter and punishable as provided by ~~§ 170-66~~ § 170-68 hereof.

**Amend § 170-59.B(2)**

- (2) In granting any special exception the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards when made a part of the terms under which the special exception is granted, shall be deemed a violation of this chapter and punishable under ~~§ 170-66~~ § 170-68 of this chapter.

**Amend § 170-59.C(1)(a)[5]**

- [5] That the granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area Overlay Zone, and that the granting of the variance will be consistent with the spirit and intent of the ~~county's~~ Town's Critical Area Program and associated ordinance as well as state law and regulations, ~~adopted under Subtitle 18 of the Natural Resource Article and COMAR 14.15.~~

**Amend § 170-59.C(1)(c)**

- (c) Notice of public hearing shall be given as in ~~§ 170-57B(1)(d)~~ § 170-59B(1)(d) above.

**Amend § 170-59.C(1)(e)**

- (e) The Board of Appeals shall make findings that the requirements of ~~§ 170-57C(1)(a)~~ § 170-59C(1)(a) have been met by the applicant for a variance.

**Amend § 170-59.C(2)**

- (2) In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this chapter and punishable under ~~§ 170-66~~ § 170-68 of this chapter.

**Amend § 170-61**

Any person or persons, or any board, taxpayer, or department of the Town aggrieved by any decision of the Board of Appeals may seek review by the Circuit Court of such decision, in the manner provided by the laws of Maryland and particularly by ~~Article 66B, Annotated Code of Maryland~~ the Land Use Article of the Annotated Code of Maryland.

**Amend § 170-62.A**

- A. It is the intent of this chapter that all questions of interpretation and enforcement shall first be presented to the Zoning Administrator and that such questions shall be presented to the Board of Appeals only on appeal from the decision of the Zoning Administrator and that recourse from the decisions by the Board of Appeals shall be to the courts as provided by laws and particularly by ~~Article 66B, Annotated Code of Maryland~~ **the Land Use Article of the Annotated Code of Maryland.**

**Amend § 170-62.B**

- B. It is further the intent of this chapter that the duties of the Town Council in connection with this chapter shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and its ordinance. Under this chapter the Town Council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this chapter, as provided by law, and of establishing a schedule of fees and charges as stated in ~~§ 170-61~~ **§ 170-63** below.

**Amend § 170-64.D**

- D. No change in or departure from the proposed amendment as recommended by the Planning and Zoning Commission shall be made unless the same be resubmitted to said Planning and Zoning Commission for its further recommendation. ~~No amendment, supplement, or change shall be made contrary to the recommendation of the Planning and Zoning Commission except by a two-thirds vote of the Town Council.~~

**Amend § 170-65.E(2)**

- (2) Land use management classification. When proposing a change of land use management classification, i.e., Intensely Developed Area (IDA), Limited Development Area (LDA) or Resource Conservation Area (RCA), other than by changing a land use management classification through granting of the GA Growth Allocation District, the Town Council shall not approve amendments unless it is found that there was a mistake in the original classification and that the amendment is approved by the Critical Area Commission. Changes to the land use management classification using growth allocation shall be as prescribed in ~~§ 170-31~~ **§ 170-31.6.**