

Ordinance No.94
Zoning Ordinance Amendment
Subject: Home Occupation Text
Amendment and Permit
Amendments

Purpose

For the purpose of amending the Zoning Ordinance in order to revise existing provisions.
Text amendments adopted April 8, 1996.

Ordinance

Whereas, under the provisions of Article 66B of the Annotated Code of Maryland, the
Town Council of Leonardtown for Leonardtown, Maryland, is empowered to adopt,
revise and amend the Leonardtown Zoning Ordinance; and

Whereas, the current Zoning Ordinance, 155-4 Definition, Article II 155-11 C Home
Occupation and Article XVII 155-83 Permits has been amended.

Section 1. The Leonardtown Zoning Ordinance heretofore adopted and currently in
effect shall be and the same is hereby amended as follows: See schedule A attached.

Section 2. This ordinance shall have retroactive effect, effective the date of adoption.

Approval date: March 12, 2001

Attest:

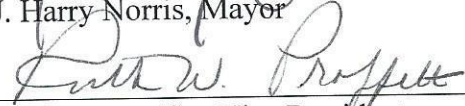


Laschelle E. Miller
Town Administrator


Commissioners of Leonardtown



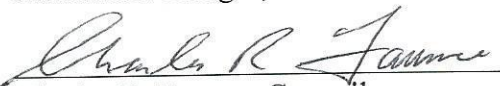
J. Harry Norris, Mayor



Ruth W. Proffitt, Vice President

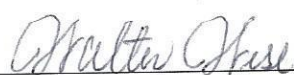


Michael L. Bridges, Councilman



Charles R. Faunce, Councilman

Walter R. Gillette, Councilman



Walter Wise, Councilman

SCHEDULE A
AMENDMENTS TO LEONARDTOWN ZONING ORDINANCE

DEFINITION:

155-4 HOME OCCUPATION - An accessory use as a personal service or profession or use customarily conducted within a dwelling carried on by a member of the immediate family residing in the dwelling, which does not change the residential character of the neighborhood, provided that the use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purpose by the occupants, and provided that the use occupies not more than 200 square feet of the floor area of such dwelling unit. Generation of substantial volumes of vehicular or pedestrian traffic or parking demand or other exterior indication of the home occupation is prohibited.

155-11. C. Home occupations in residential districts, within the context of the definition of home occupations provided in this ORDINANCE are permitted subject to the following:

1. No persons other than members of the family residing on the premises shall engage in such occupation.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and clearly subordinate to its use as a residence and not more than 200 square feet of the floor area of the dwelling unit shall be used to conduct such occupation.
3. There shall be no change in the outside appearance of the building or premises other than one sign limited to two (2) square feet in area.
4. No home occupation shall be conducted in any accessory building.
5. There shall be no sales, other than products produced by the approved home occupation, on the premises in connection with the occupation.
6. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable outside of the dwelling unit. The Board of Appeals may approve a home occupation in any district as a conditional use which does not meet the standards stated above.

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SECTION 155-14. HEIGHT, BULK AND AREA REQUIREMENTS AND CHART A

All uses, structures and buildings permitted or approved as conditional uses in this district shall be located on a lot having a net area of at least **ten thousand (10,000) square feet**, with a minimum lot width of **one hundred (100) feet** and a minimum lot depth of one hundred (100) feet.

155-83. PERMITS

A. Zoning permit required

No building, structure, or land, or any part thereof, shall hereafter be used, created, or enlarged until a zoning permit has been issued by the Town Administrator or Town Planner. The issuance of a zoning permit does not waive provisions of other laws, ORDINANCES or requirements.

Certificate for other permits. If the proposed building, structure, or use of land is in conformity with the provisions of this ORDINANCE or complies with decisions of the Board of Appeals or conditions of the Planning Commission, and the Town Commissioners, a zoning permit shall be issued by the Town Administrator or Town Planner. The issuance of a zoning permit shall serve as an authorization to secure other required or requested permits from various agencies.

B. Time limits for permits / approvals.

Any zoning permit, concept approval, preliminary approval, or final approval shall become invalid if the authorized use, approval, or construction for which the permit or approval was issued is not commenced within twelve (12) months of the date of issuance for residential and two (2) years for commercial. The Town Administrator or Town Planner may, upon good cause shown, extend a building permit without additional charge for an additional period not exceeding twelve (12) months. Extensions for any plans approved by the Planning Commission can only be granted by the Planning Commission. In granting an extension, the Commission may not impose additional requirements.

(Re-letter subsequent paragraphs accordingly)

COMMISSIONERS OF LEONARDTOWN
PUBLIC HEARING MINUTES
MONDAY, DECEMBER 11, 1995
4:00 P.M.

ATTENDEES:

J. Harry Norris III, Mayor
Norman A. Norris, Vice President
Leon E. Battle, Councilman
Bernard Y. Delahay, Councilman
Ruth W. Proffitt, Councilwoman
Walter Wise, Councilman
Teresa A. Saulen, Town Secretary

Also in attendance were: Robert O. Guyther, Town Administrator; Colleen Bonnel, Town Planner; Dana Lantz, Treasurer; Doug Ritchie, Channel 10; John Wharton, The Enterprise; Sheriff Voorhaar and DFC Laxton, Sheriff's Department and Ann Marum, St. Mary's County Chamber of Commerce.

Mr. Guyther explained the purpose of the Public Hearing. Mayor Norris called the Public Hearing to order at 4:00 P.M.

Mr. Guyther stated that the Amendments to the Leonardtown Zoning Ordinance have not yet been approved by the Planning Commission.

Ms. Bonnel stated the amendment to the Home Occupation definition is a little more specific than what we now have.

Councilman Norris said when you invite the general public to a residential area, then you will have a conflict of an unnatural relationship. If you get to the point that your business is doing that well you should open up store front. Mr. Guyther stated the Home Occupations would not be opening for retail sales. Mr. Guyther stated if there are to be text changes to the zoning amendments, it should be done at the Planning and Zoning Commission. Mr. Guyther said the Town Council will not vote on the Zoning Amendments until the Planning Commission forwards its final recommendation. The details of the proposed amendment changes should be worked out at the Planning Commission.

Mayor Norris said under normal procedures the Town Council would not have the Public Hearing until we have the recommendations of the Planning Commission. The reason we had the Public Hearing without their recommendation was that it was advertised concurrently to save money and advertised it at this date. Mayor Norris said if any members have any recommendations to the amendments attend the next Planning and Zoning meeting. He added that the Planning Commission had approved the language of these amendments, but had asked the Staff to change the language during their Public Hearing.

Councilman Norris asked if the Staff was asking applicants requesting any permits for non-conforming uses bring in documented proof of the non-conforming use. Mr. Guyther replied, yes if we

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felt it was a non-conforming use they would have provide to us documentation.

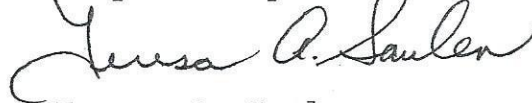
Councilman Norris stated a decision to extend the length of time a permit is valid would be authorized by the Planning and Zoning Commission instead of the Town Administrator and or Town Planner. Mr. Guyther said when the permit was issued in-house, like a Building Permit, that could be extended, by Staff. However, if it were a site plan approval the staff could not extend that only the Commission could.

Mayor Norris asked the audience if there were any comments. There were no comments from the audience.

Councilman Wise made a motion to keep the record open to accept the Planning and Zoning Commissions recommendations and written comments from the public. The motion was seconded by Councilwoman Proffitt; approved and carried unanimously.

The meeting was adjourned at 4:30 P.M.

Respectfully submitted:

A handwritten signature in cursive script that reads "Teresa A. Saulen". The signature is written in dark ink and is positioned above the typed name.

Teresa A. Saulen
Secretary

PLANNING AND ZONING COMMISSION
MINUTES
MONDAY, MARCH 18, 1996

Attendees:

Edward N. Brinsfield, Chairman
Norman A. Norris, Vice President
Joseph A. Bell, Member
Michael D. Kesting, Member
Margaret P. Irish, Secretary

Also in attendance were: Colleen Bonnel, Town Planner; Robert O. Guyther, Town Administrator; J. Harry Norris III, Mayor; Ruth W. Proffitt, Councilwoman; Alfred S. Mattingly, Singletree; Jay F. McGrath, DPW; Doug Devens, SMCo Adult Detention Center, and Millie Huseman, P/T Administrative Assistant.

The regular meeting of the Planning and Zoning Commission was convened at 1:00 p.m., March 18, 1996, in the Tudor Hall Conference Room.

APPROVAL OF MINUTES

a. A motion was made by Mr. Kesting to approve the Minutes of the January 15, 1996 meeting as presented. The motion was seconded by Mr. Bell; approved and carried.

b. A Memorandum For The Record was presented which stated that the scheduled February 20, 1996 meeting was not held as there were no items submitted requiring consideration by the P&Z Commission. All other routine information would be addressed at the March meeting. This memorandum will be filed with the record of Minutes.

OLD BUSINESS

Home Occupation Zoning Ordinance. Mr. Guyther stated that the Zoning Ordinance Amendment had been revised to add item 8 which reads "If any violations of Articles 155-4 or 155-11.c are documented, the Town Administrator may return the case to the Planning Commission for clarification of standards or may order the home occupation to be terminated. An appeal of the Town Administrator's decision may be made to the Board of Appeals." This was included to alleviate concerns expressed by the Board at the previous meeting as to how the Town could monitor Home Occupation and any violations therein.

A motion was made by Mr. Kesting to forward the Revised Text Amendment for Home Occupation and other zoning ordinance amendments to the Town Council with a recommendation for approval. The motion was seconded by Mr. Bell; approved and carried.

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from the Waste Water Treatment Plant. The motion was seconded by Councilwoman Proffitt.

Councilman Delahay amended the motion to make a budget amendment to transfer money from the HUD Savings Account to the Waste Water Treatment Account. The amended motion was seconded by Councilwoman Proffitt; approved and carried unanimously.

Streets. Mr. Guyther said the Town may be reimbursed approximately \$6,800 for the expense incurred for the snow removal.

TOWN ADMINISTRATOR'S REPORT

Mr. Guyther apprised the Council of the following:

- The lease agreement for the Leonardtown Wharf is being negotiated. The County would have to be involved. The State does not want to get financially involved unless the Town would obtain a long term lease or if the Town owned the property.

- The landscape proposal was received for the downtown parks. A concept plan will be done which will be reviewed and then a final plan will be done. The estimated cost will be from \$2,000 to \$2,500. The concept plan should be done in 3 weeks. The money would be taken from the Town Hall Account.

- Mr. Walter Blair has applied for a State Loan to renovate the Blair Building on Washington Street and increase the size of the parking lot and add lights. A resolution was prepared for Mr. Blair to obtain a loan for the Downtown Revitalization Program.

Councilman Norris made a motion to approve Resolution 5-96 to support a Downtown Revitalization Loan for the W.R. Blair Building. The motion was seconded by Councilman Delahay; approved and carried unanimously.

- A grant was received from the St. Mary's Art Council in the amount of \$500 to support the mural project. The sketch for the mural project was presented to the Council.

OLD BUSINESS

Zoning Ordinance Text Amendment: Home Occupation, Lot Sizes, Permit Time Limits. Mr. Guyther stated there was a Public Hearing to address the zoning amendment. Mr. Guyther presented to the Council the Zoning Ordinance Text Amendment.

TC Minutes
04/08/96

Councilman Wise made a motion to accept the Zoning Ordinance Text Amendment as presented. The motion was seconded by Councilman Delahay; approved and carried unanimously.

NEW BUSINESS

Private Water Line: Bernie Goddard. Mr. Goddard resides outside of the Town limits. Approximately 40 to 50 years ago a 1 1/2" water line was extended to Mr. Goddard's father's home and that tied into a Town water line. Presently there are 12 additional homes that are connected to the line. Mr. Goddard would like to build another house on his lot and is asking permission to connect to the line.

Councilman Norris said if you have land and you subdivide with a well that is centrally located and serving 2 homes, you have to get utility approval. Mr. Guyther said the Health Department has to give you permission to have 2 houses on one well and the Public Service Commission only gets involved when you want to sell water. Councilman Norris asked Mr. Goddard if he had documents that contained the right of ways for the water connects. Councilman Norris said there should be a document drawn up giving the right of way in case there were to be repairs done to the water line. Councilman Norris further stated to have them drawn up with one another to have access to each others property if the line needed to be repaired or replaced.

Councilman Delahay said we should honor the request of Mr. Goddard to connect to the existing water line. Furthermore, Mr. Goddard is willing to pay for all hook-up fees. Councilman Delahay stated according to the Town Charter we are not to sell water outside of the Town. However, we have been selling water and that issue needs to be addressed to either discontinue the service or remove it from the Town Code. Councilman Delahay stated there is no document to state who owns or installed the water line. Mr. Guyther said Mr. Goddard's father had installed part of the line.

Councilman Delahay said the water line would need to be surveyed, property owners need also be involved, who owns the line and who is ultimately responsible for the repair and maintenance of the line. If the Town continues to sell water outside of the Town, the Town should take ownership of the water line. Councilman Wise said if we sell the water will MetCom continue to sell them sewage services. Councilman Delahay said this is another issue that would have to be addressed and will MetCom be willing to give the service up to Leonardtown.