

Ordinance No.97
Zoning Ordinance Amendment
Subject: Article IV-PUD3, Planned
Unit Development Article V PUD- 5
Planned Unit Development

Purpose

For the purpose of amending the Zoning Ordinance in order to revise existing provisions.
Text amendments adopted August 12, 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, PUD 3- Planned Unit Development and PUD 5-
Planned Unit Development are changed to PUD-M- Mixed use Planned Unit
Development.

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 Miller
Laschelle E. Miller
Town Administrator

Commissioners of Leonardtown

J. Harry Norris
J. Harry Norris, Mayor

Ruth W. Proffitt
Ruth W. Proffitt, Vice President

Michael L. Bridges
Michael L. Bridges, Councilman

Charles R. Faunce
Charles R. Faunce, Councilman

Walter R. Gillette
Walter R. Gillette, Councilman

Walter Wise
Walter Wise, Councilman

SCHEDULE A

ARTICLE IV Mixed Use Planned Unit Development (PUD-M)

§ IV-1. PURPOSE.

Ingenuity, imagination and design efforts on the part of builders, architects, site planners and developers can produce developments which are in keeping with overall land use intensity and open space objectives of this chapter while departing from the strict application of use, setback, height and minimum lot size requirements of the residential zones. The PUD-M District is designed to provide flexibility in development by providing for a mix of residential uses with appropriate nonresidential uses, alternative forms of housing, and flexibility in the internal relationships of design elements. The intent of this Article is to permit such flexibility for planned unit developments which:

- A. Permit a creative approach to the development of land.
- B. Accomplish a more desirable environment than would be possible through the strict application of the minimum requirements of this chapter.
- C. Provided for an efficient use of land, resulting in smaller networks of utilities and streets and thereby lower housing and maintenance costs.
- D. Enhance the appearance of neighborhoods through preservation of natural features, the provision of underground utilities and the provision of recreation areas and open space in excess of existing zoning, subdivision and Master Plan requirements.
- E. Provide an opportunity for new approaches to home ownership.
- F. Provide an environment of stable character compatible with surrounding residential areas.

§ IV-2. DEVELOPMENT PRINCIPLES.

A. Residential density in the PUD-M district shall not exceed five dwelling units per acre. The total number of residential units shall be determined by multiplying the overall acreage of the development by five. Acreage used for nonresidential uses may be used in the dwelling unit calculations.

Land in any PUD-M development may be designated for commercial/retail use. Retail stores in excess of 20,000 sq. ft. are Conditional Uses and shall be evaluated as

described in Article V.

Land in any PUD-M development may be designated for light industrial or office use.

B. Minimum yard, lot size, type of dwelling unit, height and frontage requirements for each use in the PUD shall be waived, provided that the spirit and intent of this chapter is upheld in the total development for the PUD. The Town Commissioners may, at their discretion, require that adherence to minimum zone requirements be accomplished within all or a portion of the perimeter of the site and shall exercise ultimate discretion as to whether the total development plan does comply with the spirit and intent of this chapter.

C. In all cases, open space shall be provided in minimum amounts of at least thirty percent of the total area of each PUD. Such open space will be for dedication to the town or for common ownership by the residents of that planned unit development.

D. Home Occupations are permitted. See §II-6.

§ IV-3. OPEN SPACE CRITERIA.

A. Open space proposed for either dedication to the town or common ownership by the residents of that planned unit development shall be retained as open space for park, conservation or recreational use. All areas proposed for dedication to the town must be acceptable as to size, shape, location and improvement and shown by the applicant to be of benefit to the general public.

B. All park and open space areas shall be fully improved by the applicant as required by the Town Commissioners and the Planning and Zoning Commission, including all abutting street improvements.

C. In applications which include proposals for dedication of park and open space areas to the town, the applicant shall dedicate the same in accordance with the Schedule of Development as approved as a part of the planned unit development applications.

D. Common recreation areas, facilities and open space shall be provided in locations easily accessible to the living units served and where they do not impair the privacy and view of individual dwellings.

E. When parcels are retained for common park, open space and recreation use in a common ownership by the residents of the planned unit development, plans for the improvement and maintenance of those areas shall be approved by the town.

F. Each proposal for such use, including park areas, private accessways, private parks and recreational facilities and common service facilities shall be accompanied by

appropriate legal documents which assure adequate management and maintenance of common facilities.

(1) Legal instruments providing for dedications, covenants, home owners associations and subdivision controls shall:

(a) Place title of common property in a form of common ownership by the residents of the planned unit development, e.g., a duly constituted and legally responsible home associations, cooperative, etc.

(b) Appropriately limit the use of common property.

(c) Place responsibility for management and maintenance of common property. The Town Commissioners and the Planning and Zoning Commission, at their discretion, may require the applicant to enter into a contract with the town for maintenance of commonly held properties.

(d) Place responsibility for enforcement of covenants.

(e) Permit the subjection of each lot to assessments for its proportionate share of maintenance costs.

(f) Title of all land dedicated to public use shall be unencumbered at the time of conveyance.

§ IV-4. GENERAL CRITERIA.

A. Access to each single-family dwelling unit shall be provided via either a public right-of-way or a private vehicular or pedestrian way owned by the individual lot owner in fee or in common ownership with the residents of the Planned Unit Development.

B. In area where Townhouses are used, unless such is waived by the Planning and Zoning Commission, there shall be no more than five townhouse units in any contiguous group, and a variety of building setbacks, color, building materials and facades shall be provided for each contiguous group. Development plans shall avoid undue concentration of multiple-family units.

C. Each planned unit development shall provide for visual and acoustical privacy of each dwelling unit. Fences, walks and landscaping shall be provided for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses and the reduction of noise.

D. Parking shall be provided convenient to all dwelling units [maximum walking distance of one hundred fifty feet] and, for all uses, meeting the minimum requirement

Is of Article XI. Driveways, parking areas, walks and steps shall be well paved, maintained and lighted for night use. Screening of parking and service areas shall be encouraged through ample use of trees, shrubs, hedges and screening walls.

E. Access and circulation shall adequately provide for firefighting equipment, furniture moving vans, fuel trucks, refuse collection, deliveries and snow removal.

F. All planned unit developments shall provide for underground installation of utilities including telephone and power in both public and private rights-of-way. Provision shall be made for acceptable design and construction of storm sewer facilities, including grading gutters, piping and treatment of turns to handle stormwaters, prevent erosion and formation of dust.

G. A variety of open space and recreational areas is encouraged, including children's informal play in close proximity to individual dwelling units according to the concentration of dwellings, formal parks, picnic areas, playgrounds, areas of formal recreation activity such as tennis courts), scenic open areas and communal recreational facilities (such as swimming pools).

H. The pedestrian circulation system and its related walkways shall be insulated as completely as possible from the street system in order to provide separation of pedestrian and vehicular movements. This shall include, when deemed to be necessary by the Planning and Zoning Commission, pedestrian underpasses or overpasses in the vicinity of schools, playgrounds, local shopping areas and other neighborhood used which generate a considerable amount of pedestrian traffic.

I. Guidelines for minimum distances between buildings shall be as required for each use.

J. The Town Commissioners may modify the strict application of all the preceding standards where it is felt that such would further the objectives of Planned unit development except it may not grant a variance in the total number of units permitted or the maximum percentage of multiple family units.

§ IV-5. APPLICATION AND REVIEW PROCEDURE.

A. The applicant is encouraged to seek the advice of the Town's planning staff, professional designers, architects, planners, engineers and lawyers in the preparation of plans and documents to implement a planned unit development.

B. In order to benefit the applicant by providing information and guidance before entering into binding commitments or incurring substantial expense, review of planned unit development applications shall proceed in two stages: the concept plan stage and the engineering stage.

(1) The concept development plan, which established the framework for a planned unit development, shall be reviewed by the Planning and Zoning Commission.

(a) The concept development plan application, together with the recommendations of the Planning and Zoning Commission, shall be reviewed by the Town Commissioners and, after public hearing, approved, approved with modification or disapproved by the Commissioners.

(b) The Commissioners may deny Planned unit development application if, in their judgment, the proposed development is not consistent with the intent and purpose of this section.

(c) The initial concept development plan application may be reviewed and approved concurrently with the adoption of a Zoning Map for parcels to be annexed to the town.

(2) After the approval of the concept development plan application, the site plan or subdivision plat, detailing the engineering elements of a planned unit development, shall be submitted to and approved or disapproved by the Planning and Zoning Commission.

(a) The applicant for a planned unit development shall have the burden of proof, which shall include the burden of persuasion on all questions of fact which are to be determined by the Town Commissioners and the Planning and Zoning Commission.

C. Procedures for the preparation and filing of a concept development plan are as follows:

(1) The complete concept development plan shall be filed with the Town Clerk and accompanied by the required fees, as established by the Town Commissioners.

(2) Upon receipt, the Town Clerk shall advertise the application for public hearing. The public hearing date shall be established only after the Planning and Zoning Commission has reviewed the subject application for a maximum period of sixty days from the acceptance of the application by the Town Clerk.

(3) The Planning and Zoning Commission may transmit the application to any interested agency for comment. Such agencies may return their comments and recommendations to the Planning and Zoning Commission within thirty days. That Commission shall then review the concept development plan and forward its recommendations to the Town Commissioners, who shall hold the public hearing.

(4) Following the public hearing, the Town Commissioners may approve, approve

with modification, or deny the concept development plan in whole or in part, based upon the finding that:

- (a) The proposed planned unit development does not affect adversely the Town Master Plan or this chapter.
 - (b) The proposed planned unit development will not adversely the health and safety of residents or workers in the area and will not be detrimental to the use or development of adjacent properties or the general neighborhood.
 - (c) The proposed planned unit development will meet the stated objectives and the standards and performance criteria.
- (5) No deviation from the concept development plans so approved for the of a planned unit development shall be permitted without the approval, as herein provided, of the Town Commissioners or the Planning and Zoning Commission, as the case may be.
- (a) Any deviation without the necessary approval shall serve automatically to revoke the original approval and void future actions pursuant to the planned unit development.
 - (b) Any increase of 5 percent or more in the number of dwelling units of any type over the number approved in the exploratory stage approval shall be deemed a substantial deviation.
 - (c) Any increase or decrease of five percent or more in the amounts of land designated for commercial or light industrial uses is considered a substantial deviation.
 - (d) Any other proposed deviation shall be considered by the Town Commissioners unless an absolute majority of the Planning and Zoning Commission shall determine that such deviation is not substantial, and, in that event, the Planning and Zoning Commission may consider the proposed deviation.
 - (i) If the Town Commissioners do not find the proposed deviation to be substantial, it shall be referred back to the Planning and Zoning Commission for action.
 - (ii) If the Town Commissioners finds that the proposed deviation is substantial, then they shall proceed to act on the proposal in the manner as required for the initial Concept Development Plan.

(iii) If the proposed deviation is referred back to the Planning and Zoning Commission as not being a substantial deviation, it shall be acted upon by that Commission.

(6) The concept development plan application shall contain:

(a) A written description of the intended plan of development.

(b) A sketch plan at a hundred-foot scale supporting the above statement, illustrating:

(i) The preliminary location and grouping of dwelling units, nonresidential uses, schools and recreation facilities.

(ii) The number of dwelling units proposed and their general location, indicating those areas to be subdivided and those to be renter-occupied.

(iii) A preliminary vehicular and pedestrian circulation system, including driveways, walkways, parking areas and streets to be dedicated.

(iv) A system of open space and recreational uses, with estimates of acreage to be dedicated and that to be retained in common ownership.

(v) A topographic map at a two-hundred-foot scale showing contour intervals at five feet, including all existing buildings, wooded areas, floodplains, wetlands, streams and other significant environmental features.

(c) A preliminary statement indicating how the problems of maintenance and ownership of common facilities will be resolved.

(d) A Preliminary schedule of development, including the staging and planning of:

(i) Residential areas to be developed, in order of priority, by type of dwelling unit.

(ii) The construction of streets, utilities and other improvements necessary to serve the project area.

(iii) The dedication of land to public use.

(iv) The construction of nonresidential facilities.

(e) Each of the above elements shall be listed as to their relative order of improvement, with an estimated time schedule for their accomplishment. It is, among other things, the intent of this requirement that:

(i) The schedule of development be such that a staged implementation of the planned unit development would not result in land use conditions which would establish a precedent for the use of adjoining undeveloped property for purposes other than that shown on the approved planning unit development.

(f) A plat or metes and bounds description of the area within the proposed planned unit development.

(g) The name and address of the owner or owners and their agents.

D. Procedures for the preparation and filing of the site plan or subdivision plat are as follows:

(1) Upon the approval of the exploratory application by the Town Commissioners, the applicant shall prepare and submit to the Planning and zoning Commission the required studies and material. The process of review shall proceed in accordance with the approved schedule of development, however, the detailed studies may be filed for all or a portion of the subject tract, as required by the Planning and Zoning Commission in each individual case.

(2) The Planning and Zoning Commission shall approve or disapprove the submitted documents in accordance with the development principles, standards and performance criteria of this Article, within the limitations of the exploratory application approved by the Town Commissioners.

(3) Upon approval of the a site plan or subdivision plat, the applicant shall prepare final record plats, covenants and other required legal instruments. The Planning and Zoning Commission shall approve these upon a finding that they conform to the approved application, that the performance criteria of this chapter are adhered to and that the necessary legal documents, covenants and plats are capable of and can be recorded simultaneously. Minimum units of execution and the staging of such shall be as provided for in the schedule of development.

(4) Following the approval of the site plan or subdivision plat for all or any portion of a planned unit development , the applicant shall cause a subdivision plat of said approval to be filed in the land records of St. Mary's County prior to the sale of any lots. The subdivision plat shall conform with the Town's Subdivision Regulations.

(5) The site plan shall contain the following elements to be submitted in accordance with the requirements and procedures of the Planning and Zoning Commission:

(a) A one-hundred-foot scale site plan showing:

(i) The location of all proposed structures.

(ii) Existing grades and proposed rough grading.

(iii) Preliminary elevations for all proposed streets to be dedicated.

(iv) Wetlands, floodplains, streams, other significant natural features, existing and proposed roads and sidewalks existing and proposed utility lines and structures, forests, required buffer yards and any other items the Planning and Zoning Commission may require.

(v) Proposed improvements of common and/or public area.

(b) Preliminary drawings of typical multiple-family and townhouse units to be constructed:

(i) Including site improvements of proposed lots, showing landscaping, walls, fences, patios, sidewalks and treatment of parking area.

(ii) Elevations and renderings of typical buildings.

(iii) Demonstration that party walls of adjoining attached single family homes are soundproof.

(c) Storm drainage and engineering plans for sanitary sewer and water lines, including easements for underground utilities.

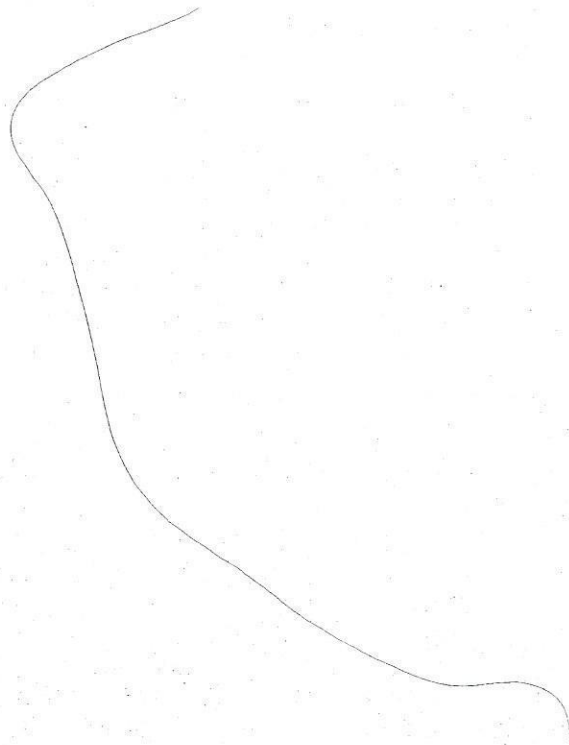
(d) Final drafts of legal agreements and documents which will be used to satisfy the requirements of Section 155-20C, including drafts of proposed deeds of dedication and other legal documents necessary for the transfer of land and structures to public and common ownership and the maintenance and resale, lease, sublease or repurchase of the same thereafter.

(e) Estimates of the costs of maintenance and common facilities and means of financing.

(f) A final schedule of development.

(g) Additional material deemed necessary by the Planning and Zoning

Commission to properly review the various elements of the planned unit development.



Public Hearing
7/18/96
430

COMMISSIONERS OF LEONARDTOWN
MINUTES
MONDAY, AUGUST 12, 1996
4:00 P.M.

ATTENDEES:

- J. Harry Norris III, Mayor
- Ruth W. Proffitt, Vice President
- Bernard Y. Delahay, Councilman
- Susan H. Erichsen, Councilwoman
- Daniel W. Muchow, Councilman
- Walter Wise, Councilman
- Millie Huseman, Secretary

Also in attendance were: Robert O. Guyther, Town Administrator; Doug Ritchie, St. Mary's Electronic News Service; John Wharton, The Enterprise; Mr. and Mrs. Holmes, Mr. Philip Dorsey, Mr. and Mrs. Ray Hall, Charlie Breck, Ned Brinsfield, Mark Vogel, Keith Allston and Andrew V. Colevas.

The regular meeting of the Commissioners of Leonardtown was convened at 4:00 P.M. and the Pledge of Allegiance was led by Millie Huseman.

APPROVAL OF MINUTES

July 08, 1996 Minutes. Councilman Delahay made a motion to approve the Minutes as presented. The motion was seconded by Councilwoman Proffitt; approved and carried unanimously.

APPROVAL OF ACCOUNTS PAYABLE

Councilwoman Proffitt made a motion to approve the Accounts Payable. The motion was seconded by Councilman Delahay; approved and carried unanimously.

MAYOR'S REPORT

Mayor Norris commented that the progress on the Park, located at the old Town Inn lot, is moving along very nicely. Mayor Norris commented there is still a vacancy on the Planning and Zoning Board and he will soon make a recommendation to the Council. The Town tax bills will be out soon. Mayor Norris stated he has asked Ms. Sothoron to attend the Town Council meetings beginning in September to present the Treasurer's Report.

Mayor Norris stated each Council member has a "Statement of Findings" pertaining to Ms. Lantz's appeal. Mayor Norris stated the findings were that there was just cause for the Town Administrator to dismiss Ms. Lantz. The Mayor and Council have concluded that the Town Personnel Rules and Regulations were not violated by the Town Administrator. Mayor Norris stated a motion is required to accept these statement findings.

ORIGINAL

TC Minutes
08/12/96

sludge. MetCom has an elevated level of Mercury in their sludge. At this time there has to be more testing done.

Councilman Delahay stated it would be costly to the Town to hire another engineer for the plant since Stearns and Wheler has been the consultants from the beginning. However, if there were to be another project, than another consulting firm could be utilized. Mayor Norris said by consensus of the Council to have the representatives from the firm of Stearns and Wheler to be present at the September Town Council meeting.

Councilman Muchow asked if the Town is still restricted by the Charter as to how to bid and award contracts. Mr. Guyther said the Charter requires that you bid most contracts that are over \$5,000, but it does give the Council the right to waive the bidding procedures under special circumstances; if they feel that bidding will not produce the best results.

Councilman Muchow asked Mr. Guyther to have the purchasing requirements available for Town Council meeting.

OLD BUSINESS

Mr. Guyther presented a draft for a Zoning Text Amendment on Article IV, Planned Unit Development. This amendment would allow a mixed development on the same parcel. There has been a Public Hearing addressing the text amendment and the Planning Commission has recommended approval. The Planning Advisory Committee has reviewed the amendment and recommended approval. This would give the Council case by case approval. The applicant would have to present the overall plan and the Council would have the final approval. Mr. Guyther said this amendment is similar to the County PUD X category.

Councilman Delahay asked Mr. Breck if this is generally the way this type of zoning is going around the country. Mr. Breck said this gives the Planning Commission a lot more control of large tracts of land. Mr. Breck further commented that a parcel would have to be rezoned into the different zoning districts otherwise. Mr. Guyther added that all the land zoned PUD 5 will then be zoned PUD M.

Councilman Wise made a motion to approve the Zoning Text Amendment Article IV, Planned Unit Development and the rezonings. The motion was seconded by Councilman Delahay; approved and carried unanimously.

Tudor Hall Farms Golf Course Proposal. Mr. Guyther presented a proposal to the Council for the Tudor Hall Golf Course.