

Ordinance No. 108
Zoning Ordinance Amendment
Subject: Commercial Marine Zoning
Amendment to Article VIII

Purpose

For the purpose of amending the Zoning Ordinance in order to revise existing provisions.

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, Article VIII, Commercial Marine District, has been amended.

The Leonardtown Zoning Ordinance heretofore adopted and currently in effect shall be and the same is hereby amended as follows:

155-35.C. ... Therefore, all uses permitted in this district shall be subject to procedures established for review and approval as identified in sections 155-24, 155-39 and 155-40 of this ordinance (see PUD-M and C-SC District provisions in Article IV and IX) to assure compatibility among uses and to assure proposed uses achieve the purpose of the district.

Attest:

Laschelle E. Miller
Laschelle E. Miller, Town Administrator

The Commissioners of Leonardtown

By: Ruth W. Proffitt
Ruth W. Proffitt, Vice President

By: _____
Michael L. Bridges, Councilmember

By: Bernard Y. Delahay
Bernard Y. Delahay, Councilmember

By: Walter R. Gillette
Walter R. Gillette, Councilmember

By: Walter Wise
Walter Wise, Councilmember

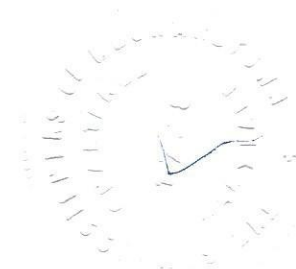
Introduced as an Emergency Ordinance: November 12, 2002

Passed: November 12, 2002

Approved by the Mayor this 12th day of November 2002.

Effective: November 12, 2002.

By: J. Harry Norris, III
J. Harry Norris, III, Mayor



- C. Coordination of site plans, landscaping and pedestrian and traffic movement is a necessary concern for review and approval of uses to assure that waterfront development uses can function harmoniously and compatibly with less intensive uses permitted to complement and strengthen the waterfront area. Therefore, all uses permitted in this district shall be subject to procedures established for review and approval as identified in sections 155-24, 155-39 and 155-40 of this article ordinance (see PUD-M and C-SC District provisions in Article IV and Article IX) to assure compatibility among uses and to assure proposed uses achieve the purpose of this district.

~ 155-36. Permitted uses.

No building or premises shall be erected, structurally altered, enlarged or maintained nor shall any land be used, except for the following purposes:

- A. Restaurants and outdoor eating facilities;
- B. Specialty shops, under 5,000 square feet, such as art, gift, antique, import, health and natural goods, including uses of a more general commercial nature which do not detract from the purpose of the waterfront or which are necessary to its economic viability;
- C. Office buildings;
- D. Mixed use buildings: residential/retail/office;
- E. Social, cultural facilities, public parks and open space
- F. Museums or similar interpretive facilities
- G. Public Facilities

~155-37 Special Exception Uses

Unspecified uses of land, buildings or structures in the C-M District shall be permitted only after Planning and Zoning Commission review and recommendation and with the approval of the Board of Appeals based on their finding that such uses are consistent with the purposes for the C-M District.

- (11) Materials used for site features such as fences, screen walls, and signs should be appropriate to the zone district where the development is located and should complement building design through materials, color, shape and size.

~ 155-24. Application and review procedure.

A. The applicant is encouraged to seek the advice of the town's administrative staff, and/or 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 and a proposed design code, which establishes the framework for a planned unit development, shall be reviewed by the Planning and Zoning Commission.

- (a) The concept development plan application and proposed design code together with the recommendations of the Planning and Zoning Commission, shall be reviewed by the Mayor and Council and, after public hearing, approved, approved with modification or disapproved by the Mayor and Council.

- (b) The Mayor and Council may deny a 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. 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 Mayor and Council 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 Mayor and Council.

(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 60 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 30 days. That Commission shall then review the concept development plan and forward its recommendations to the Mayor and Council, who shall hold the public hearing.

(4) Following the public hearing, the Mayor and Council 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 affect 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 a planned unit development shall be permitted without the approval, as herein provided, of the Mayor and Council 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% 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 5% or more in the amounts of land designated for commercial or light industrial uses is considered a substantial deviation.

Council. (d) Any other proposed deviation must be approved by the Mayor and

(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 and proposed design code supporting the above statement, illustrating:

[1] The preliminary location and grouping of dwelling units, nonresidential uses, schools and recreation facilities.

[2] The number of dwelling units proposed and their general location, conceptual illustrations of typical units reflecting their intended exterior appearance and identifying those areas to be subdivided and those to be renter-occupied.

[3] A preliminary vehicular and pedestrian circulation system, including driveways, walkways, parking areas and streets to be dedicated.

[4] A system of open space and recreational uses, with estimates of acreage to be dedicated and that to be retained in common ownership.

[5] 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:

[1] Residential areas to be developed, in order of priority, by type of dwelling unit.

[2] The construction of streets, utilities and other improvements necessary to serve the project area.

[3] The dedication of land to public use.

[4] 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 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 planned 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 Mayor and Council, 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 Mayor and Council.

(3) Upon approval of the 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 to the town's Subdivision Regulations.¹¹

(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:

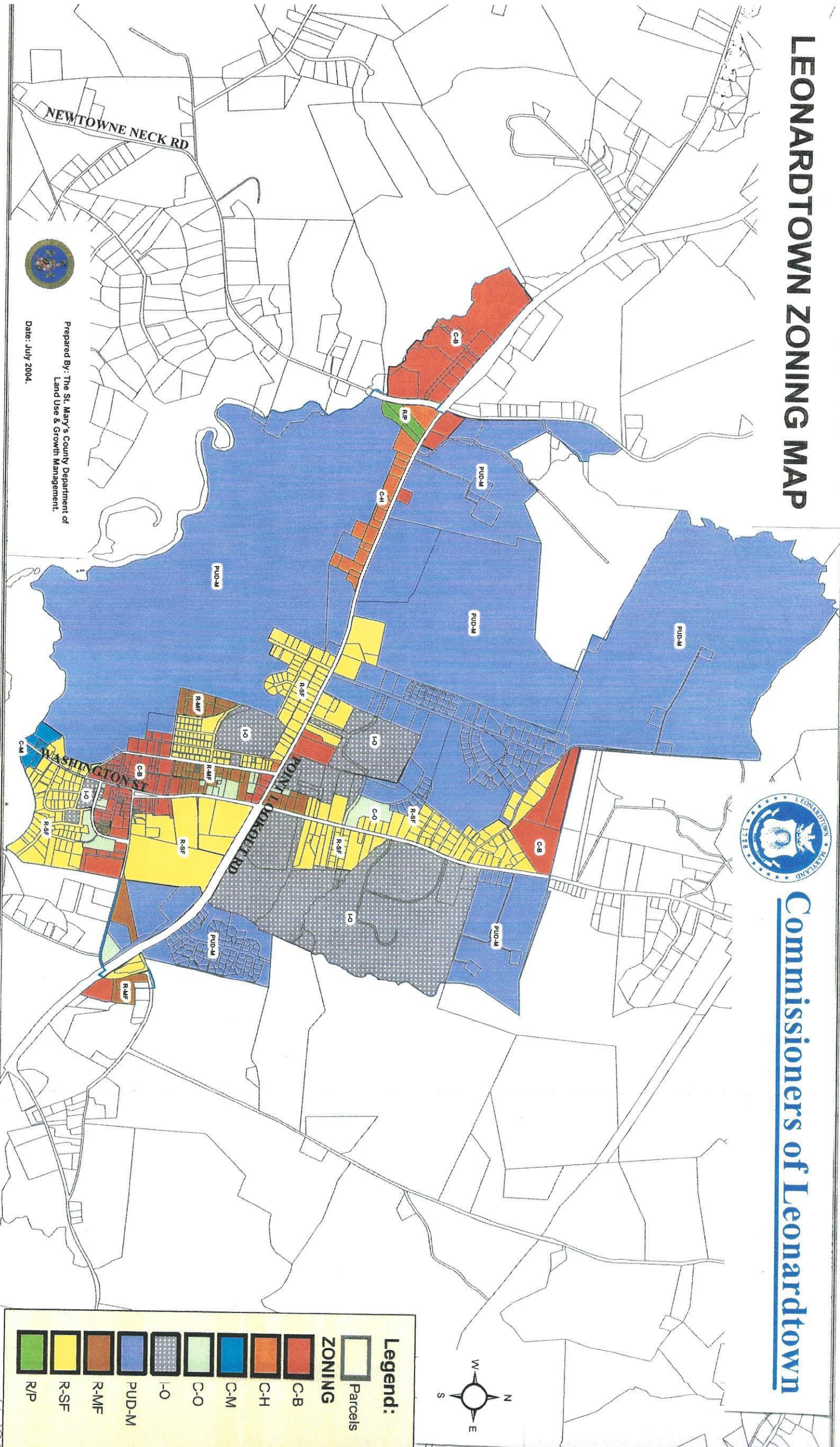
¹¹Editor's Note: See Ch. 131, Subdivision Regulations.

- (a) A one-hundred-foot scale site plan showing:
 - [1] The location of all proposed structures.
 - [2] Existing grades and proposed rough grading.
 - [3] Preliminary elevations for all proposed streets to be dedicated.
 - [4] 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.
 - [5] Proposed improvements of common and/or public area.
- (b) Preliminary drawings of typical single-family, multiple-family and townhouse units to be constructed:
 - [1] Including site improvements of proposed lots, showing landscaping, walls, fences, patios, sidewalks and treatment of parking area.
 - [2] Elevations and renderings of typical buildings.
 - [3] 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 ~ 155-21C, 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.

LEONARDTOWN ZONING MAP



Commissioners of Leonardtown



Prepared By: The St. Mary's County Department of Land Use & Growth Management.

Date: July 2004.

Legend:

- Parcels
- ZONING**
- C-B
- C-H
- C-M
- C-O
- I-O
- PUD-M
- R-MF
- R-SF
- R-P