

Ordinance No. 104
Zoning Ordinance Amendment
Subject: Commercial Marine Zoning
Category Amendment
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.

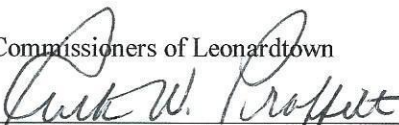
Section 1: The Leonardtown Zoning Ordinance heretofore adopted and currently in effect shall be and the same is hereby amended as follows: See Schedule A attached.

Attest:

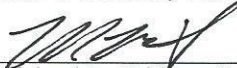


Laschelle E. Miller, Town Administrator

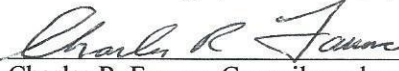
The Commissioners of Leonardtown

By: 

Ruth W. Proffitt, Vice President

By: 

Michael L. Bridges, Councilmember

By: 

Charles R. Faunce, Councilmember

By: 

Walter R. Gillette, Councilmember

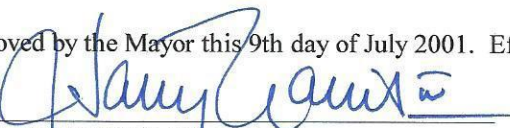
By: 

Walter Wise, Councilmember

Introduced: June 11, 2001

Passed: July 9, 2001

Approved by the Mayor this 9th day of July 2001. Effective: July 29, 2001.

By: 

J. Harry Norris, III, Mayor

SCHEDULE A

ARTICLE VIII
C-M Commercial Marine District

§VIII-1. PURPOSE.

A. Breton Bay is an important and unique resource necessary to the economic viability of Leonardtown. This district is intended to promote the development and redevelopment of land along Breton Bay with a mixture of uses and activities which are either dependent upon or appropriate to the waterfront. To compliment and strengthen the function of the waterfront area, certain recreation, shopping, business and residential uses are permitted.

B. To ensure compatibility with development in the downtown commercial and historic district, compatibility with architecture, landscaping and site design for development within the district and public access to the waterfront, with proper emphasis on pedestrian movement and its separation from traffic.

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.

§VIII-2. 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 and 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.

§VIII-3. CONDITIONAL 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 Town Commissioners.

§VIII-4. APPLICATION AND REVIEW PROCEDURE.

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

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

(a) For a conditional use, the concept development plan application 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 a conditional use commercial marine application if, in their judgement, the proposed development is not consistent with the intent and purpose of this section.

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

(a) The applicant for a commercial marine 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/or the Planning and Zoning Commission.

B. Procedures for the preparation and filing of a conditional use concept plan are as follows:

(1) The complete concept plan shall be filed with the Town staff and accompanied by the required fees.

(2) Upon receipt, the Town staff 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 staff.

(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 plan and forward its recommendation 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 plan in whole or in part, based upon the finding that:

(a) The proposed plan does not affect adversely the Town Comprehensive Plan or this chapter.

(b) The proposed plan 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.

(5) No deviation from the concept plans approved 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 commercial marine development.

(b) Any increase of 5 percent or more in the number of dwelling units of any type over the number approved in the concept stage, shall be deemed a substantial deviation.

(c) Any increase or decrease of 5 percent or more in the amount of land designated for commercial 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 find that the proposed deviation is substantial, then they shall proceed to act on the proposal in the manner as required for the initial Concept 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.