



**Council of the Town of Leonardtown**  
**Ordinance No. 203**  
**Subject: Open Space and Multifamily Residential Units in the**  
**Mixed Use Planned Unit Development (PUD-M) District**

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**Date Introduced on First Reading: July 13, 2020**  
**Council Public Hearing: 8/10, 2020**  
**Date Passed on Second Reading: 8/10, 2020**  
**Date Effective: 8/31, 2020**

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**AN ORDINANCE** concerning

**CHAPTER 155 – ZONING OF THE CODE OF THE TOWN OF LEONARDTOWN**

**FOR** the purpose of amending § 155-23(B) of the Code of the Town of Leonardtown to provide that, in the PUD-M District, multifamily units, including duplexes, townhouses, and apartments, shall represent no more than 20% of the total number of residential units permitted in a mixed use planned development unless the open space provided for in § 155-21(C) is at least 50% of the total area of the development, in which case multifamily units shall represent no more than 35% of the total number of residential units permitted in the development; providing that the title of this Ordinance shall be deemed a fair summary; and generally relating to the PUD-M District in the Town of Leonardtown.

**RECITALS**

**WHEREAS**, pursuant to Md. Code Ann., Land Use § 4-204 and § 155-1(A) of the Code of the Town of Leonardtown (the “Town Code”), the Council of the Town of Leonardtown (the “Council”) is authorized and empowered to amend, supplement, change, modify and repeal the Town of Leonardtown’s (the “Town”) zoning regulations and boundaries and change the Town’s zoning classifications; and

**WHEREAS**, pursuant to Md. Code Ann., Local Gov’t § 5-202 and § 501(1) of the Charter of the Town of Leonardtown (the “Charter”), the Council is authorized and empowered to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as they may deem necessary for the good government of the Town; for the protection and preservation of the Town’s property, rights and privileges; for the preservation of peace and

good order; to secure persons and property from danger and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of the City and visitors thereto and sojourners therein; and

**WHEREAS**, following a public hearing held on 7/20, 2020, the Town Planning and Zoning Commission (the "Planning and Zoning Commission") favorably recommended that the Council approve a text amendment amending § 155-23(B) of the Town Code to provide that, in the PUD-M District, multifamily units, including duplexes, townhouses, and apartments, shall represent no more than 20% of the total number of residential units permitted in a mixed use planned development unless the open space provided for in § 155-21(C) is at least 50% of the total area of the development, in which case multifamily units shall represent no more than 35% of the total number of residential units permitted in the development; and

**WHEREAS**, on 8/10, 2020, the Council held a public hearing regarding the foregoing text amendment recommended by the Planning and Zoning Commission, notice of which was published on 7/23, 2020 and 7/30, 2020 in the County Times, a newspaper of general circulation in the Town, in accordance with Md. Code Ann., Land Use § 4-203(b) and § 155-140 of the Town Code; and

**WHEREAS**, having considered the recommendations of the Planning and Zoning Commission and Town Staff, as well as the comments made during the 8/10, 2020 public hearing, the Council finds that it is in the best interest of the Town to amend § 155-23(B) of the Town Code to provide that, in the PUD-M District, multifamily units, including duplexes, townhouses, and apartments, shall represent no more than 20% of the total number of residential units permitted in a mixed use planned development unless the open space provided for in § 155-21(C) is at least 50% of the total area of the development, in which case multifamily units shall represent no more than 35% of the total number of residential units permitted in the development; and

**WHEREAS**, the Council finds that the amendments set forth herein would be in the best interest of the health, safety and welfare of the citizens of the Town.

**SECTION I. BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF LEONARDTOWN** that Chapter 155 – Zoning of the Code of the Town of Leonardtown be and it is hereby amended as follows:

**§ 155-23 General criteria.**

Development design within this district should place emphasis on the layout of the streets, the building of a variety of housing types with smaller front yards, the appearance of clearly defined streetscapes and orientation to the existing village center. In design terms, traditional communities are characterized by mixed land uses; grid street patterns; emphasis on pedestrian circulation; intensively used open spaces; architectural character; and a sense of community. This zone is to provide for a mixture of residential types with certain provisions for commercial activities to serve primarily a resident population. This zone is particularly pedestrian-oriented and is related to the more intensive uses of a town center, although the commercial activities are

of a scale that is less intensive than those permitted in the commercial zones.

A. UNCHANGED

B. Multifamily units, including duplexes, townhouses, and apartments, shall represent no more than 20% of the total number of residential units permitted in a mixed use planned development unless the open space provided for in § 155-21(C) is at least 50% of the total area of the development, in which case multifamily units shall represent no more than 35% of the total number of residential units permitted in the development. The density of development for those portions of the site proposed for multifamily use shall not exceed 10 units per acre. In an area where townhouses are proposed, 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. UNCHANGED

D. UNCHANGED

E. UNCHANGED

F. UNCHANGED

G. UNCHANGED

H. UNCHANGED

I. UNCHANGED

J. UNCHANGED

K. UNCHANGED

L. UNCHANGED

M. UNCHANGED

N. UNCHANGED

O. UNCHANGED

P. UNCHANGED

Q. UNCHANGED

**SECTION II. AND BE IT FURTHER ORDAINED** that the recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

**SECTION III. AND BE IT FURTHER ORDAINED** that, in this Ordinance, unless a section of the Town Code is expressly repealed in its entirety and reenacted, new or added language is underlined and in boldface type, and deleted text is crossed out with a single strikethrough. With respect to the substantive provisions of this Ordinance set forth in Section 1, language added after the date of introduction is in bold, italicized font, and language deleted after the date of introduction is crossed out with a double strikethrough.

**SECTION IV. AND BE IT FURTHER ORDAINED** that, if any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the Council that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase or portion hereof.

**SECTION V. AND BE IT FURTHER ORDAINED** that all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.


**SECTION VI. AND BE IT FURTHER ORDAINED** that the title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.


**THIS SPACE INTENTIONALLY LEFT BLANK**

**SECTION VI. AND BE IT FURTHER ORDAINED** that this Ordinance shall become effective twenty (20) days following approval by the Mayor or passage by the affirmative vote of four-fifths of the Councilpersons after veto by the Mayor.


Attest:

Councilpersons of Leonardtown:

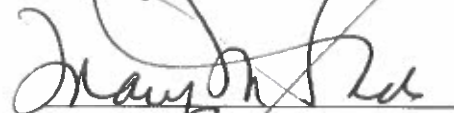
  
Laschelle E. McKay  
Town Administrator

  
J. Maguire Mattingly, IV  
Vice President

Seal:

  
Tyler Alt  
Councilperson

  
Christy Hollander  
Councilperson

  
Mary Maddy Slade  
Councilperson

  
Nick B. Colvin  
Councilperson

This Ordinance was presented to the Mayor for his approval or disapproval pursuant to Section 210 of the Charter of the Town of Leonardtown this 10<sup>th</sup> day of August, 2020.

  
Laschelle E. McKay, Town Administrator

In accordance with Section 210 of the Charter of the Town of Leonardtown, I hereby (Approve) or (Disapprove) approve this Ordinance this 10<sup>th</sup> day of August, 2020.

  
Daniel W. Burris, Mayor