

Ordinance No.95  
Zoning Ordinance Amendment  
Subject: General Provisions Text  
Amendments and Planning and  
Zoning Commission

**Purpose**

For the purpose of amending the Zoning Ordinance in order to revise existing provisions.  
Text amendments adopted April 13, 1998.

**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 I, General Provisions and XIX Planning  
and Zoning Commission 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.

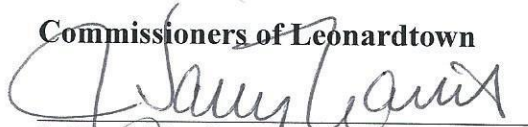
Approval date: March 12, 2001

Attest:

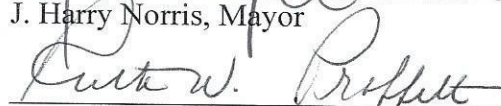


Laschelle E. Miller  
Town Administrator

**Commissioners of Leonardtown**



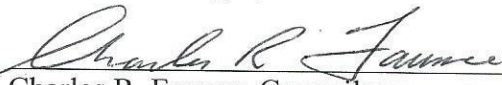
J. Harry Norris, Mayor



Ruth W. Proffitt, Vice President

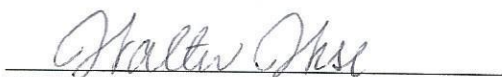


Michael L. Bridges, Councilman



Charles R. Faunce, Councilman

\_\_\_\_\_  
Walter R. Gillette, Councilman



Walter R. Gillette, Councilman

## SCHEDULE A

### ARTICLE I General Provisions

#### § I-1. PREAMBLE.

A. Whereas, by acts of the General Assembly of Maryland as set forth in Article 66B of the Annotated Code of Maryland, it is provided that for the purpose of promoting health, safety, order, prosperity, the conservation of natural resources and the general welfare, the Commissioners of Leonardtown may, by ordinance, regulate the use of lands and of buildings and other structures; provide the location of those areas which may be used as places of residence or in which agriculture, forestry, trade, industry or other specific uses may be conducted, the height, bulk and size of buildings or other structures, the percentage of land area which may be occupied and the minimum size of yards, courts or other open spaces; provide for amendments and changes therein; require the Leonardtown Planning and Zoning Commission to perform certain duties with reference thereto; appoint and prescribe the powers and duties of the Leonardtown Zoning Board of Appeals; provide for the enforcement of this chapter and provide penalties for violations of this chapter.

B. This Zoning Ordinance is made in accordance with a Comprehensive Plan and in furtherance of a Master Plan of Leonardtown and shall apply to such parts of Leonardtown where Zoning District Detail Maps have been prepared and approved by the Planning and Zoning Commission and the Commissioners of Leonardtown.

C. LEONARDTOWN WANTS TO PRESERVE ITS HISTORIC CHARACTER. THEREFORE, ALL NEW BUILDINGS, EXCEPT FOR DETACHED, SINGLE FAMILY RESIDENCES AND THEIR ACCESSORY BUILDINGS, SHALL BE OF A TRADITIONAL, HISTORIC STYLE. THE DETERMINATION WHETHER PROPOSED BUILDINGS MEET THIS CRITERIA SHALL BE MADE BY THE PLANNING AND ZONING COMMISSION ON A CASE BY CASE BASIS.

#### § I-2. TITLE; APPLICABILITY.

This chapter shall be known as the Zoning Ordinance for the Town of Leonardtown, Maryland" and shall apply to the incorporated area of the town. The extent of applicability of this chapter shall be automatically changed in accordance with the provisions thereof or provision of state law which may alter the applicability of this chapter.

#### § I-3. PURPOSE.

The purpose of zoning regulations is set forth in Article 66B of the Code of Public General Laws of Maryland, Maryland Planning and Zoning Enabling Act, of November 1971:

"Such regulations shall be made in accordance with the plan and designed to control

ARTICLE XIX  
Planning and Zoning Commission

§ XIX-1. COMPOSITION, APPOINTMENT, TERM

The Mayor, with the approval of the Town Council shall appoint a Planning and Zoning Commission consisting of five members, one of whom may be a member of the Town Council, who shall serve concurrent with their Town Council term.

The term of members who are not also members of the Town Council shall be five years, or until their successor is appointed. Appointed members shall live or work within the town of Leonardtown.

§ XIX-2. REMOVAL; FILLING UNEXPIRED TERMS OF OFFICE

Any member of the Planning and Zoning Commission may be removed from office by the Town Council for neglect of duties, malfeasance, physical incapacity, or a change of residence or work location such that the person no longer lives or works within the Town limits.. Neglect of duties shall include failure to attend at least 75% of the Planning and Zoning Commission's regularly scheduled meetings during any 12 month period. If the Town Council removes any member of the Planning and Zoning Commission prior to the expiration of their appointed term, the reasons for the removal shall be issued to the member removed in a written report.

If a member is removed or resigns from the Commission prior to the expiration of their term of office, the Mayor, with the approval of the Town Council, shall appoint a replacement to fill the remainder of the term.

§ XIX-3. OFFICERS, MEETINGS, RULES, RECORDS

The Planning and Zoning Commission shall elect a Chair and Vice-Chair from its appointed membership. Terms shall be for one year with eligibility for reelection. Elections shall be held during July of each year.

The Commission shall meet at least once each month. However, if there is insufficient business in any month, the Chair may cancel the meeting. Three members shall constitute a quorum for the conduct of business. If neither the Chair or Vice-Chair is present at a meeting, the remaining members shall elect a temporary Chair for that particular meeting.

The Commission shall adopt rules for the transaction of business and shall keep a record of its recommendations, decisions, findings and determinations, which record shall be a public record.

§ XIX-4. DUTIES, RESPONSIBILITY, AUTHORITY

The Planning and Zoning Commission shall be responsible for the following:

A. Final Approval Authority

1. Subdivision of land
2. Site Plans

Any appeal of the Planning and Zoning Commission's decision may only be taken to the Circuit Court of St. Mary's County, Maryland

B. Waivers, Modifications

The Planning and Zoning Commission may waive or modify provisions of the Zoning Ordinance, Subdivision Regulations, Road Ordinance or any other ordinances over which it has authority, on a case by case basis. The Commission may allow waivers or modifications only when it finds that such waiver or modification of a standard does not harm the environment or violate the spirit of Leonardtown's Development Regulations.

C. Approval Authority

1. Interpretation of the Subdivision Regulations, Zoning Ordinance, Road Ordinance, Stormwater Management Regulations.
2. Exterior Architectural Plans

Any appeal of the Planning and Zoning Commission's decision must be taken to the to the Town Council. Appeals of the Town Council's decisions may only be taken to the Circuit Court of St. Mary's County, Maryland.

D. Recommendation to the Town Council Required

Rules and regulations governing the development of land within the Town can only be adopted or modified by the Town Council. However, prior to final action by the Town Council, the Planning Commission must review and make recommendations to the Council on any adoption or amendment to the following:

1. Comprehensive Land Use Plan
2. Subdivision Regulations
3. Zoning Ordinance and Development Regulations, including, but not limited to the Road Ordinance, Stormwater Management Regulations and Architectural Standards or any other Land Development Regulations the Town may adopt.

COMMISSIONERS OF LEONARDTOWN  
PUBLIC HEARING ZONING AMENDMENT  
MONDAY, APRIL 13, 1998  
6:10 P.M.

ATTENDEES

J. Harry Norris III, Mayor  
Ruth W. Proffitt, Vice President  
Bernard Y. Delahay, Councilman  
Susan H. Erichsen, Councilwoman  
Walter Wise, Councilman  
Teresa A. Saulen, Secretary

Also in attendance were: Robert O. Guyther, Town Administrator; John Wharton, The Enterprise; Doug Ritchie, SMENS Public Access News Service; Tommy Bell, Bell Motor and Frank and Joan Holmes.

Mayor Norris called the Public Hearing to order at 6:10 P.M. Mr. Guyther explained the purpose of the Public Hearing.

Mr. Guyther distributed amendments to the Zoning Ordinance (attached to Public Hearing Minutes). The amendments were reviewed with the Town Commissioners. Mr. Guyther said the Planning and Zoning Board recommended the approval of the text amendments.

Councilwoman Erichsen stated that she had two comments regarding the text amendments but, did not see them addressed. One issue is the landscaping and the word "historic" does not need to be used but, that the word "traditional" is sufficient. Mr. Guyther said that he would add on page 2 final approval of authority, site-plan, including landscaping.

Councilwoman Erichsen made a motion to accept these provisions as amended. Councilwoman Proffitt seconded the motion; approved and carried unanimously.

The meeting adjourned at 6:25 P.M.

Respectfully submitted:



Teresa A. Saulen  
Secretary

