



**Council of the Town of Leonardtown  
Ordinance No. 202  
Subject: Assisted Living Facilities**

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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 providing for allowing assisted living facilities as a permitted use in the Institutional/Office District; providing that the title of this Ordinance shall be deemed a fair summary; and generally relating to assisted living facilities 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 Chapter 155 – Zoning of the Town Code to allow assisted living facilities as a permitted use in the Institutional/Office District; 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 Chapter 155 – Zoning of the Town Code to allow assisted living facilities as a permitted use in the Institutional/Office District; 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:

**§ 155-44 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. Governmental offices and office buildings.
- B. Public utility buildings and installations.
- C. Religious institutions.
- D. Schools and academies, both public and private.
- E. Day-care and child-care facilities.
- F. Libraries.
- G. Accessory buildings and uses.
- H. Medical offices (excluding drug and alcohol rehabilitation centers)
- I. Safety organizations (rescue squad, Fire Department).

J. Adult day-care facilities.

**K. Assisted living facilities.**

**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  
Laschelle E. McKay  
Town Administrator

J. Maguire Mattingly, IV  
J. Maguire Mattingly, IV  
Vice President

Seal:

virtual  
Tyler Alt  
Councilperson

Christy Hollander  
Christy Hollander  
Councilperson

Mary Maday Slade  
Mary Maday Slade  
Councilperson

Nick B. Colvin  
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 \_\_\_ day of \_\_\_\_\_, 2020.

Laschelle E. McKay  
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  
Daniel W. Burris, Mayor