

Council of the Town of Leonardtown

Date Introduced on First Reading: 12/9/13

Date Adopted on Second Reading: 1/13/14

Date Effective: 2/2/14

Ordinance No. 160
Zoning Ordinance Text Amendment
Subject: Multiple-Family Dwellings

Purpose

An ordinance concerning zoning regulations pertaining to multiple-family dwellings in the R-MF Multiple-Family Residential District, PUD-M Mixed Use Planned Development District, C-B Commercial Business District, and C-H Highway Commercial District.

FOR the purpose of amending Chapter 155 (Zoning), Articles III (R-MF Multiple-Family Residential District), IV (PUD-M Mixed Use Planned Development), V (C-B Commercial Business District), and VII (C-H Highway Commercial District) of the Zoning Ordinance of the Town of Leonardtown for the purposes of providing that multiple-family dwellings in the R-MF, C-B, and C-H Districts shall be subject to the open space and general criteria set forth in §§ 155-22 and 155-23, to the extent such criteria do not conflict with the provisions of the Article relative to the subject district or are otherwise impractical in the subject district, in which case any such conflicting or impractical criterion shall not apply; providing that any project or development in the R-MF, PUD-M, C-B, or C-H District consisting of 50 or more dwelling units, such as large-scale multiple-family dwellings, shall provide recreational space for the private use of its residents; providing that the title of this Ordinance shall be deemed a fair summary; and generally relating to the Zoning Ordinance of the Town of Leonardtown.

Recitals

WHEREAS, multiple-family dwellings in the PUD-M Mixed Use Planned Unit Development District are subject to certain open space and general criteria as set forth in §§ 155-22 and 155-23 of the Zoning Ordinance of the Town of Leonardtown (the “Zoning Ordinance”); and

WHEREAS, such criteria provide for an efficient use of the land, preserve natural features, provide recreation areas and open space, and encourage traditional neighborhood development design principles, thereby creating well-planned, attractive, and desirable housing options in the Town; and

WHEREAS, , in accordance with § 155-138 of the Zoning Ordinance, the Council of the Town of Leonardtown (the “Council”), formally requested that the Planning and Zoning Commission (the “Planning Commission”) consider a zoning text amendment applying the

criteria applicable to multiple-family dwellings in the PUD-M Mixed Use Planned Unit Development District to multiple-family dwellings in other districts to ensure that such dwellings in such other districts in the Town are well-planned, attractive, and desirable places to live; and

WHEREAS, in accordance with § 155-139 of the Zoning Ordinance, the Planning Commission held a public hearing on _____, 201_ concerning the Council's proposed zoning text amendment; and

WHEREAS, , the Planning Commission recommended...

WHEREAS, the Council held a public hearing on _____, 201_ concerning the proposed amendments to Articles III, V, and VII of the Zoning Ordinance and solicited public comment concerning the same; and

WHEREAS, the Council hereby determines that it is in the best interests of and consistent with the health, safety, and welfare of the citizens of the Town of Leonardtown to Amend Articles III, V, and VII of the Zoning Ordinance for the purposes of providing that multiple-family dwellings in each of the foregoing districts shall be subject to the open space and general criteria set forth in §§ 155-22 and 155-23, to the extent such criteria do not conflict with the provisions of the Article relative to the subject district or are otherwise impractical in the subject district, in which case any such conflicting or impractical criterion shall not apply; and providing that any project or development in the R-MF, PUD-M, C-B, or C-H District consisting of 50 or more dwelling units, such as large-scale multiple-family dwellings, shall provide recreational space for the private use of its residents.

Ordinance

Section I: Be it ordained by the Council of the Town of Leonardtown that Chapter 155 (Zoning), Article III (R-MF Multiple-Family Residential District) is hereby amended as follows (deletions shown in strikethrough; additions shown in bold and underlined font):

Chapter 155. ZONING

[HISTORY: Adopted by the Mayor and Council of the Town of Leonardtown 8-12-2002 by Ord. No. 107. Amendments noted where applicable.]

Article III. R-MF Multiple-Family Residential District

§ 155-16. 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. Single-family dwellings, detached.
- B. Two-family dwellings.

- C. Townhouses.
- D. Home occupations, where such is an accessory use of the building.
- E. Religious institutions.
- F. Private clubs and lodges, except those the chief activity of which is a service customarily carried on as a business.
- G. Eleemosynary and philanthropic institutions.
- H. Temporary buildings.
- I. Accessory buildings and uses.

J. Multiple-family dwellings, conditioned upon demonstration of strict compliance with the off-street parking requirements of Article XI.

§ 155-17. Special exception uses.

The following uses of land and buildings within the R-MF District shall be allowed only by special exception to this chapter, granted only by the Board of Zoning Appeals. Standards and procedures for special exceptions are contained in Article XVII.

- A. Hospitals and sanatoriums; in addition, nursing or convalescent homes, which may be constructed to a maximum height of three stories or 45 feet. Animal hospitals or clinics shall not be permitted.
- B. Senior Housing, at a maximum density of 12 units per acre and a maximum height of three stories.
- C. Public utility installations for sewer, water, gas and telephone mains, including substations and transmission lines.
- D. Density bonuses.
 - (1) Density bonuses shall be initiated, whereby the owner of land(s) and/or building(s) to be put into multiple-family use would be allowed to increase the maximum density of 10 multiple-family dwellings per acre, up to 12 dwelling units per acre, and/or from three stories to four stories in height, if the owner will meet the following requirements:
 - (a) Provide additional recreation area or open space for use by all Town residents.
 - (b) Provide common buildings for use by all Town residents.

(2) The amount of extra public space and number of extra public facilities provided shall determine the number of extra dwelling units per acre to be allowed.

E. Private garage for three or more noncommercial vehicles.

F. Boardinghouse.

§ 155-18. Height, bulk and area requirements. [Amended 5-9-2011 by Ord. No. 149]

All standards are summarized in Chart A, Height, Bulk and Area Requirements. All uses, structures and buildings permitted or approved as special exception in this district shall be located on a lot having an acre, with a maximum of 10 townhouse units per acre. All lots shall have a minimum depth of 100 feet, with a rear yard depth of at least 30 feet (or 35 feet for nonresidential buildings) and a front yard depth of at least 15 feet. All side yards shall be at least 10 feet wide each. No building shall be higher than three stories unless otherwise provided. Accessory buildings shall be no less than three feet from the side property line and five feet from the rear property line. In all multiple-family areas, such as townhouses, apartment complexes and garden apartments, allowed as special exception, open space shall be provided at a minimum of 60% of the total area of such development. Housing for the elderly, as a special exception use, shall have a maximum height of three stories and a setback of one foot for each foot of building height above 15 feet.

§ 155-19.

A. In addition to the standards and design criteria set forth in this Article, multiple-family dwellings shall also be subject to the open space and general criteria set forth in §§ 155-22 and 155-23, to the extent such criteria do not conflict with the provisions of this Article or are otherwise impractical in this district, in which case any such conflicting or impractical criterion shall not apply.

B. Projects and development under this section shall be subject to the application and review procedure set forth in § 155-24 and shall be exempt from the requirements of § 155-85.

Section II: Be it further ordained by the Council of the Town of Leonardtown that Chapter 155 (Zoning), Article IV (Mixed Use Planned Unit Development PUD-M) is hereby amended as follows (deletions shown in strikethrough; additions shown in bold and underlined font):

Chapter 155. ZONING

[HISTORY: Adopted by the Mayor and Council of the Town of Leonardtown 8-12-2002 by Ord. No. 107. Amendments noted where applicable.]

Article IV. Mixed Use Planned Unit Development (PUD-M)

§ 155-20. Purpose.

- A. Ingenuity, imagination and design efforts on the part of builders, architects, site planners and developers can produce developments which are in keeping with the traditional neighborhood development character of the Town and the overall land use intensity and open space objectives of this chapter while departing from the strict application of use, setback, height and minimum lot size requirements of the residential zones. The PUD-M District is designed to provide flexibility in development by providing for a mix of residential uses with or without appropriate nonresidential uses, alternative forms of housing and flexibility in the internal relationships of design elements. The purpose of the PUD-M Planned Unit Development Mixed-Uses District is to encourage planned additions to the Town that incorporate design features reflective of the “traditional neighborhood development” characteristics of small, older neighborhoods in the Town. The focus of the development design in this district is shifted from the automobile to the pedestrian. Emphasis is placed 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.
- B. The intent of this article is to permit such flexibility for planned unit developments which:
- (1) Permit a creative approach to the development of land and recognize the community character and heritage of Leonardtown through the layout of streets and alleys in a grid or modified grid form.
 - (2) Insure that tracts and lots which may be subdivided will preserve the character of the Town by the continuation of elements such as through streets and alleys, sidewalks and shade trees.
 - (3) Provide for an efficient use of land, resulting in smaller networks of utilities and streets and thereby lower housing and maintenance costs.
 - (4) Enhance the appearance of neighborhoods through preservation of natural features, the provision of underground utilities and the provision of recreation areas and open space in excess of existing zoning, subdivision and Master Plan requirements.
 - (5) Provide an opportunity for new approaches to home ownership.

- (6) Provide an environment of stable character compatible with surrounding residential areas.
- (7) Encourage the use of traditional neighborhood development design principles, including those identified in the publication "Development Design Manual, Town of Leonardtown, Maryland" (December 1999).

§ 155-21. Development principles.

A. Minimum parcel size, density and uses. [Amended 5-9-2011 by Ord. No. 149]

- (1) Residential density in the PUD-M District shall not exceed five dwelling units per acre. The total number of residential units shall be determined by multiplying the overall acreage of the development proposed for residential use by five. For purposes of calculating density, lands located in the one-hundred-year floodplain or occupied by tidal or nontidal wetlands shall not be included. Density for those portions of sites with constrained or steep slopes shall be adjusted in accordance with § 155-59.1.
- (2) Land in any PUD-M development may be designated for commercial/retail use. Retail stores in excess of 10,000 square feet are special exception and shall be evaluated as described in Article V.
- (3) Land in any PUD-M development may be designated for light industrial or office use.
- (4) Any land designated for commercial/retail use or light industrial or office use shall be subtracted from the gross acreage of the site and shall not be included in calculating permitted residential density.
- (5) The minimum parcel size that may be designated PUD-M is five acres.

B. Minimum yard, lot size, type of dwelling unit, height and frontage requirements for each use in the PUD shall be waived, provided that the spirit and intent of this chapter are upheld in the total development for the PUD. The Mayor and Council may, at their discretion, require that adherence to minimum zone requirements be accomplished within all or a portion of the perimeter of the site and shall exercise ultimate discretion as to whether the total development plan does comply with the spirit and intent of this chapter and any design guidelines identified in the Town Development Design Manual that they may consider appropriate to the particular development.

C. In all cases, open space shall be provided in minimum amounts of at least 30% of the total area of each PUD. Such open space will be for dedication to the Town or for common ownership by the residents of that planned unit development.

- (1) Common open space shall be provided in the form of internal open space and peripheral open space. Internal open spaces should contain a minimum area of 5,000 square feet and should be of a distinct geometric shape, generally rectilinear or square, bounded by streets with curbside parking on a minimum of 50% of its perimeter.

- (2) Internal open spaces should be designed as village commons, town square, or urban parks and should be designed as active gathering places for residents and should include places for strolling, sitting, social interaction and informal recreation.
- (3) Internal open spaces should be landscaped such that a minimum of 80% of the area is covered with trees, shrubs, lawn and ground cover. Landscaping should utilize elements such as formal gardens, walkways, monuments, gazebos, fountains, park benches, and pedestrian-scale lampposts.

D. Home occupations are permitted. See § 155-14. [Amended 5-9-2011 by Ord. No. 149]

§ 155-22. Open space criteria.

- A. Open space proposed for either dedication to the Town or common ownership by the residents of that planned unit development shall be retained as open space for park, conservation or recreational use. All areas proposed for dedication to the Town must be acceptable as to size, shape, location and improvement and shown by the applicant to be of benefit to the general public.
- B. All park and open space areas shall be fully improved by the applicant as required by the Mayor and Council, including all abutting street improvements.
- C. In applications which include proposals for dedication of park and open space areas to the Town, the applicant shall dedicate the same in accordance with the Schedule of Development as approved as a part of the planned unit development applications.
- D. Common recreation areas, facilities and open space shall be provided in locations easily accessible to the living units served and where they do not impair the privacy and view of individual dwellings.
- E. When parcels are retained for common park, open space and recreation use in a common ownership by the residents of the planned unit development, plans for the improvement and maintenance of those areas shall be approved by the Town.
- F. Each proposal for such use, including park areas, private accessways, private parks and recreational facilities and common service facilities, shall be accompanied by appropriate legal documents which assure adequate management and maintenance of common facilities.
 - (1) Legal instruments providing for dedications, covenants, homeowners' associations and subdivision controls shall:
 - (a) Place title of common property in a form of common ownership by the residents of the planned unit development, e.g., a duly constituted and legally responsible home association, cooperative, etc.
 - (b) Appropriately limit the use of common property.

- (c) Place responsibility for management and maintenance of common property. The Mayor and Council, at their discretion, may require the applicant to enter into a contract with the Town for maintenance of commonly held properties.
- (d) Place responsibility for enforcement of covenants.
- (e) Permit the subjection of each lot to assessments for its proportionate share of maintenance costs.

(2) Title of all land dedicated to public use shall be unencumbered at the time of conveyance.

§ 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. Design objectives are as follows:

- (1) Dwellings, shops and workplaces generally located in close proximity to each other; the scale of which accommodates and promotes pedestrian travel for trips within the Town.
- (2) Modestly sized buildings fronting on, and aligned with, streets in a disciplined manner, uninterrupted by parking lots.
- (3) A generally rectilinear pattern of streets, alleys and blocks reflecting the street network of the existing Town which provides for a balanced mix of pedestrians and automobiles.
- (4) Squares, greens, landscaped streets and parks woven into the street and block patterns to provide space for social activity, parks and visual enjoyment.
- (5) Promotion of civic buildings for assembly or other civic purposes.
- (6) A recognizable, functionally diverse, visually unified town center, focused on a village green or square.
- (7) A development size and scale which accommodates and promotes pedestrian travel rather than vehicle trips within the Town.

- 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. 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. Each planned unit development shall provide for visual and acoustical privacy of each dwelling unit. Fences, walks and landscaping shall be provided for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses and the reduction of noise.
- D. Parking shall be provided convenient to all dwelling units (maximum walking distance of 150 feet) and, for all uses, meeting the minimum requirements of Article XI. Driveways, parking areas, walks and steps shall be well paved, maintained and lighted for night use. Screening of parking and service areas shall be encouraged through ample use of trees, shrubs, hedges and screening walls.
- E. Access and circulation shall adequately provide for fire-fighting equipment, furniture moving vans, fuel trucks, refuse collection, deliveries and snow removal.
- F. All planned unit developments shall provide for underground installation of utilities, including telephone and power in both public and private rights-of-way. Provision shall be made for acceptable design and construction of storm sewer facilities, including grading gutters, piping and treatment of turns to handle stormwaters, prevent erosion and formation of dust.
- G. A variety of open space and recreational areas is encouraged, including children's informal play in close proximity to individual dwelling units according to the concentration of dwellings, formal parks, picnic areas, playgrounds, areas of formal recreation activity (such as tennis courts), scenic open areas and communal recreational facilities (such as swimming pools).
- H. Sidewalks shall be provided along both sides of all streets unless the Planning and Zoning Commission determines, in certain locations, that circumstances do not warrant sidewalk sections. The pedestrian circulation system and its related walkways shall be insulated as completely as possible from the street system in order to provide separation of pedestrian and vehicular movements. This shall include, when deemed to be necessary by the Planning and Zoning Commission, pedestrian underpasses or overpasses in the vicinity of schools, playgrounds, local shopping areas and other neighborhood uses which generate a considerable amount of pedestrian traffic. **[Amended 5-9-2011 by Ord. No. 149]**
- I. Street lights shall be provided and shall not exceed 18 feet in height and be placed at no more than seventy-five-foot intervals on both sides of the street.

- J. Fences, four feet in height or less, are permitted in front yards. Frontage fences should be designed to take into account the amenity of the street, surveillance and safety, the security of children and pets and property, and the use of front landscape space.
- K. Residential units proposed on all single-family lots shall be located at the “build-to” line, which shall be established by the developer and which shall be located between 15 and 25 feet from the front lot line.
- L. When proposed, a front porch shall be placed on the build-to line of the front yard of all lots proposed for single-family use. A front porch shall have a minimum depth of seven feet and a minimum width of 14 feet. In addition to providing for the continuance of the predominant architectural style of existing neighborhoods in Leonardtown, the front porch is intended to provide cover and shade as well as a change in the scale of a building in order to serve as a transition from the height of the dwelling to the front yard, sidewalk, and street.
- M. A minimum of 80% of all buildings on a block shall conform to the build-to line, with the remaining 20% allowed to vary by being further set back or permitted to come forward no greater than 25% of the distance between the right-of-way and the build-to line for residential structures.
- N. The Mayor and Council may modify the strict application of these standards where it is felt that such would further the objectives of the planned unit development, except it may not grant a variance in the total number of units permitted or the maximum percentage of multiple-family units.
- O. Site planning for commercial uses: internal relationships. Commercial buildings shall be so grouped in relation to parking areas that after customers arriving by automobile enter the shopping center, establishments can be visited with a minimum of internal automotive movement. Facilities and access routes for deliveries, servicing and maintenance shall, so far as reasonably practicable, be separated from customer access routes and parking areas. Areas where deliveries to customers in automobiles are to be made or where services are to be provided for automobiles shall be so located and arranged as to prevent interference with pedestrian traffic within the center.
 - (1) Sites should be developed in a coordinated manner to complement adjacent structures through placement, architecture and size or mass. Where possible, commercial uses requiring floor areas in excess of 10,000 square feet should be designed to appear as several distinct, albeit attached, structures, each with a floor area no greater than 6,000 square feet to reduce the visual impact of a single larger building mass in keeping with the scale of existing structures in Leonardtown.
 - (2) Whenever possible, commercial buildings on the same site should be clustered and incorporate plazas, courtyards, pocket parks, and other pedestrian use areas.
 - (3) Sites occupied by commercial uses should be designed to avoid the appearance of domination by automobiles. Positive methods to achieve this guideline include:

- (a) Orienting buildings to fronting streets and placing some of the parking at the rear and/or sides;
- (b) Designing the required parking area into a series of smaller, discrete, connected lots rather than a large uninterrupted parking lot(s);
- (c) Providing sidewalks and well-defined pedestrian walkways through parking areas and from public sidewalks into the site. Well-defined walkways utilize pavers, changes in color, texture, and composition of paving materials and vertical plantings such as trees and shrubs. The minimum width of walkways should be five feet. **[Amended 5-9-2011 by Ord. No. 149]**
- (d) Parking areas should be designed to be partially screened from view from adjacent streets and building occupants.

[1] Screening can be accomplished through a number of methods, including:

- [a] Orienting buildings away from parking areas;
- [b] Placing buildings between streets and parking lots/areas;
- [c] Using extensive landscape screening, berms, and architecturally treated walls.

[2] Methods utilized should be designed to accomplish the intended screening while allowing adequate safety and surveillance of the parking areas.

P. Building design for commercial uses.

- (1) Buildings should reflect an individual design that has considered site location, conditions, intended use, and the character/building mass of surrounding development. Building designs should reflect an individual style and form and not merely current trends.
- (2) A consistent visual identity should be applied to all sides of buildings visible to the general public. All sides should have an equivalent level of quality of materials, detailing and window placement. Abrupt ending of architectural details should be avoided with no radical change in details, features or materials.
- (3) Large buildings should avoid long, blank, uninterrupted walls. Positive methods to achieve this objective include building wall offsets regarding modulation, changes in colors and materials, placement of windows and doors, use of porches, porticos or canopies, changes in floor level, and projections that provide building shadows that visually break up long, flat building facades.
- (4) Large buildings should avoid long, blank, uninterrupted roof planes. Positive methods to achieve this objective include height variations to give the appearance of distinct

elements or offsets in the roof line to provide architectural interest and variety to the massing of the building and to relieve the effect of a single, long roof.

- (5) Large buildings should use modulation (defined as a measured setback or offset in a building face) to reduce overall bulk and mass. The planes of exterior walls should not run in one continuous direction more than 50 to 60 feet without an offset or setback. Offsets should be a minimum of three to five feet.
- (6) Large buildings should use articulation in a clear rhythm to reduce their perceived size. Articulation is the giving of emphasis to architectural elements (like windows, entries, balconies, etc.) that create a complementary pattern of rhythm, dividing large buildings into smaller identifiable pieces. Articulation in the form of doors, windows and other framed building openings that articulate architectural elements break up the look of a long, blank wall.
- (7) Buildings facing streets should incorporate pedestrian-scaled entrances. Pedestrian-scaled entrances are those that provide an expression of human activity or use in relation to building size. Doors, windows, entrances and other features should be designed to respond to the size of the human body and not give the appearance of anonymity or overwhelming the building's users.
- (8) Building design should incorporate traditional building materials such as masonry, stone, heavy timbers, brick or other natural-appearing materials.
- (9) Building colors should accent, blend with, or complement surroundings. Bright or brilliant colors should be reserved for trim and accents.
- (10) Outdoor storage areas, mechanical equipment and trash receptacles should not be visible from adjacent streets and pedestrian walkways. The method of screening such areas from view should be architecturally integrated with the building with respect to materials, shape and size.
- (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.

Q. Any project or development consisting of 50 or more dwelling units, such as large-scale multiple-family dwellings, shall provide recreational space for the private use of its residents. Recreational space includes, but is not limited to, the following:

(1) Indoor space, such as:

(a) A multipurpose room;

(b) A fitness room;

(c) A common community room, which shall contain a kitchen and a bathroom;

(2) Outdoor space, such as:

(a) A swimming pool complex;

(b) A playground;

(c) A tennis or basketball court; or

(3) Other indoor or outdoor recreational space, with consideration given to the average age of the majority of residents anticipated to reside in the project or development.

§ 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, with Planning and Zoning Commission recommendations, shall be submitted to and approved or disapproved by the Mayor and Council. 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. [Amended 5-20-2008 by Ord. No. 139]

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.

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

(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 recommend to the Mayor and Council approval or disapproval of 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. The Mayor and Council shall have final approval or disapproval of the submitted documents. **[Amended 5-20-2008 by Ord. No. 139]**

(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.

(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:

(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.

E. Sectionalized plats. [Added 5-9-2011 by Ord. No. 149]

- (1) Within the PUD-M District, the Town Council may approve a final plat for a section or portion of a development that has received preliminary plat approval when it determines that it is impractical or undesirable to require the final plat(s) for the entire subdivision at one time. Such approval of a portion or section of the development in no way precludes final platting of the entire subdivision in accordance with the approved preliminary plat, provided that each final plat is submitted in proper sequence. Proposed, subdivisions or developments to be developed in sections or stages shall delineate the specific proposed

boundaries of each section to be developed and the plan and schedule for phasing development over time.

- (2) Final plats for portions or sections of subdivisions within the PUD-M District shall provide for the appropriate improvements, open space and other public amenities shown on the preliminary plat. When such sequential approval of a development in sections occurs, the Town may require a performance bond or other surety in a form suitable to the Town Attorney to assure completion of the improvements in the amount equal to 110% of the approved cost estimate for improvements associated with that section, plus an annual escalation to account for the costs of inflation during the construction period.
- (3) Where components of a development receive final plat approval in sections or phases and include commercial uses, no commercial uses may be constructed until 85% of the residential uses within that phase or section have been constructed or are under construction, unless the Town Commissioners determine that development of the commercial components are appropriate prior to construction of residential uses.

Section III: Be it further ordained by the Council of the Town of Leonardtown that Chapter 155 (Zoning), Article V (C-B Commercial Business District) is hereby amended as follows (deletions shown in strikethrough; additions shown in bold and underlined font):

Chapter 155. ZONING

[HISTORY: Adopted by the Mayor and Council of the Town of Leonardtown 8-12-2002 by Ord. No. 107. Amendments noted where applicable.]

Article V. C-B Commercial Business District

§ 155-25. 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. Retail stores under 20,000 square feet.
- B. Personal service establishments, such as, but not limited to, banks, barbershops, restaurants, florists, newspaper dealers, taverns, dressmaking, tailors, decorators and repair shops.
- C. Offices and office buildings, which may have a maximum height of three stories or 45 feet.
- D. Medical office buildings and clinics, which may have a maximum height of three stories or 45 feet.
- E. Semipublic and institutional uses, such as but not limited to service clubs, fraternal orders, boys clubs, girls clubs and scout clubs.

- F. Theaters, except drive-in theaters.
- G. Hotels and motels, guesthouses or tourist homes.
- H. Temporary exposition centers, fairgrounds, circus or carnival grounds, amusement parks or midways for a time period not to exceed 14 days.
- I. Funeral homes.
- J. Self-service laundry and dry-cleaning establishments.
- K. Accessory buildings and uses.
- L. Multiple-family dwellings, conditioned upon demonstration of strict compliance with the off-street parking requirements of Article XI.

§ 155-26. Special exception uses.

The following uses of land and buildings within the C-B District shall be allowed only by special exception to this chapter, granted only by the Board of Zoning Appeals. Standards and procedures for special exceptions are contained in Article XVII.

- A. Filling stations, so long as the bulk storage of flammable liquids is underground and pumps are located at least 15 feet from the street line. The orientation of the building shall be such that the service bays are not facing the main street. Screen planting and walls shall be so located as to enhance the design of the building and lessen impact on neighboring structures.
- B. Hospitals or clinics for small household pets and dog kennels, so long as odors and noise do not permeate beyond the premises and into the surrounding area.
- C. Automobile-related uses, such as but not limited to new and used car lots, automobile repair shops, automobile storage lots and garages, automobile parts shops, automobile upholstery and paint shops and automobile body shops.
- D. Bowling alleys and billiard parlors.
- E. Retail stores 10,000 square feet and over must present a concept plan, market study, traffic study and any additional information requested.
- F. Joint use of off-street parking facilities.
- G. One or more dwelling units.

§ 155-27. Height, bulk and area requirements. [Amended 8-9-2004 by Ord. No. 116]

All standards are summarized in Chart A, Height, Bulk and Area Requirements. The front yard setback shall be none. Freestanding buildings or structures shall have landscaping at the sides

and in the rear of the lot. Where a group of businesses share a common wall, they shall be considered as one building occupying one lot. No building shall exceed a height of 45 feet or three stories, unless otherwise provided. Side and rear yard setbacks shall be three feet.

§ 155-28. Standards for site planning and building design.

The following standards for site planning and building design shall be applicable to all sites located adjacent to and/or fronting on the Route 5 Corridor/Point Lookout Road but shall not apply to redevelopment of sites currently developed along the corridor.

A. Site planning: internal relationships. Commercial buildings shall be so grouped in relation to parking areas that after customers arriving by automobile enter the shopping center, establishments can be visited with a minimum of internal automotive movement. Facilities and access routes for deliveries, servicing and maintenance shall, so far as reasonably practicable, be separated from customer access routes and parking areas. Areas where deliveries to customers in automobiles are to be made or where services are to be provided for automobiles shall be so located and arranged as to prevent interference with pedestrian traffic within the center.

- (1) Sites should be developed in a coordinated manner to complement adjacent structures through placement, architecture and size or mass. Where possible, commercial uses requiring floor areas in excess of 10,000 square feet should be designed to appear as several distinct, albeit attached, structures, each with a floor area no greater than 6,000 square feet to reduce the visual impact of a single, larger building mass in keeping with the scale of existing structures in Leonardtown.
- (2) Whenever possible, commercial buildings on the same site should be clustered and incorporate plazas, courtyards, pocket parks, and other pedestrian use areas.
- (3) Sites occupied by commercial uses should be designed to avoid the appearance of domination by automobiles. Positive methods to achieve this guideline include:
 - (a) Orienting buildings to fronting streets and placing some of the parking at the rear and/or sides;
 - (b) Designing the required parking area into a series of smaller, discrete, connected lots rather than a large uninterrupted parking lot(s);
 - (c) Providing well-defined pedestrian walkways through parking areas and from public sidewalks into the site. Well-defined walkways utilize pavers, changes in color, texture, and composition of paving materials and vertical plantings such as trees and shrubs. The minimum width of walkways should be five feet.
 - (d) Parking areas should be designed to be partially screened from view from adjacent streets and building occupants.

[1] Screening can be accomplished through a number of methods, including:

[a] Orienting buildings away from parking areas;

[b] Placing buildings between streets and parking lots/areas;

[c] Using extensive landscape screening, berms, and architecturally treated walls.

[2] Methods utilized should be designed to accomplish the intended screening while allowing adequate safety and surveillance of the parking areas.

B. Building design.

- (1) Buildings should reflect an individual design that has considered site location, conditions, intended use, and the character/building mass of surrounding development. Building designs should reflect an individual style and form and not merely current trends.
- (2) A consistent visual identity should be applied to all sides of buildings visible to the general public. All sides should have an equivalent level of quality of materials, detailing and window placement. Abrupt ending of architectural details should be avoided with no radical change in details, features or materials.
- (3) Large buildings should avoid long, blank, uninterrupted walls. Positive methods to achieve this objective include building wall offsets regarding modulation, changes in colors and materials, placement of windows and doors, use of porches, porticos or canopies, changes in floor level, and projections that provide building shadows that visually break up long, flat building facades.
- (4) Large buildings should avoid long, blank, uninterrupted roof planes. Positive methods to achieve this objective include height variations to give the appearance of distinct elements or offsets in the roof line to provide architectural interest and variety to the massing of the building and to relieve the effect of a single, long roof.
- (5) Large buildings should use modulation (defined as a measured setback or offset in a building face) to reduce overall bulk and mass. The planes of exterior walls should not run in one continuous direction more than 50 to 60 feet without an offset or setback. Offsets should be a minimum of 3 to 5 feet.
- (6) Large buildings should use articulation in a clear rhythm to reduce their perceived size. Articulation is the giving of emphasis to architectural elements (like windows, entries, balconies, etc.) that create a complementary pattern of rhythm, dividing large buildings into smaller identifiable pieces. Articulation in the form of doors, windows and other framed building openings that articulate architectural elements break up the look of a long, blank wall.
- (7) Buildings facing streets should incorporate pedestrian-scaled entrances. Pedestrian-scaled entrances are those that provide an expression of human activity or use in relation to building size. Doors, windows, entrances and other features should be designed to respond to the size of the human body and not give the appearance of anonymity or overwhelming the building's users.

- (8) Building design should incorporate traditional building materials such as masonry, stone, heavy timbers, brick or other natural-appearing materials.
- (9) Building colors should accent, blend with, or complement surroundings. Bright or brilliant colors should be reserved for trim and accents.
- (10) Outdoor storage areas, mechanical equipment and trash receptacles should not be visible from adjacent streets and pedestrian walkways. The method of screening such areas from view should be architecturally integrated with the building with respect to materials, shape and size.
- (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.

C. The Mayor and Council may modify the strict application of all the preceding standards where it is felt that such would further the objectives of this chapter.

(1) In addition to the standards and design criteria set forth in this Article, multiple-family dwellings shall also be subject to the open space and general criteria set forth in §§ 155-22 and 155-23, to the extent such criteria do not conflict with the provisions of this Article or are otherwise impractical in this district, in which case any such conflicting or impractical criterion shall not apply.

(2) Projects and development under this subsection shall be subject to the application and review procedure set forth in § 155-24.

Section IV: Be it further ordained by the Council of the Town of Leonardtown that Chapter 155 (Zoning), Article VII (C-H Commercial Highway District) is hereby amended as follows (deletions shown in strikethrough; additions shown in bold and underlined font):

Chapter 155. ZONING

[HISTORY: Adopted by the Mayor and Council of the Town of Leonardtown 8-12-2002 by Ord. No. 107. Amendments noted where applicable.]

Article VII. C-H Highway Commercial District

§ 155-32. 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. General retail under 20,000 sq. ft.

B. Greenhouses and nurseries.

- C. Public utility installations.
- D. Automobile-related uses, such as but not limited to new and used car lots, automobile repair shops, automobile storage lots and garages, automobile parts shops, automobile upholstery and paint shops and automobile body shops.
- E. Food and beverage distributors.
- F. Animal hospitals and veterinary clinics, provided that such hospital or clinic and any treatment rooms, cages, pens or kennels are maintained within a completely enclosed, soundproof building and that such hospital or clinic be operated in such a way as to produce no objectionable odors outside its walls as determined by the Leonardtown Planning and Zoning Commission.
- G. Hotels or motels.
- H. Offices and office buildings.
- I. Medical office buildings and clinics.
- J. Accessory buildings and uses.
- K. Monument sales.
- L. Carpentry and woodworking shops.
- M. Printing, publishing and engraving shops.
- N. Sheet metal shops.
- O. Sign painting shops.
- P. Arts and crafts.
- Q. Furniture and appliance sales and service.
- R. Marine sales and service.
- S. Restaurants, cocktail lounges and refreshment stands.
- T. Fast-food establishments, including drive-through windows.
- U. Building supply, garden shops.
- V. Banks and financial institutions.

W. Commercial services.

X. Convenience stores.

Y. Multiple-family dwellings, conditioned upon strict compliance with the off-street parking requirements of Article XI.

§ 155-33. Special exception uses.

The following uses of land and buildings within the C-H District shall be allowed only by special exception to this chapter, granted only by the Board of Zoning Appeals. Standards and procedures for special exceptions are contained in Article XVII.

A. Amusement and recreational places, skating rinks, swimming pools, bowling alleys, billiard parlors, dancing halls, health clubs or tennis clubs.

B. Drive-in theaters, provided that they:

(1) Shall have no direct entrance or exit on a major highway.

(2) Shall provide automobile storage facilities between the ticket gates and the access street at the rate of 35% of the theater capacity.

(3) Shall have no structure other than an enclosed fence within 50 feet of any site boundary line and shall have the theater screen located not less than 100 feet from any major highway, arterial street or property in a residential district and not facing such highway, street or property, unless the face of the screen is not visible there because of natural or artificial barriers.

(4) Shall have individual car sound speakers, but low-volume horns may supply sound to refreshment stands and other service areas; and they may have accessory uses and structures incidental to the theater operation, including refreshment stands and toilet facilities, provided that they serve only the patrons within the theater enclosure.

C. Filling stations, so long as the bulk storage of flammable liquids is underground and pumps are located at least 15 feet from the street line. The orientation of the building shall be such that the service bays are not facing the main street. Screen planting and walls shall be so located as to enhance the design of the building and lessen the impact on the neighboring structures.

D. Material storage yards in connection with retail sales of products where storage is incidental to the approved occupancy of a store, provided that all products and materials used or stored are in a completely enclosed building or enclosed by a masonry wall, fence or hedge not less than six feet in height of the wall. Storage cars and trucks used in connection with the permitted trade or business are permitted within the walls, but not including storage of heavy equipment.

- E. Enclosed light industrial uses, such as but not limited to wholesale establishments and warehouses, bottling works, painting shops, cleaning and dyeing works and laundries.
 - (1) No industrial building shall be higher than 45 feet. Each side yard must be at least 20 feet, with screen planting provided at sides and in the rear of the lot.
 - (2) Such uses shall emit no objectionable noise or pollution as determined by the Leonardtown Planning and Zoning Commission.

§ 155-34. Height, bulk and area requirements.

- A. All standards are summarized in Chart A, Height, Bulk and Area Requirements. Not less than 10% of the gross lot area shall be devoted to landscaped green areas, including all side, front and rear yards.
- B. All buildings constructed along Maryland Route 5 shall be set back 50 feet from the state-owned right-of-way to allow for the inclusion of service drives.
- C. Site planning: internal relationships. Commercial buildings shall be so grouped in relation to parking areas that, after customers arriving by automobile enter the shopping center, establishments can be visited with a minimum of internal automotive movement. Facilities and access routes for deliveries, servicing and maintenance shall, so far as reasonably practicable, be separated from customer access routes and parking areas. Areas where deliveries to customers in automobiles are to be made or where services are to be provided for automobiles shall be so located and arranged as to prevent interference with pedestrian traffic within the center.
 - (1) Sites should be developed in a coordinated manner to complement adjacent structures through placement, architecture and size or mass. Where possible, commercial uses requiring floor areas in excess of 10,000 square feet should be designed to appear as several distinct, although attached, structures, each with a floor area no greater than 6,000 square feet to reduce the visual impact of a single, larger building mass in keeping with the scale of existing structures in Leonardtown.
 - (2) Whenever possible, commercial buildings on the same site should be clustered and incorporate plazas, courtyards, pocket parks, and other pedestrian use areas.
 - (3) Sites occupied by commercial uses should be designed to avoid the appearance of domination by automobiles. Positive methods to achieve this guideline include:
 - (a) Orienting buildings to fronting streets and placing some of the parking at the rear and/or sides;
 - (b) Designing the required parking area into a series of smaller, discrete, connected lots rather than a large uninterrupted parking lot(s);

- (c) Providing well-defined pedestrian walkways through parking areas and from public sidewalks into the site. Well-defined walkways utilize pavers, changes in color, texture, and composition of paving materials and vertical plantings such as trees and shrubs. The minimum width of walkways should be five feet.
- (d) Parking areas should be designed to be partially screened from view from adjacent streets and building occupants.

[1] Screening can be accomplished through a number of methods, including:

- [a] Orienting buildings away from parking areas;
- [b] Placing buildings between streets and parking lots/areas;
- [c] Using extensive landscape screening, berms, and architecturally treated walls.

[2] Methods utilized should be designed to accomplish the intended screening while allowing adequate safety and surveillance of the parking areas.

D. Building design.

- (1) Buildings should reflect an individual design that has considered site location, conditions, intended use, and the character/building mass of surrounding development. Building designs should reflect an individual style and form and not merely current trends.
- (2) A consistent visual identity should be applied to all sides of buildings visible to the general public. All sides should have an equivalent level of quality of materials, detailing and window placement. Abrupt ending of architectural details should be avoided with no radical change in details, features or materials.
- (3) Large buildings should avoid long, blank, uninterrupted walls. Positive methods to achieve this objective include building wall offsets regarding modulation, changes in colors and materials, placement of windows and doors, use of porches, porticos or canopies, changes in floor level, and projections that provide building shadows that visually break up long, flat building facades.
- (4) Large buildings should avoid long, blank, uninterrupted roof planes. Positive methods to achieve this objective include height variations to give the appearance of distinct elements or offsets in the roof line to provide architectural interest and variety to the massing of the building and to relieve the effect of a single, long roof.
- (5) Large buildings should use modulation (defined as a measured setback or offset in a building face) to reduce overall bulk and mass. The planes of exterior walls should not run in one continuous direction more than 50 to 60 feet without an offset or setback. Offsets should be a minimum of 3 to 5 feet.

- (6) Large buildings should use articulation in a clear rhythm to reduce their perceived size. Articulation is the giving of emphasis to architectural elements (like windows, entries, balconies, etc.) that create a complementary pattern of rhythm, dividing large buildings into smaller identifiable pieces. Articulation in the form of doors, windows and other framed building openings that articulate architectural elements break up the look of a long, blank wall.
- (7) Buildings facing streets should incorporate pedestrian-scaled entrances. Pedestrian-scaled entrances are those that provide an expression of human activity or use in relation to building size. Doors, windows, entrances and other features should be designed to respond to the size of the human body and not give the appearance of anonymity or overwhelming the building's users.
- (8) Building design should incorporate traditional building materials such as masonry, stone, heavy timbers, brick or other natural-appearing materials.
- (9) Building colors should accent, blend with, or complement surroundings. Bright or brilliant colors should be reserved for trim and accents.
- (10) Outdoor storage areas, mechanical equipment and trash receptacles should not be visible from adjacent streets and pedestrian walkways. The method of screening such areas from view should be architecturally integrated with the building with respect to materials, shape and size.
- (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.

E. The Mayor and Council may modify the strict application of all the preceding standards where it is felt that such would further the objectives of this chapter.

(1) In addition to the standards and design criteria set forth in this Article, multiple-family dwellings shall also be subject to the open space and general criteria set forth in §§ 155-22 and 155-23, to the extent such criteria do not conflict with the provisions of this Article or are otherwise impractical in this district, in which case any such conflicting or impractical criterion shall not apply.

(2) Projects and development under this subsection shall be subject to the application and review procedure set forth in § 155-24.

Section V: 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 whole Council after veto by the Mayor.

Attest:

Council of the Town of Leonardtown:

Laschelle E. McKay
Town Administrator

Leslie E. Roberts
Vice President

Thomas R. Collier
Council Member

Hayden T. Hammett
Council Member

J. Maguire Mattingly, IV
Council Member

Roger L. Mattingly
Council Member

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 _____, 2014.

Laschelle E. McKay
Town Administrator

In accordance with Section 210 of the Charter of the Town of Leonardtown, I hereby (Approve) or (Disapprove) this Ordinance this ___ day of _____, 2014.

Daniel W. Burris
Mayor