

ARTICLE 11 "C-H" HIGHWAY COMMERCIAL DISTRICT

Section 11-1 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:

1. Greenhouses and nurseries
2. Public utility installations
3. 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.
4. Food and beverage distributors
5. Animal hospitals and veterinary clinics provided that such hospital or clinic and any treatment rooms, cages, pens, or kennels be 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.
6. Hotels or motels
7. Offices and office buildings
8. Medical office buildings and clinics
9. Accessory buildings and uses
10. Monument sales
11. Carpentry and woodworking shop
12. Printing, publishing and engraving shop
13. Sheet metal shop
14. Sign painting shop
15. Arts and crafts
16. Furniture and appliance sales and service
17. Marine sales and service
18. Restaurants, cocktail lounges, and refreshment stands
19. Fast food establishments including drive-in windows
20. Building supply, garden shop

21. Banks and financial institutions

*22. Commercial services

23. Convenience stores

*To appear in Article 3 - Definitions: "Commercial services shall be considered as plumbers, electricians, bricklayers, etc."

Section 11-2 Conditional Use

The following uses of land, buildings or structures in the C-H District shall be permitted only after the Planning and Zoning Commission review and recommendation, and with the approval of the Town Commissioners. Supplementary regulations and procedures are contained in Article 17, following.

1. Amusement and recreational places, skating rink, swimming pool, bowling alley, billiard parlor, dancing hall, health club, or tennis club
2. Drive-in theaters, provided they:
 - (a) Shall have no direct entrance or exit on a major highway
 - (b) Shall provide automobile storage facilities between the ticket gates and the access street at the rate of thirty-five percent of the theater capacity
 - (c) Shall have no structure other than an enclosed fence with fifty 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 therefrom because of natural or artificial barriers
 - (d) Shall have individual care sound speakers, but low volume horns may supply sound to refreshment stands and other service areas, and may have accessory uses and structures incidental to the theater operation, including refreshment stands and toilet facilities, provided they serve only the patrons within the theater enclosure
3. Filling stations, so long as the bulk storage of flammable liquids is underground and pumps are located at least fifteen 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 the neighboring structures.
4. Material storage yards in connection with retail sales of products where storage is incidental to the approved occupancy of a store, provided 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 is permitted within the walls, but no including storage of heavy equipment.

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

Section 11-3 Height, Bulk and Area Requirements

All standards are summarized in Chart A: Height, Bulk and Area Requirements. Not less than fifteen percent of the gross lot area shall be devoted to landscaped green areas, including all sides, front and rear yards.

Section 11-4 Maryland Route 5 Setback

All buildings constructed along Maryland Route 5 shall be set back fifty feet from the State owned right-of-way to allow for the inclusion of service drives.

ARTICLE 12A - C-SC COMMERCIAL SHOPPING CENTER

Section 12A-1 Intent

This district is created to permit the development of Commercial Shopping Centers in scale with surrounding market areas in accordance with the standards set forth herein. These centers shall serve areas not already conveniently and adequately provided with commercial service facilities of the kind proposed. It is intended to permit the establishment of such districts only where planned centers with carefully organized buildings, service areas, parking areas and landscaped open space will clearly serve demonstrated public needs, reduce marginal traffic friction below that which would result from strip commercial development along highways, and protect property values in surrounding neighborhoods. It is further intended that Commercial Shopping Centers shall provide a broad range of facilities and services appropriate to the general need of the area served.

Section 12A-2 Concept Development Plan

Any application or request for rezoning to Commercial Shopping Center shall be accompanied by a Concept Development Plan with drawings at a scale of not less than one (1) inch equals one hundred (100) feet. A Concept Development Plan shall contain the following:

1. Vicinity map at a scale of not less than one (1) inch to 2,000 feet
2. Adjacent property owners and zoning districts
3. Existing land uses of adjoining tracts
4. Existing and proposed streets and highways including names
5. Locations, description and analysis of present and projected utilities, such as water, sewers, refuse disposal and utilities which would serve the subject site
6. Projected sale prices and estimated gross value of development
7. Development schedule and projected market absorption, approximate dates for beginning and completion of each phase, and estimated cost of each phase of development
8. Percentage of site devoted to buildings, open space, streets and parking area; and estimated total floor area of all structures

9. Plan showing proposed generalized parking arrangements
10. A plan or report indicating the extent and timing of all off-site improvements such as roads, sewer and drainage facilities necessary to the construction of the Shopping Center. Such plan or report shall relate to the sequence of development
11. A report showing the fiscal impact of the proposed Shopping Center on the Town

Section 12A-3 Site Development Plan

A Site Development Plan with drawings at a scale of not less than one (1) inch equals fifty (50) feet must be submitted and approved prior to issuance of permits for construction. This Plan may be submitted in phases with the approval of the Planning and Zoning Commission. Site Development Plans shall contain the following:

1. Vicinity map at a scale of not less than one (1) inch to 2,000 feet
2. Adjacent property owners and zoning districts
3. Existing land uses of adjoining tracts
4. Existing and proposed streets and highways including names, present and projected conditions, and capacity of the street network
5. Location, description and analysis of present and projected utilities which would serve the subject site
6. Boundary survey and legal description of property including total area of the site
7. Topographic map with minimum contour intervals of two (2) feet and a scale consistent with the Site Development Plan
8. Evidence of marketable interest in the property including title insurance policy or similar document showing owner or owners, marketable title and source of applicants interest in property
9. Slope analysis
10. Water courses and drainage area
11. Natural features such as marshes, trees, general soil condition, and similar conditions
12. On-site features such as structures, roads, utilities, easements or right-of-way

13. Projected sale prices and estimated gross value of development
14. Development schedule and projected market absorption, approximate dates for beginning and completion of each phase, and estimated cost of each phase of development
15. Land use plan or plans showing location and arrangement of all proposed land uses, height of buildings, setbacks and side yards, proposed internal and external traffic circulation (including widths, driveways, and access), pedestrian circulation, lighting, proposed open space, dedication and easements
16. General landscaping and screening plan showing general types, location and design of landscaping and screening
17. Covenants, restrictions, and conditions pertaining to the use, maintenance and operation of common open space
18. Percentage of site devoted to buildings, open space, streets and parking areas and total floor area of all structures
19. Plan showing proposed parking arrangements
20. Architectural sketches of typical proposed structures, typical landscaping and screening area, and typical development clusters
21. A plan or report indicating the extent, timing and estimated cost of all off-site improvements such as roads, sewer and drainage facilities necessary to the construction of the planned development. Such plan or report shall relate to the sequence of development.
22. A report or plan showing the adequacy of public facilities and services such as water, sewer, drainage, streets, and roads to serve the proposed development
23. A report showing the fiscal impact of the proposed development on the Town
24. General plan for sedimentation and erosion control
25. Plan for storm water management

Section 12A-4 Site Development Plan Preparation

Any Site Development Plan or any portion thereof, involving the practice of Engineering, Architecture, or Land Surveying, shall be prepared and certified respectively by an Engineer, Architect, Landscape Architect, or Land Surveyor duly authorized by the State of Maryland to practice as such. A Site Development Plan may be prepared in one (1) or more sheets to show clearly the information required by this section and to facilitate the review and approval of the plan. If prepared in more than one (1) sheet, match lines shall clearly indicate where the several sheets join. Every Site Development Plan shall show the name and address of the owner and/or developer, north point, date, and scale of drawing, number of sheets and existing zoning.

Section 12A-5 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:

1. Retail sales and services
2. Offices and office buildings, theaters, banks and financial institutions, real estate, insurance, medical and dental office
3. Eating and drinking establishments
4. Motels and hotels
5. "Gas and Go" type automobile filling stations
6. Automotive service centers - not to include sales of automotive fuels, major repair work such as engine overhauls, paint and body work or the outside storage of vehicles
7. Personal services such as beauty, barber, dry cleaning establishments and drug stores
8. Grocery stores and variety stores
9. Similar uses which are customarily located in Commercial Shopping Centers, subject to the approval of the Planning and Zoning Commission

A. Minimum Yard and Lot Requirements

1. Front Yard - A minimum front yard of thirty (30) feet shall be established from the street right-of-way line for all C-SC Districts. The front yard shall be landscaped and not utilized for any building, structure, use, or parking area except for permissible identification signs.
2. Side Yard - A minimum side yard of twenty (20) feet shall be maintained between any structure, use, parking area or driveway and the side lot of adjacent properties. When C-SC side yards adjoin residential district, the minimum side yard shall be one hundred (100) feet.
3. Maximum Lot Coverage - No more than thirty (30) percent of the buildable area of any lot in any C-SC District shall be occupied by structures.

B. Open Space

Minimum landscaped open space on any individual lot shall be not less than twenty (20) percent of the buildable area of the lot. Such landscaped open space shall not be generally open to vehicles and shall be used in part to buffer and shield adjoining residential districts from adverse effects of shopping center operation.

C. Vehicular and Pedestrian Entrances and Exits

Principal vehicular access for the general public shall be from major streets. Vehicular access from minor streets through residential neighborhoods shall generally be avoided, but where permitted shall be so located, designed, and controlled as to be primarily for convenience of residents of adjoining residential areas and not for general public access. Pedestrian access may be provided at any suitable location within the district, but shall as a general rule, be separated from vehicular access points in order to reduce congestion, marginal friction, and hazards. Service drives, turn-out lanes, and merging lanes may be required at principal vehicular access points by the Planning and Zoning Commission, with length and width as appropriate to the anticipated flow of traffic. Traffic separation devices may be required by the Planning and Zoning Commission at such entrances

and exits and along service drives, turn-outs, or merging lanes.

D. Access

C-SC Districts shall have frontage and access to major arterials and intermediate arterials.

E. Site Planning - External Relationships

Commercial and service uses and structures and their parking areas shall be oriented toward major arterials, secondary arterials, or collector streets and oriented away from adjacent minor streets in residential neighborhoods or adjacent residential neighborhoods that are not separated from the district by streets.

Landscaping or other devices shall be used to screen surrounding residential districts from undesirable views into the C-SC Districts and to screen the C-SC Districts from undesirable external exposures.

In particular, all service and loading areas shall be screened from view of public streets and from first floor windows in adjacent residential districts. Parking areas for more than ten (10) automobiles shall, insofar as reasonably possible, be screened from similar view by landscaping, fences, walls or relation to buildings.

F. 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.

Commissioners of Leonardtown

28 COURT HOUSE DRIVE
P. O. BOX 1
LEONARDTOWN, MARYLAND 20650
Telephone - 475-9791



JOSEPH R. DENSFORD
Corporation Counsel
GREGORY A. STEVENS
Town Engineer

COMMISSIONERS
J. WILMER BOWLES, President
EDWARD LONG, Vice President
PENNY BEASLEY BELL
FRANK A. HAYDEN
FAYRENE MATTINGLY

October 19, 1984

Gregory A. Stevens, P.E.
Town Engineer
P. O. Box 1
Leonardtown, MD 20650

Re: 3-79 Zoning Amendments
File No. 81-134

Dear Greg:

I have reviewed your letter of October 18, 1984 concerning the procedure used in adopting Zoning Amendment No. 3-79 which modified Articles 11 and 12 A of the Leonardtown Zoning Ordinance. My review of the procedures outlined in your letter indicate to me that these amendments are legitimate and enforceable. However, it is obvious that they were not done in as proper a manner that we would like to see in the future.

I do not recommend that we take any further steps with respect to these amendments, but would be glad to discuss with you at your convenience procedures and forms to be used in the future for such amendments. I appreciate your concern over this matter and trust you will contact me if you should find any further procedural irregularities.

Very truly yours,

Joe

JOSEPH R. DENSFORD
Corporation Counsel

JRD:lat

Commissioners of Leonardtown

28 COURT HOUSE DRIVE
P. O. BOX 1
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1726

COMMISSIONERS

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FAYRENE MATTINGLY

JOSEPH R. DENSFORD
Corporation Counsel
GREGORY A. STEVENS
Town Engineer

October 18, 1984

Joseph R. Densford
Town Attorney
P.O. Box 430
24 Court House Drive
Leonardtown, Maryland 20650

Re: 3-79 Zoning Amendments

Dear Joe:

The Town's Resolution Book has some typewritten pages identified as zoning amendments as follows:

Article 11 "C-H" Highway Commercial District
Article 12A - C-SC Commercial Shopping Center

These pages have the numbers 3-79 penciled on them. They are not written in a resolution format, nor are they signed.

A review of the minutes of P & Z and Town meetings refers to the following events:

August 13, 1979 Town Meeting

Mr. Wathen requested motion to direct the P&Z Commission to amend "Highway Commercial District" and add "Shopping Center District."
Motion made - Comm. Mattingly
second - Comm. Kalnasy
vote - unanimous

August 20, 1979 Planning & Zoning Report

Public Hearing on Zoning Amendments
scheduled for September 26, 1979 @ 7:30 PM

Letter August 31, 1979 to Enterprise requesting advertisement of Public Hearing by P & Z on amendments, September 26, 1979

Signed by Virginia Fenwick

Letter Sept. 21, 1979 to Enterprise requesting advertisement of Public Hearing by Town Commissioners, October 8, 1979

Signed by Virginia Fenwick

October 8, 1979 Public Hearing by Town Commissioners

October 18, 1984
Stevens to Densford
Page 2

Mr. Wathen stated that P&Z held public hearing Sept. 26, 1979

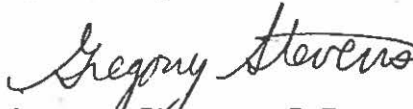
Mr. Wathen moved that Article 11 and 12A be amended as revised.
Comm. Mattingly seconded
vote unanimous

minutes signed by
Virginia Fenwick

The Minutes of October 8, 1979 Public Hearing do not reflect that the Public Hearing was reconvened into a Town Meeting, nor are there any signatures by the commissioners.

Although there appears to be due process in adopting the resolutions, the absence of signatures on the resolution and the minutes leaves doubt as to the authenticity of the minutes. Please advise me of the legality of these zoning amendments. Can they be used or what must we do to make them official? I would like to have your determination within 7 days.

Thank You,


Gregory Stevens, P.E.
Town Engineer

GS/mge

COMMISSIONERS OF LEONARDTOWN - REGULAR MEETING

1

AUGUST 13, 1979

The regular monthly meeting of the Commissioners of Leonardtown was called to order at 7:40 p.m. on August 13, 1979 at the Town Office. Those present were Commissioners Hall, Kalnasy, Mattingly and Wathen; Town Manager Jamie Hickey; Town Secretary Ann Varner; Rick Boyd of the Enterprise; Joe Norris of WKIK; Lt. Miedzinski and Trooper LeDonne of the Md. State Police; and the following local merchants and residents: Jack and Juanita Lewis, Betty Lou Harris, Hilda Mae Gatton, Ted and Joan Greer, Ray and Janet Wood, Imogene Garner, Herbert Winnik, Anne Garner, W.R. Breck, Richard Radwick, Bob White, Ray Sachs, Michael Sachs, and Tom Cross.

Commissioner Hall welcomed Lt. Miedzinski who introduced himself, thanked the Commissioners for participating in the resident trooper program, and said he would like to open the lines of communication between his department and the town. Tpr. LeDonne then spoke regarding the town's loitering law. He explained that as the law reads, it is very difficult to arrest a loiterer. He said that just about the only way he could make an arrest was if the loiterer refused to leave when told to do so. The merchants joined in the conversation with many complaints, requests for help, and suggestions for solving problems regarding loitering, public drinking, obscene remarks and gestures, soliciting, and constant aggravation to the merchants, their employees and customers. Commissioner Mattingly stated that meetings such as this help us all to understand the problems better - the nature of the complaints as well as the problems with enforcement. He said that the town and the police must be careful of how they proceed because if an arrest case were thrown out of court, there could be more trouble than before. One key point made was that in most cases, in order for the victim to get help, he himself must take the action of swearing out a warrant and testifying. Although some of the merchants seemed hesitant to do this because of possible repercussions, they did seem to agree that it was their best alternative. Suggestions for plain clothes policemen, unmarked cars, behind-the-scene surveillance, irregular patrol times, tightening of the laws, and the like, were to be taken into consideration by the Commissioners and the police, who were definitely sympathetic to the problems and as anxious as the merchants for a resolution of the trouble. The merchants were also anxious to see more ticketing of illegally parked cars. Dr. Winnik was upset over the fact that although there had been nearly a 100% increase in the town police budget in recent years, he supposedly could see a decline in police services. He asked why he couldn't see better enforcement of clear cut parking laws - particularly in the vicinity of the Leonardtown Wharf. He and Mrs. Imogene Garner, who are neighboring residents on the Wharf Hill, told of how when Mrs. Garner had to park in a "no parking" zone in front of her house because her own driveway was blocked by patrons of the Wharf, she got a ticket for illegal parking. She had made a call to the Control Center for help to have her driveway cleared, but the only result she got was the issuance of parking citations to herself and the others parked in that zone. The Commissioners agreed that stricter enforcement of parking laws in town would be made. A motion was made by Commissioner Mattingly and seconded by Commissioner Wathen that Mrs. Garner's parking citation, #1186, be voided. All were in favor. The State police and the Commissioners answered many questions about technicalities of the ordinances and the best ways to seek solutions to the trouble, and the merchants offered information on the particulars of their problems. Commissioner Mattingly expressed his thanks for their attendance at the meeting and said that the town needs the continual input and cooperation of the citizens.

The secretary then read the minutes of the July 9, 1979 Commissioners' meeting. Commissioner Wathen moved that the minutes be approved as read, Commissioner Kalnasy seconded and all were in favor. Commissioner Kalnasy moved that the bills be paid upon departmental approval, Commissioner Mattingly seconded and all were in favor.

Commissioner Wathen agreed to review the documentation from the State Highway Administration on the proposed Route 5 relocation with the Planning and Zoning Commission, and to make the town's comments to the State Clearinghouse. After reviewing the Maryland Environmental Service budget for FY80 operation of the town's water and sewer facilities, the Board agreed that Commissioner Hall should sign approval of the budget. Commissioner Wathen then made a motion that the town manager be designated as Leonardtown's municipal action agent for FY80. Commissioner Kalnasy seconded and all were in favor. The secretary read a letter of resignation from Charles Latham as a member of the town's Appeals Board. The Commissioners directed Mr. Hickey to send a letter of appreciation to Mr. Latham for his many years of service, and to request that Chairman Rigby offer any recommendations for a replacement to the Board. Commissioner Wathen then made a motion that the Boy Scouts be granted permission to hold a rummage sale in town on August 18, 1979 as requested. Commissioner Kalnasy seconded and all were in favor.

Departmental reports were given as follows:

Mr. Hickey reported for Streets and Roads that grant funds for road improvement would be available after October 1 and that possibly the town could qualify. Before applying, the town should develop an over-all projection of street improvements needed and estimated costs, preferably a 3-5 year rotating plan focusing on major projects being done first.

Commissioner Hall reported that the town is due about \$6,000 in delinquent utilities, and that letters have been sent to several customers notifying them of an opportunity for a hearing before interruption of service.

Commissioner Kalnasy reported on the state's latest inspection of the sewerage treatment plant operation and maintenance, and noted the "B" rating up from a "C" rating on the prior report.

Commissioner Mattingly read the July police report on Officer Tyler's activities, a copy of which is attached.

Commissioner Wathen reported on the business of the last regular Planning and Zoning meeting, and also informed the Commissioners of the letter received Aug. 6, 1979 by Joseph Densford from the Assistant Attorney General in regards to the proposed state occupancy of the Longobardi building, and the town's reply to the same. He then asked for direction from the Board to have the Planning and Zoning Commission amend the "Highway Commercial District" uses, and to add a new zoning classification of "Shopping Center District", ^{as} and proposed by the Zoning Board. Commissioner Mattingly made a motion to this effect, Commissioner Kalnasy seconded, and all were in favor. Commissioner Wathen also announced that the Zoning Board would be holding another workshop session on August 15th to further discuss the proposed new classification for shopping centers.

Mr. Hickey reported that the market had been breaking even on a weekly basis for about a month and that there were more buyers than ever. He mentioned that Abell Longmore was very supportive by advertising the market at the end of his Ben Franklin radio spots. Commissioner Kalnasy said he had seen a very nice sign advertising the LaPlata Market and Mr. Hickey said he was planning to have an A style sign made to put in the town square during the market's operation.

Mr. Hickey then suggested that the Commissioners consider forming a tax differential committee to consist of residents and merchants, one or more Commissioner, and the manager. He said the committee would formulate the strategy for the campaign and would advise the Commissioners. He said he felt it very important that the citizens be involved because the tax differential would probably be a political issue when it reaches the County level and the support of the town would be needed. He

Planning and Zoning Report from August 20, 1979 meeting

1. The C & P Telephone representatives explained plans for updating the mechanical equipment to electronic equipment in their building located at the corner of Washington and Shadrick Streets. The Commission is taking this under consideration since there is not a clear definition of a public installation.
2. Mr. Graff, owner of building housing Minitec, was told of the need for paved and lined parking at his building for Minitec.
3. Letter would be sent to Mr. Ben Conley explaining the need for a Bond or Letter of Credit for work not completed at his Town Houses.
4. Workshop sessions have completed a draft on the updating of the Commercial Highway C-H and a draft for a C-SC Commercial Shopping Center. The Planning and Zoning Commission will hold a Public Hearing on these drafts on Wednesday, September 26, 1979 at 7:30 p.m.

Cannot find other items

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could afford however if he could just paint lines on existing asphalt he possibly could manage the cost. Mr. Hickey explained that Article 13, Section 13-2, item 2, paragraph c specified the need for paved parking and also item 4 on page 52 specified the need for lines for parking areas over 10 spaces.

Mr. Wathen gave Mr. Graff a copy of parking layouts and explained the need for 9' minimum width for each space. Mr. Graff was to indicate the parking lines on a plat displaying a loading/unloading area and 27 lined parking spaces and return the plat to the office for consideration by the Commission.

The next item on the agenda concerned the sign application of Minitec. The secretary had checked files for any correspondence regarding this sign and was unable to find anything. Mr. Wathen asked Mr. Hickey to draft a letter to Mr. Graff explaining the nonconformity of the existing sign and alternatives Mr. Graff had regarding the sign. Mr. Fenwick asked when the amortization period would begin to which Mr. Wathen answered once notification to the owner of the sign had been made. Mr. Hickey should confer with Chairman Garner about notification of nonconforming sign, how Mr. Graff could bring the sign into conformity, a \$1,000 probable cost with an amortization of 2 years, or an appeal to the Appeals Board.

Correspondence of August 10, 1979 received from Ben Conley was discussed. The members felt Mr. Conley had not understood the letter the Commission had sent on August 6, 1979. The members realized Mr. Conley probably needed a Bond with the County for the curbing, etc. but that Bond would only be for the County's requirements. It should be explained that the stabilization, parking pads, etc. were Town requirements, not County, therefore the Towns need for a Bond. Since bonding or a letter of credit has been required for any unfinished work before issuance of Occupancy permits in prior instances, there has not been sufficient reason for not continuing this practice. Mr. Hickey would draft a letter explaining this to Mr. Conley for the Chairmans review.

Also Mr. Hickey was asked to contact Mr. Michael Davis regarding the need for applications for certificates of occupancy for recently occupied buildings by St. Mary's Hospital.

Mr. Hickey reported that the workshop meetings for updating the Zoning Ordinance have been rather successful. A draft for updating the Commercial Highway district has been prepared and a draft for the new Commercial Shopping Center district is being prepared. The next workshop session is tentatively planned for August 29, 1979 at 7:30 p.m.

A phone request made by Mrs. Ruby Reynolds had been made concerning the possibility of using the Compton Swann house for apartments. This property is located in a Single-Family district and apartments are not a permitted or conditional use. Mrs. Reynolds should be advised of this and that if she still wanted to persue this idea, a Special Exception would be necessary (Article 19, Section 19-2, item 6) .

(5)

Commissioners of Leonardtown

P. O. Box 1 • LEONARDTOWN, MARYLAND 20650 • 475-9791

September 21, 1979

The Enterprise
P.O. Box 218
Lexington Park, Md. 20653

Dear Sirs,

Please have the Public Notice below printed in the September 26, 1979 issue of your newspaper. Send the bill to The Commissioners of Leonardtown, P.O. Box 1, Leonardtown, Md. 20650.

Thank you,

Virginia H. Fenwick
Commissioners of Leonardtown
Virginia H. Fenwick,
Secretary

PUBLIC NOTICE

In accordance with the provisions of the Leonardtown Zoning Ordinance of Leonardtown, notice is hereby given that a Public Hearing will be held by the Commissioners of Leonardtown on the following:

1. Changes in the text concerning Article 11 - Highway Commercial District.
2. Addition of a new zoning district to be Article 12A - Commercial Shopping Center District.

Copies of the existing Zoning Ordinance and the changes and the addition are on file at the office of the Commissioners of Leonardtown, 28 Court House Drive, Leonardtown for public review each weekday between 9:00 a.m. and 4:00 p.m.

The Public Hearing before the Commissioners of Leonardtown will be held on

MONDAY
OCTOBER 8, 1979
at 7:30 p.m.

in the office of the Commissioners of Leonardtown.

J. Harry Norris, III
President
Commissioners of Leonardtown



J. HARRY NORRIS, III, President
RAYMOND H. HALL
GEORGE KALNASY, JR.
ROBERT G. MATTINGLY
ROBERT C. WATHEN

J. R. DENSFORD

Corporation Counsel

August 31, 1979

The Enterprise
P.O. Box 218
Lexington Park, Md. 20653

Dear Sirs,

Please have the following public notice certified and placed in the September 5, 1979 edition of your newspaper.

Thank you,

Virginia H. Fenwick
Virginia H. Fenwick

PUBLIC NOTICE

In accordance with the provisions of the Leonardtown Zoning Ordinance of Leonardtown, notice is hereby given of a public hearing to be held by the Leonardtown Planning and Zoning Commission on the following:

- 1.) Changes in the text concerning Article 11 - Highway Commercial District.
- 2.) Addition of a new zoning district to be Article 12A - Commercial Shopping Center.

Copies of the existing Zoning Ordinance and the changes and the addition are on file at the office of the Commissioners of Leonardtown, 28 Court House Drive for public review each weekday between 9:00 and 4:00.

The public Hearing before the Leonardtown Planning and Zoning Commission will be held on

Wednesday
September 26, 1979
at 7:30 p.m.

in the office of the Commissioners of Leonardtown.

The Leonardtown Planning and Zoning Commission will thereafter forward their recommendation to the Commissioners of Leonardtown, who will then hold a public hearing before acting on the changes and the addition.

Joseph E. Garner, Chairman
Leonardtown Planning and Zoning Commission

COMMISSIONERS OF LEONARDTOWN

PUBLIC HEARING

OCTOBER 8, 1979

6

President Norris called the Public Hearing to order at 7:30 p.m. in the Town office on October 8, 1979. The purpose of this hearing was to consider changes to the Leonardtown Zoning Ordinance in regard to the Highway Commercial District, Article 11 and the creation of the Commercial Shopping Center district, Article 12A.

Attending: President Norris, Commissioners Hall, Mattingly and Wathen, Town Administrator Jamie Hickey, Mr. Joseph Russell, Jr., Mr. Gordon Ragan and the secretary.

President Norris had the secretary read the notice of tonight's hearing as it appeared in the local paper. Mr. Wathen stated the Leonardtown Planning and Zoning Commission had held their public hearing on these zoning amendments on September 26, 1979.

President Norris then addressed Article 11, the Highway Commercial district by reading through the proposal. He then explained that the permitted uses in this district had been expanded and included uses that had not been specifically mentioned in other parts of the Zoning Ordinance. Mr. Wathen as representative of the Planning and Zoning Commission agreed with President Norris and added that these uses were more suitable to this area.

President Norris asked if there were any questions or comments and if there had been any at the Planning Commissions' hearing. There were no comments made at this time. Mr. Wathen stated a few people had read the zoning amendment proposal but had made no comment. There being no questions or comments President Norris moved onto the new zoning district, the Commercial Shopping Center.

After President Norris had completed reading Article 12A, he made mention that the present Leonardtown Zoning Ordinance did not have a zoning district that addressed this type of venture. Mr. Ragan asked if the permitted uses allowed in the Commercial Highway district could be added to the permitted in the Commercial Shopping Center. The Commissioners proceeded to review each of the uses in the Commercial Highway to determine if any of these uses should be added ~~to determine if any of these uses should be added~~ to the Commercial Shopping Center. It was agreed upon to add 'fast food including drive-in windows'. This use would replace item 9 of permitted uses in Section 12A-5 of the Commercial Shopping Center. Also accessory buildings and uses would be added to this section and listed as item 10. This would make what was item 9, 'Similar uses...etc.' become item 11 of Section 12A-5.

Mr. Wathen read the Planning and Zoning Commissions' motions of recommending that the Commissioners of Leonardtown adopt both of these Articles.

There being no further discussion or comments, Mr. Wathen moved that the Commissioners of Leonardtown amend Article 11, Highway ~~Commercial~~ ^(in accordance with the Leonardtown Zoning Ordinance)

Mr. Mattingly seconded and all voted in favor of the motion.

Mr. Wathen then moved that the Commissioners of Leonardtown amend the Leonardtown Zoning Ordinance to add Article 12A, Commercial Shopping Center as submitted by the Leonardtown Planning and Zoning Commission to include changes as made tonight, Mr. Mattingly seconded, and the motion was carried with all voting in favor of the motion.

The hearing was concluded at 8:20 p.m.

Respectfully submitted,

Virginia H. Fenwick
Virginia H. Fenwick,
Recording secretary

APPROVED:

J. Harry Norris, III, President

Raymond H. Hall

not present

George Kalnasy, Jr.

Robert G. Mattingly

Robert C. Wathen

*submitted
the Leonardtown
Planning & Zoning
Commission
10/13/79 UHF*

LEONARDTOWN PLANNING AND ZONING COMMISSION

JULY 16, 1979

REGULAR MEETING

The Leonardtown Planning and Zoning Commission held its regular meeting on July 16, 1979 in the Town office at 7:30 p.m.

Attending: Chairman Joseph Garner, Commission members Francis Abell, Barry Fenwick, Charles Fenwick and Robert Wathen, Town Administrator Jamie Hickey, John Peterson, Gerald Deeds, Bob Miedzinski, George Klear, Gordon Ragan and the secretary.

The minutes from the June 18, 1979 meeting were reviewed. Concerning the minutes Mr. Wathen asked if the Commission had talked about adopting as a policy for the Commission the need for the applicants to supply needed letters of reference with their applications. At the last meeting the Commission had agreed to write to Mr. Raum of the Health Department for Mr. Graff who was seeking a favorable recommendation for a Conditional Use. The members agreed that in the future it would be the policy of the Commission to require these types of letters to be taken care of by the applicant. Another question regarding the minutes was posed concerning a letter the Commission had received from Mr. John Hall concerning a sediment control plan he had approved for Al Longobardi. The minutes reflected that the Commission was pleased with Mr. Longobardi's approval from John Hall and his acceptance of that plan. However the members agreed that since there were no plans or applications for review submitted to this Commission from Mr. Longobardi, the approval of John Hall is merely for Mr. Longobardi's benefit. Mr. Garner stated that storm water management was not part of a sediment control plan. Mr. Charles Fenwick moved to accept the minutes as written. Mr. Barry Fenwick seconded the motion. All voted in favor of the motion so the motion was so carried.

An application for a sign was reviewed. Mr. Jim Marsh representing Minitec had applied to use the existing sign of TecStar by painting over the existing sign. Several members felt that this particular sign was not a conforming sign and it would be necessary to check the files to see if a letter had been sent declaring the sign nonconforming. It may be necessary to either remove the sign or seek a Variance. Once the files have been checked, the Commission will be able to advise Mr. Marsh.

Mr. John Peterson explained his application for an occupancy permit. Mr. Peterson explained that he proposes to use part of the building presently occupied by Paragon located on Rt.5. He plans to sell wood burning stoves and would offer installation service of the stoves sold. Mr. Peterson was most optimistic that there was a demand for his product and they were anxious to get in operation the business. After careful review of the Zoning Ordinance the members advised Mr. Peterson that a retail business was not a permitted use in the Commercial Highway district. Mr. Garner explained that it appeared Mr. Peterson would need to file an application for an amendment to the zoning text. Mr. Wathen explained further that this procedure was time consuming and costly therefore Mr. Peterson should weigh these considerations and his leasing agreement in making plans to locate his business in proposed building. Mr. Peterson would get in touch with Town office later in the week for advise on necessary procedure.

Next Mr. James Curry, who had submitted an application for a Certificate of Occupancy, said he had attended the meeting so he could answer any questions the Commission might have regarding his application. The application was to use the building owned by Mrs. Alice McCall next to Hayden's Auto Supply for a used furniture store and a snack bar. The building is located in the Commercial Highway zoning district.

Mr. Curry explained that he hoped to eventually use the building as a pool hall but understands he would need the Town Commissioner's approval and would probably need paved parking. Therefore until Mr. Curry could talk with Mrs. McCall he would use the building with the permitted uses as applied for.

Mr. Garner asked Mr. Curry of the two uses applied for which use would be the main source of income. Mr. Curry answered the snack bar until he decided what to do about a pool hall. Mr. Garner explained to Mr. Curry that the Leonardtown Zoning Ordinance requires a certain amount of paved off-street parking areas for various uses and that with information Mr. Curry had supplied it appeared he would need an area for about 4 cars for the furniture store and about 14 cars for the snack bar. Mr. Garner continued by saying that since the prior use of the building was a used furniture store the Commission could issue an occupancy permit for the furniture store. However if the use changes then the requirements of the Zoning Ordinance must be met and Mr. Curry would need to either submit a plan for paved off-street parking or go before the Leonardtown Board of Zoning Appeals for a waiver of the parking requirements in order to get a CO for the snack bar. It appeared there was ample area for parking at this site.

Mr. Curry questioned the need for paved parking for a permitted use and also the Commission's consistency in enforcing the Leonardtown Zoning Ordinance. Mr. Garner cited Article 13, Sec. 13-2, item 2c in response of the need for off-street parking and also the Commission's decision on the occupancy of Minitex in the Graff building was based on adequate paved parking.

Mr. Curry after some discussion dropped the snack bar from his application until further discussion with Mrs. McCall. Mr. Charles Fenwick moved to approve use of a used furniture store at the McCall building. Mrs. Russell seconded the motion and all voted in favor of approving the use of a used furniture store.

A preliminary plat for re-subdivision of Lot 8 and Lot 9 of the Eldon Subdivision was reviewed. The plat indicated that Lot 8 would change from 100' X 100' to a lot 120' X 100' and Lot 9 would change from 100' X 100' to a lot 80' X 100'. This change would still meet the total minimum square footage for a lot as well as the minimum front yard width and minimum lot depth requirements.

Mr. Charles Fenwick moved to approve the re-subdivision of lots 8 and 9 of the Eldon Subdivision to become Lot 500-8 and Lot 500-9. Mr. Barry Fenwick seconded the motion. All voted in favor except Mr. Abell who abstained.

LEONARDTOWN PLANNING AND ZONING COMMISSION

OCTOBER 20, 1980

The regular meeting of the Leonardtown Planning and Zoning Commission was called to order by Mrs. Russell at 7:30 p.m. on October 20, 1980 in the Town office. Attending: Commission members F.K. Abell, Jr., C.E. Fenwick, Jr., J.B. Fenwick and B. Russell; Town Commissioner Robert Wathen; Town Administrator Jamie Hickey; Mr. and Mrs. Roger Bussler, Rev. Jennings; and the secretary.

Mr. Bussler submitted a drawing to more fully explain his application to occupy part of the Sunoco gas station as a package liquor store and drive-in window. The drawing indicated that approximately 870 sq.ft. would be used for the package store and approximately 2700 sq.ft. for storage space. Mr. Abell asked if the storage space was for private use or would space be rented out to which Mr. Bussler said that for the time being it would be for his private use. Mrs Russell asked how late would they be opened and Mr. Bussler answered probably 9:00 p.m. and definitely no later than 10:00 p.m. on Fridays and Saturdays.

~~After reviewing the Leonardtown Zoning Ordinance it was determined the use was permitted and that the new use of the package store required nine (9) paved parking spaces. The submitted plat indicated a paved area that would accommodate at least twelve (12) vehicles. Since marking spaces was required only if there needed to be ten (10) spaces, the new use would not need to have marked parking.~~

Mr. J.B. Fenwick moved to approve the application with Mr. C.E. Fenwick seconding and all present voting in favor of the motion.

Mr. Bussler asked if he needed any permits to put up plywood on the glass doors at his station and painting advertising on the plywood. The members told Mr. Bussler he could install the plywood and no permit was necessary for installation but the Town had sign regulations and before he put up advertising he should submit drawings of what he planned to do for review for conformity to the sign regulations.

Rev. Jennings had attended the meeting to find out what permits St. Peter's Vestry would need to use the church hall for a play school for children three or four years of age. They are anticipating about twenty children with two teachers with a possible maximum of forty children to be opened from 8:00 a.m. to 12 noon for five days a week. The Church will operate the facility and is already in the process of obtaining necessary State licenses and permits and meeting fire regulations. The members determined that the proposed use was an accessory use to the primary use of the property. Also it was the determination of the members the category that best described the proposed use was a private educational facility which requires one (1) parking space per ten (10) seats. The Vestry has paved parking that would definitely accommodate more than four (4) vehicles. The members told Rev. Jennings that all he would need from the Town would be an occupancy permit and that when he had all the licenses and permits the State required he should attach copies of them with his application for an occupancy permit.

Leonardtown Planning and Zoning Commission

Public Hearing

April 29, 1981

public hearing on the rezoning request of Guy Distributors, Inc. by the Leonardtown Planning and Zoning Commission on April 29, 7:30 p.m. in the town office.

Attending: Chairman Charles E. Fenwick, Jr.; Commission members Joseph Densford, James B. Fenwick and Betty Russell; Mr. George A. Guy; and the secretary Virginia Fenwick.

Mr. C.E.Fenwick read the letter requesting the rezoning. It was duly noted that the date, time and place of this hearing had been published per Leonardtown Zoning Ordinance regulations and that the neighboring property owners had been sent written notice of the hearing as well as having the property posted. The office had received verbal comment from Mr. Clagett that he had no objection to the request. There had been no other written or verbal comments made regarding this hearing.

Mr. C.E.Fenwick asked Mr. Guy what was his proposed use of the newly purchased 0.76 acre tract of land. Mr. Guy explained that the Anheuser-Busch Company has long range plans for the development of the distributorship. These plans call for a Controlled Environment Warehouse (CEW), a loading/unloading area, and another CEW. The first two phases have been completed but phase three has not. This is what prompted Mr. Guy in securing additional land for the future expansion of phase three. Mr. Guy explained that if he were not able to assure Anheuser-Busch of his ability to complete phase three that he would either be forced to relocate or sell out his business. The newly purchased land is directly adjacent to Pennie's ball field and directly behind his existing facility.

The members in referring to the Master Plan agreed that the area in question was designated for Commercial Highway use. Mr. Densford moved that it was the finding of the Leonardtown Planning and Zoning Commission that the proposed rezoning is consistent to the Master Plan because the Master Plan calls for Commercial Highway development on the western side of the Town boundaries along State Route 5. Mr. J.B.Fenwick seconded the motion and all members present voted in favor of the motion.

Mrs. Russell stated it was her feeling that the PUD area was not a zoning classification and was left as open areas to be designated with specific districts at a later date. Mr. J.B.Fenwick felt that the Leonardtown Planning and Zoning Commission should make a favorable recommendation since there is suppose to be highway commercial development in the area that the rezoning is requested and there were no objections to the rezoning request. Additionally the tract of land in question is contiguous to the existing ball field being used and operated by Charles Pennisi. Another reason for the favorable recommendation that Mr. Fenwick expressed was that the area in question if rezoned would not be bordering any other specifically designated district since it was a mistake that the areas designated PUD-5 were not placed in a specific zoning classification.