



**Council of the Town of Leonardtown
Ordinance No. 218
Subject: Leonardtown Comprehensive Zoning Map**

**Date Introduced on First Reading: January 8, 2024
Council Public Hearing: February 12, 2024
Date Passed on Second Reading: February 12, 2024
Date Effective: March 4, 2024**

AN ORDINANCE concerning

AMENDMENT TO THE LEONARDTOWN COMPREHENSIVE ZONING MAP

FOR the purpose of amending the Comprehensive Zoning Map for the Town of Leonardtown to change the zoning classification of a parcel of real property known as 22675 Cedar Lane Court, shown on Tax Map 40, Grid 6 as Parcel 17, consisting of 60,548 square feet of land, more or less, Tax Identification No. 03-009262, from Residential Single Family to Commercial Office; provided that the title of this Ordinance shall be deemed a fair summary, and generally relating to the Comprehensive Zoning Map for the Town of Leonardtown.

RECITALS

WHEREAS, pursuant to Md. Code Ann., Land Use § 4-204 and § 155-138 of the Code of the Town of Leonardtown (the “Town Code”), the Council of the Town of Leonardtown (the “Council”) is authorized and empowered to amend, supplement, change, modify, and repeal the Town of Leonardtown’s (the “Town”) zoning regulations and boundaries and change the Town’s zoning classifications; and

WHEREAS, pursuant to Md. Code Ann., Land Use § 4-204(b)(1) and (2), if the purpose and effect of a proposed zoning map amendment is to change a zoning classification, a legislative body may only grant the amendment based upon written findings of fact and a finding that there was either a substantial change in the character of the neighborhood in which the property is located or a mistake in the existing zoning classification; and

WHEREAS, on December 18, 2023, the Leonardtown Planning Commission (the “Planning Commission”) held a public hearing and subsequently recommended that the Council

amend the Comprehensive Zoning Map of the Town of Leonardtown (the "Zoning Map") by rezoning a parcel of known as 22675 Cedar Lane Court, shown on Tax Map 40, Grid 6 as Parcel 17, consisting of 60,548 square feet of land, more or less, Tax Identification No. 03-009262 (the "Property"), from Residential Single Family ("RSF") to Commercial Office ("CO") on the basis of a change in the character of the neighborhood in which the Property is located; and

WHEREAS, on February 12, 2024, the Council held a public hearing regarding the Zoning Map amendment recommended by the Planning Commission, notice of which was published on February 1, 2024, and February 8, 2024, in The County Times, a newspaper of general circulation in the Town, in accordance with Md. Code Ann., Land Use § 4-203(b) and § 155-140 of the Town Code; and

WHEREAS, having considered the recommendations of the Planning Commission and Staff, as well as the comments made during the February 12, 2024, public hearing, and having made the findings set forth in Md. Code Ann., Land Use § 4-204(b)(1) and (2) as set forth in the Findings of Fact attached hereto as Exhibit A and incorporated by reference as if fully set forth herein, the Council finds that it is in the best interest of the Town to amend the Zoning Map by rezoning the Property from RSF to CO on the basis of a change in the character of the neighborhood in which the Property is located; and

WHEREAS, the Council has determined that it is in the best interests of and consistent with the health, safety and welfare of the citizens of the Town to amend the Comprehensive Zoning Map for the Town of Leonardtown as set forth herein.

SECTION I. BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF LEONARDTOWN that the zoning classification of all that parcel of real property known as 22675 Cedar Lane Court, shown on Tax Map 40, Grid 6 as Parcel 17, consisting of 60,548 square feet of land, more or less, Tax Identification No. 03-009262, is hereby changed from RSF to CO on the basis of a change in the character of the neighborhood in which the Property is located.

SECTION II. AND BE IT FURTHER ORDAINED that the Comprehensive Zoning Map for the Town of Leonardtown shall be revised accordingly to reflect the foregoing amendment.

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

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

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

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


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

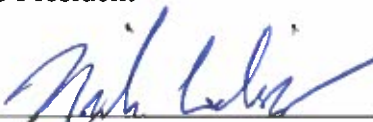
SIGNATURES FOLLOW ON THE NEXT PAGE

Attest:


Councilpersons of Leonardtown:

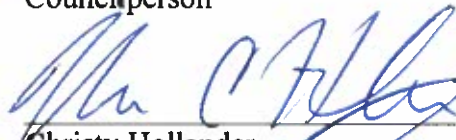

Laschelle E. McKay
Town Administrator

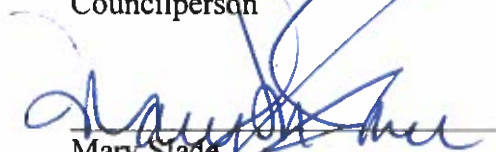

J. Maguire Mattingly, IV
Vice President


Nick Colvin
Councilperson

Seal:


Heather Earhart
Councilperson


Christy Hollander
Councilperson


Mary Slade
Councilperson

This Ordinance was presented to the Mayor for his approval or disapproval pursuant to Section 210 of the Charter of the Town of Leonardtown this 3rd day of February, 2024.


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 3rd day of February, 2024.

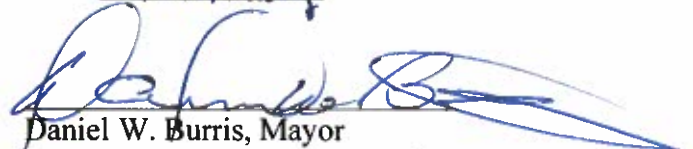

Daniel W. Burris, Mayor

EXHIBIT A

FINDINGS OF FACT – ORDINANCE NO. 218

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Pursuant to Md. Code Ann., Land Use §§ 4-203 and 4-204 and Chapter 155, Article XXI of the Code of the Town of Leonardtown (the “Town Code”), the Council of the Town of Leonardtown (the “Council”) makes the following findings of fact regarding the proposed rezoning of the above-referenced property (the “Property”):

1. Public Hearing. A public hearing was held during a meeting of the Council commencing at 4:00 p.m. on Monday, February 12, 2024, notice of which was published in The County Times on February 1, 2024, and February 8, 2024.
2. Population Change. The population of the area will not be substantially impacted because the proposed rezoning will result in a commercial classification, which does not permit residential uses.
3. Availability of Public Facilities. The proposed rezoning will have a minimal impact on public facilities. The Property is currently not served by Town water and sewer, and is eligible to connect at any time even as Residential. The proposed commercial use will have minimal, if any, impacts on schools, police, parks, government services, fire and rescue, and other public services and facilities.
4. Present and Future Transportation Patterns. The proposed rezoning is unlikely to impact traffic patterns in any substantial way and will not require any changes to existing traffic patterns.
5. Compatibility with Existing and Proposed Development for the Area. The proposed rezoning is compatible with existing and proposed development in the area. The Cedar Lane Senior Living Center is located to the north of the Property. Cedar Lane and the properties to the southwest are zoned Residential Multi-Family, which is a more intensive residential zone. The property to the west is zoned Planned Unit Development – Mixed, which allows for a variety of residential and non-residential uses, including commercial/retail, light industrial, and office

uses. The properties to the east contain a UPS Store, a pharmacy and a veterinary hospital and are zoned Commercial Business. The property to the south is zoned Commercial Office. The uses permitted by right and by special exception in the Commercial Office District are compatible with all existing development in the vicinity of the Property as well as any uses permitted by right or by special exception in those zoning districts.

6. Recommendation of the Planning Commission. On December 18, 2023, the Planning Commission recommended by a vote of 3 – 0 that the Council approve the proposed rezoning.
7. Relationship to the Town's Comprehensive Plan. The proposed rezoning is not directly or indirectly addressed in the Town's Comprehensive Plan.
8. Change or Mistake. The character of the neighborhood in which the Property is located has changed since the last comprehensive zoning. The Property's current Residential Single Family zoning classification is a low intensity use in an area characterized by higher intensity uses, including neighboring parcels used as a UPS Store and a pharmacy. The use of the Property for low intensity residential purposes is no longer consistent with the neighboring properties, particularly in light of the changes that have occurred since the last comprehensive rezoning.