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ARTICLE VIII
PLANNED UNIT DEVELOPMENT

SECTION 801 PLANNED UNIT DEVELOPMENT DISTRICT ("PUD")

A. PURPOSE AND INTENT

The purpose of the PUD District is to provide for carefully planned residential, mixed use and certain commercial developments at appropriate locations within the Town of Easton. It is the intent of this Section to allow all aspects of a PUD District to be subject to public review and control by the Town with specific provisions to be made on a case-by-case basis for adequate open space, architectural appearance, the height, bulk and location of buildings, required public facilities, and a variety of housing types, densities, and/or compatible commercial or industrial uses as a part of a detailed development plan.

Not all locations in the Town are suitable for PUD development and the nature, size, scale or intensity of proposed uses may cause a particular site not to be suitable for a specific PUD proposal. Therefore, there is no general presumption that an application for such a use at a particular location is valid, inures to the general benefit of the Town or is in compliance with the Town's Comprehensive Plan. Instead, each application will be evaluated according to its particular location and the degree to which the developer is willing or able to propose a development plan which furthers the goals and objectives of this Section and the Ordinance generally.

B. LOCATION

The PUD is a floating zone. That means that while provisions and regulations are made to govern development within any PUD District, no such District will be pre-mapped on the Zoning Map. A PUD District may be established in any parent zoning district provided the requirements outlined in this subsection are met.

C. PRINCIPAL PERMITTED USES

The following types of uses are permitted in a PUD District:

- (1) Residential uses of all types.
- (2) Commercial and industrial uses limited as follows:
 - a. Where the PUD District is established in the A-1 or any "R" District, commercial uses shall be oriented to benefit the residents of the neighborhood. Industrial uses are not permitted in PUD Districts established within any "R"

parent district. The following commercial uses are prohibited in any residential district: Major Retail, Shopping Center - Campus Style and Shopping Center - Strip.

b. Where the PUD District is established in any "C" District, all permitted and special exception commercial and residential uses may be permitted. Major Retail and Shopping Centers shall meet the supplemental standards setout in section 1008. The Town Council may, in granting a PUD application, permit specific industrial uses which shall be limited to those permitted within the I-1 District.

c. Where the PUD District is established in any "I" District, all commercial or industrial uses may be permitted.

(3) Any use listed in the Table of Uses as "Institutional" or "Recreational/Entertainment".

D. USES PERMITTED BY SPECIAL EXCEPTION

Uses which are permitted in the underlying zoning district by special exception shall be permitted in a PUD District provided that such uses are specifically authorized by the ordinance establishing the PUD District or, in the case of a pre-existing PUD District, such uses are approved by the Board of Appeals pursuant to the provisions of Section 1303 of this Ordinance.

E. USES PERMITTED WITH A TEMPORARY USE PERMIT

Temporary uses are permitted in a PUD District only if they are permitted within the parent district within which the PUD is established.

F. ACCESSORY USES AND STRUCTURES

Uses and structures customarily accessory and incidental to any principal permitted use shall be permitted.

G. DEVELOPMENT STANDARDS

Applications for Planned Unit Developments shall meet the following requirements:

(1) The area proposed for a planned unit development shall be in one (1) ownership, or, if in several ownerships, the proposal shall be filed jointly by all the owners of the property included in the development plan.

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- (2) The site shall be of a configuration suitable for the development proposed.
- (3) Public water and sewerage shall be available, although it may be made available in conjunction with the development of the PUD. An ordinance granting a PUD application for a site within the Chesapeake Bay Critical Area may provide that residential uses need not be connected to public water and sewer systems if connection would not be economically feasible given the density of the proposed development.
- (4) The site shall be located adjacent to adequate transportation facilities capable of serving existing traffic and that expected to be generated by the proposed development. Private roads may be approved if such roads will adequately serve the development. Such roads shall be internal to the development.
- (5) The owners or developers must indicate that they plan to begin construction of the development within one (1) year after final approval. If there is no action on the part of the applicant at any point in the process for a period of one (1) year, the zoning of the site shall revert to its previous classification unless a time extension is requested by the developer and granted by the Planning Commission.
- (6) The site proposed to be zoned as a PUD shall have an area of at least five (5) acres. Smaller sites may be permitted when it is found that the proposed PUD is compatible with existing development in the area and does not disrupt the orderly expansion of the transportation system of the Town.
- (7) The overall residential density of a PUD District shall generally not exceed sixteen (16) residential units per gross residential acre. If the PUD is proposed within the CR base zoning district or as part of the redevelopment of an existing strip shopping center, the maximum permitted density shall not exceed 30 units per gross residential acre. For the purposes of this subsection, the gross residential area shall include all land within the area intended to be used for residences, residential parking space, and reservation for community recreation and education facilities. Any land mapped as floodway by the Federal Emergency Management Agency and non-residential uses shall be excluded in computing the gross area. A lower density may be imposed if review of the proposed development indicates that the maximum allowable density is excessive for the surrounding area.

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2 (8) Common Open Space shall comprise not less than thirty (30%)
3 percent of the total gross area. Such space shall include land area
4 to be developed as recreational areas or which is designated for the
5 common use of all occupants of the planned unit development but
6 shall not include streets, off-street parking areas or incidental
7 landscaped areas within off-street parking areas. The developer
8 shall furnish satisfactory evidence that such open space will be
9 continued and that provision is made for its perpetual maintenance.
10
11 (9) The setback, lot size, lot coverage, height, and yard requirements
12 shall be established for each individual project by the Town
13 Council in the ordinance granting the application. The Planning
14 Commission shall make recommendations to the Town Council
15 with regard to these requirements.
16
17 (10) Off-street parking shall be provided for each individual use in the
18 planned unit development in accordance with the requirements of
19 Section 1001. Mixed-use PUD's that integrate coordinated
20 pedestrian and bicycle circulation systems throughout the
21 development, shall be permitted to reduce the required off-street
22 parking by 20% of the required standard without the need for a
23 parking variance, waiver, or deferral.
24

25 One or more of the standards outlined above may be modified by the Town
26 Council upon the applicant's showing that the standard would place an undue burden
27 upon the applicant and that any adverse effect created by such modification will be
28 ameliorated by another means in the proposed project.
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30 H. APPLICATION PROCEDURES
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32 The following procedures shall be followed with respect to all applications for
33 PUD District Zoning:
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- 35 (1) The application for PUD District zoning shall be accompanied by a
36 sketch plan prepared in accordance with the requirements as
37 specified herein.
38

39 The sketch plan shall be to scale and contain sufficient information
40 to establish the identity of proposed uses, grades and approximate
41 dimensions, and locations of proposed structures, streets, parking
42 areas, walkways, easements and property lines. It shall include the
43 following information:
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- 45 a. Proposed development layout.
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- b. Proposed reservations for parks, parkways, playgrounds, school sites and other open spaces.
- c. Proposed location of commercial and industrial uses within the PUD areas, including all associated off-street parking.
- d. Types of dwelling and portions of the area proposed therefore.
- e. Proposed location of dwelling and parking areas.
- f. A tabulation of the total number of acres in the proposed project and the percentage thereof designated for each of the proposed dwelling types, neighborhood retail businesses, other nonresidential uses, off-street parking, streets, parks, schools, and other reservations, including a tabulation of the gross square footage of all buildings by use.
- g. A tabulation of overall residential density per gross residential acre.
- h. Preliminary plans and elevations of the several dwelling types.
- i. Conceptual plan of proposed vehicular, pedestrian and bicycle circulation systems.
- j. Forest Stand Delineation as described in the Town of Easton's Forest Conservation Ordinance.
- k. A metes and bounds description of the area subject to the PUD application.

(2) Planning Commission Review and Action.

At this step in the review process, the Planning Commission's review of the proposed PUD shall be limited to a comparison to the Town's Comprehensive Plan. The Commission shall review the material submitted and following the presentation from the applicant, shall forward a recommendation to the Mayor and Town Council as to whether or not the proposed PUD complies with the Comprehensive Plan. The Planning Commission's transmittal to the Town Council may include recommended changes to the PUD Sketch Plan or recommended conditions of approval that the Commission deems necessary to better insure compliance with the

1 Comprehensive Plan.

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3 (3) Mayor and Town Council Action.

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5 A. Upon receiving the written report of the Planning Commission, the
6 Town Council shall conduct a public hearing upon the application
7 for a PUD Map amendment. The Council shall consider, but not
8 be bound by, the recommendations and comments of the Planning
9 Commission. The Town Council shall make written findings of
10 fact with regard to the following matters:

- 11
12 1. Whether the proposed PUD development conforms to all
13 applicable standards set out in this Ordinance for such uses,
14 structures and projects;
- 15
16 2. Whether the proposed PUD development conforms to the
17 Town's Comprehensive Plan, including those provisions of
18 the Comprehensive Plan relating to the design and location
19 of commercial projects of a nature similar to those
20 proposed in the application;
- 21
22 3. Whether the proposed PUD development, in conjunction
23 with existing and reasonably anticipated development in
24 the neighborhood surrounding the site for the proposed
25 PUD, will not interfere with the adequate and orderly
26 provision of public services to the area;
- 27
28 4. Whether the proposed PUD development, in conjunction
29 with existing and reasonably anticipated development in
30 the neighborhood surrounding the site for the proposed
31 PUD development, will not cause unacceptable traffic
32 congestion or hazards either in or near the site for the
33 proposed PUD development or elsewhere in the Town or
34 Talbot County;
- 35
36 5. Whether the proposed PUD development is planned in such
37 a manner as to protect features of historical, cultural, or
38 ecological importance;
- 39
40 6. Whether the proposed PUD development is compatible
41 with existing development in the surrounding neighborhood
42 and with development reasonably anticipated to occur in
43 the neighborhood in terms of size, scale, design, and
44 appearance or, if the proposed PUD development is not so
45 compatible, the proposed PUD design contains adequate

1 screening, landscaping and similar features to protect the
2 surrounding neighborhood; and
3

- 4 7. Whether the proposed PUD development unreasonably
5 adversely affects the value of property in the neighborhood
6 surrounding the site.
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8 In making findings of fact as to the issues set forth above,
9 there shall be no general presumption that an application
10 for a PUD use at a particular location is valid, is compatible
11 with surrounding uses, inures to the general benefit of the
12 Town or is in compliance with the Town's Comprehensive
13 Plan. Instead, each application will be evaluated according
14 to its specific development plan in its particular location.
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16 B. If the Town Council makes an affirmative finding of fact as to
17 each of the criteria listed above, the Council may enact an
18 ordinance granting the proposed PUD application. The fact that an
19 application for a PUD Zoning Map Amendment complies with the
20 specific requirements listed above shall not require the Town
21 Council to grant the application. The ordinance shall be subject to
22 approval by the Mayor in accordance with the provisions of the
23 Town Charter relating to mayoral vetoes. In determining whether
24 or not to enact an ordinance, the Council may consider, in addition
25 to the factors outlined above, other factors it deems appropriate
26 including but not limited to the degree to which the proposed PUD
27 development:
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29 1. helps accomplish the coordinated, adjusted, and
30 harmonious development of the Town and its environs in
31 accordance with present and future needs;
32

33 2. promotes health, safety, morals, order, convenience,
34 prosperity, and general welfare; including among other
35 things, adequate provisions for traffic, the promotion of
36 public safety, adequate provision for light and air,
37 conservation of natural resources, the prevention of
38 environmental pollution, the promotion of the healthful and
39 convenient distribution of population;
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41 3. exemplifies good civic design and arrangement and the
42 stewardship of the Chesapeake Bay and the land as a
43 universal ethic;
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45 4. encourages the conservation of resources, including a
46 reduction in resource consumption;

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2 5. is located in at a location suitable for it given existing
3 and reasonably foreseeable development; and
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5 6. encourages appropriate and sustainable economic
6 growth.
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8 The "change/mistake" rule, as codified in Maryland Annotated Code Article 66B Section
9 4.05 is not applicable to PUD Zoning Map Amendment applications.
10

11 The Town Council shall have the authority to impose conditions upon the grant of a PUD
12 Zoning Map Amendment application and may require the recordation of covenants and
13 restrictions, in a form approved by the Town Attorney, to assure compliance with said
14 conditions or with any of the provisions of the Ordinance.
15

16 If the Town Council votes to deny the PUD application, no application for a PUD Zoning
17 Map Amendment will be accepted for filing by the Town for a period of one year after
18 the date of the Council's decision or the date of finality of any judicial review of the
19 Council's decision, whichever is later.
20

21 (4) Site Plan Review and Action. Upon Mayor and Town Council
22 approval of a PUD District Zoning Map amendment, the applicant
23 shall prepare and submit a development and a final site plan or a
24 preliminary and final subdivision plat in accordance with the site
25 plan requirements specified in Subsection 301.3.B of this
26 Ordinance and/or the requirements of the Town of Easton
27 Subdivision Regulations. The design of the preliminary and final
28 site plan and/or subdivision shall be consistent with the ordinance
29 granting the PUD application.
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31 I. AMENDMENTS TO APPROVED PUD APPLICATIONS 32

33 A property owner of a site subject to a PUD District may request an amendment
34 to the terms and conditions of the District. Any request for an amendment shall
35 be in writing and shall include the information specified in §801.G. If the Town
36 Planner determines that the proposed amendment (1) does not involve a material
37 change to the design approved by the Town Council and (2) otherwise complies
38 with the terms of this Ordinance, the amendment request shall be approved by the
39 Town Planner. Any other amendment shall be subject to review by the Planning
40 Commission and Town Council according to the procedures set forth in this §801.
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42 All previously approved PMR (planned major retail) projects shall become PUDs
43 and amendments to such projects shall follow the process outlined above.
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