

**CITY OF TANEYTOWN
ORDINANCE 05-2023**

AMENDMENT TO COMMUNITY VILLAGE OVERLAY

WHEREAS, Section 5-213 of the Local Government Article of the Maryland Annotated Code and Section C-401(B)(62) of the Charter of the City of Taneytown grants the Mayor and City Council with the authority to adopt zoning regulations.

WHEREAS, the Mayor and City Council of Taneytown have adopted Article V – Supplementary District Regulations which in part allows for certain property be developed as a Community Village after designation by the Mayor and City Council; and

WHEREAS, the City has become aware that modifications are needed relating to Community Village regulations; and

WHEREAS, the Taneytown Planning and Zoning Commission have reviewed the proposed Ordinance at their June 26, 2023 meeting and voted to recommend that the Mayor and City Council for the City of Taneytown approve and adopt the proposed ordinance; and

WHEREAS, pursuant to the requirements of Section 4-203 of the Land Use Article of the Maryland Annotated Code, the Mayor and City Council of the City of Taneytown have advertised and held a public hearing on this matter on July 5, 2023 to receive public comment; and

WHEREAS, after considering the matter, and the Planning and Zoning and public comment related there to have decided it is in the best interests of the citizens of Taneytown to implement said Ordinance.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF TANEYTOWN THAT:

That Section 205-35.1 be amended as follows:

(7) Uses.

(a) Prohibited uses, buildings and structures: , aboveground swimming pools, individual storage sheds and other similar outbuildings.

(b) Selecting and/or mixing uses.

(1) A community village may be a mix of all or some of the above-listed residential uses or be designed exclusively for any one of the following types of residential uses:

- [a] Single-family detached.
- [b] Retirement dwellings.
- [c] Assisted living units.
- [d] Alternate living units.
- [e] Nursing or domiciliary care home(s).

[2] In no case shall a community village be designed exclusively or in combinations limited to the following residential types:

- [a] Semidetached.
- [b] Attached single family (townhouse)
- [b] Attached multifamily: quadruplex, condominium and apartment.

(c) Mix limits where attached multifamily or townhouse units are included. Not including retirement dwellings, assisted living or nursing home units, where attached multifamily structures are to be part of the mix, the sum of the number of dwelling units in attached multifamily structures within parcels of 150 acres or less shall not constitute more than 50% of all dwelling units in the community village. For properties larger than 150 acres, where attached multifamily structures are to be part of the mix, the sum of the number of dwelling units in attached multifamily structures shall not constitute more than 40% of all buildable land area in the community village.

(d) Community village lot and building requirements. Lot area per dwelling unit, lot width and depth, yards and build-to lines, maximum building coverage, building height, dwelling units per building and other standards shall be applicable in the community village, as indicated in the table below.^{III} At the request of a developer, these standards may be modified with the approval of the Planning Commission upon the developer's demonstration that the proposed modifications are consistent with the provisions of § 205-35.1A herein.

[Amended 1-12-2009 by Ord. No. 11-2008]

(a) *Editor's Note: The Table of Community Village Area, Yard and Bulk Requirements is included at the end of this chapter.*

(e) Commission approval. All uses within a proposed community village are subject to Planning Commission approval as to location, intensity, mix, density requirements, where applicable, compensating features of the development plan, compatibility with adjacent neighborhoods, phasing and such other factors as the

Commission determines appropriate. In reviewing a development plan, the Commission shall ensure that uses in the community village are so arranged, distributed and appropriately related to open space and not excessively concentrated.

(f) Phasing plan. A phasing plan for a community village shall accompany the required concept plan and shall indicate the location and sequence of proposed sections and any housing mix proposed to be constructed therein. The phasing plan shall be subject to review and approval by the Commission and presented to the Mayor and Council for its approval along with the concept plan.

(g) Initial phasing and mix. Where attached multifamily units and/or semidetached units are to be included in the community village, the initial phase or sections of the phasing plan to be submitted shall include construction of each type of residential unit in order to establish at the outset the mix that will occur in the community village as additional phases are constructed; provided, however, that the Planning Commission may modify this requirement if it can be clearly demonstrated that, owing to strategic site or design constraints, location and the extension of infrastructure and the integrity of the community village plan, such modification is warranted and can be made without compromising the purpose and intent of establishing the housing mix in the early development phases.

(h) Community village construction sign. As part of any approved phasing plan, an outdoor (all-weather) sign containing a current schematic rendering of the community village development plan in color and appropriately sized shall be posted and maintained on the property near the entrance to the property or in a conspicuous and appropriate location so that an interested person could obtain a visual overview of the housing types, locations and elevations of buildings and other important features to be constructed in the community village.

(8) Open space and parkland.

(a) Permanent open space required. Where alleys are provided throughout the community, not less than 25% of the gross land area of the community village shall be allocated to and shall remain in permanent open space, provided that this minimum shall in no way limit the ability to require a greater percentage of the gross land area to remain in permanent open space in the approval of a community village. The required open space shall be exclusive of any reservations required by the Official Comprehensive Plan (e.g., public school sites, primary and secondary highways, regional stormwater management facilities or public utility structures and the like). Where alleys are provided only for attached dwellings, not less than 35% of the gross land area shall remain in permanent open space.

(b) Open space restriction and design. Permanent open space which is not to be dedicated as public open space shall be referenced in the applicable resolution covenants to prohibit subdivision, except for the purpose of minor boundary adjustments, and development, except for agricultural, recreational, golf course and equestrian uses subject to Planning Commission approval. Such private common open space shall be used for recreational, social, cultural or natural environmental preservation purposes as may be determined only after careful evaluation and design in consideration of the topography, the needs of the inhabitants of the community village, the type(s) of housing to be provided and the relationship to adjoining properties and uses. The provision of permanent internal and peripheral open space shall be a critical element in granting approval of a community village subject to compliance with such procedural steps and guidance as the City may herewith or hereinafter promulgate for the purpose of facilitating such approval. Peripheral open space may be provided along the perimeter of the tract lines and generally surround development in the community village. The depth of the peripheral open space may vary and is considered a design feature that shall be subject to approval of the Planning Commission.

(c) Determining public and/or private open space. Depending on the type(s) of residential housing in the community village and its location within the City, the Mayor and Council, with recommendations from the Planning Commission, shall determine what areas of the permanent open space, if any, will be dedicated to the City as public parkland and what areas shall be private parkland with maintenance responsibility to be used in common by the residents of the community village. The Planning Commission shall carefully review and consider all area set aside for permanent open space in approving and recommending any area(s) to be dedicated to the Mayor and Council as public open space and to be included in the City park system. Area devoted to (external) streets and reservations, alleys, stormwater management ponds, utility areas or private yards shall not be counted towards meeting public or private open space requirements.

(d) Property owners' association. Perpetual maintenance of common open space or other common use facilities or property shall be the responsibility of a duly constituted property owners' association as provided under § **205-35.2**.

(e) Public Parkland standard/requirements

[1] Tract size. There shall be no minimum or maximum, and the Planning Commission and Mayor and Council will determine the size of any dedications on a case-by-case basis.

[2] Floodplain limitation for dedicated parkland. No more than 25% of the area required to be dedicated to the City shall be within floodplains or wetland areas, unless this limitation is recommended to be waived by the Planning Commission and approved by the Mayor and Council.

[3] Suitability of proposed park dedication. The Planning Commission shall review and consider any proposed park dedication for its suitability for active public recreation as a priority of the City. Accessibility for use and maintenance, topography, shape, size, relationship to surrounding properties (especially any adjacent park areas), elements of the Comprehensive Plan and other applicable factors shall be considered. Following its review, the Commission may concur with, amend or otherwise modify or reject the proposed public open space before recommending to the Mayor and Council the area(s) for public open space dedication. In the alternative, the Commission may recommend to the Mayor and Council that all required permanent open space be private open space with use in common.

[4] Areas in forest or proposed afforestation. Areas in an established or natural forest may be found by the Planning Commission to be suitable to be dedicated public parkland and so recommended to the Mayor and Council for its approval. Afforestation and reforestation as may be required by the County Forest Conservation Ordinance, as amended, and detailed on a forest conservation plan may be considered for inclusion in proposed dedicated public parkland, subject to the recommendation of the Planning Commission and approval of the Mayor and Council, provided that such adequate guaranties are furnished as the City may require for continued maintenance of afforested or reforested areas until such areas are fully established.

[5] Acceptance of dedicated land. Before any proposed land dedication shall be accepted by the City, the site shall be free of weeds, debris, hazardous waste and any other material determined by the City to be undesirable. The City may require, at the expense of the owner, grading and surface stabilization or other acceptable land treatment measures as it determines appropriate for the property and set forth such terms as it may require within a public works agreement, which shall be guaranteed by a letter of credit or other surety prior to acceptance of the property by the City. No building permit/zoning certificate shall be approved by the City for the community village development until the payment of a fee or satisfactory guaranty by the owner of the site improvements required by this section is accepted by the Mayor and Council.

(9) Landscaping; the community village landscaping plan. Landscaping is a distinguishing feature of the community village in Taneytown. A landscaping plan shall be prepared by a registered landscape architect and submitted for review and approval of

the Commission as part of the site development plan. At a minimum the landscaping plan shall detail:

(a) Type, location and caliper of proposed large- and medium-sized street trees.

(b) Type, location and caliper of shade trees, evergreen trees and flowering trees for open spaces.

(c) A suggested plant list for:

[1] Deciduous shrubs six feet or less.

[2] Deciduous shrubs six feet or more.

[3] Low evergreen shrubs.

[4] Midsize and large evergreen shrubs.

[5] Ornamental trees.

(d) A recommendation for the number of deciduous, evergreen and ornamental plantings on each lot, as applicable.

(e) Stone, brick, masonry or other type walls, patios and the like and their locations.

(f) Screening (where necessary or appropriate) with landscaping, walls, fencing, earth berms or by other means.

(g) Fencing and fence structures. Specifications and restrictions on fencing and fence structures that may be erected on individual lots or common areas shall be detailed as to construction type, location, height or other detail as part of a uniform fencing plan for the community village, and the approved plan, or any subsequent amendments thereto, shall be made a part of and referenced in the private covenants and restrictions.

(10)

Parking, driveways, garages and storage.

(a) Layout and design objectives. Locating required parking spaces for motor vehicles shall be considered a very important element in the review of a community village development plan. Since allowable densities in community villages are inherently more concentrated than in conventional development, greater attention must be placed on the location of and arrangements for the functional necessity of parking motor vehicles. The dwelling unit and the surrounding open space are foremost and are the primary assets in a community village. Convenient parking is needed for each attached residential unit; however, it is of great importance that the required amount of parking spaces be carefully located and distributed so as not to overwhelm or inundate the attached residential dwellings. To do otherwise would be detrimental to the community by adversely

affecting the value of the dwellings and the appearance of the community village. The City will expect professionals engaged in land planning a community village in Taneytown to meet this objective in designing and locating required parking as part of the development plan.

(b) Off-street parking shall be provided in the community village according to the minimum requirements as set forth in § 205-36 et seq., unless specified to the contrary below:

Dwelling Type	On-Site Parking Spaces Required*	Off-Site Parking Spaces Required*
Single-family detached		
On lots 10,000 square feet or greater	3	0
On lots less than 10,000 square feet	2	1
Semidetached (each unit)	2	1
Multifamily		
Quadruplex (each unit)	2	1
Townhouse (each unit)	2	.5
Condominium (each unit)	3	0
Apartment (each unit)	3	0
Retirement dwellings (each unit)	2	
Assisted living (each unit)	5 plus one for each employee on largest shift	
Alternative living unit (ALU)**	3	
Nursing/domiciliary care	1 for every 3 beds, plus 1 for each employee on largest shift	

NOTES:

*Required off-lot parking spaces shall be arranged and assigned in common parking areas located in proximity to the dwelling units to be served. Offsite spaces shall be required only when on site parking is less than the prescribed total number of parking spaces per unit to

** (State preemptive)

(c)

Off-street parking for commercial or nonresidential uses in the community village shall be sufficient to provide for employees as well as for customers. Employee parking spaces shall be marked and signed as such, as shall handicapped parking spaces. Such off-street parking lots shall be prohibited in any front yard setback area and shall be located to the rear of buildings on the interior lots, accessed by means of common driveways, preferably from side streets or alleys and, where applicable, interconnected with commercial lots on adjacent properties. Cross-access easements for interconnecting parking lots shall be required in language acceptable to the City.

(d)

Off-street parking for all attached dwelling units. Unless specifically modified by the Commission in conjunction with driveways as set forth below, off-street parking for attached dwelling units in the community village shall be prohibited in front yard setback areas.

(e)

Driveways. Except as hereinafter provided, driveways shall be prohibited in any front yard setback area of a townhouse or other attached dwelling, condominium or apartment building, and any driveway access shall be provided from use-in-common alleys or lanes only and not streets. The Commission may modify this requirement in specific instances and permit a driveway in the front yard where practical difficulty can be clearly demonstrated and/or where adherence to the requirement for any lot(s) in question has the effect of preempting other desired design considerations determined by the Commission to be of equal or greater importance to the specific lot(s) in question and/or to the plan as a whole.

(f)

Attached garages. Where the Commission permits a driveway in the front yard as provided above and an attached garage is to be accessed from the front, the front of the garage facing the street shall either be set back further than the front wall of the dwelling or, in the alternative, set forward of the front wall of the dwelling. If the attached garage is set forward of the front wall of the dwelling, the front face of the garage shall be set at the minimum build-to line so as to ensure parking of motor vehicles in the garage by

limiting the distance between the front lot line and the face of the garage, unless specifically modified otherwise by the Commission.

(g)

Detached garages. Detached garages shall be located in rear yards and shall be set back a minimum of five feet from alley or lane right-of-way lines and five feet from side and/or rear property lines, except in the case of a shared drive on two adjacent lots, in which case the garages may be joined.

(h)

Off-street parking for condominiums and apartments shall be provided in off-street parking spaces with access to a rear alley or use-in-common driveway, in garages having access to a rear alley or use-in-common drive or in a common off-street parking lot(s) under the building or in proximity to the building.

That The Table of Community Village Area Yard and Bulk Requirements be amended as follows:

Table of Community Village Area, Yard and Bulk Requirements

Use	Lot Area Per Unit		Lot Width Minimum (feet)	Lot Depth Minimum (feet)	Front Building To Line		Building Coverage Maximum	Side Yard Minimum (feet)	Rear Yard Minimum (feet)	Building Height Maximum (feet)	Dwelling Units Per Building Maximum	Building Length Maximum (feet)	Distance between Buildings (same lot) Minimum (feet)
	Minimum	Maximum			Minimum	Maximum							
Single Family Detached Front Loaded	5000	-	50	100	25	35	40%	6	25	35	1	-	-
Single Family Detached Rear Loaded	5000	-			10	25	40%	6	25	35	1	-	-
Semidetached	4000	6000	40	100	10	25	40%	10	25	35	2	-	-
Multifamily Quadraplex	4000	6000	40	100	10	25	40%	15	30	35	4	-	-
Townhouse Front Loaded	1800	4500	18	100	25	30	40%	0 (10 end unit)	30	35	6	144	20
Townhouse Rear Loaded	1800	4500	18	100	5	20	60%	0 (10 end unit)	6	35	6	144	20
Apartment Building	-	-	-	-	5	20	60%	15	30	35	10	125	30
Condominium	-	-	-	-	5	20	60%	15	30	35	-	200	30
Retirement Dwellings	Subject to applicable provisions under site plan review/approval												
Assisted Living	Subject to applicable provisions under site plan review/approval												
Nursing/domiciliary care	Subject to applicable provisions under site plan review/approval												
Nonresidential	Subject to applicable provisions under site plan review/approval												
Alternative Living Unit	Subject to applicable provisions under site plan review/approval												

INTRODUCED THIS 12 DAY OF June, 2023

Clara Kalman
CLARA KALMAN, CITY CLERK

PASSED THIS 10 DAY OF July 2023 BY A VOTE OF
5 COUNCILMEMBERS IN FAVOR AND 0
COUNCILMEMBERS OPPOSED.

Clara Kalman

CLARA KALMAN, CITY CLERK

APPROVED THIS 10 DAY OF July, 2023.

Christopher G. Miller

CHRISTOPHER G MILLER, MAYOR

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

THIS 10 DAY OF July, 2023.

BY: Jack A. Gullo, Jr.

JACK A. GULLO, JR., CITY ATTORNEY