

1 **CITY OF TANEYTOWN**  
2 **ORDINANCE 05-2023**

3  
4 **AMENDMENT TO COMMUNITY VILLAGE OVERLAY**  
5

6  
7  
8 WHEREAS, Section 5-213 of the Local Government Article of the Maryland Annotated Code and  
9 Section C-401(B)(62) of the Charter of the City of Taneytown grants the Mayor and City Council  
10 with the authority to adopt zoning regulations.

11  
12 WHEREAS, the Mayor and City Council of Taneytown have adopted Article V – Supplementary  
13 District Regulations which in part allows for certain property be developed as a Community  
14 Village after designation by the Mayor and City Council; and

15  
16 WHEREAS, the City has become aware that modifications are needed relating to Community  
17 Village regulations; and

18  
19 WHEREAS, the Taneytown Planning and Zoning Commission have reviewed the proposed  
20 Ordinance at their June 26, 2023 meeting and voted to recommend that the Mayor and City Council  
21 for the City of Taneytown approve and adopt the proposed ordinance; and

22  
23 WHEREAS, pursuant to the requirements of Section 4-203 of the Land Use Article of the  
24 Maryland Annotated Code, the Mayor and City Council of the City of Taneytown have advertised  
25 and held a public hearing on this matter on July 5, 2023 to receive public comment; and

26  
27 WHEREAS, after considering the matter, and the Planning and Zoning and public comment related  
28 there to have decided it is in the best interests of the citizens of Taneytown to implement said  
29 Ordinance.

30  
31 NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY  
32 OF TANEYTOWN THAT:

33  
34 That Section 205-35.1 be amended as follows:

35  
36 **(7)** Uses.

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

39 **(b)** Selecting and/or mixing uses.

40 **[1]** A community village may be a mix of all or some of the above-listed  
41 residential uses or be designed exclusively for any one of the following  
42 types of residential uses:

43 **[a]** Single-family detached.

44 **[b]** Retirement dwellings.

45 **[c]** Assisted living units.

46 **[d]** Alternate living units.

47 **[e]** Nursing or domiciliary care home(s).

48 **[2]** In no case shall a community village be designed exclusively or in  
49 combinations limited to the following residential types:

50 **[a]** Semidetached.

51 **[b]** Attached multifamily: quadruplex, townhouse, condominium  
52 and apartment.

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

62 **(d)** Community village lot and building requirements. Lot area per dwelling unit,  
63 lot width and depth, yards and build-to lines, maximum building coverage,  
64 building height, dwelling units per building and other standards shall be  
65 applicable in the community village, as indicated in the table below.<sup>11</sup> At the  
66 request of a developer, these standards may be modified with the approval of the  
67 Planning Commission upon the developer's demonstration that the proposed  
68 modifications are consistent with the provisions of § [205-35.1A](#) herein.

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

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

72

73 **(e)** Commission approval. All uses within a proposed community village are  
74 subject to Planning Commission approval as to location, intensity, mix, density  
75 requirements, where applicable, compensating features of the development plan,  
76 compatibility with adjacent neighborhoods, phasing and such other factors as the  
77 Commission determines appropriate. In reviewing a development plan, the  
78 Commission shall ensure that uses in the community village are so arranged,

79 distributed and appropriately related to open space and not excessively  
80 concentrated.

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

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

96 **(h)** Community village construction sign. As part of any approved phasing plan,  
97 an outdoor (all-weather) sign containing a current schematic rendering of the  
98 community village development plan in color and appropriately sized shall be  
99 posted and maintained on the property near the entrance to the property or in a  
100 conspicuous and appropriate location so that an interested person could obtain a  
101 visual overview of the housing types, locations and elevations of buildings and  
102 other important features to be constructed in the community village.  
103

104 **(8) Open space and parkland.**

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

116 (b) Open space restriction and design. Permanent open space which is not to  
117 be dedicated as public open space shall be referenced in the applicable  
118 resolution covenants to prohibit subdivision, except for the purpose of minor

119 boundary adjustments, and development, except for agricultural, recreational,  
120 golf course and equestrian uses subject to Planning Commission approval.  
121 Such private common open space shall be used for recreational, social,  
122 cultural or natural environmental preservation purposes as may be determined  
123 only after careful evaluation and design in consideration of the topography,  
124 the needs of the inhabitants of the community village, the type(s) of housing  
125 to be provided and the relationship to adjoining properties and uses. The  
126 provision of permanent internal and peripheral open space shall be a critical  
127 element in granting approval of a community village subject to compliance  
128 with such procedural steps and guidance as the City may herewith or  
129 hereinafter promulgate for the purpose of facilitating such approval.  
130 Peripheral open space may be provided along the perimeter of the tract lines  
131 and generally surround development in the community village. The depth of  
132 the peripheral open space may vary and is considered a design feature that  
133 shall be subject to approval of the Planning Commission.  
134 (c) Determining public and/or private open space. Depending on the type(s)  
135 of residential housing in the community village and its location within the  
136 City, the Mayor and Council, with recommendations from the Planning  
137 Commission, shall determine what areas of the permanent open space, if any,  
138 will be dedicated to the City as public parkland and what areas shall be private  
139 parkland with maintenance responsibility to be used in common by the  
140 residents of the community village. The Planning Commission shall carefully  
141 review and consider all area set aside for permanent open space in approving  
142 and recommending any area(s) to be dedicated to the Mayor and Council as  
143 public open space and to be included in the City park system. Area devoted to  
144 (external) streets and reservations, alleys, stormwater management ponds,  
145 utility areas or private yards shall not be counted towards meeting public or  
146 private open space requirements.

147  
148 (d) Property owners' association. Perpetual maintenance of common open  
149 space or other common use facilities or property shall be the responsibility of  
150 a duly constituted property owners' association as provided under § **205-35.2**.

151 (e) Public Parkland standard/requirements  
152 [1] Tract size. There shall be no minimum or maximum, and the Planning  
153 Commission and Mayor and Council will determine the size of any  
154 dedications on a case-by-case basis.

155 [2] Floodplain limitation for dedicated parkland. No more than 25% of the area  
156 required to be dedicated to the City shall be within floodplains or wetland areas,  
157 unless this limitation is recommended to be waived by the Planning Commission  
158 and approved by the Mayor and Council.

159 [3] Suitability of proposed park dedication. The Planning Commission shall  
160 review and consider any proposed park dedication for its suitability for active  
161 public recreation as a priority of the City. Accessibility for use and maintenance,  
162 topography, shape, size, relationship to surrounding properties (especially any  
163 adjacent park areas), elements of the Comprehensive Plan and other applicable  
164 factors shall be considered. Following its review, the Commission may concur  
165 with, amend or otherwise modify or reject the proposed public open space before  
166 recommending to the Mayor and Council the area(s) for public open space  
167 dedication. In the alternative, the Commission may recommend to the Mayor and  
168 Council that all required permanent open space be private open space with use in  
169 common.

170 [4] Areas in forest or proposed afforestation. Areas in an established or natural  
171 forest may be found by the Planning Commission to be suitable to be dedicated  
172 public parkland and so recommended to the Mayor and Council for its approval.  
173 Afforestation and reforestation as may be required by the County Forest  
174 Conservation Ordinance, as amended, and detailed on a forest conservation plan  
175 may be considered for inclusion in proposed dedicated public parkland, subject to  
176 the recommendation of the Planning Commission and approval of the Mayor and  
177 Council, provided that such adequate guaranties are furnished as the City may  
178 require for continued maintenance of afforested or reforested areas until such  
179 areas are fully established.

180 [5] Acceptance of dedicated land. Before any proposed land dedication shall be  
181 accepted by the City, the site shall be free of weeds, debris, hazardous waste and  
182 any other material determined by the City to be undesirable. The City may  
183 require, at the expense of the owner, grading and surface stabilization or other  
184 acceptable land treatment measures as it determines appropriate for the property  
185 and set forth such terms as it may require within a public works agreement, which  
186 shall be guaranteed by a letter of credit or other surety prior to acceptance of the  
187 property by the City. No building permit/zoning certificate shall be approved by  
188 the City for the community village development until the payment of a fee or  
189 satisfactory guaranty by the owner of the site improvements required by this  
190 section is accepted by the Mayor and Council.

191  
192 **(9)** Landscaping; the community village landscaping plan. Landscaping is a  
193 distinguishing feature of the community village in Taneytown. A landscaping plan shall  
194 be prepared by a registered landscape architect and submitted for review and approval of  
195 the Commission as part of the site development plan. At a minimum the landscaping plan  
196 shall detail:

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

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

200                   **(c)** A suggested plant list for:

201                               **[1]** Deciduous shrubs six feet or less.

202                               **[2]** Deciduous shrubs six feet or more.

203                               **[3]** Low evergreen shrubs.

204                               **[4]** Midsize and large evergreen shrubs.

205                               **[5]** Ornamental trees.

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

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

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

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

218                   **(10)**

219                   Parking, driveways, garages and storage.

220                   (a) Layout and design objectives. Locating required parking spaces for motor vehicles  
221 shall be considered a very important element in the review of a community village  
222 development plan. Since allowable densities in community villages are inherently more  
223 concentrated than in conventional development, greater attention must be placed on the  
224 location of and arrangements for the functional necessity of parking motor vehicles. The  
225 dwelling unit and the surrounding open space are foremost and are the primary assets in a  
226 community village. Convenient parking is needed for each attached residential unit;  
227 however, it is of great importance that the required amount of parking spaces be carefully  
228 located and distributed so as not to overwhelm or inundate the attached residential  
229 dwellings. To do otherwise would be detrimental to the community by adversely  
230 affecting the value of the dwellings and the appearance of the community village. The  
231 City will expect professionals engaged in land planning a community village in  
232 Taneytown to meet this objective in designing and locating required parking as part of the  
233 development plan.

234 (b) Off-street parking shall be provided in the community village according to the  
 235 minimum requirements as set forth in § 205-36 et seq., unless specified to the contrary  
 236 below:  
 237

<b>Dwelling Type</b>	<b>On-Site Parking Spaces Required*</b>	<b>Off-Site Parking Required*</b>
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 units to be served. Offsite spaces shall be required only when on site parking is less than the prescribed total spaces per unit to

\*\* (State preemptive)

239 (c)

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

248 (d)

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

253 (e)

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

263 (f)

264 Attached garages. Where the Commission permits a driveway in the front yard as  
265 provided above and an attached garage is to be accessed from the front, the front of the  
266 garage facing the street shall either be set back further than the front wall of the dwelling  
267 or, in the alternative, set forward of the front wall of the dwelling. If the attached garage  
268 is set forward of the front wall of the dwelling, the front face of the garage shall be set at  
269 the minimum build-to line so as to ensure parking of motor vehicles in the garage by  
270 limiting the distance between the front lot line and the face of the garage, unless  
271 specifically modified otherwise by the Commission.

272 (g)

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



277  
278  
279  
280  
281  
  
282  
283  
284  
285  
  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308

(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 \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023

\_\_\_\_\_  
CLARA KALMAN, CITY CLERK

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023 BY A VOTE OF \_\_\_\_\_ COUNCILMEMBERS IN FAVOR AND \_\_\_\_\_ COUNCILMEMBERS OPPOSED.

\_\_\_\_\_  
CLARA KALMAN, CITY CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

\_\_\_\_\_  
CHRISTOPHER G MILLER, MAYOR

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

309 THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

310

311 BY: \_\_\_\_\_

312 JACK A. GULLO, JR., CITY ATTORNEY