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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, minimum frontage, and  
12 yard requirements shall be established for each individual project  
13 by the Town Council in the ordinance granting the application.  
14 The Planning Commission shall make recommendations to the  
15 Town Council 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 (11) Sidewalks shall be constructed along any public right-of-way  
26 (except for alleys) adjacent to the site along the entire frontage(s)  
27 of the property. To the extent practicable, walkways shall be  
28 constructed on the site to tie building entrances and/or pedestrian  
29 pathway systems into existing or proposed public sidewalk  
30 systems. The Planning Commission may waive the requirement  
31 for sidewalks on a given lot if they find that pedestrian circulation  
32 is adequately addressed without them. In such circumstances the  
33 requirement shall not be simply waived, but rather it may be  
34 satisfied by either the payment of a fee-in-lieu of constructing the  
35 sidewalk (which shall be based on the Town of Easton's estimate  
36 of the cost of constructing a sidewalk on the site in question) or the  
37 construction of a comparable length sidewalk on another site (or a  
38 combination of the two options) and dedication of an acceptable  
39 easement area for sidewalks for potential future construction of  
40 sidewalks on the site.  
41

42 One or more of the standards outlined above may be modified by the Town  
43 Council upon the applicant's showing that the standard would place an undue burden  
44 upon the applicant and that any adverse effect created by such modification will be  
45 ameliorated by another means in the proposed project.  
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1 H. APPLICATION PROCEDURES

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3 The following procedures shall be followed with respect to all applications for  
4 PUD District Zoning:

- 5  
6 (1) The application for PUD District zoning shall be accompanied by a  
7 sketch plan prepared in accordance with the requirements as  
8 specified herein.

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11 The sketch plan shall be to scale and contain sufficient information  
12 to establish the identity of proposed uses in general terms (i.e.  
13 residential, retail, office, etc. – the identity of specific tenants is not  
14 required), grades and approximate dimensions, and locations of  
15 proposed structures, streets, parking areas, walkways, easements  
16 and property lines. It shall include the following information:

- 17  
18 a. Proposed development layout.
- 19  
20 b. Proposed reservations for parks, parkways, playgrounds,  
21 school sites and other open spaces.
- 22  
23 c. Proposed location of commercial and industrial uses within  
24 the PUD areas, including all associated off-street parking.
- 25  
26 d. Types of dwelling and portions of the area proposed  
27 therefore.
- 28  
29 e. Proposed location of dwelling and parking areas.
- 30  
31 f. A tabulation of the total number of acres in the proposed  
32 project and the percentage thereof designated for each of  
33 the proposed dwelling types, neighborhood retail  
34 businesses, other nonresidential uses, off-street parking,  
35 streets, parks, schools, and other reservations, including a  
36 tabulation of the gross square footage of all buildings by  
37 use.
- 38  
39 g. A tabulation of overall residential density per gross  
40 residential acre.
- 41  
42 h. Preliminary plans and elevations of the several dwelling  
43 types.
- 44  
45 i. Conceptual plan of proposed vehicular, pedestrian and  
46 bicycle circulation systems.

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- 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 Comprehensive Plan.

(3) Mayor and Town Council Action.

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

1. Whether the proposed PUD development conforms to all applicable standards set out in this Ordinance for such uses, structures and projects;
2. Whether the proposed PUD development conforms to the Town's Comprehensive Plan, including those provisions of the Comprehensive Plan relating to the design and location of commercial projects of a nature similar to those proposed in the application;
3. Whether the proposed PUD development, in conjunction with existing and reasonably anticipated development in the neighborhood surrounding the site for the proposed PUD, will not interfere with the adequate and orderly provision of public services to the area;

- 1 4. Whether the proposed PUD development, in conjunction  
2 with existing and reasonably anticipated development in  
3 the neighborhood surrounding the site for the proposed  
4 PUD development, will not cause unacceptable traffic  
5 congestion or hazards either in or near the site for the  
6 proposed PUD development or elsewhere in the Town or  
7 Talbot County;
- 8
- 9 5. Whether the proposed PUD development is planned in such  
10 a manner as to protect features of historical, cultural, or  
11 ecological importance;
- 12
- 13 6. Whether the proposed PUD development is compatible  
14 with existing development in the surrounding neighborhood  
15 and with development reasonably anticipated to occur in  
16 the neighborhood in terms of size, scale, design, and  
17 appearance or, if the proposed PUD development is not so  
18 compatible, the proposed PUD design contains adequate  
19 screening, landscaping and similar features to protect the  
20 surrounding neighborhood; and
- 21
- 22 7. Whether the proposed PUD development unreasonably  
23 adversely affects the value of property in the neighborhood  
24 surrounding the site.

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26 In making findings of fact as to the issues set forth above,  
27 there shall be no general presumption that an application  
28 for a PUD use at a particular location is valid, is compatible  
29 with surrounding uses, inures to the general benefit of the  
30 Town or is in compliance with the Town's Comprehensive  
31 Plan. Instead, each application will be evaluated according  
32 to its specific development plan in its particular location.

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34 B. If the Town Council makes an affirmative finding of fact as to  
35 each of the criteria listed above, the Council may enact an  
36 ordinance granting the proposed PUD application. The fact that an  
37 application for a PUD Zoning Map Amendment complies with the  
38 specific requirements listed above shall not require the Town  
39 Council to grant the application. The ordinance shall be subject to  
40 approval by the Mayor in accordance with the provisions of the  
41 Town Charter relating to mayoral vetoes. In determining whether  
42 or not to enact an ordinance, the Council may consider, in addition  
43 to the factors outlined above, other factors it deems appropriate  
44 including but not limited to the degree to which the proposed PUD  
45 development:

1. helps accomplish the coordinated, adjusted, and harmonious development of the Town and its environs in accordance with present and future needs;
2. promotes health, safety, morals, order, convenience, prosperity, and general welfare; including among other things, adequate provisions for traffic, the promotion of public safety, adequate provision for light and air, conservation of natural resources, the prevention of environmental pollution, the promotion of the healthful and convenient distribution of population;
3. exemplifies good civic design and arrangement and the stewardship of the Chesapeake Bay and the land as a universal ethic;
4. encourages the conservation of resources, including a reduction in resource consumption;
5. is located in at a location suitable for it given existing and reasonably foreseeable development; and
6. encourages appropriate and sustainable economic growth.

The "change/mistake" rule, as codified in Maryland Annotated Code Article 66B Section 4.05 is not applicable to PUD Zoning Map Amendment applications.

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

Approved PUD applications shall require the execution of a Public Works Agreement outlining the standards and responsibilities associated with the public works for the proposed project. Such agreement shall be prepared in a format acceptable to the Town Attorney.

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

- (4) Site Plan Review and Action. Upon Mayor and Town Council approval of a PUD District Zoning Map amendment, the applicant shall prepare and submit a development and a final site plan or a

1 preliminary and final subdivision plat in accordance with the site  
2 plan requirements specified in Subsection 301.3.B of this  
3 Ordinance and/or the requirements of the Town of Easton  
4 Subdivision Regulations. The design of the preliminary and final  
5 site plan and/or subdivision shall be consistent with the ordinance  
6 granting the PUD application.  
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8 I. AMENDMENTS TO APPROVED PUD APPLICATIONS  
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10 A property owner of a site subject to a PUD District may request an amendment  
11 to the terms and conditions of the District. Any request for an amendment shall  
12 be in writing and shall include the information specified in §801.G. If the Town  
13 Planner determines that the proposed amendment (1) does not involve a material  
14 change to the design approved by the Town Council and (2) otherwise complies  
15 with the terms of this Ordinance, the amendment request shall be approved by the  
16 Town Planner. Any other amendment shall be subject to review by the Planning  
17 Commission and Town Council according to the procedures set forth in this §801.  
18

19 Material changes shall include the following:  
20

- 21 • proposed increases in residential density,
- 22 • proposed increase of non-residential floor area,
- 23 • changes of use that are determined to be more intense,
- 24 • Elimination or substitution of an approved project amenity,
- 25 • Any proposed change which alters a condition of the PUD approval
- 26 • Other changes of a similar scope or magnitude.  
27

28 Non-material changes may include the following:  
29

- 30 • Proposed substitution of species provided for landscaping (provided the  
31 new species serves the same function the original species was intended to  
32 serve).  
33
- 34 • Relocation of residential units provided there are no environmental,  
35 traffic, etc., impacts as a result of such action.  
36
- 37 • Relocation of site infrastructure (e.g. utilities, stormwater management)  
38 provided said relocation creates no adverse impact.  
39
- 40 • Proposed change in architectural style or type from that which was  
41 indicated on approved PUD plans (unless the PUD approval specifies a  
42 condition(s) concerning such architectural style or feature, in which case such  
43 a revision would constitute a material change).  
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- 45 • Other changes of a similar scope or magnitude.  
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If the Town Planner determines that a proposed amendment is a non-material change, he/she shall retain the right to have said amendment reviewed and approved/denied by the Planning Commission.

All previously approved PMR (planned major retail) projects shall become PUDs and amendments to such projects shall follow the process outlined above.