

**NOTICE OF PUBLIC HEARING
TO AMENDMENT THE THURMONT ZONING ORDINANCE**

The Thurmont Planning & Zoning Commission will hold a public hearing on Thursday, April 27, 2017 at 6:30 p.m. in the Thurmont Municipal Office, 615 East Main Street, Thurmont, Maryland to receive comments on the proposed amendment to the Thurmont Zoning Ordinance. The proposed amendment will add a new Section to Article 5: Dimension Requirements regarding Residential Clustering.

The public will be given an opportunity to be heard at this public hearing. Written comments must be received on or before April 27, 2017 and can either be mailed to the Town of Thurmont, 615 East Main Street, PO Box 17, Thurmont, Maryland 21788, ATTN: Public Hearing – Residential Clustering or emailed to: jhumerick@thurmontstaff.com.

Copies of the proposed new section are available for review at the Thurmont Municipal Office.

Thurmont Planning & Zoning Commission
Jim Humerick, CAO/Zoning Administrator

**TOWN OF THURMONT
PLANNING AND ZONING COMMISSION RESOLUTION**

RECOMMENDING AND TRANSMITTING
TO THE MAYOR AND BOARD OF TOWN COMMISSIONERS

AMENDMENTS TO THE TOWN OF THURMONT ZONING ORDINANCE
ON THE SUBJECT OF RESIDENTIAL CLUSTERING

WHEREAS, The Planning and Zoning Commission has considered the use of clustering as a technique for designing new residential developments and believes it would allow for more efficient and cost-effective provision of municipal services and infrastructure, especially as an alternative to large lot subdivisions, and for the preservation of open space and protection of natural areas; and

WHEREAS, The Planning and Zoning Commission conducted work sessions on the topic at its February 23, 2017 and March 23, 2017 meetings; and

WHEREAS, Section 2.2.3 of the Zoning Ordinance provides that the Planning and Zoning Commission may at any time initiate a proposal to amend the Zoning Ordinance and may transmit such proposal with a recommendation to the Mayor and Board of Commissioners upon first holding a public hearing; and

WHEREAS, the Planning and Zoning Commission conducted a public hearing on April 27, 2017; and

NOW, THEREFORE LET IT BE RESOLVED, that the Planning and Zoning Commission hereby transmits the following text amendments to the Mayor and Board of Town Commissioners recommending their adoption.

New language -- ALL CAPS

Removed language -- ~~strike-through~~

The following new section would be added to Article 5:

§5.5 EXCEPTION FOR RESIDENTIAL CLUSTERING

LOTS CREATED THROUGH RESIDENTIAL CLUSTERING, WHICH ADHERE TO THE PROVISIONS OF THIS SECTION, MAY VARY IN AREA, WIDTH, AND DIMENSION FROM THE STANDARDS OTHERWISE ESTABLISHED BY THIS ORDINANCE AND THE THURMONT SUBDIVISION REGULATIONS.

§5.5.1 PURPOSE

THE PURPOSE OF THIS SECTION IS TO PROMOTE FLEXIBILITY IN RESIDENTIAL NEIGHBORHOOD DESIGN BY ALLOWING DWELLING UNITS TO BE GROUPED OR CLUSTERED TOGETHER ON SMALLER LOTS THAN WOULD OTHERWISE BE ALLOWED IN ORDER THAT:

- A. SUBDIVISION LOT DESIGN, AND LAND DEVELOPMENT GENERALLY, MAY CONFORM MORE CLOSELY TO THE LAND'S NATURAL FEATURES, TOPOGRAPHY, AND SURROUNDINGS.
- B. LARGER AREAS OF USEABLE OPEN SPACE MAY BE ASSEMBLED, WHICH CAN MINIMIZE ENVIRONMENTAL HARM AND PROVIDE ENVIRONMENTAL AND/OR RECREATIONAL BENEFITS TO THE TOWN AND THE RESIDENTS OF THE DEVELOPMENT.
- C. PUBIC FACILITIES AND UTILITIES MAY BE PROVIDED MORE EFFICIENTLY AND THEREBY REDUCE THE PUBLIC AND PRIVATE COSTS OF CONSTRUCTING AND MAINTAINING INFRASTRUCTURE AND UTILITIES INCLUDING WATER, SEWERAGE, STREETS, SIDEWALKS, STREET LIGHTS, UTILITIES, ETC.

§5.5.2 APPLICABILITY

- A. A RESIDENTIAL CLUSTERING SUBDIVISION IS A PERMITTED DEVELOPMENT TECHNIQUE IN THE A-1, R-1, R-2, AND R-3 DISTRICTS.
- B. LIKE A STANDARD SUBDIVISION, A RESIDENTIAL CLUSTERING SUBDIVISION IS SUBJECT TO PLANNING AND ZONING COMMISSION REVIEW AND APPROVAL ACCORDING TO THE THURMONT SUBDIVISION REGULATIONS AS MAY BE AMENDED FROM TIME TO TIME.
- C. TO BE ELIGIBLE FOR A RESIDENTIAL CLUSTERING SUBDIVISION, THE GROSS ACREAGE OF THE DEVELOPMENT TRACT MUST BE AT LEAST 5 ACRES WHICH MAY CONSIST OF A SINGLE PARCEL OR MULTIPLE PARCELS UNDER OWNERSHIP OR CONTROL OF THE DEVELOPER.

§5.5.3 PROVISIONS

THE FOLLOWING PROVISIONS SHALL GOVERN THE LAYOUT AND DEVELOPMENT OF A RESIDENTIAL CLUSTERING SUBDIVISION AND SHALL SUPERSEDE ANY CONFLICTING PROVISIONS ELSEWHERE STATED IN THIS ORDINANCE OR THE SUBDIVISION REGULATIONS.

- A. THE ALLOWABLE USES IN A RESIDENTIAL CLUSTERING SUBDIVISION SHALL BE LIMITED TO THOSE USES ALLOWED IN THE R-2 DISTRICT EXCEPT THAT WHERE APPROVED BY THE PLANNING AND ZONING COMMISSION, PUBLIC PARKS AND RECREATIONAL FACILITIES MAY BE LOCATED ON LANDS PRESERVED THEREIN AS OPEN SPACE.
- B. THE MAXIMUM NUMBER OF LOTS PERMITTED SHALL BE THE QUOTIENT RESULTING FROM DIVIDING THE TRACT'S BUILDABLE AREA BY THE MINIMUM LOT SIZE FOR THE ZONING DISTRICT WHERE LOCATED AS SET FORTH IN §5.1C, TABLE 3 OF THIS ORDINANCE, PLUS ANY LOTS PRESERVED AS OPEN SPACE.

- C. THE COMPUTATION OF BUILDABLE AREA SHALL EXCLUDE NON-TIDAL WETLANDS REGULATED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT; THE AREA CONTAINED WITHIN THE BOUNDARIES OF THE ORDINARY HIGH WATER MARK OF PERENNIAL STREAMS DESIGNATED BY THE UNITED STATES GEOLOGICAL SURVEY; AND AREAS PROTECTED BY FOREST OR OTHER LAND CONSERVATION EASEMENT.
- D. WITHIN A RESIDENTIAL CLUSTERING SUBDIVISION, THE MINIMUM LOT AREA, LOT WIDTH AND YARD STANDARDS REQUIRED BY §5.1C, TABLE 3 FOR SINGLE-FAMILY DETACHED RESIDENCES ONLY MAY BE REDUCED AS FOLLOWS:
1. IN THE A-1 DISTRICT:
 - a. THE MINIMUM LOT AREA SHALL BE 8,400 SQUARE FEET.
 - b. THE MINIMUM LOT WIDTH AND YARD REQUIREMENTS SHALL BE AS SET FORTH FOR THE R-2 DISTRICT IN §5.1C, TABLE 3.
 2. IN THE R-1 DISTRICT,
 - a. THE MINIMUM LOT AREA SHALL BE 8,400 SQUARE FEET.
 - b. THE MINIMUM LOT WIDTH AND YARD REQUIREMENTS SHALL BE AS SET FORTH FOR THE R-2 DISTRICT IN §5.1C, TABLE 3.
 3. IN THE R-2 AND R-3 DISTRICTS,
 - a. THE MINIMUM LOT AREA SHALL BE 5,600 SQUARE FEET.
 - b. THE FOLLOWING DIMENSIONAL REQUIREMENTS SHALL APPLY:
 - i. MINIMUM LOT WIDTH: 50 FEET
 - ii. MINIMUM FRONT YARD: 15 FEET
 - iii. MINIMUM SIDE YARD: 8 FEET
 - iv. MINIMUM REAR YARD: 30 FEET
- E. FOR ANY CLUSTERING SUBDIVISION, THE AREA THAT EACH LOT IS REDUCED BY FROM THE MINIMUM SIZE REQUIRED IN THE ZONING DISTRICT PER SECTION 5.1C, TABLE 3, SHALL BE SUMMED AND THAT TOTAL AREA SHALL BECOME THE BASE MINIMUM AREA TO BE DEVOTED TO COMMON OPEN SPACE.
- F. NOTHING IN THIS SECTION SHALL PRECLUDE THE PLANNING AND ZONING COMMISSION FROM EXERCISING ITS AUTHORITY UNDER THE SUBDIVISION REGULATIONS TO DETERMINE FOR A SUBDIVISION THE AMOUNT OF LAND SUITABLE FOR OPEN SPACE, PARKS, PLAYGROUNDS AND OTHER RECREATIONAL OR ENVIRONMENTAL PURPOSES, WHICH MAY BE GREATER BUT NOT LESS THAN THE BASE MINIMUM PROVIDED FOR IN §5.5.3E ABOVE.
- G. A DEVELOPER SHALL SUBMIT AND THE PLANNING AND ZONING COMMISSION SHALL REVIEW AND APPROVE AN OPEN SPACE PLAN WITH ANY PRELIMINARY SUBDIVISION PLAT THAT USES RESIDENTIAL CLUSTERING.

1. FOR ANY OPEN SPACE OR PART THEREOF THAT IS NOT TO BE DEDICATED TO AND ACCEPTED BY THE TOWN OF THURMONT, THE OPEN SPACE PLAN SHALL RUN WITH AND BE BINDING UPON THE OWNER AND ITS SUCCESSORS BEING PART OF AND RECORDED WITH THE FINAL SUBDIVISION PLAT.
2. THE OPEN SPACE PLAN SHALL INCLUDE A DECLARATION OF COVENANTS OR OTHER TOWN APPROVED INSTRUMENT(S) STIPULATING OWNERSHIP, USE, AND MAINTENANCE RESPONSIBILITIES.
3. NO SUCH PLAT SHALL BE RECORDED WHICH IS NOT ACCOMPANIED BY AN OPEN SPACE PLAN APPROVED BY THE TOWN.
4. IN ALL OTHER RESPECTS, THE THURMONT SUBDIVISION REGULATIONS SHALL GOVERN THE METHODS FOR RESERVING, DEDICATING, AND PROVIDING OPEN SPACES AND ANY OTHER IMPROVEMENTS IN A RESIDENTIAL CLUSTERING SUBDIVISION.

The following would amend §7.3, Terms and Definitions:

~~CLUSTER DEVELOPMENT: A subdivision using varying lot sizes to group houses while maintaining the density of a specific zoning district.~~

RESIDENTIAL CLUSTERING SUBDIVISION: A RESIDENTIAL DEVELOPMENT CREATED THROUGH THE THURMONT SUBDIVISION REGULATIONS IN WHICH LOTS MAY BE SMALLER THAN THE MINIMUM SIZES REQUIRED, PROVIDED THE AREA OTHERWISE DEVOTED TO LOTS IS PRESERVED AS OPEN SPACE AND THE OVERALL DENSITY OF THE TRACT IS NO GREATER THAN WOULD OTHERWISE BE ALLOWED IN THE DISTRICT WHERE THE DEVELOPMENT IS LOCATED.