

Town of Thurmont Zoning Ordinance

Article 5 - Traditional Neighborhood Development Floating Zone District (TND)

Draft Ordinance Prepared for Planning & Zoning Commission Public Hearing

May 4, 2010 (v.6)

A. Purpose and Intent - Traditional Neighborhood Development District (TND)

1. Purpose

The Traditional Neighborhood Development District (TND) is a floating zone which is established to encourage the development of residential neighborhoods reflecting the small town character of the Town while providing for the contemporary housing needs of its citizens. This floating zone seeks to encourage the following characteristics in these new and redeveloped neighborhoods:

- a) The TND Floating Zone District shall provide for residential development built to the scale and general arrangement of Thurmont's traditional town center neighborhoods.
- b) Traditional site and building design will be mandated through these regulations and those set forth in the Town's Subdivision Regulations.
- c) The TND Floating Zone District shall provide for residential development at an intensity commensurate with Thurmont's older neighborhoods located in and around the town center area.
- d) Street sections, building arrangement, building orientation, building massing, pedestrian and vehicular ways, public spaces, streetscaping, and other neighborhood design factors shall be deployed in such a way as to reflect the best and most elemental characteristics of the Community's older places.
- e) Interconnected streets, alleys, and sidewalks that provide multiple ways into, and out of, TND developments will be a hallmark of new growth in the TND.
- f) The development of buildings and structures that take their architectural cues from the design, massing, and arrangement of buildings traditionally constructed in Maryland's small towns prior to 1950 will be a prominent feature of development in the TND.

2. Organization

The Traditional Neighborhood District Ordinance is presented in three sections.

Section A - describes the purpose and organizational structure of the ordinance.

Section B - describes general requirements for proposals.

Section C - presents a table of uses, design standards, and functional requirements for proposed neighborhoods developed in the TND floating zone

B. Requirements - Traditional Neighborhood Development District (TND)

1. General Requirements

In the TND District, the existing uses of land and buildings shall not be changed, altered, or enlarged, and no new uses of land or construction of new buildings will be permitted except in conformance with the provisions of this Ordinance.

2. Applicability

a) The Traditional Neighborhood Development (TND) District shall be a floating zone which may be established on lands that are designated 'Medium Density Residential' (MDR) in Thurmont's Master Plan, and that meet the size, location, and other requirements as established in this Ordinance as follows:

- 1) A TND development shall be ten (10) acres in size, or greater, and may consist of a single parcel, a portion of a single parcel, or multiple parcels, under the ownership or control of one or more owners or developers;
- 2) An application to apply the TND Floating Zone shall be for a single project;
- 3) A TND application shall demonstrate the proposed development's consistency with the goals and policies of the Thurmont Master Plan;
- 4) A TND development shall provide for a mix of uses - which may include residential, civic, employment, and open space - arranged in close proximity to one another within the neighborhood. Employment uses will be limited to no more than three percent (3%) of the gross amount of land in any single project in the TND Floating Zone and under no circumstances may exceed 20,000 square feet of finished interior space in a single project;
- 5) A TND development shall create a neighborhood that is compact, designed for the human scale, that incorporates a system of narrow, interconnected streets and sidewalks, that provides multiple routes to, from, and within the neighborhood for vehicles, bicycles, and pedestrians;
- 6) A TND development shall provide for the connection of its planned streets, alleyways, and sidewalks to existing and future developments;
- 7) A TND development shall provide for a mix of housing types and sizes;
- 8) A TND development shall incorporate significant natural features into its design;
- 9) A TND development shall retain structures with local or regional historically significant features or characteristics that enhance the visual character of the neighborhood and make every reasonable effort to maintain structures or site features of local cultural significance; and,
- 10) An application to apply the TND Floating Zone shall demonstrate how the proposed development will provide appropriate and adequate buffers to adjacent

lands with existing or planned uses that are incompatible with those uses in the TND Floating Zone.

11) An application to apply the TND Floating Zone shall demonstrate how the TND development will be designed and constructed so that adjoining properties, as well as other non-contiguous off-site lands, do not bear any adverse environmental impacts as a result of the proposed TND development.

b) The TND Floating Zone shall be applied upon petition by a property owner or property owner representative and approval by the Thurmont Board of Commissioners.

3. Permitted Uses

In the TND District, all permitted uses are designated in the Table of Development Characteristics, *Section C. Uses, Design Standards, and Functional Characteristics*

4. Site Plan Review

a) Applications in the TND zoning district that are subject to Site Plan Review by the Planning & Zoning Commission include:

- 1) All new primary structures
- 2) Changes in use or changes in intensity of use
- 3) Major Subdivision applications

b) Submittal requirements and standards for Site Plan Review are listed in Article X, Section 7.0 of the Thurmont Zoning Ordinance.

5. Special Exceptions

a) Uses that are allowed in the TND floating zone district by Special Exception from the Board of Appeals include:

- 1) Public Utility Facilities
- 2) Recreational Clubs/Facilities, Non-Profit Public Service Facilities
- 3) Public Buildings
- 4) Assisted Living Facility
- 5) Extended Care Facility
- 6) Bed and Breakfast

b) Submittal requirements and review standards for Special Exceptions are listed in Article XI, Section 7.0 of the Thurmont Zoning Ordinance.

6. Accessory Uses

a) Accessory uses allowed within the TND Floating Zone District include:

- 1) Private, detached garage

- 2) Storage shed
- 3) Home Occupation (as defined in Article XIV)
- 4) Solar Energy Array & Limited Wind Energy System
- 5) *RESERVED*

7. General Development Standards

General development standards applying within the Traditional Neighborhood Development (TND) Floating Zone are listed in the Table of Development Characteristics, *Section C. Uses, Design Standards, and Functional Characteristics*.

8. Special Residential Design Standards

- a) A dwelling unit shall face the public street upon which the dwelling is located.
- b) The front entry door of each dwelling shall be oriented toward the street upon which the dwelling faces. At least 75% of that street frontage shall be visible from
 - 1) the front door; or
 - 2) a street-facing ground floor window (except a garage window); or
 - 3) a street-facing second story window (minimum 4x4 ft. window placed no higher than 3 ft-6 in. from the floor to the bottom of the window sill.
- c) At least one of the following shall be provided:
 - 1) Separate Walkway – A separate (minimum 3 ft. wide) hard-surfaced walkway directly from the public sidewalk to the front door; or
 - 2) Combined Walkway – A minimum 3 ft. wide, hard-surfaced walkway directly from the public sidewalk to the front door combined at the edge of the driveway, as measured from the edge of any garage door.
- d) Existing infill parcels not meeting the minimum dimensional requirements shall develop as follows:
 - 1) Lots less than 6,000 s.f shall meet the maximum lot coverage standard only.
 - 2) Lots 6,000 s.f to 12,000 s.f shall meet maximum lot coverage and side yard standards only.
- e) *RESERVED*

9. Parking Requirements

- a) Detailed parking standards are presented in Article IX, Sections 1.0 and 2.0 of the Thurmont Zoning Ordinance.
- b) Requirements for handicapped access are located in Article IX, Section 1.3 of the Thurmont Zoning Ordinance.
- c) On-street parking shall be accommodated and planned in such a way as to allow for parking on only one (1) side of any local street in the TND.

10. Application Procedures and Submission Requirements

- a) The applicant shall attend a pre-application conference
- b) The applicant for a TND Floating Zone District shall submit fifteen (15) copies of the following information to the Zoning Administrator:
 - 1) Completed TND Floating Zone Application Form;
 - 2) Conceptual Site Development Plan which includes;
 - a. boundaries of proposed development
 - b. general environmental features
 - c. conceptual development capacity and plan
 - i. number/type of residential units and residential density
 - ii. location and size of non-commercial uses
 - iii. land to be set aside for civic/public spaces
 - iv. parkland/open space
 - d. identification of adjacent properties
 - e. conceptual layout of streets, roads, pedestrian ways, parking areas
 - f. conceptual street sections which illustrate the height and bulk of buildings/structures, the relationship of streets and roads to buildings/structures, and the approximate size/proportion of streets
 - g. an analysis of proposed site infrastructure (water, sewer, stormwater management, electric, telecommunications, street lighting, snow storage)
 - h. axonometric drawings or digital three dimensional modeling of typical buildings
 - i. design concept illustrations which highlight neighborhood design elements of proposed development
 - j. site photographs which document key features of site and surrounding lands
 - k. estimated project timetable and preliminary development phasing plan
 - 3) Justification Statement addressing the ten (10) items listed in B.2.a);
- c) The application shall be processed in the same manner as a zoning map amendment (Article 12).

11. Failure to Progress

- a) If the TND applicant has not commenced construction of the development within three (3) years of approval of the floating zone by the Board of Commissioners, the Planning and Zoning Commission shall review the conceptual plan to determine if the TND remains an appropriate use for the property. The Planning and Zoning Commission may then recommend that the TND development be reviewed by the Board of Commissioners for possible removal of the TND floating zone.

b) The Thurmont Board of Commissioners shall have the authority to remove the floating zone and have the site revert to its prior zoning classification.

11. Severability

The invalidity, unconstitutionality, or illegality of any provisions of this Article shall not have any effect upon the validity constitutionality, or legality of any other provision of this Ordinance.

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