

**ARTICLE VIII**  
**PLANNED UNIT DEVELOPMENT**

**SECTION 28 – 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 - Camp Style and Shopping Center – Strip.

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2 b. Where the PUD District is established in any "C" District, all permitted  
3 and special exception commercial and residential uses may be permitted.  
4 Major Retail and Shopping Centers shall meet the supplemental standards  
5 set out in Section 28 – 1007. The Town Council may, in granting a PUD  
6 application, permit specific industrial uses which shall be limited to those  
7 permitted within the I-1 District.  
8

9 c. Where the PUD District is established in any "I" District, all commercial  
10 or industrial uses may be permitted.  
11

12 3. Any use listed in the Table of Uses as "Institutional" or  
13 "Recreational/Entertainment".  
14

15 **D. USES PERMITTED BY SPECIAL EXCEPTION**  
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17 Uses which are permitted in the underlying zoning district by special exception shall be  
18 permitted in a PUD District provided that such uses are specifically authorized by the  
19 ordinance establishing the PUD District or, in the case of a pre-existing PUD District,  
20 such uses are approved by the Board of Appeals pursuant to the provisions of Section 28  
21 – 1303 of this Ordinance.  
22

23 **E. USES PERMITTED WITH A TEMPORARY USE PERMIT**  
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25 Temporary uses are permitted in a PUD District only if they are permitted within the  
26 parent district within which the PUD is established  
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28 **F. ACCESSORY USES AND STRUCTURES**  
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30 Uses and structures customarily accessory and incidental to any principal permitted use  
31 shall be permitted  
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33 **G. DEVELOPMENT STANDARDS**  
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35 Applications for Planned Unit Developments shall meet the following requirements:  
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- 37 1. The area proposed for a planned unit development shall be in one (1) ownership,  
38 or, if in several ownerships, the proposal shall be filed jointly by all the owners of  
39 the property included in the development plan.  
40  
41 2. The site shall be of a configuration suitable for the development proposed.  
42  
43 3. Public water and sewerage shall be available, although it may be made available  
44 in conjunction with the development of the PUD. An ordinance granting a PUD  
45 application for a site within the Chesapeake Bay Critical Area may provide that

1 residential uses need not be connected to public water and sewer systems if  
2 connection would not be economically feasible given the density of the proposed  
3 development.  
4

5 4. The site shall be located adjacent to adequate transportation facilities capable of  
6 serving existing traffic and that expected to be generated by the proposed  
7 development. Private roads may be approved if such roads will adequately serve  
8 the development. Such roads shall be internal to the development.  
9

10 5. The owners or developers must indicate that they plan to begin construction of the  
11 development within one (1) year after final approval. If there is no action on the  
12 part of the applicant at any point in the process for a period of one (1) year, the  
13 zoning of the site shall revert to its previous classification unless a time extension  
14 is requested by the developer and granted by the Planning Commission.  
15

16 6. The site proposed to be zoned as a PUD shall have an area of at least five (5)  
17 acres. Smaller sites may be permitted when it is found that the proposed PUD is  
18 compatible with existing development in the area and does not disrupt the orderly  
19 expansion of the transportation system of the Town.  
20

21 7. The overall residential density of a PUD District shall generally not exceed  
22 sixteen (16) residential units per gross residential acre. If the PUD is proposed  
23 within the CR base zoning district or as part of the redevelopment of an existing  
24 strip shopping center, the maximum permitted density shall not exceed 30 units  
25 per gross residential acre. For the purposes of this subsection, the gross  
26 residential area shall include all land within the area intended to be used for  
27 residences, residential parking space, and reservation for community recreation  
28 and education facilities. Any land mapped as floodway by the Federal  
29 Emergency Management Agency and non-residential uses shall be excluded in  
30 computing the gross area. A lower density may be imposed if review of the  
31 proposed development indicates that the maximum allowable density is excessive  
32 for the surrounding area.  
33

34 8. Common Open Space shall comprise not less than thirty (30%) percent of the  
35 total gross area. Such space shall include land area to be developed as  
36 recreational areas or which is designated for the common use of all occupants of  
37 the planned unit development but shall not include streets, off-street parking areas  
38 or incidental landscaped areas within off-street parking areas. The developer shall  
39 furnish satisfactory evidence that such open space will be continued and that  
40 provision is made for its perpetual maintenance.  
41

42 9. The setback, lot size, lot coverage, height, minimum frontage, and yard  
43 requirements shall be established for each individual project by the Town Council  
44 in the ordinance granting the application. The Planning Commission shall make  
45 recommendations to the Town Council with regard to these requirements.

1  
2 10. Off-street parking shall be provided for each individual use in the planned unit  
3 development in accordance with the requirements of Section 28 – 1001. Mixed-  
4 use PUD’s that integrate coordinated pedestrian and bicycle circulation systems  
5 throughout the development, shall be permitted to reduce the required off-street  
6 parking by 20% of the required standard without the need for a parking variance,  
7 waiver, or deferral.  
8

9 11. Sidewalks shall be constructed along any public right-of-way (except for alleys)  
10 adjacent to the site along the entire frontage(s) of the property. To the extent  
11 practicable, walkways shall be constructed on the site to tie building entrances  
12 and/or pedestrian pathway systems into existing or proposed public sidewalk  
13 systems. The Planning Commission may waive the requirement for sidewalks on  
14 a given lot if they find that pedestrian circulation is adequately addressed without  
15 them. In such circumstances the requirement shall not be simply waived, but  
16 rather it may be satisfied by either the payment of a fee-in-lieu of constructing the  
17 sidewalk (which shall be based on the Town of Easton’s estimate of the cost of  
18 constructing a sidewalk on the site in question) or the construction of a  
19 comparable length sidewalk on another site (or a combination of the two options)  
20 and dedication of an acceptable easement area for sidewalks for potential future  
21 construction of sidewalks on the site.  
22

23 12. No more than 50% of the off-street parking area for the entire property of a major  
24 retail or shopping center use, shall be located between the front façade of the  
25 principal building(s) and the primary abutting street.  
26

27 One or more of the standards outlined above may be modified by the Town Council upon  
28 the applicant's showing that the standard would place an undue burden upon the applicant  
29 and that any adverse effect created by such modification will be ameliorated by another  
30 means in the proposed project.  
31

32 **H. APPLICATION PROCEDURES**  
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34 The following procedures shall be followed with respect to all applications for PUD  
35 District Zoning:  
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37 1. The application for PUD District zoning shall be accompanied by a sketch plan  
38 prepared in accordance with the requirements as specified herein.  
39

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

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- a. Proposed development layout.
- b. Proposed reservations for parks, parkways, playgrounds, school sites and other open spaces.
- c. Proposed location of commercial and industrial uses within the PUD areas, including all associated off-street parking.
- d. Types of dwelling and portions of the area proposed therefore.
- e. Proposed location of dwelling and parking areas.
- f. A tabulation of the total number of acres in the proposed project and the percentage thereof designated for each of the proposed dwelling types, neighborhood retail businesses, other nonresidential uses, off-street parking, streets, parks, schools, and other reservations, including a tabulation of the gross square footage of all buildings by use.
- g. A tabulation of overall residential density per gross residential acre.
- h. Preliminary plans and elevations of the several dwelling types.
- i. Conceptual plan of proposed vehicular, pedestrian and bicycle circulation systems

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

1 matters:

- 2
- 3 1. Whether the proposed PUD development conforms to all
- 4 applicable standards set out in this Ordinance for such uses,
- 5 structures and projects;
- 6
- 7 2. Whether the proposed PUD development conforms to the Town's
- 8 Comprehensive Plan, including those provisions of the
- 9 Comprehensive Plan relating to the design and location of
- 10 commercial projects of a nature similar to those proposed in the
- 11 application;
- 12
- 13 3. Whether the proposed PUD development, in conjunction with
- 14 existing and reasonably anticipated development in the
- 15 neighborhood surrounding the site for the proposed PUD, will not
- 16 interfere with the adequate and orderly provision of public services
- 17 to the area;
- 18
- 19 4. Whether the proposed PUD development, in conjunction with
- 20 existing and reasonably anticipated development in the
- 21 neighborhood surrounding the site for the proposed PUD
- 22 development, will not cause unacceptable traffic congestion or
- 23 hazards either in or near the site for the proposed PUD
- 24 development or elsewhere in the Town or Talbot County;
- 25
- 26 5. Whether the proposed PUD development is planned in such a
- 27 manner as to protect features of historical, cultural, or ecological
- 28 importance;
- 29
- 30 6. Whether the proposed PUD development is compatible with
- 31 existing development in the surrounding neighborhood and with
- 32 development reasonably anticipated to occur in the neighborhood
- 33 in terms of size, scale, design, and appearance or, if the proposed
- 34 PUD development is not so compatible, the proposed PUD design
- 35 contains adequate screening, landscaping and similar features to
- 36 protect the surrounding neighborhood; and
- 37
- 38 7. Whether the proposed PUD development unreasonably adversely
- 39 affects the value of property in the neighborhood surrounding the
- 40 site
- 41

42 In making findings of fact as to the issues set forth above, there

43 shall be no general presumption that an application for a PUD use

44 at a particular location is valid, is compatible with surrounding

45 uses, inures to the general benefit of the Town or is in compliance

1 with the Town’s Comprehensive Plan. Instead, each application  
2 will be evaluated according to its specific development plan in its  
3 particular location.  
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5 b. If the Town Council makes an affirmative finding of fact as to each of the  
6 criteria listed above, the Council may enact an ordinance granting the  
7 proposed PUD application. The fact that an application for a PUD Zoning  
8 Map Amendment complies with the specific requirements listed above  
9 shall not require the Town Council to grant the application. The ordinance  
10 shall be subject to approval by the Mayor in accordance with the  
11 provisions of the Town Charter relating to mayoral vetoes. In determining  
12 whether or not to enact an ordinance, the Council may consider, in  
13 addition to the factors outlined above, other factors it deems appropriate  
14 including but not limited to the degree to which the proposed PUD  
15 development:

- 16 1. helps accomplish the coordinated, adjusted, and harmonious  
17 development of the Town and its environs in accordance with  
18 present and future needs;  
19
- 20 2. promotes health, safety, morals, order, convenience, prosperity,  
21 and general welfare; including among other things, adequate  
22 provisions for traffic, the promotion of public safety, adequate  
23 provision for light and air, conservation of natural resources, the  
24 prevention of environmental pollution, the promotion of the  
25 healthful and convenient distribution of population;  
26
- 27 3. exemplifies good civic design and arrangement and the  
28 stewardship of the Chesapeake Bay and the land as a universal  
29 ethic;  
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- 31 4. encourages the conservation of resources, including a reduction in  
32 resource consumption;  
33
- 34 5. is located in at a location suitable for it given existing and  
35 reasonably foreseeable development; and  
36
- 37 6. encourages appropriate and sustainable economic growth.  
38

39  
40 The "change/mistake" rule, as codified in Maryland Annotated Code Article 66B Section  
41 4.05 is not applicable to PUD Zoning Map Amendment applications.  
42

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

1 conditions or with any of the provisions of the Ordinance.

2  
3 Approved PUD applications shall require the execution of a Public Works Agreement  
4 outlining the standards and responsibilities associated with the public works for the  
5 proposed project. Such agreement shall be prepared in a format acceptable to the Town  
6 Attorney.

7  
8 If the Town Council votes to deny the PUD application, no application for a PUD Zoning  
9 Map Amendment will be accepted for filing by the Town for a period of one year after  
10 the date of the Council's decision or the date of finality of any judicial review of the  
11 Council's decision, whichever is later.

12  
13 I. AMENDMENTS TO APPROVED PUD APPLICATIONS

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15 A property owner of a site subject to a PUD District may request an amendment to the  
16 terms and conditions of the District. Any request for an amendment shall be in writing  
17 and shall include the information specified in §28 – 801.G. If the Town Planner  
18 determines that the proposed amendment (1) does not involve a material change to the  
19 design approved by the Town Council and (2) otherwise complies with the terms of this  
20 Ordinance, the amendment request shall be approved by the Town Planner. Any other  
21 amendment shall be subject to review by the Planning Commission and Town Council  
22 according to the procedures set forth in this §28 – 801.

23  
24 Material changes shall include the following:

- 25 • proposed increases in residential density,
- 26 • proposed increase of non-residential floor area,
- 27 • changes of use that are determined to be more intense,
- 28 • elimination or substitution of an approved project amenity,
- 29 • any proposed change which alters a condition of the PUD approval,
- 30 • other changes of a similar scope or magnitude.

31  
32 Non-material changes may include the following:

- 33 • Proposed substitution of species provided for landscaping (provided the new  
34 species serves the same function the original species was intended to serve).
- 35 • Relocation of residential units provided there are no environmental, traffic, etc.,  
36 impacts as a result of such action.
- 37 • Relocation of site infrastructure (e.g. utilities, stormwater management) provided  
38 said relocation creates no adverse impact.
- 39 • Proposed change in architectural style or type from that which was indicated on  
40 approved PUD plans (unless the PUD approval specifies a condition(s)  
41 concerning such architectural style or feature, in which case such a revision would  
42 constitute a material change).
- 43 • Other changes of a similar scope or magnitude.



1 If the Town Planner determines that a proposed amendment is a non-material change,  
2 he/she shall retain the right to have said amendment reviewed and approved/denied by  
3 the Planning Commission.

4  
5 All previously approved PMR (planned major retail) projects shall become PUDs and  
6 amendments to such projects shall follow the process outlined above.