

For:

Introduction and Referral to Planning Commission: _____
Planning Commission Review and Recommendation: 6/28/21
Introduction: _____
Public Hearing: _____
Adoption: _____

THE TOWN OF MOUNT AIRY, MARYLAND

ORDINANCE NO. 2021-___

FOR PLANNING COMMISSION REVIEW 6/28/21

**AN ORDINANCE TO AMEND THE CODE
OF THE TOWN OF MOUNT AIRY,
PART II ENTITLED “GENERAL LEGISLATION”,
CHAPTER 112 ENTITLED “ZONING”, ARTICLE V
ENTITLED “PROVISIONS GOVERNING COMMERCIAL DISTRICTS”,
SECTION 112-39 ENTITLED “CC COMMUNITY COMMERCIAL DISTRICT”,
SUBSECTION A ENTITLED “PURPOSE”**

WHEREAS, the Town’s Zoning Chapter does not currently expressly impose a requirement that Community Commercial District zoning be assigned to property within the Town only where adjacent to a more intensive zone; and

WHEREAS, the Town’s Zoning Chapter does impose that requirement on other commercial districts such as the Limited Commercial Zone pursuant to Section 112-37A(2) and the Neighborhood Professional (NP) Zone pursuant to Section 112-38A(3); and

WHEREAS, it is inconsistent to apply a buffer requirement to a less intensive zone as compared to the CC Zone, and yet not apply the same requirement to a more intensive commercial zone such as the CC Zone; and

WHEREAS, as of the date of this ordinance, the Town has begun the process of formulating the next Comprehensive Plan, making this ordinance appropriate and timely to adopt; and

WHEREAS, this ordinance originated and initially drafted by the Town Planning Commission, which voted to recommend adoption of these changes to the Zoning Chapter of the Town Code by the Town Council on June 28, 2021 at its regular meeting, thus satisfying a condition to enactment pursuant to Md. Land Use Code Ann., Section 4-204(b) and the Town Code, Section 112-67; and

WHEREAS, pursuant to Md. Land Use Code Ann., Section 4-203(b) and the Town Code, Section 112-66A, after due publication of notice, the Town Council held a public hearing on this ordinance on _____, 2021; and

Mt. Airy Ordinance 2021-___ to Add Buffer Requirement for CC Zoning – For Planning Commission Review on 6/28/21

WHEREAS; the Town Council has determined it to be in the best interest of the Town and its residents for the Town Council to exercise its zoning authority and law making powers for the purpose of imposing a buffer requirement on all future applications of CC Zoning on the properties in the Town, though without waiving the Town’s right to rezone some or all of such properties, or neighboring properties, as a part of a future comprehensive rezoning consistent with any future Comprehensive Plan adopted by the Town .

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF MOUNT AIRY:

Section 1. That Part II, Chapter 112, Article V, Section 112-39, Subsection A of the Code of the Town of Mount Airy be and is hereby repealed and reenacted with the following amendments:

§ 112-39. CC Community Commercial Districts

A. Purpose. ~~The CC District is intended to provide areas for shopping, service, office, and entertainment establishments to service the needs of the entire community and the surrounding area. The uses permitted in this District should be of such character as to provide for comparative shopping needs, service and repair needs, specialized commercial activities and those establishments which cater primarily to the motoring public. The location of such areas should be such that stores and commercial activities can be grouped together in an attractive and convenient manner at locations that will not infringe on residential areas. It is also essential that areas for this District have excellent vehicular accessibility on major thoroughfares that service the community and surrounding area.~~

(1) The CC District is intended to provide areas for shopping, service, office, and entertainment establishments to service the needs of the entire community and the surrounding area. The uses permitted in this District should be of such character as to provide for comparative shopping needs, service and repair needs and specialized commercial activities. The location of such areas should be such that stores and commercial activities can be grouped together in an attractive and convenient manner at locations that will not infringe on residential areas. It is also essential that areas for this District have excellent vehicular accessibility on major thoroughfares that service the community and surrounding area.

(2) The CC District shall only be assigned where adjacent to the LC district, the CC district or any other more intensive zone.

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Section 2. This ordinance shall apply prospectively to properties that as of the effective date below have not yet been assigned Community Commercial (CC) District zoning, though without waiving the Town’s right to rezone some or all of such properties, or neighboring

