

For:

Introduction: 3/2/20

Review/recommendation by PC: \_\_\_\_\_

Public Hearing \_\_\_\_\_

Adoption \_\_\_\_\_

**THE TOWN OF MOUNT AIRY, MARYLAND**

**ORDINANCE NO. 2020-\_\_**

**AN ORDINANCE TO AMEND PART II  
OF THE CODE OF THE TOWN OF MOUNT AIRY  
ENTITLED “GENERAL LEGISLATION”,  
CHAPTER 112 ENTITLED “ZONING”; SECTION 112-38 ENTITLED  
“NP NEIGHBORHOOD PROFESSIONAL DISTRICT”**

**PROPOSED TEXT AMENDMENT**

**WHEREAS**, an application for text amendment was received by the owner of property (hereinafter “Applicant”) within the NP Neighborhood Professional District that has a house on it, but which has been vacant for over 5 continuous years; and

**WHEREAS**, Applicant is looking to demolish the existing vacant improvement on the property and construct a new building to be used as a professional office; and

**WHEREAS**, the plans for the professional office call for space larger than the current structure; and

**WHEREAS**, Applicant requires the extra space for his proposed eye doctor’s office; and

**WHEREAS**, this proposed text amendment was introduced at the regular Town Council meeting held on March 1, 2020 and referred to the Planning Commission for a recommendation; and

**WHEREAS**, pursuant to the Town Code, Section 112-67, on \_\_\_\_\_, 2020, the Town Planning Commission took up and considered the application for text amendment and this proposed ordinance and made a \_\_\_\_\_ recommendation to the Town Council; and

**WHEREAS**, pursuant to the Town Code, Section 112-66A and the Land Use Article of the Maryland Code, Section 4-203(b), a public hearing was held before the Town Council on \_\_\_\_\_, 2020 to take public comment on this proposed ordinance change and the application for text amendment; and

**WHEREAS**, the Town Council has determined it to be in the best interest of the Town and its citizens, and that a change to the zoning regulations respecting the NP District to allow more flexibility in the rehabilitation of properties within the NP District that have been vacant

for five or more years, which will promote economic activity while at the same time cause a reduction in blighted properties or property vacancies, while at the same time otherwise promote the use of viable existing structures within the zone.

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

Section 1. That Part II of the Town Code is hereby amended to repeal and reenact with changes Chapter 112, Section 112-38 of the Code as follows:

**§112-38. NP Neighborhood Professional District.**

\* \* \*

F. Construction requirements. The NP District is intended to encourage use of existing structures, but these requirements apply to any construction within the District. All development plans for new construction or those additions seeking to enlarge the ground floor building footprint of existing construction are subject to site plan approval. Construction requirements include:

(1) Principal structure. Although the NP District encourages use and adaptation of existing structures, new principal structures may be built to replace those which are torn down or removed as long as the new principal structure is built with a footprint that does not exceed the size of that of the structure it replaces, except new principal structures constructed on or after \_\_\_\_\_, 2020 on lots with principal structures that have been vacant for at least 5 continuous years and are torn down or removed, but subject to the limitations set forth in Subsection F4. below.

(2) Additions to existing structures. An addition of up to 25% of the existing ground floor building footprint will be permitted to an existing structure that remains on the property as the principal structure. Additions which result in increased height of the existing structure shall be permitted subject to the requirements of § 112-38F(5). Notwithstanding the general requirement for site plan approval, additions to accessory structures shall not require site plan approval, provided that the addition to such structure will not:

(a) Generate an increase in water consumption of more than 10% beyond the existing water consumption for the lot upon which such structure is located as certified by a licensed professional engineer; and

(b) Generate more than 25 additional average daily trips to the subject site as determined by a traffic consultant of the town's choosing.

(3) Waiver of setback and development requirements. In order to allow an addition and/or continued reasonable use of an existing building or structure, setback may be waived but only to the extent necessary to permit use of the property and structure within the NP District.

(4) ~~Size limitation for vacant new principal structures constructed on or after \_\_\_\_\_, 2020 on lots that as of \_\_\_\_\_, 2020 are without principal structures, or on lots with improvements that have been vacant for at least 5 continuous years and are subsequently torn down or removed. New Pprincipal structures constructed on or after \_\_\_\_\_, 2020 shall not be permitted on new lots that as of \_\_\_\_\_, 2020 are without existing principal structures, or on lots with improvements that have been vacant for at least 5 continuous years and are torn down or removed, which have shall be permitted up to a footprint in excess of 2,0500 square feet., so long as:~~

- ~~(a) The new principal structure meets set back requirements (subject to the waiver provisions set forth in Subsection F(3) below), parking standards, and all other development requirements applicable to the proposed use; and~~
- ~~(b) The proposed development complies with any reasonable condition to granting the variation imposed by the Planning Commission, such as requirements for screening.~~

(5) Height restriction. No building or structure shall exceed the height of the existing principal structure or, for vacant lots, 20 feet in height, not including the roof structure. No building or structure shall contain more than two stories, not including the attic.

(6) Lighting shall not reflect or spill over upon adjoining or nearby residential property or on roadways; all lighting shall be equipped with full cutoff, fully shielded fixtures, and pole heights shall not exceed 15 feet at the perimeters. High-density sodium lighting shall be used for all outdoor lighting.

(7) Buffers protecting nearby residential areas shall be required and shall consist of fencing and/or natural barriers such as vegetation and trees of sufficient height.

(8) All other requirements for commercial development shall apply unless waived under Subsection F(3) above.

BE IT ENACTED AND ORDAINED BY THE AUTHORITY AFORESAID, that

this Ordinance shall take effect on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Introduced this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Enacted this \_\_\_\_\_ day of \_\_\_\_\_, 2020 by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

ATTEST:

\_\_\_\_\_  
Jason Poirier, Secretary

\_\_\_\_\_  
Peter R. Helt, President of the Town Council

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

\_\_\_\_\_  
Jason Poirier, Secretary

\_\_\_\_\_  
Patrick T. Rockinberg, Mayor

REVIEWED AND APPROVED AS TO LEGAL FORM AND SUFFICIENCY.

This \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Thomas V. McCarron, Town Attorney