**TOWN OF LAYTONSVILLE**

**ORDINANCE NO. \_\_\_\_\_\_**

**ZONING ORDINANCE TEXT AMENDMENT**

**TOWN OF LAYTONSVILLE**

This proposed Zoning Ordinance Text Amendment is intended to amend Section 110 (“C-1- Commercial Zone”) of the Town’s Zoning Ordinance to add a new section to the C-1 Zone.

**WHEREAS**, pursuant to the Local Gov’t Art., §5-202 of the Maryland Annotated Code, the Mayor and Council of the Town of Laytonsville (“the Town”) has the authority to enact ordinances to assure the good government of the Town; protect and preserve the Town’s rights, property, and privileges; preserve peace and good order; secure persons and property from danger and destruction; and protect the health, comfort, and convenience of the residents of the Town; and

**WHEREAS**, pursuant to the Town Charter, Section 601 and 602(26)(but not limited thereto), the Mayor and Council of the Town of Laytonsville (“the Town”) has the authority to enact ordinances to protect and preserve the health of the Town and its inhabitants, among other powers; and

**WHEREAS**, pursuant to the Town’s Zoning Ordinance, Section 129, the Town may adopt and enact a Zoning Text Amendment; and

**WHEREAS**, there exists a concern in that the current Town Zoning Ordinance does not contain a limit upon the location of any Vape Shop within .5 mile of a school, even though location of a Vape Shop in such proximity to a school may pose grave, serious, immediate, and long-term health risks to children attending a school; and

**WHEREAS**, Vape Shops sell electronic cigarettes and other devices that contain nicotine, and exposure to nicotine during adolescence can impact learning, memory, and attention, and can increase the risk for future addiction to other drugs. In addition to concerns regarding nicotine, electronic cigarettes can expose the user and bystanders to other harmful substances, including heavy metals, volatile organic compounds, and ultrafine particles that can be inhaled deeply into the lungs.

**NOW, THEREFORE, BE IT**  **RESOLVED, ENACTED AND ORDAINED** that the Mayor and Town Clerk be and are hereby authorized to take any action necessary to implement this Ordinance; and be it further

**RESOLVED, ENACTED AND ORDAINED** that if any part or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the Ordinance as a whole or any remaining part thereof.

**PROPOSED ZONING TEXT AMENDMENT**

**Explanation:**

\*\*\*Text underlined is new language in the Zoning Ordinance.

\*\*\*Text lined ~~lined through~~ is text in the Zoning Ordinance that has been deleted.

In Particular, Section 110.08 (“Vape Shops”) is proposed to be added to Section 110 to establish the standards for a Vape Shop, by amending the following sections of the Laytonsville Zoning Ordinance:

**Section 110. C-1 Commercial.**

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**Section 110.08 Vape Shops:**

Where a Vape Shop is allowed as a permitted use, it must satisfy the following standards:

(a) Access to the Vape Shop must be prohibited to any person under the age of 21 years old.

(b) The Vape Shop must be located a minimum of 0.5 miles from any property on which an elementary school, middle school or high school is located as a principal use.

(c) A Vape Shop may continue as a nonconforming use if an elementary, middle or high school is established within 0.5 miles of a Vape Shop after the Vape Shop was established. For purposes of these standards, a Vape Shop or school is established when the Town issues a use-and-occupancy permit (or building permit) in compliance with all laws and regulations of the State, County and Town governments.

(d) Amortization Period: To provide for a reasonable period of amortization, any Vape Shop existing on the date of enactment of this amendment which does not conform to the requirements of this section may continue to operate for 24 months following the effective date of the amendment. On or after that date, a Vape Shop may continue in operation only if it meets the requirements of this Section.

Furthermore, it is proposed that Section 104 (“Definitions”) of the Town’s Zoning Ordinance be amended to add a definition for “Vape Shop” to read as follows:

**Section 104. Definitions.**

(a) “Accessory apartment”:

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(cc) “Vape Shop”: Vape Shop means any Commercial Establishment that devotes at least 51% of its floor area to the sale and display of electronic cigarettes or allows vaping on site. An electronic cigarette is any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term electronic cigarette includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

~~(cc)~~(dd) **“Warehouse and Storage Facilities”:** A building, part of a building or land for storing documents, equipment, wares, merchandise and personal effects whether for the owner of the facility or others where access to such building is afforded only to the owner of such facility. Warehouse and storage facilities shall not include self storage facilities as defined in Sec. 104 (r). **(Amended February 3, 2009.)**

ATTEST: TOWN OF LAYTONSVILLE

By: James A. Ruspi, Mayor

INTRODUCED:

PASSED:

EFFECTIVE DATE: