**TOWN OF LAYTONSVILLE**

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

**AN ORDINANCE AMENDING THE LAYTONSVILLE ZONING ORDINANCE BY ADDING SECTIONS 110.00 AND 111.00 TO IMPOSE A TEMPORARY MORATORIUM UPON THE REVIEW AND CONSIDERATION OF COMMERCIAL APPLICATIONS AND PERMITS AND TO REQUIRE THE TOWN PLANNING COMMISSION TO INITIATE A REVIEW OF THE COMPREHENSIVE PLAN AND ZONING REGULATIONS REGARDING SUCH COMMERCIAL LAND USES AND TO REPORT TO THE MAYOR AND COUNCIL REGARDING ITS RECOMMENDATIONS**

**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(51)(but not limited thereto), the Town has the authority to enact zoning ordinances for the “purpose of guiding and accomplishing a coordinated, comprehensive and systematic development of the Town - to regulate and provide standards for the use of land, the location, height, bulk, and size of buildings and other structures, building lines, minimum frontage, depths, and areas of lots, percentages of lots which may be occupied, sizes of lots, yards, and open spaces, and the uses of land, buildings, and other structures for trade, industry, residence, recreation, agriculture, public activities or other purposes,” among other powers; and

**WHEREAS**, the Town’s 2014 Comprehensive Plan (adopted October 6, 2015) is the current Comprehensive Plan for the Town; and

**WHEREAS**, the 2014 Comprehensive Plan contains “Visions,” in part, providing that “Laytonsville is one of Montgomery County’s few remaining small, coherent towns on the fragile edge between open farmland and suburban development,” P. 15; and that “Laytonsville intends to preserve its small-town agricultural identity and to uphold the Town’s character as a community of modest proportions,” P. 15; and that the Town “is determined to be resistant to through traffic, large-scale commerce, multiple-family dwellings, and buildings that exceed certain height limitations,” P. 15; and Laytonsville’s intent to maintain “the agricultural and historical character of the Town through specifications on new structures, whether located in the designated Historic District or not, concerning guidelines for design, materials, and siting,” P. 15; and

**WHEREAS**, the 2014 Comprehensive Plan states “goals and objectives” that are to be “a foundation for the Comprehensive Plan and serve as a mechanism to protect the established character of the community and promote economic activity while protecting community interests and natural resources and maintaining the important link to the past that is so evident in Laytonsville,” P. 15; and one such goal is to “place an emphasis on preserving the rural character and charm of the community as it was near the turn of the 20th century,” P. 16; and the Economic Development goals of the 2014 Comprehensive Plan include to “provide the business environment and zoning measures that will allow existing and future commercial enterprises the opportunity to provide the Town’s residents with the services they desire,” P. 34; and that “Economic development and activities should contribute to the maintenance and improvement of the Town’s historic character,” P. 34; and that “[t]hese functions [service facilities, retail uses, office/commercial uses] may remain intact where they are presently located, but further expansion should be closely monitored through the tools found in the Town’s Zoning Ordinance and the Subdivision Regulation, in order to maintain the historic charm of the Town,” P. 34; and that “Future economic development should center on professional services, retail businesses serving community needs, and historic activities such as antique sales, arts and crafts, and perhaps a county inn,” P. 34; and that “Desired community services include professional services, retail establishments, and other amenities to serve the growing population in this area of Montgomery County,” P. 34; and

**WHEREAS**, the Town has just recently begun its ten (10) year required review and revision of the Town’s 2014 Comprehensive Plan as required by State law, Md. Code, Land Use Article, §3-301, a process that will require the Town to conduct a thorough study and review of existing Plan elements, goals, and visions; and

**WHEREAS**, Md. Code, Land Use Article, §3-201 requires that (a)(1) A planning commission shall prepare a plan by carefully and comprehensively surveying and studying: (i) the present conditions and projections of future growth of the local jurisdiction; and (ii) the relation of the local jurisdiction to neighboring jurisdictions; and (2) A planning commission shall make the plan with the general purpose of guiding and accomplishing the coordinated, adjusted, and harmonious development of the local jurisdiction and its environs; and (3) The plan shall serve as a guide to public and private actions and decisions to ensure the development of public and private property in appropriate relationships; and

**WHEREAS**, the Town is a particularly attractive area to commercial businesses due to its proximity to the sprawling Washington, D.C., region, as well as Baltimore City, Rockville and Gaithersburg, Maryland, and major transportation routes;

**WHEREAS**, the Town has developed an emerging role as a bedroom community for people who commute to Washington, D.C. and other metropolitan areas such as Baltimore, Maryland;

**WHEREAS**,problems with respect to traffic, noise, congestion, and environmental effects, caused in part by the demand for commercial development in and around the Town has increased considerably since the adoption of the 2014 Comprehensive Plan; and

**WHEREAS**, the Town’s very substantial recent population growth and the expansion of businesses in its vicinity has led to pressure for unprecedented commercial projects, including a large manufacturing and warehousing facility, and the prospect of these projects has raised concerns based upon their scale, size, and scope and their possible adverse traffic, aesthetic, and environmental effects, that may also threaten or detract from Laytonsville’s unique historic and small-town character; and

**WHEREAS**, due to the unprecedented Commercial development pressure, and many citizens of the Town petitioning the Mayor and Council, it has come to the attention of the Mayor and Council that the current Commercial Zoning regulations may not fully align with the visions, elements and goals of the 2014 Comprehensive Plan; and that the 2014 Comprehensive Plan should be reviewed and studied to ensure that it appropriately addresses proposed large-scale or industrial use applications in the Commercial Zones in a detailed and comprehensive manner; and

**WHEREAS**, the absence from the Zoning Ordinance and Subdivision Regulations applicable to commercial projects of provisions that fully support the visions, elements, and goals of the 2014 Comprehensive Plan has made it difficult to review and evaluate Commercial proposals in a manner that will lead to consistent results; and

**WHEREAS**, the Town requires time and the opportunity to collect data, input, citizen comments, and the expertise and advice of the Planning Commission to decide whether and what comprehensive changes might be made to Town zoning regulations with regard to Commercially zoned properties and uses in the Town; and

**WHEREAS**, review and approval of Commercial zoning applications without further study and review could cause the Town’s policies on these issues to be developed irresponsibly and inconsistently by a series of *ad hoc* decisions based upon individual applications. These factors, combined with the size and scope of recently proposed Commercial zone projects in the Town, make it possible that projects could be reviewed and approved or disapproved in a manner not consistent with the Town’s long-term needs and goals; and

**WHEREAS**, the Town desires to preserve the *status quo* with respect to Commercial Zoning applications and permits until the Planning Commission and Mayor and Town Council have the opportunity to study and review and consider the current 2014 Comprehensive Plan and/or Zoning and Subdivision Regulations with respect to such uses and address potential comprehensive revisions that may be necessary and appropriate; and

**WHEREAS**, a temporary moratorium in the Commercial zones would provide an opportunity for the Town’s citizens, acting through their elected and appointed officials, to study, evaluate and further consider amendments to the Town’s 2014 Comprehensive Plan and its Zoning Ordinance and Subdivision Regulations; and

**WHEREAS**, the Mayor and Council find that adopting a temporary moratorium upon Commercial applications and issuance of Commercial permits will create a more stable environment during the moratorium period so that revisions to the Comprehensive Plan and/or the Zoning Ordinance and/or the Subdivision Regulations can be formulated, considered and/or adopted in a comprehensive, orderly, and thorough manner; and

**WHEREAS**, in order to prevent the review and approval of Commercial Zoning applications and permits prior to the necessary study and review and under existing regulations which may be deemed inadequate or ineffective, the establishment of a temporary moratorium on the same is deemed reasonable, necessary for the preservation of the health, safety and welfare of the Town, and in the public interest; and

**NOW, THEREFORE, BE IT RESOLVED, ENACTED AND ORDAINED** that:

Sections 110 (C1) and 111 (CH) of the Laytonsville Zoning Ordinance are amended by the addition of Sections 110.00 and 111.00 thereto, which shall both read as follows except for the numbering of each section:

Section 110.00 [and 111.00]. Temporary Moratorium Upon Commercial Applications.

(A) The Town shall not accept, review, or continue to review any applications for Commercial development of any type during the moratorium or any extension thereto.

(B) Neither the Town Council nor the Planning Commission shall hold any public hearings upon any pending or new applications for Commercial development of any type during the moratorium or any extension thereto.

(C) The provisions of this Section shall apply to Commercial applications currently pending before the Town on this Ordinance’s effective date, as well as applications filed after that date until the moratorium has ended or is extended.

(D) The Planning Commission shall institute such steps as it deems necessary to review, study, determine and report back to the Mayor and Council regarding whether the Town’s 2014 Comprehensive Plan should be amended or interim legislation should be adopted to address the issues raised and described herein involving Commercial development in and around Laytonsville. The Planning Commission shall submit a report to the Town Council in writing within 120 days after the effective date of this Ordinance, containing such recommendations as it deems appropriate for amendments to the Town’s Zoning Ordinance or other land use regulations of the Town.

(E) Absent further action by the Town Council, the provisions of this Section shall lapse and be of no further effect as of six (6) months after the effective date of this Ordinance.

In accordance with Section 412 of the Town Charter, this Ordinance shall become effective at the expiration of 21 calendar days following its adoption by the Mayor and Council.

ATTEST: TOWN OF LAYTONSVILLE

By: Charles Hendricks, Mayor

INTRODUCED:

PASSED:

EFFECTIVE DATE: