

Introduction and Referral to Planning Commission: 6/7/21
Planning Commission Review and Recommendation: 8/30/21
Reintroduction: 9/13/21
Public Hearing: _____
Adoption: _____
Effective Date: _____

THE TOWN OF MOUNT AIRY, MARYLAND
ORDINANCE NO. 2021-17

AN ORDINANCE TO REVISE AND AMEND THE ZONING MAP OF THE TOWN OF MOUNT AIRY CONSISTENT WITH THE 2013 MASTER PLAN.

WHEREAS, in accordance with Section 25-3 of the Code of the Town of Mount Airy, the Mount Airy Planning Commission ("the Commission") is charged with exercising all powers, functions, and duties provided for in Land Use Article, Section 3-101, *et seq.*; and

WHEREAS, pursuant to Land Use Article of the Maryland Code, Section 3-301, the Commission reviewed the existing Master Plan ("the Plan") and the Zoning Map ("the Map") for the Town of Mount Airy for the purpose of revising or amending the Plan or Map, as necessary; and

WHEREAS, the Commission, in accordance with its powers and duties conferred by law, following study of population growth, land use, roads, agriculture, the economy, water and sewage, open space, schools, and community facilities, as well as other additional elements of importance to the development of the Town and the general welfare of its citizens, held public hearings, duly advertised, on proposed revisions to the existing Plan and Map; and

WHEREAS, following such hearings, the Commission voted to recommend revisions and amendments to the Plan and Map and, in conjunction therewith, recommend the zoning classification for certain parcels of land as shown on the Map be changed to be consistent with the revised Plan; and

WHEREAS, the Mayor and Town Council of the Town of Mount Airy advertised and held public hearings to receive comments on the recommended changes to the Plan and to the Map as required by law; and

WHEREAS, on November 3, 2014, the Mayor and Town Council unanimously approved the adoption of the 2013 Comprehensive ("Master") Plan to include the comprehensive proposed zoning of property within the Town limits; and

WHEREAS, the Mayor and Town Council considered the recommendations of the Commission, public comments and recommendations and input from other applicable governmental agencies (including, but not limited to, Carroll County and Frederick County) and determined it to be in the best interest of the citizens of the Town to amend and adopt, as a comprehensive zoning action, the revisions to the Map consistent with the adopted 2013 Comprehensive Master Plan; and

WHEREAS, the Mayor and Town Council adopted Ordinance 2014-17 on or about January 5, 2015, a comprehensive rezoning of certain properties in the Town consistent with the then newly adopted Comprehensive Plan; and

WHEREAS, at the time of the adoption of the Town’s 2013 Comprehensive Plan, and Ordinance 2014-17, the Town had not yet created and adopted the Mixed Use Development (MXD) Zone within the Town; and

WHEREAS, the Plan nevertheless contemplated a forthcoming creation and adoption of the MXD Zone; and

WHEREAS, specifically, the 2013 Comprehensive Plan nevertheless recognized, at page 66: “[b]oth the Mixed Use Zoning and Office Park and Employment Zoning Classifications have been discussed at the Planning Commission level and are essential components to the future growth pattern guided by the 2013 Comprehensive Master Plan Update”; and

WHEREAS, along the Center Street Corridor lie two parcels of land as shown on the Maryland Tax Maps and as described below, located along the Ridge Road (Maryland Route 27) at Center Street, currently owned by the Beck Family, which are currently zoned R7, R3, (CC) Community Commercial and (I) Industrial, the parcels together being commonly referred to, and referred to in the 2013 Comprehensive Plan, as “the Beck Property”; and

WHEREAS, the 2013 Comprehensive Plan contemplated that the Beck Property would be rezoned MXD as a part of the comprehensive rezoning pursuant to the Plan, once the Town adopted an MXD zone; and

WHEREAS, specifically, the 2013 Comprehensive Plan, at page 87, stated with respect to the Beck Property: “this property has been identified to be among potential candidates for a mixed-use commercial development opportunity with a residential component in the future should a Mixed Use Zoning District become available”; and

WHEREAS, the Town Council adopted, and the Mayor signed into law, Ordinance 2020-1 on or about August 3, 2020, adopting and creating the MXD Zone in the Town; and

WHEREAS, now that the MXD has been adopted, the Town Council desires to complete the comprehensive rezoning consistent with the 2013 Comprehensive Plan by hereby rezoning the Beck Property, and all the parcels thereof, into the Town’s MXD Zone; and

WHEREAS, in accordance with Section 112-67 of the Town Code, this ordinance was referred to the Town Planning Commission for review and recommendation, and on August 30, 2021, the Planning Commission recommended that the Town Council enact this ordinance; and

WHEREAS, in accordance with Section 112-66A of the Town Code, and the Land Use Article of the Maryland Code, Section 4-203(b), after due and legally required notice, a public hearing on this ordinance was held by the Town Council on _____, 2021; and

WHEREAS, the Mayor and Town Council have considered the recommendations of the Planning Commission, public comments and recommendations, and input from other applicable governmental agencies, and have determined it to be in the best interest of the citizens of the Town to enact this ordinance.

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

Section One: The Zoning. Map of the Town of Mount Airy is hereby amended to reflect the following new zoning classifications to the designated parcels of land:

- A. The following Carroll County properties as reflected on the tax maps referenced below (such maps being maintained by the Maryland Department of Assessments and Taxation and as reflected on the Maryland Department of Planning’s Finder Online <https://apps.planning.maryland.gov/finderonline/>) are modified as follows:

Tax Map 75, Grid 11

Parcel No. 4 (Tax Account No. 13-000468), lying on the East side of Ridge Road (Maryland Route 27) consisting of a total of 54.58 acres of land, more or less, is amended from current zoning within the Town of R7 (36.85 acres, more or less) and Industrial (I) zoning (17.73 acres, more or less) to the Mixed Use Development (MXD) Zone.

Tax Map 601, Grid 9

Parcel No. 1423 (Tax Account No. 13-011060), lying on the West side of Ridge Road (Maryland Route 27) consisting of a total of 34.32 acres, more or less, is amended from current zoning within the Town of R3 (13.07 acres, more or less) and Community Commercial (CC) zoning (21.25 acres, more or less) to the Mixed Use Development (MXD) Zone.

Section Two: That except as modified by the amendments contained in Section One above, the existing land use classifications shown and depicted on the existing Zoning Map for the Town of Mount Airy shall remain in full force and effect.

BE IT ENACTED AND ORDAINED BY THE AUTHORITY AFORESAID, that this Ordinance shall take effect on the _____ day of _____, 2021.

Introduced this 7th day of June, 2021.

Re-introduced this 13th day of September, 2021.

Enacted this _____ day of _____, 2021 by a vote of _____ in favor and _____ opposed.

Takes effect this _____ day of _____, 2021.

ATTEST:

Pamela Reed, Secretary

Jason Poirier, President of the Town Council

Approved this _____ day of _____, 2021.

ATTEST:

Pamela Reed, Secretary

Jason Poirier, Acting Mayor

REVIEWED AND APPROVED AS TO LEGAL FORM AND SUFFICIENCY.

This ____ day of _____, 2021.

Thomas V. McCarron, Town Attorney