

For:
Introduction and referral to PC: 1/5/26
Public hearing: ____
Adoption: ____
Effective: ____ (upon expiration of 20 calendar days following approval by Mayor or passage by Council over Mayor's veto by 4/5ths of the whole Council)

THE TOWN OF MOUNT AIRY, MARYLAND

ORDINANCE NO. 2026-2

**AN ORDINANCE TO AMEND PART II
OF THE CODE OF THE TOWN OF MOUNT AIRY
ENTITLED "GENERAL LEGISLATION,"
CHAPTER 112 ENTITLED "ZONING", ARTICLE IX ENTITLED "AMENDMENTS",
SECTION 112-66 ENTITLED "PROCEDURES" AND SECTION 112-69 ENTITLED
"FINDINGS FOR RECLASSIFICATION" FOR THE PURPOSE OF
ESTABLISHING A PROCESS AND STANDARDS
FOR RECLASSIFICATION OF PROPERTIES WITHIN THE TOWN
THEREBY ADDING CLARITY TO RECLASSIFICATION PROCESS,
APPROVALS AND DOCUMENTATION**

WHEREAS, the Town Council finds it necessary and desirable to set forth in the Town Code standards, the requirements and process for any reclassification requests, including during the comprehensive plan process and thereafter consistent therewith as a part of comprehensive reclassification, and due to change/mistake pursuant to the Maryland Land Use Article, Section 4-204(b)(2), received by the town, to include the name and address of the requestor, property location, reasons for the reclassification request, date requested, date received/logged in by the town, *etc.*; and

WHEREAS, the formal record of the town's review and analysis of each request or combination of requests, the decision to approve or disapprove, and the technical/policy rationale for the reclassification decisions, record of the final reclassification request/decision, the Planning Commission recommendation, and other record of the determination on such requests for reclassification should likewise be set forth in the Code; and

WHEREAS, the intent of this ordinance is to prescribe the formal standards, factors, procedures, and comprehensive documentation requirements that apply to all applications for the reclassification of property within the Town's jurisdiction to ensure that every reclassification request is reviewed with transparency, precision, and accountability to adopted public policy.

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

Section 1. That Chapter 112 of the Code of the Town of Mount Airy, Article IX, Sections 112-66 and 112-69 be and are hereby amended as follows:

§112-66. Procedures.

- A. A public hearing shall be held by the Town Council before adoption of any proposed amendment, supplement or change. Public notice of the time and place of such hearing, together with a summary of the proposed amendment, at a minimum shall be published in a newspaper of general circulation in the Town of Mount Airy once each week for two successive weeks, with the first such publication of notice appearing at least 14 days before the hearing. Other forms of notice to the public, though not required, are encouraged such as the posting of the property proposed to be rezoned, posting notice on the Town's website and social media. A complete record of the hearing and the votes of all members of the Town Council shall be kept.
- B. A fee of \$300 for a zoning text amendment and a like fee for a Zoning Map amendment shall be paid to the Town at the time the application is filed. Charges will include the costs of the Town's employees and consultants. When the application is concluded by the Town Council, the charges will be assessed, and if less than the fee imposed, a refund will be given to the applicant, and if greater, the applicant will be billed for the difference. Fifteen percent will be added to the total charges for the Town's administrative costs and overhead. The rates for charges shall be established from time to time by resolution of the Town Council. Charges will be billed monthly if in excess of the fee imposed as set forth above. If any charges are not paid within 60 days of billing, the Town will withhold further review, approvals and/or issuance of any required permits until paid in full, together with interest at the rate of 1% per month or fraction thereof from the date of billing to the date of payment.
- C. Public Notification and Citizen Input. Reasonable notice shall be provided in advance of Planning Commission meetings at which a proposed reclassification and/or recommendations thereon are discussed and/or are to be made by the Commission related to a reclassification application, and for public hearings before the Town Council regarding zoning reclassifications shall be in accordance with Subsection A above and the Land Use Article of the Maryland Code, Section 4-203. In addition to the record for hearings before the Town Council as required by the Land Use Article of the Maryland Code, Sections 4-203 and/or 4-204, a thorough record shall be made of the notification process and input from citizens, with particular attention to concerns and perspectives of neighboring property owners regarding the proposed reclassification's effects on property values, compatibility, traffic, aesthetics, noise, and quality of life.
- D. Comprehensive Staff Report. Town planning staff shall prepare and maintain a detailed written report for each reclassification application, incorporating, at minimum, the following elements:
- (1) Date of Reclassification Request. The official date the application was submitted.
 - (2) Name and Address of Property Owner. Identification of the property owner, including legal name and mailing address.

- (3) Owner’s Rationale for Reclassification. A summary and documentation of the reasons provided by the applicant for seeking the reclassification, including intended use, benefits, and any supporting evidence.
- (4) Review and Analysis Results. Detailed findings based on consideration of the required evaluation criteria listed in Section 112-69, referencing supporting data and studies where applicable.
- (5) Consideration of Criteria Evaluated. Explicit documentation of how each factor was weighed and addressed, including staff and Planning Commission perspectives.
- (6) Record of the public comment including from neighboring property owners.
- (7) Final Recommendation. A professional recommendation for approval, denial, or approval with conditions, inclusive of justification and supporting rationale.
- (8) Group Reclassification Analysis. If analysis reveals that neighboring or adjacent properties would benefit from reclassification as a group, the report shall include an evaluation of such. The rationale shall address the benefits to overall land use compatibility, infrastructure efficiency, coordinated development, and community objectives.
- (9) Planning Commission Review. The Planning Commission shall review the detailed staff report, conduct at least one public meeting with full public participation, and document its deliberations and recommendations, especially as they relate to citizen and neighboring property owner perspectives and potential group reclassification considerations.
- (10) Town Council Action. The Town Council shall examine all documentation, staff analyses, citizen input, and the Planning Commission’s recommendations before rendering a decision, referencing impacts on neighboring properties and the merits of group reclassification as appropriate, and hold a public hearing and create a record of the proceedings as may be applicable and required by this Section, as well as the Land Use Article of the Maryland Code, Sections 4-203 and/or 4-204.
- (11) Record Keeping. All materials—including applications, staff reports, owner rationale, citizen comments, public hearing records, meeting minutes, recommendations, and decisions—shall be retained as part of the Town’s official public record in accordance with records retention requirements and applicable law.

* * *

§112-69. Findings for reclassification.

- A. Where the purpose and effect of the amendment is to change the zoning classification, the Mount Airy Town Council shall make findings of fact in each specific case including but

not limited to the following: population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development for the area, the recommendation from the Mount Airy Planning Commission, the relationship of such proposed amendment to the Mount Airy Master Plan; and may grant the amendment based upon the finding that there was a substantial change in the character of the neighborhood where the property is located or that there was a mistake made in the existing zoning classification.

B. In addition to the findings set forth in Subsection A above, and/or in the Land Use Article of the Maryland Code, Section 4-204(b)(1) and/or (2), including but not limited to findings related to change or mistake, and to the extent not inconsistent therewith, all reclassification proposals shall be evaluated according to the criteria below, which must be explicitly addressed in staff analyses, Planning Commission recommendations and Town Council findings:

- (1) Consistency with the Comprehensive Plan. The degree to which the proposed reclassification aligns with the Town's adopted plans and policy frameworks, specifically the Comprehensive Master Plan's vision, strategic goals and implementing strategies.
- (2) The full range of uses permitted in the proposed new zoning for the property.
- (3) Compatibility with Surrounding Uses. The anticipated impact of the proposed zoning on existing and planned land uses nearby and community quality of life.
- (4) Suitability of the Subject Property. Suitability of the parcel for proposed uses versus its current classification and local development patterns.
- (5) Availability of Adequate Public Facilities and Services. Whether infrastructure and public services can accommodate the proposed zoning, and any additional costs to the Town of the reclassification in consideration of the full range of uses permitted in the proposed new zoning for the property.
- (6) Environmental Considerations. Assessment of environmental impacts and mitigation strategies.
- (7) Economic Effects. Projected impacts on property values, municipal revenues, and economic opportunity.
- (8) Public Health, Safety, and Welfare. Implications for the general welfare of Town residents.
- (9) Changed or Changing Conditions. Significant changes in the area or on the subject property that support the request.

(10) Conformance with Other Applicable Laws and Regulations. Compliance with all relevant local, state, and federal laws.

C. Zoning decisions shall not be based on the race, ethnicity, or religion of the applicant, landowner, or future tenants of the property.

BE IT ENACTED AND ORDAINED BY THE AUTHORITY AFORESAID, that this Ordinance shall take effect on the ___ day of _____, 2026 (upon expiration of 20 calendar days following approval by Mayor or passage by Council over Mayor’s veto by 4/5ths of the whole Council).

Introduced this 5th day of January, 2026.

Enacted this ___ day of _____, 2026 by a vote of _____ in favor and _____ opposed.

ATTEST:

Jason Evans, Secretary

Tim Washabaugh,
President of the Town Council

Approved this ___ day of _____, 2026.

ATTEST:

Jason Evans, Secretary

Larry Hushour, Mayor

REVIEWED AND APPROVED AS TO LEGAL FORM AND SUFFICIENCY.

This ___ day of _____, 2026.

Thomas V. McCarron, Town Attorney