

For:

Introduction: 4/6/20

Public Hearing N/A

Adoption 4/6/20

**THE TOWN OF MOUNT AIRY, MARYLAND**

**ORDINANCE NO. 2020-14**

**AN EMERGENCY ORDINANCE TO EXTEND CERTAIN DEADLINES  
SET FORTH IN THE TOWN CODE IN RESPONSE TO THE  
COVID-19 VIRUS AND FEDERAL AND STATE DECLARATIONS  
A STATE OF EMERGENCY**

**WHEREAS**, the President of the United States and the Governor of the State of Maryland has declared a state of emergency in response to the spread of the novel coronavirus known as COVID-19; and

**WHEREAS**, the Centers for Disease Control and Prevention and other public health authorities have advised taking precautions to reduce the possibility of exposure to the virus and slow the spread of the disease; and

**WHEREAS**, preventing the spread of COVID-19 requires limiting public contact to essential matters; and

**WHEREAS**, participants in public meetings and hearings are necessarily often in close proximity to each other; and

**WHEREAS**, consequently, it has become necessary to cancel certain public meetings, including the March, 2020 Town of Mt. Airy Planning Commission meeting at which the Planning Commission was to (1) fully and finally consider and convey its recommendations related to Ordinance 2020-1, creating the Mixed Use Development (MXD) zoning classification, or be deemed to have approved same, pursuant to the Town Code, Section 112-67; and (2) conduct a public hearing and by Resolution make a recommendation to the Town Council concerning the allocation of the Town's Water and Sewer Capacity Yields among the Town's Allocation Categories for the years 2020-2021, pursuant to the Town Code, Section 109-19.4A; and

**WHEREAS**, it has also become necessary to cancel certain public hearings, including the aforementioned public hearing that was to be held by the Town Planning Commission concerning water allocation; and

**WHEREAS**, pursuant to the Town Code, Section 109-19.4A, after receipt of the recommendation of the Town Planning Commission concerning the allocation of the Town's Water and Sewer Capacity Yields among the Town's Allocation Categories, at its regularly scheduled meeting in April, the Town Council is to either approve, disapprove or modify the Planning Commission's recommendation, which obviously cannot happen as respects 2020-2021

as scheduled given the need to postpone the Planning Commission's March, 2020 public hearing and meeting; and

**WHEREAS**, Section 112-67 states that if after sixty (60) days the Planning Commission has not made recommendation on a proposed zoning amendment, the Planning Commission is deemed to have approved the proposed amendment; and

**WHEREAS**, in light of the COVID-19 crisis, the Federal and State Declarations of a State of Emergency, and given the cancelation of the March 2020 Planning Commission public hearing and meeting, the Town Council deems it necessary and in the best interest of the Town to (1) extend the Planning Commission's deadline to decide upon its recommendation as to the allocation of the Town's Water and Sewer Capacity Yields among the Town's Allocation Categories for 2020-2021, as required by the Town Code, Section 109-19.4A, to April 27, 2020; (2) extend the Town Council's consideration and determination as to the allocation of the Town's Water and Sewer Capacity Yields among the Town's Allocation Categories for 2020-2021, as required by the Town Code, Section 109-19.4A, to May 4, 2020; and (3) extend the Planning Commission's deadline under Section 112-67 to provide its recommendations on Ordinance 2020-1 creating the Mixed Use Development (MXD) zone, or be deemed to have approved same, to April 27, 2020; and

**WHEREAS**, this Ordinance, and the extensions contained and approved herein, will be reviewed by the Town Council at its May 4, 2020 regular meeting with consideration given to amendment and, if necessary, further extension of the aforementioned deadlines based upon the circumstances and status of the crisis there and then existing.

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

Section 1. That the Planning Commission's deadline to decide upon and provide its recommendation as to the allocation of the Town's Water and Sewer Capacity Yields among the Town's Allocation Categories for 2020-2021, as required by the Town Code, Section 109-19.4A, be and is hereby extended to April 27, 2020.

Section 2. That the Town Council's consideration and determination as to the allocation of the Town's Water and Sewer Capacity Yields among the Town's Allocation Categories for 2020-2021, as required by the Town Code, Section 109-19.4A, be and is hereby extended to May 4, 2020.

Section 3. That the deadline under Section 112-67 for the Planning Commission to provide its recommendations on Ordinance 2020-1 creating the Mixed Use Development (MXD) zone, or be deemed to have approved same, be and is hereby extended to April 27, 2020.

Section 6. That this Ordinance, and the extensions contained and approved herein, will be reviewed by the Town Council at its May 4, 2020 regular meeting with consideration given to amendment and, if necessary, further extension of the aforementioned deadlines based upon the circumstances and status of the crisis there and then existing.

