

For:

Introduction and Referral to Planning Commission: 6/1/20

Public Hearing: _____

Planning Commission Review and Recommendation: _____

Adoption: _____

THE TOWN OF MOUNT AIRY, MARYLAND

ORDINANCE NO. 2020-18

**AN ORDINANCE TO EXTEND EXPIRATIONS
OF SPECIAL EXCEPTIONS, PURSUANT TO CHAPTER 112
OF THE TOWN CODE, ENTITLED “ZONING”,
SECTION 112-62A(2) ENTITLED “SPECIAL EXCEPTIONS”,
THAT WOULD OTHERWISE EXPIRE DURING THE
COVID-19 STATE OF EMERGENCY**

WHEREAS, the President of the United States and the Governor of the State of Maryland 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 or postpone certain public meetings and hearings; and

WHEREAS, while public meetings, even with public comment, have taken place virtually, an evidentiary hearing before the Mount Airy Board of Appeals, wherein witnesses may be presented to testify, exhibits may be introduced and/or applicants are represented by counsel, are more difficult to conduct virtually, and

WHEREAS, the Town Code, Section 112-62A(2) provides: “[u]nless otherwise specified or extended by the Board of Appeals a special exception authorized by the Board expires if the applicant fails to obtain, where required to do so, a building permit or use certificate within 12 months of the date of the authorization of the special exception[]”; and

WHEREAS, one or more special exceptions either (1) have expired or are set to expire, pursuant to Section 112-62A(2), during the COVID-19 State of Emergency and before when it would be safe for the Board of Appeals to convene and hold a public hearing, and/or (2) are at

this time set to expire before when it would be possible to convene a Board of Appeals hearing with sufficient advance notice prior the hearing; and

WHEREAS, in light of the COVID-19 crisis and the Federal and State declarations of emergency, the Town Council deems it necessary and in the best interest of the Town to extend the date of expiration of any special exception that has expired, or is set to expire, between March 17, 2020 and July 31, 2020, to January 1, 2021, without Board of Appeals approval, if not already extended by the Board of Appeals to a date later than January 1, 2021, or if not hereafter extended by the Board of Appeals to a date later than January 1, 2021.

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

Section 1. That the expiration of any special exception pursuant to Section 112-62A(2) of the Town Code that has expired, or is set to expire, between March 17, 2020 and July 31, 2020, be and is hereby extended to January 1, 2021, without Board of Appeals approval, if not already extended by the Board of Appeals to a date later than January 1, 2021, or if not hereafter extended by the Board of Appeals to a date later than January 1, 2021.

BE IT ENACTED AND ORDAINED BY THE AUTHORITY AFORESAID, that

this Ordinance shall take effect on the ___ day of _____, 2020.

Introduced this ___ day of _____, 2020.

Enacted this _____ day of _____, 2020 by a vote of _____ in favor and _____ opposed.

ATTEST:

Jason Poirier, Secretary

Larry Hushour, President of the Town Council

Approved this ___ day of _____, 2020.

ATTEST:

Jason Poirier, Secretary

Patrick T. Rockinberg, Mayor

REVIEWED AND APPROVED AS TO LEGAL FORM AND SUFFICIENCY.
This ___ day of _____, 2020.

Thomas V. McCarron, Town Attorney

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