**TOWN OF LAYTONSVILLE**

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

**AN ORDINANCE ADOPTING A TEMPORARY MORATORIUM UPON THE REVIEW AND CONSIDERATION OF APPLICATIONS AND PERMITS FOR LARGE COMMERCIAL AND RESIDENTIAL PROJECTS AND TO REQUIRE THE TOWN PLANNING COMMISSION, IN CONJUNCTION WITH ITS REVIEW OF THE COMPREHENSIVE PLAN, 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 current Comprehensive Plan states with respect to Residential development that “New developments will be two (2) acre cluster subdivisions,” P. 30, but the largest undeveloped parcels in the Town are currently zoned as “residential – one acre;” as such, there is potential for large developments within the Town that may not comport with its small Town character and uniqueness or with the current Comprehensive Plan’s goal to “place an emphasis on preserving the rural character and charm of the community;” and

**WHEREAS**, the Town is currently undertaking 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 requires the Town to conduct a thorough study and review of existing Plan elements, goals, and visions; and

**WHEREAS**, it is expected the the Town’s new Comprehesive Plan will require the revision of the Town’s Zoning Ordinance, particularly with respect to Commercial and Residential districts, as well as density, permitted uses, and special exceptions and variances; 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 and residential developers 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 and residential development in and around the Town have increased considerably since the adoption of the 2014 Comprehensive Plan; and

**WHEREAS**, concerns have arisen based upon the potential scale, size, and scope of commercial and residential projects as permitted under the current Comprehensive Plan and their possible adverse effects upon traffic, aesthetic, and environmental factors, and that may also threaten or detract from Laytonsville’s unique historic and small-town character, all of which require evaluation and study as part of the 10-year Comprehensive Plan review process underway; and

**WHEREAS**, it is required that municipalities review and update, if necessary, their Plan and Zoning laws every ten years to ensure that they are supportive of changing community goals and objectives. The Town requires time and the opportunity to collect data, input, and citizen comments, and to draw on the expertise and advice of the Planning Commission to decide whether and what comprehensive changes might be made to the Town’s Comprehensive Plan and its Zoning laws with regard to large projects on Commercial and Residential-zoned properties and uses in the Town; and

**WHEREAS**, the review and approval of applications and permits for large Commercial and Residential projectswithout 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. A temporary moratorium upon such applications will permit sufficient time for the Planning Commission and Mayor and Council to evaluate and adopt a new Comprehensive Plan and to consider new Zoning laws based upon the new Comprehensive Plan. Without a temporary moratorium upon these Commercial and Residential applications, it is possible that large 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* until the Planning Commission and the Mayor and Council have the opportunity to study, review, and consider potential comprehensive revisions to the Comprehensive Plan and Zoning Ordinance with respect to Commercial and Residential zoned property that may be necessary and appropriate; and

**WHEREAS**, a temporary moratorium in the Commercial and Residential 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 Comprehensive Plan, Zoning Ordinance, and Subdivision Regulations; and

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

**WHEREAS**, in order to prevent the review and approval of applications or permits for large Commercial and Residential projects 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:

**Section 1.** A temporary moratorium on the acceptance and processing of applications for Commercial and Residential projects over 5,000 square feet shall be and is hereby established for a period of six (6) months from and after the adoption of this Ordinance.

**Section 2.** The Town shall not accept, review, or continue to review applications for Commercial or Residential development projects over 5,000 square feet during the moratorium or any extension thereto.

**Section 3.** This moratorium shall apply to applications currently pending before the Town, as well as to applications filed after the effective date of this Ordinance. Neither the Town Council nor the Planning Commission shall hold any public hearings upon any pending or new applications for such large Commercial or Residential development during the moratorium or any extension thereto.

**Section 4.** This moratorium is adopted to preserve the *status quo* and to allow sufficient time for the Town to accomplish the following:

a. Receive public input;

b. Enable the Planning Commission to focus on its review of the current Comprehensive Plan and to provide recommendations to the Mayor and Council regarding revisions to the Comprehensive Plan and the Zoning Ordinance and regulations, particularly in the Commercial and Residential zones; and

c. Consider all such other matters as the Mayor and Council, Planning Commission, and Town staff deem appropriate.

**Section 5.** The Planning Commission shall pursue such steps as it deems necessary to review, study, determine, and report back to the Mayor and Council regarding recommendations to address the issues raised and described herein involving Commercial and Residential development in and around Laytonsville. The Planning Commission shall submit a report to the Mayor and Council in writing within 120 days after the effective date of this Ordinance, containing such recommendations as it deems appropriate.

**Section 6.** The Mayor and Council shall have and reserves the right to extend or modify this moratorium for such additional period or periods and on such terms and conditions as it deems necessary for the health, safety and welfare of the citizens of the Town.

**Section 7.** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance, which can be given effect without the invalid section, subsection, sentence, clause or phrase, and to that end, all provisions of this Ordinance are hereby declared to be severable.

**Section 8.** Absent further action by the Mayor and 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.

**Section 9.** 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: April 9, 2024

PASSED/ENACTED: \_\_\_\_\_\_\_\_\_\_\_\_\_, 2024

EFFECTIVE DATE: