

Ordinance 2008-04

AN ORDINANCE EXEMPTING THE BANNER SCHOOL FROM APPLICATION OF ORDINANCE 2008-01

Whereas, The Banner School having made application for and receiving unanimous support of the Walkersville Board of Appeals on July 6, 2006 for a Special Exception to build a school on Agriculturally zoned land pursuant to Walkersville Code Section 88-64; and

Whereas, subsequently the Banner School received the approval of the Frederick County Planning Commission and the Board of County Commissioners for Frederick County to connect to the county's sewer by votes on September and November, 2006; and

Whereas the Board of Appeals has unanimously renewed the Banner Schools special exception prior to the adoption of Ordinance 2008-01; and

Whereas the Town's Comprehensive Plan was amended to designate the Banner School site with institutional land designation on April 9, 2008; and

Whereas, The Banner School has made significant contractual and legal obligations based on the approvals it has received from the Town of Walkersville prior to the adoption of Ordinance 2008-01; and

Whereas the present application of Ordinance 2008-01 would prohibit the Banner school from requesting a Frederick County Sewer tap as well as building the school as previously authorized

THEREFORE BE IT ENACTED that

ZONING CHAPTER 88 ADD 88-24.3.1

If a developer has obtained a special exception from the Board of Appeals for the Town of Walkersville within one year prior to the effective date of the enactment of Ordinance 2008-01 then the development shall be exempt from this provision of chapter 88-24.3

This law will cease to be in effect and shall be removed from the Code of the Town of Walkersville as of December 31, 2009.

Introduced this 11th day of June 2008

Burgess and Commissioners of Walkersville, Maryland Ralph W. Whitmore, President

Passed this _____ day of _____ 2008. Burgess and Commissioners of Walkersville, Maryland Ralph W. Whitmore, President

Approved this _____ day of _____, 2008

ORDINANCE 2008-01

AN ORDINANCE AMENDING CHAPTER 88 of the Code of the Town of Walkersville by deleting certain 'Special Exceptions' from the Agriculture District.

WHEREAS, pursuant to Section 88-68 on the Burgess and Commissioner's motion; and

WHEREAS, Section 88-1(a)(3) calls on the Board to regulate and determine the use and intensity of use of land and lot areas; and

WHEREAS, Section 88-1(a)(5) calls on the Board to divide the entire town into districts of such number, shape, area, and of such different classes as are deemed best situated to carry out these purposes; and

WHEREAS, pursuant to Ordinance 2007-12 the Town created an Institutional Zoning Designation to deal with the fact that the Comprehensive Plan of Walkersville of 2003 designated 190 acres of land in "institutional use", however the Town lacked a corresponding Institutional Use zoning classification; and

WHEREAS, the Town of Walkersville adopted Ordinance 2007-12 deleting Institutional Type uses from the Open Space zoning districts; and

WHEREAS, these Institutional Type uses are presently considered as "Special Exceptions" in the Agriculture zoning district; and

WHEREAS, the Towns Comprehensive Plan of 2003 adopted the following policies on pages V-12 and V-13:

"Agricultural lands shall remain undeveloped over the next 5 years."

"Additional low density, well and septic development of agricultural areas shall be discouraged within potential annexation limits.

"Farming is an integral part of the Town's character. The Town shall not interfere with the agricultural use of agriculturally zoned properties. Efforts shall be made to keep farms adequately buffered from development on adjacent properties." And

WHEREAS, the institutional type uses listed as "Special Exceptions" in the agricultural district such as educational facilities, places of worship, community services etc. are not "agriculture uses of agriculturally zoned properties" and

WHEREAS, these "Special Exception" uses are not being prohibited in all districts.

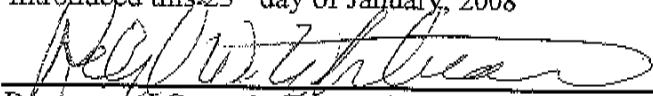
Therefore be it adopted that in the

Agricultural District

DELETE FROM 88-24.3 Special Exception uses

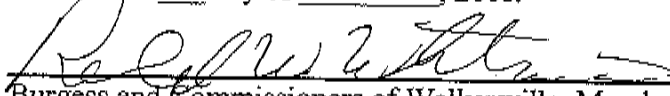
- ~~A. Public and Private educational facilities~~
- ~~B. Places of Worship~~
- ~~C. Community Services, public utilities and other public facilities~~
- ~~D. Private Clubs~~
- ~~E. Recreational facilities~~
- J. Antique shops

Introduced this 23rd day of January, 2008



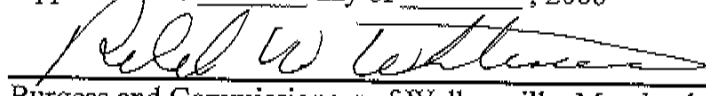
 Burgess and Commissioners of Walkersville, Maryland
 Ralph W. Whitmore, President

Passed this ___ day of ___, 2008.



 Burgess and Commissioners of Walkersville, Maryland
 Ralph W. Whitmore, President

Approved this ___ day of ___, 2008



 Burgess and Commissioners of Walkersville, Maryland
 Ralph W. Whitmore, President