

**COUNCIL OF THE CITY OF ABERDEEN**  
**Ordinance No. 21-O-15**

<b>Date Introduced:</b>	October 25, 2021
<b>Sponsored By:</b>	Councilman Adam M. Hiob and Councilwoman Sandra J. Landbeck
<b>Public Hearing:</b>	November 8, 2021
<b>Amendments Adopted:</b>	None
<b>Date Adopted:</b>	December 6, 2021
<b>Date Effective:</b>	December 27, 2021

**AN ORDINANCE** concerning

**A MORATORIUM ON BUILDING PERMITS AND SPECIAL EXCEPTIONS  
FOR SPECIFIC USES IN THE TRANSIT ORIENTED DEVELOPMENT  
DISTRICT (TOD)**

**FOR** the purpose of establishing a moratorium on the acceptance, processing, granting approvals for and issuance of building permits and Special Exceptions, by the City of Aberdeen for a certain duration of time in order to enable the City to undertake certain planning and plan implementation activities; providing for certain exceptions to this moratorium; and generally related to a temporary moratorium on the processing, granting approvals for and issuance, of certain building permit approvals and Special Exception requests for medical services, medical clinics, and similar medical uses.

**EXPLANATORY STATEMENT:** In March 2012, the City of Aberdeen adopted the Aberdeen Transit Oriented Development (TOD) Master Plan and subsequently implemented zoning changes, zoning map updates, and amendments to the Development Code for the purpose of creating the Transit Oriented Development District. The amendments included specific mixed-use regulations and a form-based code with a Regulating Plan for the four established transect zones or subdistricts for the TOD District. The intent of the TOD District is to implement and encourage the redevelopment of properties located within the established TOD area. The TOD District provides specific standards necessary to promote the goals and objectives of the 2011 Comprehensive Plan and the TOD Master Plan. The TOD Master Plan vision brings value to the Aberdeen MARC Train Station and furthers economic development activities to the district. It specifically targets three distinct geographic area, Station Square, Festival Square, and Residential Square. The vision builds upon the Aberdeen MARC Train Station and adds value to this asset by creating a walkable, accessible, and convenient area, reinforcing small town character, bringing a sense of place, creating a safe environment, and providing opportunities for green space and recreation.

The City received the distinguished Maryland Main Street designation in March 2020 and in conjunction with the designation has received a grant award from the Maryland Department of Housing and Community Development. The grant awarded is for the purpose of conducting the Aberdeen Main Street Strategic Planning, Design, and Marketing Study. The outcomes of this study may include recommendations to change certain permitted uses within the TOD District to support the Main Street initiative.

**SECTION 1. BE IT ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN** that it deems it to be in the public interest to place a limited moratorium on the processing and approval of applications and approvals for medical services, medical clinics, and similar medical uses while the City undergoes its “vision” planning and implementation process to determine what role these types of uses should play in the future of the Aberdeen’s TOD District and designated Main Street area, and how the approval of such uses should be permitted in the TOD District or other zoning districts in the City. This failure to impose this brief restriction on the approval or issuance of permits for medical services, medical clinics, or similar medical uses during the planning and implementation period may negate or undermine the outcome of the planning process. The temporary moratorium should not deny any landowner reasonable use of land during the moratorium period, since land in all zoning districts may be developed and construction upon for other permissible land uses that are not subjected to the temporary moratorium.

A. Subject to Paragraph B below, commencing on the effective date of this Ordinance, the City of Aberdeen shall not:

1. Accept, process or approve any application for Special Exception approval for medical services, medical clinics, or similar medical uses in the TOD District.
2. Accept, process or approve any application, or grant any approval, for building permits for medical services, medical clinics, or similar medical uses in the TOD District.

B. The moratorium established by Paragraph A, above shall not apply to the acceptance of applications for, processing, approval or issuance of any grading permits, building permits or Board of Appeals approvals in the TOD District, intended for the development or construction of:

1. Permitted uses in accordance with Appendix A Table of Use Regulations provided in the Code of the City of Aberdeen, Chapter 235. Development Code.

C. The moratorium established by Paragraph A above shall expire without further action of the City Council on Monday, January 31, 2022, unless sooner terminated or extended by Resolution of the City Council.

**SECTION 2. AND BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN** that if any provision of this Ordinance, or the application thereof to any person or circumstance, is held invalid for any reason, such invalidity shall not affect the other provisions or any other application of this Ordinance which can be given effect without the invalid provisions or application, and to this end, all the provisions of this Ordinance are hereby declared to be severable.

**SECTION 3. AND BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN** that this Ordinance shall become effective at the expiration of twenty (20) calendar days after its adoption by the Council.

**COUNCIL OF THE CITY OF ABERDEEN**

Patrick L. McGrady, Mayor

Adam M. Hiob, Councilman

Jason W. Kolligs, Councilman

Sandra J. Landbeck, Councilwoman

Timothy W. Lindecamp, Councilman

ATTEST:

SEAL:

*Monica A. Correll*  
Monica A. Correll, City Clerk

Date *December 6, 2021*