

ORDINANCE NO.: 194  
INTRODUCED: March 7, 2016  
PUBLIC HEARING: April 4, 2016  
ENACTED:  
EFFECTIVE:

**COMMISSIONERS OF POOLESVILLE, MARYLAND**

AN ORDINANCE of the Town of Poolesville, Maryland to amend language in Section 1.B.of Appendix B of the Zoning Code in the Poolesville Code of Ordinances, addressing the applicability of the Poolesville Zoning Code.

WHEREAS, municipal governments are required to provide various improvements for the health, safety and welfare of the public, which in many cases are unique and not typical residential, commercial or industrial construction. Such examples include water tanks, pump stations, streets, streetlights, etc.; and

WHEREAS, judicial opinions have provided exemptions for such municipal projects from applicable local zoning regulations as the construction of such projects usually do not allow for the siting and location of these improvements to comply with typical zoning standards, yet the need they fulfill to the community's health, safety and welfare outweighs such zoning concerns; and

WHEREAS, Ordinance 194 does not alter the authority of the Planning Commission over site plan review as provided for in the Land Use Article of the Maryland Annotated Code; and

WHEREAS, in order to best provide for the health, safety and welfare of the citizens of Poolesville, the Commissioners of Poolesville find that while municipal projects should attempt to comply with the Zoning Code of the Town of Poolesville, an absolute requirement for such compliance is not in the best interest of the citizens of Poolesville, as it limits the Town ability to construct such project which benefit the entire community.

WHEREAS, the Poolesville Planning Commission reviewed this proposal on \_\_\_\_\_, and made a recommendation to the Commissioners of Poolesville for adoption; and

WHEREAS, a public hearing on this matter was held on \_\_\_\_\_, after being advertised pursuant to the requirements of the Poolesville Code and State Law.

NOW THEREFORE, BE IT ORDAINED by the Commissioners of the Town of Poolesville that:

SECTION 1. The Section 1.B. of Appendix B of the Zoning Code in the Poolesville Code of Ordinances, is amended as follows:

[B. This Ordinance shall apply to the Town of Poolesville, provided that it shall not apply to the United States Government, the State of Maryland or other governmental agency lawfully exercising its powers in this area.]

B. This Ordinance shall not apply to the Town of Poolesville, the United States Government, the State of Maryland or other governmental agency lawfully exercising its power.

Underlining indicates matter added to the existing Code.

[single boldface brackets] indicates matter deleted from the existing Code.

SECTION 2. The provisions of this Ordinance are severable, and if any provision, clause, sentence, word or part thereof is held illegal, invalid, or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words, or parts of the Ordinance or their application to the other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been adopted as if such illegal, invalid unconstitutional provision, clause, sentence, section, word or part had not been included therein, and as if the person or circumstance to which the ordinance or part thereof is inapplicable had been specifically exempted therefrom.

A TRUE COPY ATTEST:

\_\_\_\_\_  
James E. Brown President,  
Commissioners of Poolesville

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Barbara L. Evans  
Town Clerk