

KARPINSKI, COLARESI & KARP, P.A.

ATTORNEYS AT LAW

**120 East Baltimore Street, Suite 1850
Baltimore, Maryland 21202-1617**

DANIEL KARP *
KEVIN KARPINSKI *
VICTORIA M. SHEARER *
E.I. CORNBROOKS, IV

SANDRA D. LEE **
J. MICHAEL COLLITON *
MICHELLE L. SEIDLECK
ALYSON PARKER KIERZEWSKI

* Admitted in MD and DC
** Admitted in MD, NY and DC

410-727-5000

Facsimile 410-727-0861
Email: bkcklaw@aol.com
website: www.kcklegal.com

RICHARD T. COLARESI
RETIRED

MICHAEL B. RYND
OF COUNSEL

October 2, 2018

via electronic filing
The Honorable Peter J. Messitte
United States Magistrate Judge
United States District Court for
The District of Maryland
101 West Lombard Street
Baltimore, Maryland 21201

RE: 338-113
Case No: PJM-18-0411
Redemption Community Church v. City of Laurel

Dear Judge Messitte:

I write to advise Your Honor that the Mayor and City Council of Laurel (“the City”) adopted Ordinance No. 1931, attached hereto, enacting Text Amendment No. 250 to amend the Laurel Unified Land Development Code. Text Amendment 250 provides that a House of Worship no longer requires a “Special Exception” but is a “Permitted Use” in the Commercial-Village or “C-V” Zone, in which the Property at issue of Plaintiff Redemption Community Church (“the Church”) is located, at 385 Main Street, Laurel, Maryland. For this reason, the Church no longer is required to submit an application for a Special Exception in order to use the Property for a House of Worship.

Defendant notes that Plaintiff has moved for an injunction “prohibiting [the City] from enforcing or applying its special exception requirement against Plaintiff Redemption Community Church.” Plaintiff’s Motion for Preliminary Injunction (Doc. No. 7) at 1. Defendant respectfully submits that the Motion for Preliminary Injunction now is moot because the City does not require a Special Exception requirement for use of the Property at issue as a House of Worship.

The Honorable Peter J. Messitte
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Under the circumstances, because Plaintiff's Motion for Preliminary Injunction is moot, Defendant respectfully submits it is appropriate to cancel the hearing scheduled for October 17, 2018, for argument on the Motion for Preliminary Injunction.

Thank you for Your Honor's time and consideration.

Respectfully submitted,

KARPINSKI, COLARESI & KARP

/s/

By: Kevin Karpinski

KK:bjap

Attachment

cc: All counsel of record (via electronic filing)

ORDINANCE NO. 1931

TEXT AMENDMENT NO. 250

AN ORDINANCE TO AMEND THE LAUREL UNIFIED LAND DEVELOPMENT CODE; CHAPTER 20 LAND DEVELOPMENT AND SUBDIVISION, ARTICLE I ZONING, DIVISION 5 ZONING DISTRICTS, SECTION 20-7.8., SECTION 20-8.3., SECTION 20-9.5., AND SECTION 20-12.3., OF THE CITY CODE TO ALLOW FOR A HOUSE OF WORSHIP IN CERTAIN COMMERCIAL, OFFICE BUILDING, INDUSTRIAL, AND MIXED USE ZONES AS A PERMITTED USE; AND PROVIDING AN EFFECTIVE DATE.

Sponsored by the President at the request of the Administration.

WHEREAS, on September 24, 2018, the Mayor and City Council of Laurel adopted City Ordinance Number 1702, Text Amendment Number 250, approving a Unified Land Development Code; and

WHEREAS, City staff has received requests for Houses of Worship to be a permitted use within certain Commercial, Office Building, Industrial, and Mixed Use Zones within the City; and

WHEREAS, City staff has researched Houses of Worship and has reviewed the Unified Land Development Code and recommends a text amendment to allow a House of Worship as a permitted use within the C-N Commercial Neighborhood Zoning District, C-C Community Commercial Zoning District, C-G Commercial General Zoning District, C-SH Commercial Shopping Center Zoning District, C-V Commercial Village Zoning District, C-VAC Commercial Village Activity Center Zoning District, O-B Office Building Zoning District, I-CS Industrial Commercial Service Zoning District, and M-X-T Mixed Use Transportation Oriented Zoning District; and

WHEREAS, the Mayor and City Council of Laurel wishes to make the changes recommended by City staff as set forth herein.

NOW THEREFORE BE IT ENACTED AND ORDAINED, by the Mayor and City Council that Chapter 20, Article I, Division 5, Section 20-7.8., Section 20-8.3., Section 20-9.5., and Section 20-12.3., of the Laurel City Code is amended as follows:

Chapter 20

LAND DEVELOPMENT AND SUBDIVISION

**ARTICLE I.
ZONING**

**DIVISION 5
ZONING DISTRICTS**

* * * * *

SECTION 20-7. COMMERCIAL ZONES.

* * * * *

*Underlining indicates new language added.
Strikethroughs indicate language deleted.
* * * Asterisks indicate intervening language and section unchanged.*

Sec. 20-7.8. Table of Commercial Uses.

<i>Use</i>	<i>C-N</i>	<i>C-C</i>	<i>C-G</i>	<i>C-SH</i>	<i>C-V</i>	<i>C-VAC</i>
* * * *						
House of worship, convents, and monasteries:						
• Located on a lot less than 1 acre in size.	<u>SE</u> <u>P</u>	<u>SE</u> <u>P</u>	<u>SE</u> <u>P</u>	<u>SE</u> <u>P</u>	<u>SE</u> <u>P</u>	<u>SE</u> <u>P</u>
• Located in a building that was constructed on a lot less than 1 acre in size.	<u>SE</u> <u>P</u>	<u>SE</u> <u>P</u>	<u>SE</u> <u>P</u>	<u>SE</u> <u>P</u>	<u>SE</u> <u>P</u>	<u>SE</u> <u>P</u>
• Located on a lot 1 acre or greater in size.	P(hh)	P(hh)	P(hh)	<u>SE</u> (hh) <u>P (hh)</u>	P(hh)	P(hh)

* * * *

(hh) A house of worship shall comply with the following:

- (1) The minimum setback for all buildings shall be twenty-five (25) feet from each lot line;
- (2) Ingress and egress shall be located so as to direct traffic away from streets that are internal to a residential subdivision;
- (3) The applicant shall satisfactorily demonstrate that parking and traffic will not adversely affect adjacent residential neighborhoods;
- (4) Parking spaces or loading areas shall not be located in the front yard; and
- (5) The maximum allowable lot coverage for the zone in which the use is proposed shall not exceed fifty (50) percent.

* * * *

SECTION 20-8. OFFICE BUILDING ZONES.

* * * *

Sec. 20-8.3. Table of Office Building Uses.

<i>Use</i>	<i>O-B</i>	<i>O-B-E</i>
* * * *		
House of worship	<u>SE</u> <u>P</u>	X

* * * *

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SECTION 20-9. INDUSTRIAL ZONES.

* * * *

Sec. 20-9.5. Table of Industrial Uses.

<i>Use</i>	<i>I-CS</i>	<i>I-G</i>	<i>I-RTP</i>
* * * *			
House of worship, convents, and monasteries:			
<ul style="list-style-type: none"> • Located on a lot less than 1 acre in size. 	SE <u>P</u>	X	X
<ul style="list-style-type: none"> • Located in a building that was constructed on a lot less than 1 acre in size. 	SE <u>P</u>	X	X
<ul style="list-style-type: none"> • Located on a lot 1 acre or greater in size. 	SE(q) <u>P (q)</u>	X	X
<ul style="list-style-type: none"> • Located in a building that was constructed on a lot 1 acre or greater in size. 	SE(r) <u>P (r)</u>	X	X

* * * *

- (q) A house of worship shall comply with the following:
- (1) The minimum setback for all buildings shall be twenty-five (25) feet from each lot line;
 - (2) Ingress and egress shall be located so as to direct traffic away from streets that are internal to a residential subdivision;
 - (3) The applicant shall satisfactorily demonstrate that parking and traffic will not adversely affect adjacent residential neighborhoods;
 - (4) Parking spaces or loading areas shall not be located in the front yard;
 - (5) The maximum allowable lot coverage by building shall be sixty-five (65) percent; and
 - (6) The minimum allowable green space shall be twenty (20) percent.
- (r) A house of worship shall comply with the following:
- (1) The applicant shall satisfactorily document that off-street parking is sufficient to comply with Section 20-16, Parking and Loading Facilities. If a reduction in the required parking is requested a parking study shall be required to demonstrate that adequate parking will be provided.
 - (2) The applicant shall satisfactorily document by a traffic study that traffic impacts because of the increase intensity in land use will be mitigated.
 - (3) It will be an adaptive reuse of an existing building. Adaptive reuse shall mean at least fifty (50) percent of the existing building.

* * * *

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SECTION 20-12. - M-X-T ZONE (MIXED USE—TRANSPORTATION ORIENTED).

* * * *

Sec. 20-12.3. - Table of Mixed-Use—Transportation Oriented Zone Uses.

<i>Uses</i>	<i>M-X-T</i>
* * * *	
House of worship, convents, and monasteries:	
<ul style="list-style-type: none"> • Located on a lot 1 acre or greater in size. 	SE(b) P (b)

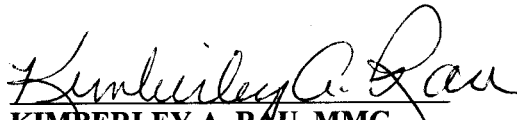
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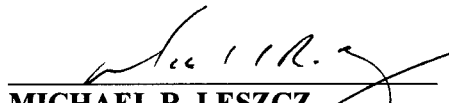
(b) Must be included within approved conceptual site plan.

AND IT BE FURTHER ENACTED AND ORDAINED, that this Ordinance shall take effect on the date of its passage.

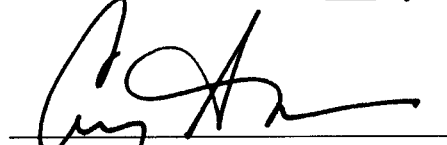
PASSED this 24th day of September, 2018.

ATTEST:


KIMBERLEY A. RAU, MMC
 Clerk to the City Council


MICHAEL R. LESZCZ
 President of the City Council

APPROVED this 24th day of September, 2018.


CRAIG A. MOE
 Mayor

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