

ORDINANCE NO. 19-08

Introduced by: _____

AN ORDINANCE OF THE TOWN OF QUEENSTOWN TO AMEND ARTICLE XII, SECTION 122 OF THE QUEENSTOWN ZONING ORDINANCE TITLED “EXPIRATION OF BUILDING PERMIT” TO CLEARLY ESTABLISH THE TIME PERIOD FOR EXPIRATION AND TO ESTABLISH CIRCUMSTANCES PERMITTING THE RENEWAL AN EXISTING BUILDING PERMIT

WHEREAS, Md. Code Ann. Land Use Article § 4-202 authorizes municipalities to adopt zoning regulations as it determines are in the public health, safety and welfare; and

WHEREAS, on September 25, 2019, the Queenstown Commissioners introduced Ordinance No. 19-08 and determined that it is desirable and in the public interest to make certain amendments to the Zoning Ordinance to establish the time period for the expiration of a building permit issued by the Zoning Administrator and to establish the requirements for renewing an existing building permit after its expiration and submitted Ordinance No. 19-08 to the Queenstown Planning Commission for its review and recommendation; and

WHEREAS, on October 2, 2019, the Queenstown Planning Commission introduced Ordinance No. 19-08; and

WHEREAS, on November 6, 2019, after a duly advertised public hearing, the Queenstown Planning Commission adopted Ordinance No. 19-08 and certified the proposed amendment to the Queenstown Commissioners for their review, approval, and adoption; and

WHEREAS, on _____, the Queenstown Commissioners held a public hearing on Ordinance No. 19-08 and have determined that it is desirable and in the public interest to make certain amendments to the Zoning Ordinance as recommended by the Queenstown Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSIONERS OF QUEENSTOWN AS FOLLOWS:

Section 1. Article XII, Section 122 of the Queenstown Zoning Ordinance is hereby amended as follows:

§ 122. Expiration of Building Permit.

- A. If the work described in any building permit has not begun within ~~one year~~ **six months** from the date of issuance thereof, said permit shall expire. It

shall be canceled by the Zoning Administrator and written notice thereof shall be given the persons affected.

- B. If the work described in any building permit has not been ~~substantially~~ completed within ~~two years~~ **one year** of the date of issuance, ~~unless work is proceeding thereof,~~ said permit shall expire and be canceled by the Zoning Administrator, and written notice hereof shall be given to the persons affected, together with notice that further work, as described in the canceled permit, shall not proceed unless and until a new building permit has been obtained.
- C. **Subject to the provisions of the following paragraphs, no renewal of an existing building permit shall be granted after the expiration of one year from the date of issuance of the original permit unless reasonable progress shall have been made toward the completion of the construction or work described in the permit and related plans.**
1. **Reasonable progress, for the purpose of this section, is defined as completion of all exterior work authorized or necessary under the original building permit, so that the exterior of the structure and the yard area shall present a finished appearance, free of debris and construction materials, and shall not detract from the value of surrounding properties, or present health or safety issues.**
 2. **If the Applicant fails to demonstrate reasonable progress as defined herein, the Zoning Administrator may grant a renewal only in the case of extraordinary and bona-fide hardship.**
 3. **Any denial or issuance of a renewal under this section shall be reviewable by the Board of Appeals, which shall have the authority to reverse, affirm, or modify the decision of the Zoning Administrator based upon verified evidence presented at a public hearing. The Board of Appeals shall have the authority to impose reasonable conditions upon the issuance of any renewal permit, including a performance or completion bond secured by corporate surety. The Board's authority under this section is not limited by any other provision of this ordinance.**
- D. **After issuance of a building permit, failure to comply with the conditions of the building permit, or failure to strictly comply with the provisions of this Ordinance, including completion within the time allowed, shall be considered a municipal infraction and shall be subject to the provisions of § 129 of this ordinance.**

Section 2. Unless specifically amended as set forth above, all other provisions of the Queenstown Zoning Ordinance shall remain unchanged.

Section 3. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Commissioners of Queenstown hereby declare that they would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

ADOPTED AND RECOMMENDED this ____ day of _____, 2019.

WITNESS:

QUEENSTOWN PLANNING COMMISSION:

Amy Moore, Town Clerk

Phillip Snyder, Chair

Amy Moore, Town Clerk

Matthew Reno, Vice Chair

Amy Moore, Town Clerk

Loretta Hohmann, Secretary

Amy Moore, Town Clerk

Paul Cain

Amy Moore, Town Clerk

Mike Howell

ORDAINED, APPROVED, AND PASSED by the Town Commissioners for the Town of Queenstown on this ____ day of _____, 2019.

WITNESS:

TOWN COMMISSIONERS FOR THE
TOWN OF QUEENSTOWN:

Ordinance 19-08
Establishing Building Permit Expiration and Renewal
Introduced _____

Amy Moore, Town Clerk

Thomas B. Willis, Jr., President

Amy Moore, Town Clerk

Holger Schuster, Commissioner

Amy Moore, Town Clerk

Al Hardee, Commissioner

NOTE: ~~Strike through text~~ = deleted text
Bold text = added text