

ORDINANCE NO. 742

INTRODUCED BY: _____

AN ORDINANCE OF THE TOWN OF DENTON TO AMEND THE DENTON TOWN CODE ZONING ORDINANCE AND THE PROVISIONS CONTAINED IN CHAPTER 128 OF THE DENTON TOWN CODE WITH RESPECT TO INFILL AND REDEVELOPMENT AND NONCONFORMING STRUCTURES

WHEREAS, the Town of Denton (“Town”) is authorized by the Maryland Annotated Code (“Code”), Land Use Article, Section 4-204 to amend the Denton Town Code Chapter 128, Zoning Ordinance; and

WHEREAS, Chapter 128 (Zoning) of the Denton Town Code sets forth guidelines for infill and redevelopment in Zoning Districts; and

WHEREAS, the Denton Town Council, upon the recommendation of the Denton Planning Commission, has amended the Denton Town Code to allow flexibility for infill and redevelopment projects and nonconforming structures, and

WHEREAS, the Denton Town Council has determined that it is desirable, in the public interest, and consistent with the intent of the development of infill and redevelopment of land, buildings, and structures in any zoning district;

NOW, THEREFORE, BE IT ENACTED, the Denton Town Council hereby ordains as follows:

SECTION 1: The Denton Town Code §128-8 Terms defined is hereby modified and reenacted with amendments as follows:

§ 128-8 Terms defined.

INFILL – The development of vacant, abandoned, passed over, or underutilized land areas of Denton that are already largely developed.

SECTION 2: The Denton Town Code §128-157 Nonconforming structures is hereby modified and reenacted with amendments as follows:

§ 128-157 Nonconforming structures.

Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. ~~No such structure may be enlarged or altered in a way which *that* increases its nonconformity.~~
- B. ~~Should such structure be destroyed by any means to an extent of more than 50% of its replacement cost at time of destruction as determined by the Director of Planning, it shall not be reconstructed except in conformity with the provisions of this chapter.~~

Structures with a nonconforming setback may be expanded, replaced, or moved along a line parallel to the existing nonconformity, provided all other applicable zoning, building, and fire codes are met. This expansion, movement, or replacement is allowed in front, rear, and side yards.

- C. ~~Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zone in which it is located after it is moved.~~

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 Denton Town Council hereby declares that it 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.

SECTION 4: In accordance with Md. Code Ann., Land Use §§ 4-203(b)(3), this Ordinance shall not be effective until at least ten (10) days after a public hearing.

ENACTED THIS _____ DAY OF _____, 2023.

DENTON TOWN COUNCIL:

Abigail McNinch, Mayor

Dallas Lister, Councilperson

Lester L. Branson, Councilperson

Walter Keith Johnson, Councilperson

Frank Taylor, Councilperson

ATTEST:

Karen L. Monteith, Clerk-Treasurer

Approved for legal sufficiency this _____ day of _____, 2023.

Christopher F. Drummond, Town Attorney

Date Introduced _____

Date Amendments Introduced _____

Date Passed _____

Effective Date _____

Text that is stricken reflects language omitted from the Town Code
Text in **bold** and *italicized* reflects additions to the Town Code