ORDINANCE NO. 770

INTRODUCED BY _____

AN ORDINANCE OF THE TOWN OF DENTON
AMENDING THE TOWN OF DENTON ZONING ORDINANCE TO AUTHORIZE THE EXTENSION OF CERTAIN SITE PLANS IN CERTAIN CIRCUMSTANCES

WHEREAS, the Town of Denton is authorized by the Land Use Article of the Maryland Annotated Code, Land Use Article to enact and administer a zoning ordinance to promote the health, safety, morals or general welfare of the community, including the location and use of buildings, structures, and land, which ordinance is Chapter 128 of the Denton Town Code; and

WHEREAS, the Town of Denton is authorized by the Md. Code Ann., Land Use Article, Section 4-204 to amend, supplement, modify or repeal sections of the zoning ordinance; and

WHEREAS, the Town of Denton Zoning Ordinance prohibits more than one 1-year extension of an approved site plan provided that the project has undertaken actual construction as defined in the Zoning Ordinance; and

WHEREAS, the Denton Town Council recognizes that some projects within town require state and/or federal approval before the applicant may undertake actual construction of the project; and

WHEREAS, the Denton Town Council recognizes a benefit to permitting, at the discretion of the Planning Director, additional one-year extension upon a finding that actual construction of a particular project is delayed due only to outstanding necessary federal and/or state permits or approvals when said permits or approvals are out of the control of the applicant; and

WHEREAS, the Denton Planning Commission considered the zoning ordinance amendments at its October ___, 2026 meeting and recommended that the Town Council approve this Ordinance; and

WHEREAS, the Denton Town Council has determined that it is desirable, in the public interest, and consistent with the 2020 Comprehensive Plan to permit the Director to approve additional extensions under certain circumstances;

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

SECTION 1: Article XVI, Section 128-209, Approval and extension, is hereby modified with amendments as follows:

§ 128-209 Approval and extension.

A. Approval of a site plan submitted under the provisions of this article shall expire two (2) years after the date of such Approval unless building permits have been obtained for construction per that site plan.

B. A one-year extension may be given upon written request by the applicant to the Director of Planning within ninety (90) days before the approved site plan expires. The Director of Planning shall acknowledge the request and shall forward the request within forty-five (45) days after receipt to the Planning Commission for a recommendation regarding the requested extension.

C. ***The Planning Director shall have the discretion to grant additional one-year extensions upon a finding by the Director that the extension is necessary due to the inability of the applicant to undertake construction due only to delays caused by state and federal agencies in issuing necessary and applicable permits or approvals for the project.***

D. Except as provided in subsection C, ~~N~~*n*o extension shall be approved if development standards applicable to the approved site plan have been revised and actual construction has not lawfully begun before the effective date of adoption or amendment of this Chapter and upon which actual building construction has been diligently carried on. Actual construction is defined to include the placing of construction materials in a permanent position and fastened permanently; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, if work shall be diligently carried on until completion of the building involved.

SECTION 2: 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 3: In accordance with § C3-12 of the Town Charter, this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect seven (7) days from and after the date of its final passage and adoption, except that 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 is held.

ENACTED THIS ____ DAY OF _____, 2026.

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 _____, 2026.

_____
Lyndsey Ryan, 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