

COMMISSIONERS OF OXFORD

Ordinance No. 1224

Introduced by: _____

Date: _____

AN ORDINANCE OF THE TOWN OF OXFORD TO AMEND SECTIONS 19, 23, 31 AND 36 OF THE OXFORD ZONING ORDINANCE TO INCORPORATE DEFINITIONS, CLARIFICATION AND PROCEDURES RELATED TO STRUCTURES, DRIVEWAYS, AND MODERN EQUIPMENT LOCATED WITHIN THE HISTORIC DISTRICT AND TO INCORPORATE THE MOST RECENT CHANGES TO STATE LAW RELATED TO THE ESTABLISHMENT AND AUTHORITY OF HISTORIC DISTRICT COMMISSIONS

Introduced, read first time, ordered posted, and public hearing scheduled on _____, 2013 at _____ p.m. at the Oxford Town Meeting Room, Market Street, Oxford, Maryland 21654.

By Order _____
Town Clerk

I hereby certify that the foregoing Ordinance Number _____ of the Town of Oxford was duly read, advertised, and enacted in accordance with the applicable provisions of the Charter of the Town of Oxford on this _____ day of _____, 2013.

Attest: _____
Cheryl Lewis, Clerk/Treasurer
Town of Oxford

COMMISSIONERS OF OXFORD

ORDINANCE NUMBER 1224

INTRODUCED BY: _____

DATE OF INTRODUCTION: _____

AN ORDINANCE OF THE TOWN OF OXFORD TO AMEND SECTIONS 19, 23, 31 AND 36 OF THE OXFORD ZONING ORDINANCE TO INCORPORATE DEFINITIONS, CLARIFICATION AND PROCEDURES RELATED TO STRUCTURES, DRIVEWAYS, AND MODERN EQUIPMENT LOCATED WITHIN THE HISTORIC DISTRICT AND TO INCORPORATE THE MOST RECENT CHANGES TO STATE LAW RELATED TO THE ESTABLISHMENT AND AUTHORITY OF HISTORIC DISTRICT COMMISSIONS

WHEREAS, the Commissioners of Oxford are authorized by the Maryland Code Annotated, Article 23A, §2(b)(30) to provide reasonable zoning regulations; and

WHEREAS, the Town of Oxford has established a Historic District and a Historic District Commission in accordance with state law; and

WHEREAS, the Historic District Commission has reviewed the Oxford Zoning Ordinance and has proposed revisions to Sections 19, 23, 31 and 36 related to certain regulations of the Oxford Historic District in order to add definitions, and to provide clarification and procedures related to structures, driveways and modern equipment located within the Historic District, and to incorporate the most recent changes to state law set forth in Md. Code Ann. Land Use Article § 8-101, et seq. relating to the establishment and authority of Historic District Commissions; and

WHEREAS, the Oxford Planning Commission has reviewed and recommended the changes proposed by the Historic District Commission; and

WHEREAS, the Commissioners of Oxford have determined that it is desirable and in the public interest to revise Sections 19, 23, 31 and 36 of the Oxford Zoning Ordinance to incorporate the terms and procedures related to the Oxford Historic District.

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

Section 1: Section 19.01 of the Oxford Zoning Ordinance is hereby amended to add and/or revise the following definitions:

SECTION 19. DEFINITIONS

§ 19.01- Definitions.

Appurtenances and Environmental Settings. Structures, or grounds or settings which surround a structure. Appurtenances and environmental settings shall include, but not be limited to, walkways and driveways (whether paved or not), setbacks and landscape elements.

Permanent. Existing or intended to exist for an indefinite period.

Public Way. Any street, alley, or other public areas of the Town, including waterways surrounding the Town.

Solar Energy Collection System. An accessory structure that is a roof-mounted, wall mounted or ground mounted device or equipment, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling or water heating of buildings located on the same property.

Structure. Anything placed, constructed or erected the use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground including but not limited to: buildings, radio and TV antennas, satellite dishes, sheds, permanent signs, trailers, or mobile homes, swimming pools, swimming pool accessories, fences, booths, piers, jetties, bulkheads, garage, tanks, decks, exterior masonry walls, and heat/air conditioning equipment and generators.

Wind Energy Collection System. An accessory structure consisting of a wind turbine and associated control or conversion electronics that is roof-mounted, wall mounted or ground mounted that is intended to generate energy.

Section 2. Section 23 of the Oxford Zoning Ordinance is hereby amended as follows:

SECTION 23. "R-2" HISTORIC RESIDENTIAL DISTRICT

§ 23.00 - Statement of Intent.

The intent hereof is that this district shall be used to maintain the general character of Historic Oxford by allowing for the preservation and restoration of ~~older~~ **existing residences-structures**, and assuring that new ~~developments~~ **structures** in these areas will be ~~generally~~ compatible with the existing structures and uses.

§ 23.01 - Permitted Principal Uses and Structures.

The following principal uses and structures shall be permitted in the "R-2" district:

- A. Single family detached dwellings.
- B. Duplex dwellings (two family units).
- C. A residential structure which is in existence at the effective date of this ordinance may be altered to contain as many as three separate dwelling units so long as the exterior appearance of the structure is not, in the judgment of the Town Planning Commission, **after formal review and approval by the Historic District Commission**, significantly changed in order to accommodate the additional dwelling units, and so long as all other legal requirements are met. There shall be no more than one dwelling unit per floor, and each unit shall contain a minimum of 750 square feet.
- D. Public or private parks or playgrounds.
- E. Public buildings and structures of a recreational or public service type.
- F. Public information of event signs, subject to the provisions of § 8.02.

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§ 23.03 - Accessory Uses and Structures.

- A. The following accessory uses and structures shall be permitted in the "R-2" district:

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- 8. Antennas, **Satellite Antennas, Solar and Wind Energy Collection systems.**

...

- B. The following provisions shall apply to accessory structures:

- 1. Accessory structures shall be located only in a rear yard or side yard, except for boundary fences, or walls and signs allowed herein.
- 2. No accessory structure or part thereof except boundary fences, or walls and signs shall be located less than two feet from any side or rear lot line, except that on corner lots no such structure shall be located less than 15 feet from the street side property line.

- ~~3. Satellite antennas.~~

~~a. Applications for roof mounted satellite antennas must be accompanied by owners' certification that the roof provides a sufficiently strong structure mount to withstand adverse weather such as hurricanes.~~

~~b. Dish diameter shall be limited to 12'.~~

C. The following provisions apply to modern equipment in the Historic District:

- 1. Skylights. For Structures having historic or architectural significance in the Historic District, skylights shall only be installed where they are not visible from the public way.**
- 2. Satellite/television/radio antennas. Satellite antenna and/or dishes on residential or commercial buildings in the Historic District shall be located on the least prominent area of a structure, consistent with functional requirements.**
 - a. Applications for roof mounted satellite antennas shall be accompanied by owners' certification that the roof provides a sufficiently strong structure mount to withstand adverse weather such as hurricanes.**
 - b. Satellite Dish Diameters shall be limited to 36 inches.**
- 3. Solar and Wind Energy Collection Systems. Solar and Wind energy collection systems shall be located on surfaces that are not visible from public way.**

Section 3. Section 31 of the Oxford Zoning Ordinance is hereby amended as follows:

SECTION 31. TOWN OF OXFORD HISTORIC DISTRICT COMMISSION

§ 31.01 - Statement of Intent and Purpose.

It is the intent and purpose hereof to provide for the preservation of ~~those~~ **sites and structures of historical, archeological or architectural significance, together and with their appurtenances and environmental settings** within the Historic District of the Town of Oxford, which have historic and architectural value, in order to:

- A. safeguard the heritage of the Town by preserving the district therein which reflects elements of its cultural, social, economic, political, or architectural history;**

- B. stabilize and improve property values within such a district;
- C. to foster civic beauty;
- D. to strengthen the local economy; and
- E. to promote the use and preservation of **the** Historic Districts for the education, welfare, and pleasure of the residents of the Town.

§ 31.02 - Power to Establish a Historic District Commission.

- A. The Town Commissioners shall have the power to create a Commission to be called "The Historic District Commission".
- ~~B. The Commission shall have a membership of from three to seven persons, all of who are qualified by special interest, knowledge or training in such fields as history, architecture, preservation, or urban design and agree to serve on this Commission, and all of whom have been residents of the Town of Oxford's designated historic area for at least 3 years.—~~
- B. The Commission shall consist of five members, appointed by the Town Commissioners. All five members of the Commission shall be full time residents of the Historic District and registered voters eligible to vote in Oxford town elections. Each member shall possess a demonstrated special interest, specific knowledge, or academic training in such fields as history, architecture, architectural history, planning, archeology, historic preservation, urban design or related disciplines and agree to serve on this Commission.**
- C. The members shall be appointed for terms of three years each, except that in making the initial appointments, some appointments shall be established for less than three years in order that when these initial terms expire, all eventual appointments shall be for three years and shall not expire at the same time. **A Chairman shall be chosen by the members on an annual basis on or about July 1st of each year.**
- D. Members of this Commission are eligible for reappointment. Any vacancy on the Commission shall be filled by the appointees of the Town Commissioners according to requirements herein for the unexpired term of particular position.

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§ 31.04 - The Designated Historic Area District.

For the purpose of defining that area which is herein called the "Historic ~~Area~~ **District**" of Oxford or ~~the formerly referred to as the "Historic Area"~~ "~~Historic District~~" or the "Old Town" of Oxford or in any and all things relating to the zoning ordinance section entitled "Historic Area Provision", it is hereby declared that such reference is made only to that portion and area of the Town of Oxford after the first annexation south including the Episcopal Church lot, across to the head of Town Creek, including the triangle, **as designated on the Oxford Zoning Map.**

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§31.07 - Application for Permission to Build, Alter, Etc.

- A. Before the construction, alteration, reconstruction, moving or demolition of any structure, **walkway or driveway** is made within the **Historic District**, application for a building permit shall be made to the Town Office in accordance with Oxford's Zoning Ordinance.

- B. The Town Office shall rule on its legality from the stand point of the Town Zoning Ordinance and if changes are involved which would alter the exterior appearance of a structure intended to be visible from an adjacent public way in the district, **or involve the construction or alteration of a driveway or walkway** intended to be visible from an adjacent public way in the district, the Town Office shall forward the application to the **Historic District Commission** for a certificate of approval before a permit can be issued.

...

§ 31.10 - Judgmental Guideline.

- A. The Commission shall hereby be empowered to issue a "certificate of approval," for any permit request within the designated ~~historic area~~ **Historic District** of Oxford except as herein set forth.

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§ 31.11 - Application for Reconstruction, Alteration, etc. of Unusual Importance.

...

- C. An applicant for any such reconstruction or alteration, if rejected, may request a second permit application within a period of one year from the date of the first rejection, provided and in which case the second request for acceptance shall, in the opinion of the Commission, show new information or new changes in plans according to the prior recommendations of, and in accordance with, the findings of the

Commission and in conformance with the Historic ~~Area~~**District** provisions as herein set forth.

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§ 31.16 - Special Exceptions.

- A. It is the intention of the Commissioners of Oxford that the businesses and general commerce of certain industries are valuable to the welfare of the town. Because of the nature of the work to which they are committed and dedicated and because certain flexibility of use is an inherent necessity of such businesses, **Maritime Industrial structures and all their appurtenances and environmental settings relating to Maritime Industrial use** in those areas which are zoned "M - Maritime Industrial" shall not be governed under the Historic ~~Area~~**District** provisions but shall be subject to all other provisions of this ordinance excluding Section 31. **All uses in the "M" zone that do not pertain specifically to Maritime Industrial uses, defined as Seafood Packing and Boatyards (Section 29.01.B and Section 29.01.C), are subject to the provisions of Section 31.**
- B. Whereas it may occur that a question shall arise that is not covered under the Historic ~~Area~~**District** ordinances as herein provided and in any and all matters which are not here covered, the Oxford Planning Commission shall govern and regulate according to the Zoning Ordinance for Oxford, Maryland.

Section 4. Section 36 of the Oxford Zoning Ordinance is hereby amended to incorporate the following:

§ 36.05 - Historic District Commission Recommendation.

Where appropriate, the Town Commissioners may request an advisory opinion from the Historic District Commission with regards to the historic value of a property or structure or any proposed changes to the exterior of a structure located within the Designated Historic District, although at no time is the Town of Oxford, nor the State of Maryland, nor the United States of America bound to the advisory opinion.

Section 5. Any references to "Historic Commission" in the Zoning Ordinance may be changed to reflect that the body is known as the "Historic District Commission".

Section 6. 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 twenty (20) days from and after the date of its final passage and adoption.

ENACTED this _____ day of _____, 2013.

COMMISSIONERS OF OXFORD:

Carole Abruzzese, President

Gordon Graves, Commissioner

Gordon Fronk, Commissioner

I hereby certify that the foregoing Ordinance Number _____ of the Town of Oxford was duly read, advertised, and enacted with the applicable provisions of the Charter of the Town of Oxford on this _____ day of _____, 2013.

ATTEST:

Cheryl Lewis
Clerk-Treasurer

Additions are shown in **bold**
Deletions are shown as ~~strike through~~