

COMMISSIONERS OF OXFORD

Ordinance No. 2216

INTRODUCED BY:

DATE OF INTRODUCTION:

**AN ORDINANCE OF THE TOWN OF OXFORD TO AMEND SECTION 11
OF THE OXFORD ZONING ORDINANCE TO AMEND THE PROCESS
FOR APPEALING A DECISION OR DETERMINATION MADE BY THE
PLANNING COMMISSION OR HISTORIC DISTRICT COMMISSION**

Introduced, read first time, ordered posted, and public hearing scheduled on _____ at 6:00 p.m. at the Oxford Town Meeting Room, Market Street, Oxford, Maryland 21654.

By Order _____
Town Manager

I hereby certify that the foregoing Ordinance Number 2216 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 _____, 2022.

Attest: _____
Cheryl Lewis, Town Manager
Town of Oxford

COMMISSIONERS OF OXFORD

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AN ORDINANCE OF THE TOWN OF OXFORD TO AMEND SECTION 11 OF THE OXFORD ZONING ORDINANCE TO AMEND THE PROCESS FOR APPEALING A DECISION MADE BY THE PLANNING COMMISSION OR HISTORIC DISTRICT COMMISSION

WHEREAS, the Town of Oxford is authorized by the Maryland Code Ann. Land Use Article § 4-202 to adopt such zoning regulations as it determines are in the public health, safety, and welfare; and

WHEREAS, Maryland Code Ann. Land Use Article § 4-306 gives the Town the authority to establish a board of appeals to hear and decide appeals, special exceptions, and variance applications; and

WHEREAS, the Oxford Zoning Ordinance gives the Oxford Board of Appeals the authority to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Town Office, Planning Commission, or Historic District Commission; and

WHEREAS, pursuant to Maryland Code Ann. Land Use Article § 4-306, the Town desires to confine appeals from a decision of the Planning Commission or Historic District Commission to the record of the action appealed

WHEREAS, the Town Commissioners have determined that it is desirable and in the public interest to amend Section 11 of the Oxford Zoning Ordinance to confine appeals of the Planning Commission and Historic District Commission to the record of the action appealed.

NOW, THEREFORE, the Commissioners of Oxford hereby ordain as follows:

Section 1. Section 11.02 of the Oxford Zoning Ordinance is hereby amended as follows:

G. ***Appeals of Historic District Commission and Planning Commission; Procedures.***

To hear and decide appeals where it is alleged that there is an error in any interpretation, decision, or determination made by the Historic District Commission or Planning Commission. In reviewing the interpretation, decision, or determination by the Historic District

Commission or Planning Commission, the Board of Appeals shall follow the following procedure:

1. Within sixty (60) days of receiving notice of an appeal taken from a decision of the Historic District Commission or Planning Commission, the Historic District Commission or Planning Commission shall transmit to the Board of Zoning Appeals all papers constituting the record upon which the action appealed from was taken and the official decision.

2. The Board of Appeals may receive new evidence in addition to that presented to the Historic District Commission or Planning Commission if the new evidence was not known or available at the time of the Historic District Commission or Planning Commission decision. They may also, at the discretion of the Board of Appeals, remand the matter to the Historic District Commission or Planning Commission for the taking of additional evidence.

a. If the matter is remanded to the Historic District Commission or Planning Commission for the taking of additional evidence, any competent, relevant, and material evidence may be received from, or on behalf of, any party or interested person.

b. After the taking of additional evidence, the Historic District Commission or Planning Commission shall render its decision considering the new evidence based on such weight and significance as the Historic District Commission or Planning Commission shall deem appropriate.

c. After the new Historic District Commission or Planning Commission decision, any person so authorized by this Zoning Code may take an appeal as provided for herein.

3. In its review of a decision of the Historic District Commission or Planning Commission, the Board of Zoning Appeals shall consider the record of the proceedings before the Historic District Commission or Planning Commission, new evidence presented to the Board of Zoning Appeals, if any, the written decision of the Historic District Commission or Planning Commission, and the arguments made to the Board of Zoning Appeals at its hearing by a representative of the Historic District Commission or Planning Commission and each party or interested person who appeared before the Historic District Commission or Planning Commission or their representative.

Section 2. This Ordinance shall take effect on the _____ day of _____, 2023.

Section 3. 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 _____, 2023.

COMMISSIONERS OF OXFORD:

Jimmy Jaramillo, President

Tom Costigan, Commissioner

Brian Wells, Commissioner

I hereby certify that the foregoing Ordinance Number 2216 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 _____, 2023.

ATTEST:

Cheryl Lewis
Town Manager

Language in ***bold and italicized*** reflects language added
Language ~~stricken~~ reflects language to be deleted