CITY OF BRUNSWICK

1 W. Potomac Street • Brunswick, Maryland 21716 • (301) 834-7500

MAYOR AND COUNCIL OF BRUNSWICK

ORDINANCE NUMBER 444

AN ORDINANCE OF THE MAYOR AND COUNCIL OF BRUNSWICK TO AMEND ARTICLE 5, SECTION 5.4 AND ARTICLE 24, SECTION 24.3 OF THE CODE OF ORDINANCES OF THE CITY OF BRUNSWICK (ZONING ORDINANCE) PERTAINING TO POWERS OF THE BOARD OF APPEALS.

WHEREAS, by Resolution No. 06-13 dated August 22, 2006, the Mayor and Council of Brunswick (the "Mayor and Council") referred a proposed amendment to Article 5, Section 5.4 and Article 24, Section 24.3 of the Zoning Ordinance to the Planning Commission for consideration and recommendation, in accordance with the requirements of Article 25, Section 25 of the Code of Ordinances of the City of Brunswick, Maryland; and

WHEREAS, a duly advertised public hearing of the Planning Commission was held on September25, 2006 at which public hearing the Planning Commission received, reviewed, studied, researched and considered the proposed amendment, the City Planning Staff's Report, and public comments including testimony in support of the proposed amendment; and

WHEREAS, at the conclusion of its public hearing, by the affirmative votes of a majority of its members, the Planning Commission approved the proposed amendment and by Resolution No. 06-03 dated September 25, 2006, recommended to the Mayor and Council that the Zoning Ordinance be amended; and

WHEREAS, the Planning Commission subsequently submitted to the Mayor and Council the Resolution and its report on the proposed amendment and the Planning Commission's recommendation of approval; and

WHEREAS, at a public hearing on October 24, 2006, notice of the time and place of which together with a summary of the proposed amendment and the Planning Commission's Resolution recommending adoption of the proposed amendment was published in the Brunswick Citizen, a newspaper of general circulation in Brunswick, once each week for two (2) successive weeks with the first such publication of notice having appeared at least fourteen (14) days prior to the public hearing, the proposed amendment, the Planning Commission's Resolution and report, the City Planning Staff's Report, and public comment including testimony in support of the proposed amendment, was considered, discussed and approved by the Council with the concurrence of the Mayor.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL OF BRUNSWICK, THAT PURSUANT TO THE AUTHORITY GRANTED TO IT BY ARTICLE 25 OF THE CODE OF ORDINANCES OF THE CITY OF BRUNSWICK (ZONING ORDINANCE), ARTICLE 66B OF THE ANNOTATED CODE OF MARYLAND AND SECTION 16-3 OF THE CHARTER OF THE CITY OF BRUNSWICK, THE ZONING ORDINANCE SHALL BE AMENDED AS FOLLOWS:

SECTION I: Article 5 General Requirements, Section 5.4 Non-Conforming Principal Buildings and Structures, is hereby amended as follows: new provisions are **UNDERSCORED and in CAPITAL LETTERS**.

Section 5.4. Non-Conforming Principal Buildings and Structures:

A legal non-conforming principal building or structure, as defined in Article 4, may, in the event of fire or other disaster, be rebuilt in the same location and to the original dimensions of the building or structure, but shall not increase the original non-conformity and shall meet all other requirements.

Additions to or expansions of non-conforming principal buildings and structures must conform, at minimum, to the modified setback requirements as stated in Section 21.3, as applicable, EXCEPT AS PROVIDED FOR IN SECTION 24.3 (F).

SECTION II: Article 24 Board of Appeals, Section 24.3 Powers of the Board of Appeals, is hereby amended as follows. The text of Section 24.3 remains the same, except a new Section 24.3(F) is inserted as follows: new provisions are **UNDERSCORED and in CAPITAL LETTERS**, and the deleted provisions are in **[bold brackets]** and marked through.

Section 24.3. Powers of the Board of Appeals

(F) TO AUTHORIZE THE EXPANSION OF, OR ADDITION TO, A NON-CONFORMING PRINCIPAL OR ACCESSORY BUILDING OR STRUCTURE, TAKING INTO CONSIDERATION THE NATURE OF THE NEIGHBORHOOD, THE EFFECT OF THE PROPOSED EXPANSION ON NEARBY PROPERTY OWNERS, AND THE POWER OF THE BOARD OF APPEALS TO GRANT VARIANCES FROM HEIGHT AND SETBACK RESTRICTIONS IN ACCORDANCE WITH THE APPLICABLE SECTIONS OF THIS ORDINANCE PERTAINING TO VARIANCES. REASONABLE CONDITIONS MAY BE IMPOSED FOR THE PURPOSE OF PROTECTING THE PUBLIC INTEREST.

[~~(F)~~](G) Floodplain Ordinance.

SECTION III: In accordance with Article 25, Section 25.2 of the Code of Ordinances of the City of Brunswick, this Ordinance shall become effective ten (10) day after the date of the public hearing following its enactment by the Council and its approval by the Mayor, or on the tenth (10th) day following it enactment by the Council over the veto by the Mayor.

PASSED this 14th day of November, 2006 by a vote of 4 for; 0 against, 0 abstaining and 1 absent.

ATTEST:

David B. Dunn
City Administrator

COUNCIL OF THE CITY OF BRUNSWICK

By: Walter S. Stull, III
Name: Walter S. Stull, III
Title: Councilman

APPROVED this 14th day of November, 2006.

ATTEST:

David B. Dunn
City Administrator

Carroll A. Jones
Mayor

Date: November 14, 2006

EFFECTIVE DATE: November 24, 2006 (10 Days)