



Ordinance 654

**AN ORDINANCE ESTABLISHING A MORATORIUM ON
THE REVIEW OR HEARING OF AN APPLICATION TO THE
PLANNING COMMISSION OR BOARD OF ADJUSTMENT WHICH
IN ANY MANNER INCREASES IMPERVIOUS LOT COVERAGE.**

Sponsored By: 2nd District Councilwoman Sally Jensen

First and Second Reading: November 12, 2020 Council Meeting

Results: Passed In Favor, Opposed

Third and Final Reading: December 10, 2020 Council Meeting

Results: Passed In Favor, Opposed

ORDINANCE 654

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WHEREAS, The Mayor and Council of the Town of Elsmere desire to study and determine the Town's current position as it relates to the amount of impervious lot coverage throughout the Town, and;

WHEREAS, Town would like to compare the information it gains from studying this information as it relates to the Towns NPDES Permit to confirm the Town's compliance with the that permit.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF ELSMERE, AS FOLLOWS:

1. Effective December 11, 2020 the Code Enforcement Office of the Town of Elsmere will not accept or process any application from any landowner which if approved would increase the amount of impervious surface located anywhere on the property subject to the application.
2. That this moratorium shall be in place for a period of one (1) year and shall expire on December 11, 2021, if not approved to be repealed by the Mayor and Council prior to that date.
3. This moratorium shall in no way prevent the processing of any application which if approved would decrease or keep the same, the amount of impervious surface on the property which is the subject of the application.
4. Any application which may have been submitted prior to December 11, 2020 shall be permitted to continue through the application process.
5. No variance or appeal may be applied for or granted which violates items number 1, 2 or 3 of this Ordinance.
6. Anyone who can prove an actual hardship related to a disability or accessibility issue shall not be affected by the moratorium established by this ordinance.

First and Second Reading
November 12, 2020

Third and Final Reading
December 10, 2020

Eric Thompson, Mayor

Brian Hurst, Secretary

Approved as to form:

Town Solicitor

SYNOPSIS
ORDINANCE 654

This Ordinance places a one (1) year moratorium of the review or approval of any application before the Planning Commission or Board of Adjustment which if approved would increase the amount of impervious surface on the subject property. Any application which may have been submitted prior to December 11, 2020 shall be permitted to continue through the application process, and anyone who can prove an actual hardship related to a disability or accessibility issue shall not be affected by the moratorium established by this ordinance.

Fiscal Impact:

This Ordinance is anticipated to have little or no Fiscal Impact. Since any fees paid go toward the cost of holding the hearing (such as the deposit on signs) and during the last Fiscal Year there were no fees charged to any applicant which were charged and not returned to the applicant.