

The Board shall also request an advisory opinion from the Planning Commission on any application for a variance or interpretation.

1010 Decision by the Board

- A. Decisions by the Board on special exception, variances and interpretation appeals shall be rendered within 10 calendar days of the hearing on said exception, variance or interpretation, unless a later date is mutually agreed upon by the Board and applicant.
- B. In exercising its powers concerning interpretation appeals, the Board may, in conformity with law and the provisions of this Ordinance, reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from and make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.
- C. In making its decisions pursuant to the authority conferred by this Ordinance, the Board shall study the specific property involved, as well as the neighborhood, and consider all testimony and data submitted, and shall hear any person desiring to speak for or against the issuance of the permit. However, the application for a permit shall not be approved where the Board finds the proposed building, addition, extension of building or use, sign, use or change of use would adversely affect the public health, safety, security, morals, or general welfare, or would result in dangerous traffic conditions, or would jeopardize the lives or property of people living in the neighborhood. In deciding such matters, the Board may give consideration, among other things, to the following:
 1. The orderly growth of a community, as expressed in the Comprehensive Development Plan or otherwise.
 2. The number of people residing or working in the immediate area concerned.
 3. Traffic conditions and facilities.
 4. The effects of such use upon the peaceful enjoyment of people in their homes.
 5. The conservation of property values.
 6. The effect of odors, dust, gas, smoke, fumes, vibrations, glare and noise upon the use of surrounding property values.
 7. The most appropriate use of land and structure.
 8. Decision of the courts.

9. The purpose of these regulations as set forth herein.
10. Type and kind of structures in the vicinity where public gatherings may be held, such as schools, churches and the like.

1011 Time Limitation on Board Approvals

A decision of the Board permitting the erection or alteration of a building shall be valid for a period of one year, unless a zoning permit for such erection or alteration is obtained within this period and the erection or alteration proceeds to completion in accordance with the terms of the decision. No decision of the Board permitting the use of a building or land shall be valid for a period longer than one year, unless such use is established within said period; except that, where such use is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a zoning permit for such erection or alteration is obtained within said period, and such erection or alteration proceeds to completion in accordance with the terms of the decision.

1012 Appeal to Court

Any person or persons, jointly or severally, aggrieved by any decision of the Board, or any taxpayer of the Town or any officer, department, board or bureau of the Town may appeal the same to the Circuit Court of Washington County.

✓ ARTICLE 11: AMENDMENTS, REMEDIES AND PENALTIES

1100 Power of Amendment

The Mayor and Town Council may from time to time amend, supplement, change, modify or repeal this Ordinance including the Zoning Map. When doing so, the Mayor and Town Council shall proceed in the manner prescribed in this Article.

1101 Who May Initiate

Proposals to amend, supplement, change, modify, or repeal may be initiated by the Mayor and Town Council on their own motion, by the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment, subject to the following provisions:

- A. Proposals Originated by the Mayor and Town Council - The Mayor and Town Council shall refer every proposed amendment to the Planning Commission. Within thirty (30) days of the referral of said proposal, the Planning Commission shall submit to the Mayor and Town Council a report containing the Commission's recommendations, which may include any additions or modifications to the original proposal.
- B. Proposals Originated by the Planning Commission - The Planning Commission may at any time transmit to the Mayor and Town Council any proposal for amending this Ordinance.
- C. Proposals Originated by a Citizen's Petition
1. Each petition by one or more owners of property to be affected by a proposed amendment shall be submitted to the Zoning Administrator on forms provided therefor. The Zoning Administrator shall transmit such petitions to the Mayor and Town Council, and a copy thereof to the Planning Commission.
 2. The Planning Commission may, at its discretion, notify the Mayor and Town Council of their intention to conduct promptly a public hearing on such petition. Within thirty (30) days following receipt of such petition, or, if a public hearing is held, within thirty (30) days following such hearing, the Planning Commission shall transmit to the Mayor and Town Council a report containing their recommendations thereon, which may include additions or modifications to the original proposal.
 3. The Mayor and Town Council shall then proceed in accordance with Section 1103 below.

1102 Fees

To assist the Town in meeting the administrative costs of amendments, all applicants petitioning for zoning amendments shall, at the time of making application, pay to the Zoning Administrator for the use of the Town, a fee in accordance with a fee schedule adopted by resolution of the Mayor and Town Council upon enactment of this Ordinance, or as such schedule may be amended by resolution of the Mayor and Town Council.

1103 Public Hearing and Notice

No amendment, supplement, change, modification, or repeal shall become effective until after a public hearing by the Mayor and Town Council in relation thereto at which parties in interest and citizens shall have the opportunity to be heard, and of which a complete record shall be kept. Notice shall be given as follows:

- A. At least fifteen (15) days prior to the date fixed for public hearing, a notice containing the name of the applicant, if any, the date, time and place of the hearing; and the general nature of the hearing shall be published in at least one (1) newspaper of general circulation in the Town.
- B. When such hearing concerns a zoning map change, a notice of pending action containing the same information as in sub-section A, above, shall be posted in a conspicuous place on the property involved, such posting to be done at least fifteen (15) days prior to the date fixed for public hearing.
- C. When such hearing concerns a zoning map change, written notice of the time and place of such hearing, shall be sent by registered mail to the applicant, if any and to the owners of property contiguous to or opposite the property affected, and to the owner of the property.
- D. At the discretion of the Mayor and Town Council, written notices of hearing may be sent to other interested persons, organizations or agencies.

1104 Facts to be Considered by the Mayor and Town Council

Before enacting an amendment, modification, repeal, or reclassification as herein provided, the Mayor and Town Council shall make finding of facts in each specific case including, but not necessarily limited to the following matters:

- A. The report and recommendations of the Planning Commission.
- B. Population change in the area of the proposed change.
- C. Availability of public facilities such as police and fire protection, and water and sewerage to serve in the area.
- D. Present and future transportation patterns in the area.
- E. Compatibility with existing and proposed development of the area.
- F. The relationship of the proposed change to the adopted Plan for the Town.
- G. Whether there has been a convincing demonstration that the proposed rezoning would be appropriate and logical for the subject property.

1105 Action by the Mayor and Town Council

- A. The Mayor and Town Council may enact the proposed amendment, modification, repeal or reclassification based upon a finding that there was a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification. A complete record of the findings and of the votes of all members shall be kept.
- B. The Mayor and Town Council upon the zoning or rezoning of any land pursuant to the provisions of this Article, may impose such additional restrictions, conditions, or limitations as may be deemed appropriate to preserve, improve, or protect the general character and design of the lands and improvements being zoned or rezoned, or of the surrounding or adjacent lands and improvements, and may, upon the zoning or rezoning of any land, retain or reserve the power and authority to approve or disapprove the design of buildings, construction, landscaping or other improvements, alterations, and changes to be made on the subject land to assure conformity with the intent and purpose of the Ordinance.

1106 Enforcement and Remedies

- A. As provided in Section 7.01 of Article 66B of the Annotated Code of Maryland, 1970 Edition, a violation of this Ordinance is declared to be a misdemeanor.
- B. For any and every violation of the provisions of this Ordinance, the owner, agent, architect, builder, contractor, tenant, lessee or any other person who commits, takes part, or assists in any such violation or who maintains or uses any building or premises in which any such violation shall exist, shall be, on conviction thereof, guilty of a misdemeanor and liable to a fine or penalty not to exceed one hundred (\$100) dollars.
- C. Whenever any such person specified in paragraph B. above shall have been notified in writing by the Zoning Administrator that he is violating this Ordinance, such person shall commence correction of all violations within five (5) days notice and correct all violations within thirty (30) days thereafter. If corrections are not commenced within five (5) days and are not either completed within thirty (30) days or being pursued in good faith to completion, each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, use or other violation continues shall be deemed a separate offense punishable by the like fine.

D. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or a building, structure, sign or land is used in violation of this Ordinance, the appropriate authorities of the Town, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of such building, structure or land; to prevent any illegal act, conduct, business, or use in or about such premises. The rights and remedies provided in this Ordinance are cumulative and are in addition to all other remedies provided by law.