

2. The alteration or extension shall not be in violation of the setback, yard and height regulations in the district in which the structure or use is located.

802 Restoration

- A. Structures damaged by fire or other causes to the extent of more seventy-five (75) percent of the market value of the structure shall not be repaired, reconstructed or used for the same nonconforming use without the approval of the Board of Appeals granted as a special exception pursuant to Article 10.
- B. Structures damaged to the extent of seventy-five (75) percent or less of the market value may be reconstructed, repaired or used for the same nonconforming use without action by the Board of Appeals.
- C. Any such reconstruction or repair shall be subject to the following provisions:
 1. The reconstructed structure shall not exceed the height, area, or volume of the damaged structure.
 2. Reconstruction shall begin within one (1) year from the date of damage and shall be carried on without interruption.

803 Abandonment

Whenever a nonconforming use has been discontinued for a period of one (1) year, such use shall not thereafter be re-established and any future use shall be in conformity with the provisions of this Ordinance.

804 Changes

- A. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.
- B. The Board of Appeals may grant, as a special exception pursuant to Article 10, permission to change a nonconforming use to another nonconforming use if the applicant shows that the proposed change will be less objectionable in external effects than the existing nonconforming use in regard to:
 1. Traffic generation and congestion, including truck, passenger car, and pedestrian traffic; and
 2. Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration; and
 3. Storage and waste disposal; and

4. Appearance.

805 Nonconforming Use Certificate

Upon application by the owner or agent of any nonconforming use, structure or property, the Zoning Administrator shall issue a certificate recording the fact of such nonconforming use, structure or property. Such certificate may be used as evidence in asserting rights pursuant to this Article.

ARTICLE 9: ADMINISTRATION

900 Zoning Administrator -- Duties and Powers

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator who shall be appointed by the Mayor and Town Council. It shall be the duty of the Zoning Administrator and he shall have the power to:

- A. Receive and examine all applications for zoning permits.
- B. Issue permits only where there is compliance with the provisions of this Ordinance and with other Town Ordinances. Permits for use requiring a special exception or variance shall be issued only upon order of the Board of Appeals.
- C. Receive applications for special exceptions, promptly submit these applications to the Planning Commission for their comments, and then forward the applications along with Planning Commission's recommendation to the Board of Appeals for action thereon.
- D. Following refusal of a permit, to receive applications for interpretation, appeals, and variances and promptly forward these applications to the Board of Appeals for action thereon.
- E. Conduct inspections and surveys to determine compliance or non-compliance with the terms of this Ordinance.
- F. Issue stop, cease and desist orders and orders in writing for correction of all conditions found to be in violation with the provisions of this Ordinance. Such written orders shall be served personally or by certified mail upon persons, firms or corporations deemed by the Zoning Administrator to be violating the terms of this Ordinance. It shall be unlawful for any person to violate any such order lawfully issued by the Zoning Administrator, and any person violating any such order shall be guilty of a violation of this Ordinance.

- G. With the approval of the Mayor and Town Council, or when directed by them, institute in the name of the Town any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation as to prevent the occupancy of or use of any building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.
- H. Revoke by order, a zoning permit issued under a mis-statement of fact or contrary to the law or the provisions of this Ordinance.
- I. Record and file all applications for zoning permits with accompanying plans and documents. All applications, plans and documents shall be a public record.
- J. Maintain a map or maps showing the current zoning classification of all land in the Town.
- K. Maintain a map of a nonconforming uses and special exception uses in the Town and a file on each such use.
- L. Upon the request of the Mayor and Town Council, the Planning Commission or the Board of Appeals, present to such bodies, facts, records or reports which they may request to assist them in making decisions or assist them in any other way as requested.

901 Zoning Permits

- A. Hereafter, no structure (except certain signs as provided in Article 7) shall be erected, constructed, reconstructed, altered or moved; no land or building used or occupied and no land or building changed in use, until a zoning permit has been secured from the Zoning Administrator. Upon completion of changes in use and construction, reconstruction or moving of structures, the applicant shall notify the Zoning Administrator of such completion. No permit shall be considered as complete or permanently effective until the Zoning Administrator has noted on the permit that the work or occupancy and use has been inspected and approved as being in conformity with the provisions of this Ordinance.
- B. The Zoning Administrator may grant a permit for a nonconforming temporary building or use incidental to a construction project when such building or use is reasonably required for such project. Such temporary permit shall terminate at the time of completion of the project.

902 Application Requirements for Zoning Permits

All applications for zoning permits shall be made in writing by the owner, tenant, vendee under contract of sale, or authorized agent on a form supplied by the Town and shall be filed with the Zoning Administrator.

903 Fees

All applicants for zoning permits, special exceptions and interpretation and variance appeals 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 the enactment of this Ordinance, or as such schedule may be amended by resolution of the Mayor and Town Council.

904 Life of a Permit

Any erection, construction, reconstruction, alteration or moving of a building or other structure, including a sign authorized by a zoning permit, shall be commenced and any change in use of a building or land authorized by a zoning permit shall be undertaken within one year after the date of issuance of the permit. If not, the permit shall be considered null and void.

ARTICLE 10: BOARD OF APPEALS

1000 Establishment of Board

To provide for the competent interpretation and the full and equitable achievement of the purposes of this Ordinance, there is hereby established a Board of Appeals.

1001 Membership, Terms of Office

The Board shall consist of three members. The terms of office of the members shall be three years. Members shall be appointed by the Mayor and Town Council, and shall be removable for cause upon written charges and after public hearing. The Mayor and Town Council shall designate one alternate member for the Board who shall be empowered to sit on the Board in the absence of any regular member of the Board.

1002 Procedures, Meetings, Records and Decisions

A. Procedures -- The Board shall elect a chairman from its membership, shall appoint a secretary and shall prescribe rules for the conduct of its affairs in accordance with the provisions of this Ordinance and of Article 66B of the Annotated Code of Maryland.