

1 **ARTICLE XIII**
2 **ADMINISTRATION AND ENFORCEMENT**

3
4 **SECTION 28 – 1301 ZONING CERTIFICATES**
5

6 **28 – 1301.1 ADMINISTRATION AND ENFORCEMENT**
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- 8 A. It shall be the duty of the Town Planner/Codes Administrator, under the supervision
9 of the Town Engineer, to administer the provisions of this Ordinance and to advise
10 all Town officials and agencies on matters relating to land use planning. The Town
11 Planner/Codes Administrator may delegate all or part of his duties and
12 responsibilities to other Town officials or employees.
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- 14 B. Upon the effective date of this Ordinance, the Zoning Inspector shall have the
15 powers and duties set forth in this Ordinance. The Zoning Inspector shall be subject
16 to the supervision of the Town Planner/Codes Administrator.
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- 18 C. All departments, officials and public employees of Easton which are vested with
19 the authority to issue permits or licenses shall conform to the provisions of this
20 Ordinance and shall not issue any permit or license for any use, building, structure,
21 or purpose which would be in conflict with the provisions of this Ordinance. Any
22 permit or license, issued in conflict with the provisions of this Ordinance, shall be
23 null and void. If the Zoning Inspector shall find that any of the provisions of this
24 Ordinance are being violated, he shall notify in writing the person responsible for
25 such violations, indicating the nature of the violation and ordering the action
26 necessary to correct it. He shall order discontinuance of illegal use of land,
27 buildings, or structure; removal of illegal buildings or structures or of additions,
28 alterations, or structural changes thereto; discontinuance of any illegal work being
29 done; or shall take any other action authorized by this Ordinance to insure
30 compliance with or to prevent violation of its provisions.
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32 **28 – 1301.2 ZONING COMPLIANCE REQUIRED**
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34 No building certificate, occupancy certificate or other license or permit relating to the use
35 or development of land or any structure located thereon shall be issued nor shall any
36 structure shall be constructed, moved, added to, or structurally altered, or use of land
37 changed except in compliance with the terms of this Ordinance.
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39 **28 – 1301.3 ZONING CERTIFICATION REQUIRED**
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- 1 A. It shall be unlawful to use or occupy or permit the use or occupancy of any building,
2 or premises, or both, or part thereof hereafter created, constructed, changed,
3 converted or wholly or partly altered or enlarged in its use or structure until a
4 Zoning Certificate shall have been issued therefore by the Town Planner/Codes
5 Administrator or his designee, stating that the proposed use of the building or land
6 conforms to the requirements of this Ordinance. Such certification, however, is not
7 the same as a building permit, an occupancy permit or any other permits or
8 certificates that may be required by the Town Building Inspector, and zoning
9 certification should not be construed as any sort of final approval relative to the
10 construction, demolition, or occupation of any building.
11
12 B. A temporary occupancy permit may be issued by the Zoning Inspector for a period
13 not exceeding six (6) months during alterations or partial occupancy of a building
14 pending its completion; provided that such temporary permit may require such
15 conditions and safeguards as will protect the safety of the occupants and the public.
16
17 C. The Town Planner/Codes Administrator shall maintain a record of all zoning
18 certificates and copies shall be furnished upon request to any person.
19
20 D. Failure to obtain zoning certification shall be a violation of this Ordinance and
21 punishable under Section 28 – 1308 of this Ordinance.
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23 **28 – 1301.4 CONSTRUCTION AND USE TO BE AS PROVIDED IN**
24 **APPLICATIONS, PLANS, AND ZONING CERTIFICATES**
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26 Zoning certificates issued on the basis of site plans and applications approved by the Town
27 Planner/Codes Administrator authorize only the use, arrangement, and construction set
28 forth in such approved plans and applications, and no other use, arrangement, or
29 construction. Use, arrangement, or construction differing with that authorized shall be
30 deemed violation of this Ordinance, and punishable as provided by Section 28 – 1308
31 thereof.
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33 **SECTION 28 – 1302 PLANNING COMMISSION**
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35 **28 – 1302.1 CREATION, DESIGNATION**
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37 Upon the effective date of this Ordinance, the Easton Planning and Zoning Commission
38 shall have the powers and duties set forth in this Ordinance.

1 **28 – 1302.2 COMPOSITION, APPOINTMENT, COMPENSATION, TERM,**
2 **REMOVAL, AND VACANCIES**

- 3
- 4 A. The Commission shall consist of five (5) members, one (1) of whom may be a
5 member of the Town Council to serve in an ex officio capacity concurrent with his
6 or her term in office.
- 7
- 8 B. The members shall be appointed by the Mayor and thereafter confirmed by the
9 Council.
- 10
- 11 C. All members of the Commission shall serve as such without compensation, unless
12 the Council shall by resolution determine that appropriate compensation should be
13 made to the members.
- 14
- 15 D. The Commission shall elect a chairman from one of the appointed members and
16 create and fill such other of its offices as it may determine. The term of chairman
17 shall be one (1) year, with eligibility for reelection.
- 18
- 19 E. The Commission shall hold at least one (1) regular meeting each month. It shall
20 adopt rules for transactions of business and shall keep a record of its resolutions,
21 transactions, findings, and determinations, which records shall be a public record.
- 22
- 23 F. The terms of each member, except for any Town Councilman serving as an ex
24 officio member, shall be for five (5) years from the date of his or her appointment
25 or until his or her successor takes office.
- 26
- 27 G. Members may, after a public hearing, be removed by the Town Council for
28 inefficiency, neglect of duty or malfeasance in office. The Council shall file a
29 written statement among its records of reasons for such removal. Vacancies
30 occurring otherwise than through the expiration of term shall be filled for the
31 unexpired term by the Mayor with the confirmation of the Council as herein above
32 set forth.
- 33

34 **28 – 1302.3 POWERS AND DUTIES**

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36 The Planning Commission is charged with the following powers and duties:

- 37
- 38 A. Prepare, approve and recommend to the Town Council adoption of the
39 Comprehensive Plan and the Zoning Ordinance and amendments thereto.
- 40
- 41 B. Approve and publish plans for major geographic sections or divisions of the Town.

- 1
2 C. Recommend the boundaries of the various districts and appropriate regulations to
3 be enforced therein that the Town may avail itself of the zoning powers conferred
4 by the Annotated Code of Maryland, Article 66B.
5
6 D. Advise the Town Council and Board of Appeals on matters relating to zoning,
7 annexations, applications for special exceptions and variances when appropriate.
8
9 E. Review site plans for compliance with this Ordinance and standards herein.
10
11 F. Approve proposed subdivision plats and resubdivision of existing record plats. All
12 plats must bear the signature of the Chairman before legal filing in the Land
13 Records of Talbot County.
14
15 G. Review and hold public hearings on applications for Growth Allocation.
16
17 H. The mayor may appoint, subject to Council confirmation, an alternate member to
18 sit on the planning commission in the absence of any member of the commission.
19
20 I. Prepare, adopt, and file an annual report with the Town Council as per the
21 requirements of Section 309 of Article 66B of the Annotated Code of Maryland.
22
23 J. Review the proposed construction of any street, square, park, or other public way,
24 ground or open space, or public building or structure, or public utility, whether
25 public or privately owned to determine whether the location, character, and extent
26 of such development is consistent with the Comprehensive Plan, as per Section 3.08
27 of Article 66B of the Annotated Code of Maryland.
28
29 K. Exercise any other powers, or discharge any other duties, granted to or imposed
30 upon planning commissions by any other Ordinance or Regulation of the Town of
31 Easton or by the laws of the State of Maryland.
32

33 **SECTION 28 – 1303 BOARD OF ZONING APPEALS**
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35 **28 – 1303.1 MEMBERS OF BOARD**
36

37 Upon the effective date of this Ordinance, the Easton Board of Zoning Appeals shall have
38 the powers and duties set forth in this Ordinance. The Board shall consist of three (3)
39 members appointed by the Mayor and confirmed by the Town Council, and removable for
40 cause, upon written charges, and after public hearing. Members shall be appointed for
41 terms of three (3) years each. Vacancies shall be filled by appointment for the unexpired

1 term. The Town Council shall designate (1) alternate member for the Board of Appeals
2 who may be empowered to sit with the Board in the absence of any member of the Board.
3

4 **28 – 1303.2 PROCEEDINGS OF THE BOARD OF APPEALS**
5

6 A. The Board of Appeals shall adopt rules necessary to the conduct of its affairs, and
7 in keeping with the provisions of this Ordinance. Meetings shall be held at the call
8 of the Chairman and at such other times as the Board may determine. The
9 Chairman, or in his absence the Acting Chairman, may administer oaths and compel
10 the attendance of witnesses. All meetings shall be open to the public.
11

12 B. The Board of Appeals shall issue written decisions regarding applications or
13 appeals considered by it and shall keep minutes of its other proceedings, showing
14 the vote of each member upon each question, or if absent or failing to vote
15 indicating such fact, and shall keep records of its examinations and other official
16 actions, all of which shall be a public record and be immediately filed in the office
17 of the Board.
18

19 **28 – 1303.3 HEARINGS; APPEALS; NOTICE**
20

21 A. Appeals to the Board of Appeals concerning interpretation or administration of this
22 Ordinance, the Subdivision Regulations, and any other ordinance of the Town
23 authorizing appeals to the Board of Appeals may be taken by any person aggrieved
24 by such decision or by any officer, Commission, or Department of the Town. Such
25 appeals shall be taken within thirty (30) days after any action by any Town official
26 or Board applying, granting or denying a request pursuant to this Ordinance, the
27 Subdivision Regulations, or any other ordinance of the Town authorizing appeals
28 to the Board of Appeals by filing with the Town Planner/Codes Administrator and
29 with the Board of Appeals a notice of appeal specifying the grounds thereof. The
30 Town Planner/Codes Administrator shall forthwith transmit to the Board all papers
31 constituting the record upon which the action appealed from was taken.
32

33 B. The Board of Appeals shall fix a reasonable time for the hearing of appeal, give
34 public notice thereof as well as due notice to the parties in interest, and hold a public
35 hearing upon the appeal. At least fifteen (15) days' notice of the time and place of
36 such hearing shall be published in a paper of general circulation in the Town and
37 by posting the property. At the hearing, any party may appear in person or by agent
38 or attorney. The Board shall then render a written decision affirming, reversing or
39 modifying the decision appealed from.
40

1 **28 – 1303.4 STAY OF PROCEEDINGS**
2

3 An appeal stays all proceedings instituted by any Town official or agency to enforce the
4 decision appealed from, unless the official or agency from whom the appeal is taken
5 certifies to the Board of Appeals after the notice of appeal is filed with him, that by reason
6 of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life
7 and property. In such case, proceedings shall not be stayed other than by a restraining
8 order which may be granted by the Board of Appeals or by the Circuit Court on application,
9 on notice to the official or agency from whom the appeal is taken, and on due cause shown.
10

11 **28 – 1303.5 POWERS AND DUTIES**
12

13 The Board of Appeals shall have the following powers and duties:
14

- 15 A. Administrative Review - To hear and decide appeals where it is alleged there is
16 error in any order, requirement, decision, or determination made by the Zoning
17 Inspector, Building Inspector, Town Planner, Historic District Commission or the
18 Planning Commission in the enforcement of this Ordinance.
19
- 20 B. Special Exceptions; Conditions Governing Applications; Procedures - To hear and
21 decide only such special exceptions as the Board of Appeals is specifically
22 authorized to pass on by the terms of this Ordinance: to decide such questions as
23 are involved in determining whether special exceptions should be granted and to
24 grant special exceptions with such conditions and safeguards as are appropriate
25 under this Ordinance, or to deny special exceptions when not in harmony with the
26 purpose and intent of this Ordinance. A special exception shall not be granted by
27 the Board of Appeals unless and until:
28
- 29 1. A written application for a special exception is submitted indicating the
30 section of this Ordinance under which the special exception is sought and
31 stating the grounds on which it is requested.
32
- 33 2. The Board of Appeals has determined if Planning Commission review of
34 the application is necessary, and if so, the written findings and
35 recommendations of the Planning Commission have been received by the
36 Board. Planning Commission review shall only be necessary when the
37 granting of the proposed Special Exception would be of such magnitude to
38 be equivalent to a rezoning.
39
- 40 3. Notice shall be given at least fifteen (15) days in advance of public hearing.
41 The owner of the property for which special exception is sought, or his

1 agent, shall be notified by mail. Notice of such hearings shall be posted on
2 the property for which special exception is sought and at the Town Hall,
3 and notice shall be published in a newspaper of general circulation in the
4 Town, at least fifteen (15) days prior to the public hearing. In addition,
5 notice to surrounding property owners shall be provided in accordance with
6 the provisions of Section 28 – 301.2 G of this Ordinance.
7

- 8 4. The public hearing shall be held. Any party may appear in person, or by
9 agent or attorney
10
11 5. The Board of Appeals shall make a finding that it is empowered under the
12 section of this Ordinance described in the application to grant the special
13 exception, and that the granting of the special exception will not adversely
14 affect the public health, safety, security, morals, or general welfare, or
15 would result in dangerous traffic conditions, or would jeopardize the lives
16 or property of the people living in the neighborhood.
17

18 In granting any special exception, the Board of Appeals may prescribe
19 appropriate conditions and safeguards in conformity with this Ordinance.
20 Violation of such conditions and safeguards when made a part of the terms
21 under which the special exception is granted, shall be deemed a violation of this
22 Ordinance and punishable under Section 28 – 1308 of this Ordinance. No
23 change or addition may be made to a special exception granted by the Board of
24 Appeals until an application for such change has been reviewed and approved
25 by the Board of Appeals. Such application procedure shall be the same as for
26 a special exception.
27

28 The Board of Appeals shall prescribe a time limit within which the action for
29 which the special exception is required shall be begun or completed, or both.
30 Failure to begin or complete, or both, such action within the time limit set shall
31 void the special exception.
32

- 33 6. When hearing evidence necessary for granting of any special exception, the
34 Board shall consider all pertinent facts in the case, and render a decision in
35 accordance with the following principles:
36
37 a. the proposed use conforms in all aspects to minimum requirements
38 of the district in which it is located;
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40 b. the proposed use is not adversely affecting the health, safety, and
41 general welfare of residents of the area;
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- c. the proposed use will not interfere with the adequate and orderly provision of public facilities necessary to service the area or the proposed special exceptions;
- d. the proposed use will not create congestion in the streets or undue traffic hazards, and that adequate egress and ingress are provided;
- e. the proposed use will not adversely affect the area and surrounding property due to adverse environmental characteristics including undue smoke, odor, noise, improper drainage, or inadequate access;
- f. the proposed use will not adversely affect the established character of the area.
- g. the proposed use shall be in conformity with the provisions of the Easton Comprehensive Plan including those provisions of the Comprehensive Plan relating to design and performance standards for the development or redevelopment of land. In addition to the criteria set forth elsewhere herein when considering an application for additional principal uses upon an approved lot, the proposed additional uses shall be compatible and complimentary and uses customarily found near or in conjunction with one another. This provision may not be used to permit shopping centers which are governed by other provisions of this Ordinance.

When hearing any application for a special exception, the Board may consider the design of the proposal, site plans, feasibility studies, or construction drawings, as an integral part of the application.

- 7. The applicant for a special exception shall have the burden of proof on all points material to the application which shall include the burden of presenting credible evidence as to each material issue and the burden of persuasion on each material issue. The Board may disregard evidence, even if uncontroverted by an opposing party, if the Board finds such evidence not to be credible.

C. Variances; Conditions Governing Applications; Procedures

To grant variances from the literal application of the terms of this Ordinance when the applicant seeking the variance has demonstrated that the application complies with the standards set forth in this Section. The Board of Appeals may not grant a variance from the terms of this Ordinance unless and until:

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1. A written application for a variance is submitted indicating the Section or Sections of the Ordinance for which the variance is sought and stating the grounds upon which it is requested.
2. A notice of a public hearing shall be provided as is set forth in Section 28 – 1303.3. In addition, notice to surrounding property owners shall be provided in accordance with the provisions of Section 28 – 301.2 G of this Ordinance.
3. A public hearing shall be held. Any party may appear in person, by agent or by attorney.
4. Before granting any variance, the Board of Appeals shall issue written findings of fact that:
 - a. Granting the application: (i) will not be contrary to the public interest, (ii) will be in harmony with the purpose and intent of the Ordinance and (iii) will not be injurious to the neighborhood or otherwise detrimental to the public welfare;
 - b. Owing to conditions peculiar to the property, which conditions are not the result of any action taken by the applicant, a literal enforcement of the Ordinance will result in practical difficulty to the applicant.
5. Non-conforming uses of neighboring lands, structures or buildings shall not be considered grounds for the issuance of a variance nor shall permitted uses of neighboring lands, structures, or buildings.
6. The Board of Appeals shall be authorized to grant variances only with regard to provisions of the Ordinance relating to density, bulk, or area requirements. Under no circumstances shall the Board of Appeals grant a variance to allow a use which is not permitted under the terms of the Ordinance or is by implication prohibited by the terms of the Ordinance relating to the zoning district in which the subject property is located.
7. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 28 – 1308 of this Ordinance.

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- 8. The Board may grant a variance from the provisions of the Critical Area Overlay District upon making the following findings of fact:
 - a. That special conditions or circumstances exist that are peculiar to the land or structure involved and that a literal enforcement of the provisions of the Critical Area Program would result in unwarranted hardship;
 - b. That a literal interpretation of the provisions of this Ordinance relating to the Critical Area Overlay Zones would deprive the applicant of rights commonly shared by other properties in similar areas within the Critical Area Overlay District;
 - c. That the granting of the variance requested would not confer upon the applicant any special privilege that is denied by the provisions of the Ordinance to other lands or structures within the Town's Critical Area Overlay District;
 - d. That the variance requested is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or nonconforming, on any neighboring property;
 - e. That the granting of the variance requested will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Town's Critical Area Overlay Zone, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Areas law and the regulations promulgated by the State Critical Area Commission;
 - f. No hearing shall be held upon an application for a variance in the Critical Area Overlay District until the State Critical Area Commission has received a copy of the variance application at least fifteen (15) days prior to the date of the scheduled public hearing.

- 1 9. The applicant for a variance shall have the burden of proof on all points
2 material to the application which shall include the burden of presenting
3 credible evidence as to each material issue and the burden of persuasion on
4 each material issue. The Board may disregard evidence, even if
5 uncontroverted by an opposing party if the Board finds such evidence not
6 to be credible.
7
8 10. Nothing in this chapter shall give the Board the authority to grant a variance
9 from the provisions of Section 28 – 1007.2 relating to the maximum size of
10 Major retail uses.

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12 D. REASONABLE ACCOMODATIONS FOR THE NEEDS OF DISABLED
13 CITIZENS

14
15 The Board of Zoning Appeals may make reasonable accommodations to avoid
16 discrimination on the basis of a disability. Reasonable accommodations for the needs
17 of disabled citizens shall be permitted in accordance with the evidentiary requirements
18 set forth in the following paragraphs.
19

- 20 1. An applicant shall have the burden of demonstrating the following:
21
22 a. The existence of a disability;
23
24 b. Literal enforcement of the provisions of this ordinance would result
25 in discrimination by virtue of such disability;
26
27 c. A reasonable accommodation would reduce or eliminate the
28 discriminatory effect of the provisions of this ordinance;
29
30 d. The accommodation requested will not substantially impair the
31 purpose, intent, or effect, of the provisions of this ordinance as
32 applied to the property;
33
34 e. Environmental impacts associated with the accommodation are the
35 minimum necessary to address the needs resulting from the
36 particular disability of the applicant.
37
38 2. The Board of Zoning Appeals shall determine the nature and scope of any
39 accommodation under this section and may award different or other relief
40 than requested after giving due regard to the purpose, intent, or effect of the
41 applicable provisions of this ordinance. The Board may also consider the
42 size, location, and type of accommodation proposed and whether

1 alternatives exist which accommodate the need with less adverse effect.

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3 **E. DECISIONS OF THE BOARD OF APPEALS**
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5 In exercising on an appeal, the Board of Appeals may affirm, modify or reverse the
6 order, requirement, decision or determination appealed from and, to that end, shall
7 have the powers of the official or agency from whom the appeal is taken. In
8 addition, when the Board reverses the order, requirement, decision or determination
9 appealed from, the Board may remand the matter back to the official or agency
10 from whom the appeal was taken for further action together with instructions from
11 the Board.
12

13 The concurring vote of the majority of the members of the Board shall be necessary
14 to reverse any order, requirement, decision, or determination of any Town official
15 or agency, or to decide in favor of the applicant on any matter upon which it is
16 required to pass under this Ordinance, or to effect any variation in the application
17 of this Ordinance.
18

19 If any application or request is disapproved on the merits by the Board, thereafter
20 the Board shall not accept application for substantially the same proposal, on the
21 same premises, until after one (1) year from the date of such disapproval.
22

23 If an appeal or application to the Board is perfected and the public hearing date set
24 and public notice given, and thereafter the applicant withdraws the appeal, he shall
25 be precluded from filing another application for substantially the same proposal on
26 the same premises for one (1) year from the date of withdrawal.
27

28 Provided, however, that the Board may dismiss, on its own motion, or at the request
29 of the applicant, any appeal or application when it finds that material changes in
30 the application or appeal, or in its supporting plans, specifications or other
31 documents have been made or when it finds that any other procedural error
32 prejudices the rights of any person or party to the appeal or application or otherwise
33 invalidates the appeal or application. Dismissal under this provision shall not be a
34 bar to re-application or re-appeal within one year of the date of dismissal at the
35 applicant's expense nor shall dismissal affect the right of any person to appeal a
36 decision of the Zoning Inspector to the Board. The Board may, at its discretion,
37 waive part or all of the costs of the re-application or re-appeal.
38

39 **28 – 1303.6 APPEALS FROM THE BOARD OF APPEALS**
40

41 **A. Any person or persons, or any board, taxpayer, or department of the Town**

1 aggrieved by any decision of the Board of Appeals may seek review by the Circuit
2 Court of such decision, in the manner provided by the laws of Maryland and
3 particularly by Article 66B, Annotated Code of Maryland.
4

5 B. All costs incurred by the Town in transcribing records of meetings and hearings
6 shall be borne by the appellants. All fees shall be paid to the Town, before any
7 record of the case is submitted to the appropriate court.
8

9 **SECTION 28 – 1304 DUTIES OF TOWN OFFICIALS, BOARD OF APPEALS, TOWN**
10 **COUNCIL AND COURT ON MATTERS OF APPEAL**

11
12 It is the intent of this Ordinance that all questions of interpretation and enforcement shall
13 be first presented to the Town Planner/Codes Administrator and that such questions shall
14 be presented the Board of Appeals only on appeal, and that recourse from the decisions of
15 the Board of Appeals shall be to the courts as provided by law and particularly by Article
16 66B, Annotated Code of Maryland.
17

1 It is further the intent of this Ordinance that the duties of the Town Council in connection
2 with this Ordinance shall not include hearing and deciding questions of interpretation and
3 enforcement that may arise. The procedure for deciding such questions shall be as stated
4 in this section and this Ordinance. Under this Ordinance the Town Council shall have only
5 the duties of (1) considering and adopting or rejecting proposed amendments or the repeal
6 of this Ordinance, as provided by law, (2) hearing and approving or denying requests for
7 Planned Unit Development applications, Commercial Medical applications, and Planned
8 Redevelopment Applications, and (3) of establishing a schedule of fees and charges as
9 stated in Section 28-1305, below.

10
11 **SECTION 28 – 1305 SCHEDULE OF FEES, CHARGES AND EXPENSES**

- 12
13 A. The Town Council shall establish a schedule of fees, charges, and expense, and a
14 collection procedure, for, building and occupancy permits, appeals, variances, special
15 exceptions, amendments, site plan and subdivision review and other matters pertaining
16 to this Ordinance. The schedule of fees shall be posted in the offices of the Town
17 Planner/Codes Administrator and may be altered or amended only by the Town
18 Council, upon recommendation of the Planning Commission.
19
20 B. No application shall be processed unless or until such costs, charges, fees, or expenses
21 have been paid in full, nor shall any action be taken on proceedings before the Board
22 of Appeals unless or until preliminary charges and fees have been paid in full. One
23 exception to this regulation is the fee for building permits which is determined during
24 the review of the application and shall be payable at the time of issuance.
25

26 **SECTION 28 – 1306 TEMPORARY USE PERMITS**

27
28 Temporary use permits may be approved by the Town Planner for specific uses identified
29 in Article II of this Ordinance. Uses not listed as permissible on a temporary basis may be
30 reviewed and permitted by the Planning Commission. Application for the permit must be
31 made at least ten (10) days prior to the event. Applicant shall furnish all information
32 required by the Planner in order to make determination on the application.
33

34 **SECTION 28 – 1307 MINIMUM REQUIREMENTS**

35
36 In their interpretation and application, the provisions of this Ordinance shall be held to be
37 minimum requirements, adopted for the promotion of the public health, safety, morals or
38 general welfare. Whenever the requirements of this Ordinance are at variance with the
39 requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions
40 or covenants, the most restrictive or that imposing the higher standards shall govern.
41

42 **SECTION 28 – 1308 VIOLATIONS**

- 1 A. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any
2 person may file a written complaint. Such complaint, stating fully the causes and basis
3 thereof, shall be filed with the Zoning Inspector. The Zoning Inspector shall record
4 properly such complaint, immediately investigate, and take action thereon as provided
5 by this Ordinance.
6
- 7 B. Violation of the provisions of this Ordinance or failure to comply with any of its
8 requirements shall constitute a municipal infraction and fines may be levied in
9 accordance with the schedule approved by the Town Council. Each day such violation
10 continues shall be considered a separate offense.
11
- 12 C. The owner or tenant of any building, structure, premises, or part thereof, and any
13 architect, builder, contractor, agent, or other person, who commits, participates in,
14 assists in, or maintains such violation may each be found guilty of a separate offense
15 and suffer the penalties herein provided.
16
- 17 D. Nothing herein contained shall prevent the Town from taking such other lawful action
18 as is necessary to prevent or remedy any violation.
19

20 **SECTION 28 – 1309 ADMINISTRATIVE REVIEW FOR CERTAIN DEVELOPMENT**
21 **ACTIVITIES ON IMPROVED LOTS**
22

- 23 1. Applications for renovations, alterations or additions to existing improved lots which
24 violate the prescribed setback but are no closer to the property line than the existing
25 structure may be approved by the Town Planner. The application shall include a site plan
26 with sufficient information to review the request. If approved by the Town Planner,
27 nothing more than a building permit shall be required for such requests. Nothing in this
28 provision however shall permit construction in violation of the Town’s Building Code
29 without a Variance from said Code.
30
- 31 2. Applications for new construction which violate the prescribed setback or for additions or
32 new construction which exceed lot coverage limits or encroach closer to the property line
33 than the existing plane of the improved building, may be considered by the Town Planner
34 and may be approved provided that there is acceptable historical evidence that the property
35 was improved in a manner consistent with the request at some point in the past, prior to the
36 establishment of Zoning regulations for the property in question. Acceptable evidence may
37 include physical evidence, land records, assessment information, old surveys, or Sanborn
38 Insurance Maps. Such evidence shall not be construed to constitute automatic approval of
39 the request. It merely allows the Town Planner to consider a request that would otherwise
40 require a Variance. If in the Town Planner’s opinion the site plan should not be approved
41 via this administrative review option, the applicant shall still have the right to file for a
42 Variance from the necessary provision(s) of the Ordinance.