

ARTICLE 3

ZONING DISTRICTS

3-100 PURPOSES AND INTENT OF DISTRICTS

3-101 Purpose of District Generally

Zoning districts are established to provide appropriate location for different types of land uses. The appropriate location for a particular land use is determined by:

- A. The character of the area and current land use
- B. The suitability of each district for the uses permitted in each.
- C. The encouragement of the stability of the district and of land values therein.
- D. Environmental considerations including the Chesapeake Bay Critical Area criteria, and
- E. Recommendations of the North Beach Comprehensive Plan

3-102 R-1: Residential - Single Family

The Residential-Single Family district is intended to preserve and protect the primarily single-family detached residential character of this district and to keep these areas free from the land uses that are incompatible with and/or might adversely affect these single-family neighborhoods.

3-103 R-2: Residential – Multi-Family & Mixed Use

The Residential-Mixed Use district is intended to promote the development of a pleasant living environment with multiple housing types and other low impact land uses which complement residential and institutional character and are compatible with residential use.

3-104 R-3: Residential – Single Family and Mixed Use

The Residential-Mixed Use district is intended to promote the development of a pleasant living environment with single housing types and low impact land uses which complement residential and institutional character and are compatible with residential use.

3-104 C-1: Neighborhood Commercial

The Neighborhood Commercial District is intended to provide locations for small-scale and low-impact commercial and non-residential uses while protecting residential character within and adjacent to the district.

3-105 C-2: Town Center Commercial

The Commercial Town Center district is intended to promote the intense development of land for commercial uses that are compatible in scale and impact with nearby residential neighborhoods, and to protect and provide a safe and attractive environment for shopping, entertainment and community gathering.

3-106 W: Waterfront District

The Waterfront district is intended to promote the development of a mix of uses that are respectful of and complement a waterfront location and contribute to recreational and tourism activities for residents and visitors.

3-107 PR: Park and Recreational District

This district is established to provide and protect locations for parkland and recreational activities and needs.

3-200 LAND USES BY DISTRICT

Table 1 lists the different uses and the zoning districts in which those uses are permitted. If a use is not listed or does not fall within any of the general categories, it is not a permitted use in any district. If a use is specifically listed in Table 1, it takes precedence over general use listings.

- P Permitted Use: Uses designated by the letter “P” shall be permitted subject to all applicable regulations.
- C Conditional Use: Uses designated by the letter “C” shall be permitted subject to certain conditions. The conditions are listed in this section.
- S Special Exception. The Board of Appeals in accordance with Section 3-400 of this Ordinance may authorize uses designated by the letter “S”.
- SC Special Exception with Conditions. Uses designated with the letters “SC” may be authorized by the Board of Appeals in accordance with Section 3-44 of this Ordinance, subject to certain conditions listed in Section 3-300.

Table 1: Table of Permitted Land Uses by District

LAND USE CLASSIFICATIONS	P: Permitted C: Permitted, subject to conditions S: Special Exception SC: Special Exception, subject to conditions							Conditions or Additional Use Regulations
	Zoning Districts							
	R-1	R-2	R-3	C-1	C-2	W	PR	
Residential								
Single Family - Detached	P	P	P	P				
Single Family - Attached, Duplex		P			P			
Townhouse		P		P		P		
Accessory Apartment	C	C	C	C				3-300 A
Multi-family		S			P	P		
Boarding House, Lodging House	SC	SC	SC	C	C			3-300 B
Boarders in Residence	C	C	C	C	C			3-300 C
Group Home	S	S	S	S	S			

Table 1: Table of Permitted Land Uses by District (continued)

LAND USE CLASSIFICATIONS	P: Permitted C: Permitted, subject to conditions S: Special Exception SC: Special Exception, subject to conditions						
	Zoning Districts						
	Use	R-1	R-2	R-3	C-1	C-2	W
Institutional							
Beach Concessions						P	C
Churches and Other Buildings for Religious Assembly	SC	C	SC		C		
Monasteries, Convents		P					
Home Day Care	P	P	P	P	P		
Day Care Center, Nursery School	SC	SC	SC	P	P		
Clubs, Fraternal and Service Organizations		S			S		
Community Pier						P	P
Convalescent / Nursing Home	SC	P	SC	P	P		
Cultural Uses: Library, Museum, Community Center	S	P	S	P	P	P	P
Educational Institutions							
Trade and Vocational Schools					P		
Studios for instruction in dance, art, crafts, music, similar				P	P	P	
Public/Private Schools							
Funeral Home					C		
Parking Facility / Lot					P	P	
Post Office					P		
Public park and/or recreational area	P	P	P	P	P	P	P
Public or government building or structure	P	P	P	P	P	P	P
Utility Building / Facility	S	S	S	S	S	S	S
Commercial							
Retail Shops carrying one-type of inter-related goods such as book store, apparel, florist, gifts, etc.				P	P	P	
Antique Shops				P	P	P	
Bakery, retail				P	P	P	
Specialty Food Sales, Beverage Sales				P	P	P	
Framing Shops, Film Processing				P	P	P	
Bicycle sales, rental, repair				P	P	P	
Artist, Photography Studios and Galleries		C	C	P	P	P	
Retail convenience stores and retail establishments carrying commodities which tend to be purchased on a comparison basis such as food supermarket, department store, discount store, pharmacy, etc.					P		

Table 1: Table of Permitted Land Uses by District (continued)

LAND USE CLASSIFICATIONS	P: Permitted C: Permitted, subject to conditions S: Special Exception SC: Special Exception, subject to conditions						
	Zoning Districts						
	Use	R-1	R-2	R-3	C-1	C-2	W
Commercial (con't)							
Itinerant sales of fish, shellfish, fruits, vegetables					P	P	
Personal Services such as beauty salons, shoe repair, etc.				P	P	P	
Massage Therapy		C	C	C	C	C	
Laundromat, dry cleaning receiving shop					P		
Bank, Financial Institution					P	P	
Finance, Insurance, Real Estate				P	P	P	
Health Spa / Fitness Center					P	P	
Hotel /Motel				P	P	P	
Inn				P	P	P	
Bed and Breakfast	C	C	C	C	C	C	
Catering Services				P	P	P	
Restaurants:							
Class I					P	P	
Class II					P	P	
Class III				C	P	P	
Taverns, nightclubs, including micro-brewery					P	P	
Professional Office in Residence		C	C	P	P	P	
Offices for Professional, Business, Governmental purposes		C	C	P	P	P	
Business Services such as advertising, copying, printing					P		
Repair Services - Electrical, Appliance, Upholstery					P		
Contactors, Locksmith, Plumbing Shop					P		
Marina						P	
Amusement Est.: Theatres, Bowling Alleys, Arcades					P	P	P
Indoor Recreational Facilities for swimming, tennis, etc.					P	P	P
Outdoor Recreational and Amusement Establishments such as swim clubs, miniature golf, and similar facilities						P	P

Table 1: Table of Permitted Land Uses by District (continued)

LAND USE CLASSIFICATIONS	P: Permitted C: Permitted, subject to conditions S: Special Exception SC: Special Exception, subject to conditions						
	Zoning Districts						
	R-1	R-2	R-3	C-1	C-2	W	PR
Vehicle-Related Uses							
Motor Vehicle Sales and Rental					SC		
Boat Sales or Rental						P	P
Boat Service or repair						SC	SC
Gasoline Station, service station					SC		
Unclassified Uses							
Garage Sales, Yard Sales, Estate Sales	C	C	C	C	C		
Temporary Structure incidental to construction	C	C	C	C	C	C	C
Accessory Building or Use	P	P	P	P	P	P	P
Home Occupation	C	C	C	C	C	C	
Outside Storage in Connection with Commercial Uses				C	C	C	

3-300 CONDITIONS AND STANDARDS FOR CONDITIONAL AND SPECIAL EXCEPTION USES

The following conditions and specific standards apply to land uses designated C (Conditional) S (Special Exception) and SC (Special Exception with Conditions) in Table 1. When applying for a certification of Use and Occupancy, the applicable conditions shall be satisfied during the period of the use and occupancy.

A. Accessory Apartment. Conditional in the R-1, R-2, and C-1 Districts and subject to the requirement so that district except as herein provided:

1. The principal dwelling must be located on a lot of at least 5,000 sq. ft. and the granting of a variance cannot alter this requirement. Accessory apartment units will not be allowed on existing non-conforming single-family detached house lots that are less than 5,000 sq. ft.
2. Only one (1) accessory apartment will be allowed on a single family detached lot.
3. At least one (1) off street parking space must be provided for each 650 sq. ft. of gross floor area for the accessory apartment. Each additional 650 sq. ft. or portion thereof will require one (1) additional off street parking space.
4. If an apartment is contained within the principal dwelling, then it shall contain no more than forty percent (40%) of the total gross floor area of the building. Additionally, the maximum size of any new accessory apartment contained within the principal dwelling shall be 800 sq. ft. of gross area.
5. If an accessory apartment is located in an accessory structure, it shall contain no more than 800 sq. ft. of gross floor area.
6. An owner of the lot occupies at least one of the dwelling unit on the lot, except for bona fide temporary absences as determined by the Planning Commission.
7. Accessory apartments must meet all requirements of the Town Minimum Livability Code and the International Property Maintenance Code.
8. The exterior appearance of the accessory apartment must be compatible with the principal structure.

9. Accessory apartments will require a Category 2 site plan approval.
- B. Boarding House, Lodging House. A Special Exception with Conditions use in the R-1 District and Conditional use in the R-2, C-1, and C-2 Districts subject to the requirements of the district where located except as herein provided:
1. An owner or manager lives on the premises.
 2. The facility is part of a dwelling unit.
 3. No separate kitchens are provided.
 4. The maximum number of guests shall be five.
 5. Adequate off- street parking is provided to the side or rear of the principal structure.
 6. The owner meets all requirements of the adopted North Beach Housing Code.
 7. A Certificate of Use and Occupancy for such use is obtained.
 8. Fire Marshall approval is obtained.
- C. Boarders in Residence. A Conditional use in the R-1, R-2, C-1, and C-2 Districts and subject to the requirements of the district, where located except as herein provided:
1. Provided that no more than three boarders are in residence at any given time
- D. Beach Concessions. Conditional use in the PR District and subject to the requirements of that district except as herein provided:
1. The use is located on beachfront sites on Town property.
 2. A lease is signed by the user with the Town.
- E. Churches and Other Buildings for Religious Assembly. Special Exception with Conditions use in the R-1 District and Conditional use in the R-2 and C-2 Districts subject to the requirements of the district where located, except as herein provided:
1. No part of any building shall be located within 50 feet of any property line in separate ownership.
 2. Screening, per Section 5-404 of this Ordinance, shall be provided where the lot abuts residentially used properties or where the site abuts the R-1 zoning district.
- F. Day Care Center, Nursery School. Special Exception with Conditions use in the R-1 District subject to the requirements of that district, except as herein provided:
1. The minimum lot area shall be 10,000 square feet.
 2. The minimum lot width shall be 100 feet.
 3. In the R-1 District, the owner or manager shall live on the premises and shall have quarters that are separate and distinct from the facilities used for the operation of the day care center or nursery school.
 4. That there be no exterior evidence, other than a permitted sign to indicate that the building is being used for other than residential purposes.
 5. Signage shall be limited to one free-standing sign identifying the name and number of the building or premises of no more than four square feet.
 6. Any outdoor play activity recreational area shall be located at least 10 feet from any adjoining lot line in separate ownership.
 7. Outdoor play areas shall be sufficiently screened and sound insulated so as to protect the neighborhood from noise and other disturbances. To fulfill this requirement, screening may be located anywhere on the lot as needed.
 8. Screening, per Section 5-404 of this Ordinance, shall be provided where the lot abuts residentially used properties.
 9. Any new buildings shall be designed to be architecturally harmonious with buildings in the neighborhood including but not limited to building façade orientation, building scale and massing, materials, colors, roofs, and rooflines.
 10. Off-street parking shall be provided in the side or rear yard and shall be completely screened from view of adjoining residential properties or any adjoining lot in an adjoining R zoning district.

- G. Convalescent/Nursing Home. Special Exception with Conditions use in the R-1 District subject to the requirements of that district, except as herein provided:
1. The minimum lot area shall be 10,000 square feet.
 2. The minimum lot width shall be 100 feet.
 3. The owner or manager lives on the premises and shall have quarters that are separate and distinct from the facilities used for the operation of the convalescent or nursing home.
 4. There shall be no exterior evidence, other than a permitted sign to indicate that the building is being used for other than residential purposes.
 5. Signage shall be limited to one free-standing sign identifying the name and number of the building or premises of no more than four square feet.
 6. Total occupancy on the premises shall not exceed four persons, excluding the owner or manager.
 7. Any new buildings shall be designed to be architecturally harmonious with buildings in the neighborhood including but not limited to building façade orientation, building scale and massing, materials, colors, roofs, and rooflines.
 8. Screening, per Section 5-404 of this Ordinance, shall be provided where the lot abuts residentially used properties.
 9. Off-street parking shall be provided in the side or rear yard and shall be completely screened from view of adjoining residential properties or any adjoining lot in an adjoining R zoning district.
- H. Public and Private Schools. Special Exception with Conditions use in the R-2 District subject to the requirements of the district where located, except as herein provided:
1. Minimum lot area shall be one acre.
 2. Minimum lot width shall be 200 feet.
 3. In the R-2 District, off-street parking shall be provided in the side or rear yard.
 4. No building shall be located within 50 feet of any property line.
 5. Building coverage shall not exceed 25 percent of the lot.
 6. Vegetative screening and buffers shall be provided where the lot abuts residentially used properties or where the site abuts the R-1 zoning district.
 7. The maximum attendance (number of students physically present) at any one time shall not exceed one student per 1,000 square feet of the area of the lot.
- I. Artists, Photographer Studios, and Galleries. Conditional use in the R-2 District subject to the requirements of that district, except as herein provided:
1. The owner or manager must reside in the dwelling.
 2. There shall be no exterior evidence, other than a permitted sign not exceeding two square feet, to indicate that the principal building is being used for any purpose other than that of a dwelling
 3. There is no show window or display window
 4. Only two persons other than the resident artist or photographer may be employed.
 5. Off street parking shall be provided in the side or rear yard
 6. Parking requirements of Section 5-200 shall be met.
 7. The total area devoted to the studio or gallery space does not exceed 35 percent of the square footage of the dwelling unit.
 8. An accessory building may be used for studio or gallery space
- J. Massage Therapy. Conditional use in the R-2, C-1, C-2 and W Districts subject to the requirements of the district where located, except as herein provided:
1. Massage is incidental to a principal medical or spa use.
 2. Massage therapy is conducted by professionals who are licensed to practice massage or by professional physical therapists.
 3. Massage therapy does not include any manipulation to induce sexual stimulation and in the context of massage therapy any such act is presumptively considered a danger to public health, safety, and welfare and is cause for revocation of a use and occupancy permit.

- K. Inn. Special Exception with Conditions use in the R-2 District subject to the requirements of that district, except as herein provided:
1. The minimum lot area shall be 10,000 square feet.
 2. Off-street parking shall be provided in the side or rear yard.
 3. Screening, per Section 5-404 of this Ordinance, shall be provided where the lot abuts residentially used properties or where the site abuts the R-1 zoning district.
- L. Bed and Breakfast Facility. Conditional use in the R-1, R-2, C-1, C-2 and W Districts and subject to the requirements the district in which located except as herein provided:
1. An owner or manager lives on the premises
 2. The facility is part of a dwelling unit with the exception that existing non-conforming guesthouses may be used.
 3. No separate kitchens are provided.
 4. Meals shall be served to overnight lodgers only.
 5. The facility is operated through a State approved Bed and Breakfast registry.
 6. Adequate off- street parking is provided.
 7. The owner meets all requirements of the adopted North Beach Housing Code.
 8. A Certificate of use and Occupancy for such use is obtained, and
 9. Fire Marshall approval is obtained.
- M. Restaurant, Class III. Conditional use in the C-1 District subject to the requirements of that district, except as herein provided:
1. Screening, per Section 5-404 of this Ordinance, shall be provided where the lot abuts residentially used properties or where the site abuts the R-1 zoning district.
 2. The operation shall be limited to 50 seats or less.
 3. Hours of operation shall be limited to midnight
 4. No bar or dancing shall be permitted.
 5. Live entertainment shall be limited to non-amplified acoustical music and shall not be permitted outside of the establishment. Recorded music shall be limited to background variety only.
 6. All trash and refuse shall be stored in self-enclosed trash storage areas which may consist of a properly screened and maintained dumpster on the property on which the establishment is located.
 7. Except where trash is placed in a properly screened and maintained dumpster as in the condition above, trash receptacles shall not be placed outside for pickup until one-half hour prior to the scheduled pickup time and shall be removed within one-half hour after trash pickup.
 8. Appropriate sound suppression techniques shall be employed to ensure that the level of noise emanating from within the establishment will not disturb the quiet and enjoyment of property in any nearby residential use.
 9. Loitering shall not be permitted around the exterior of the establishment.
 10. Kitchens shall be designed, maintained, and operated in a manner to minimize noise and odors.
- N. Professional Office in Residence (Physician, Dentist, Architect, Attorney, or Similar). Conditional use in the R-2 district subject to the requirements of that district, except as herein provided.
1. The professional person must reside in the dwelling.
 2. There shall be no exterior evidence, other than a permitted sign not exceeding four square feet, to indicate that the principal building is being used for any purpose other than that of a dwelling.
 3. There shall be no show window or display window.
 4. Only two persons other than the resident professional shall be employed on site.
 5. Sufficient off street parking in the side or rear yard shall be provided with the minimum being two spaces per professional, one space per other employee, plus residential requirements.
 6. The total area devoted to the professional office use shall not exceed 40 percent of the square footage of the principal dwelling unit.

7. An accessory building may be used for professional office.
- O. Offices for Professional, Business, and Governmental Purposes. Conditional use in the R-2 district subject to the requirements of that district, except as herein provided:
1. Screening, per Section 5-404 of this Ordinance, shall be provided where the lot abuts residentially used properties or where the site abuts the R-1 zoning district.
 2. The principal building shall be located no closer than 20 feet of any property line in separate ownership, unless the lot is adjacent to a non-residential use, in which case, the side yard adjoining the non-residential use may be reduced to 8 feet.
 3. To reduce the impact of traffic and parking, the total floor area devoted to the use shall be limited to 6,000 square feet (in addition to any basement or attic areas used solely for storage).
 4. Off-street parking shall be provided in the side or rear yard and shall be completely screened from view of adjoining residential properties or any adjoining lot in the R-1 zoning district.
 5. Signage shall be limited to one free-standing sign identifying the name and number of the building or premises of no more than four square feet in area.
- P. Motor Vehicle Sales and Rental: Special Exception with Conditions use in the C-2 District subject to the requirements of that district, except as herein provided:
1. The display of vehicles for sale or rent must be indoors or be completely screened from neighboring properties.
 2. Vegetative screening and buffers shall be provided where the lot abuts residentially used properties or where the site abuts the R-1 zoning district.
 3. Service, maintenance, repair, or similar activities shall be conducted indoors.
 4. All lights shall be diverted toward the facility or downward on the lot.
 5. A low wall and/or hedge shall be provided along all rights-of-way, except at points of vehicular access to the lot and except where vehicular sight distance might be compromised.
 6. The sale or rental of recreational vehicles, motor homes, trucks, and other large vehicles shall not be permitted.
- Q. Boat Service and Repair. Special Exception with Conditions use in the W and PR Districts subject to the requirements of the district where located, except as herein provided:
1. Service and repair activities are incidental and secondary to the principal use of boat sales and or rental.
 2. Service and repair activities are limited to providing fuel service and minor repair and maintenance activities and shall not include the sanding and painting of boats, engine repair or reconstructions or other major repair and servicing activities.
- R. Gasoline Stations, Service Stations. Special Exception with Conditions use in the C-2 District subject to the requirements of that district, except as herein provided:
1. No fuel pump, oil draining pit, or other vehicle appliance for serving automobiles shall be located within 25 feet from the front property line.
 2. No storage or stockpiling of tires or any trash shall be permitted.
 3. No car wash facilities shall be permitted.
 4. No inoperative vehicle shall be permitted on site for more than 30 days.
 5. No more than three inoperative vehicles shall be permitted at any given time and all shall be completely screened from view of rights-of-way and adjoining properties.
 6. An area, enclosed by a wall or fence, screened from view of adjoining properties and rights-of-way shall be established whenever outdoor storage is required.
 7. No fuel pumps, structures, or buildings shall be erected within 150 feet of any dwelling.
 8. All lights shall be diverted toward the station or downward on the lot.
 9. A low wall and/or hedge shall be provided along all rights-of-way, except at points of vehicular access to the lot and except where vehicular sight distance might be compromised.
- S. Garage Sales, Yard Sales, Estate Sales. Conditional use in the R-1, R-2, C-1, and C-2 Districts subject to the requirements of the district where located, except as herein provided:

1. Articles for sale consist of personal possession of the seller.
2. Such sale is not in the same location more than once every six months.

T. Temporary Structure Incidental to Construction (non residential). Conditional use in the C-1, C-2, W and PR Districts subject to the requirements of the districts where located, except as herein provided:

1. Provided that is removed within 30 days after construction is finished.
2. The temporary structure is permitted for a period of one year. A one-year extension may be permitted upon application to the Zoning Administrator.

U. Home Occupation. Conditional use in the R-1, R-2, C-1, C-2, and W Districts subject to the requirements of the districts where located, except as herein provided:

1. The occupation is conducted entirely within the dwelling or accessory building and is clearly secondary to the use of the dwelling for residential purposes
2. The occupation uses no more than 25 percent of the dwelling floor area.
3. All employed are residents, except that one full-time non-resident employee may be on the premises
4. No outside work areas or outside storage of equipment, materials or items to be repaired or sold shall be permitted
5. No article or commodity is offered for sale or is publicly displayed on the premises except those incidental to the services offered.
6. No display of products may be shown as to be visible from outside the dwelling.
7. No exterior alterations, additions, or changes to the structure shall be permitted in order to accommodate or facilitate a home occupation.
8. Besides the required parking for the dwelling unit, additional parking located to the side or rear yard shall be provided as follows: 1 space for each non-resident employed on the premises and 3 additional spaces for a physician or dentist.
9. A nameplate not larger than 2 square feet attached to the building and illuminated only by indirect lighting is permitted.

V. Outside Storage in Connection with Commercial Uses. A Conditional use in the C-1, C-2 and W Districts subject to the requirements of the districts where located, except as herein provided:

1. Provided that materials, machinery, or equipment stored is not visible from adjoining properties or rights-of-way.

3-400 SPECIAL EXCEPTIONS

3-401 Purpose and Intent

There are certain uses, which by their nature or design can have an undue impact upon or be incompatible with other uses of land. These uses may be allowed to locate within given designated zoning district under the controls, limitations, and regulations of a special exception.

3-402 Authorization

In consideration of an application filed with the Zoning Administrator, the Board of Appeals may authorize the establishment of those special uses that are expressly listed in a particular district in Table 1 of this Ordinance.

3-403 Status of Special Exception Uses

- A. Once a special exception has been approved, any site plan, subdivision plat, building permit, or certificate of use and occupancy hereafter submitted for the development or use of the property in accordance with the special exception shall conform with the approved special exception and no development or use shall be approved by the Zoning Administrator in the absence of such conformance.
- B. Once established, the use shall be conducted in strict accordance with any condition or restriction imposed by the Board of Appeals and all other requirements of this Ordinance. No use shall be enlarged, expanded, increased in intensity, or relocated and no condition of the special exception or a new special exception shall be modified unless an application is made and approved for an amendment to the special exceptions or a new special exception is approved.
- C. Once a special exception use is approved, the use shall not be considered a nonconforming use, but shall be, without further action, considered a conforming one.

3-404 Standards

The Board of Appeals shall grant a special exception only if it finds, from a preponderance of evidence of record, that any proposed use submitted for a special exception will meet all of the following general standards as well as any specific standards or conditions listed for the proposed use.

- A. The establishment, maintenance, and operation of the special exception will not be detrimental to or endanger the public health, safety, or general welfare.
- B. The special exception shall be such that it will be harmonious in character as well as appropriate in appearance with and will not be injurious to the use and enjoyment of other property in the neighborhood for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
- C. The establishment of the special exception will not impede the normal and orderly development and improvement of surrounding properties for the uses permitted in the district.
- D. Adequate utilities, access roads, drainage, and necessary facilities have been or are being provided.
- E. The special exception shall be such that pedestrian and vehicle traffic associated with such use will not be hazardous to or unduly conflict with the existing and anticipated traffic in the neighborhood.
- F. The special exception shall in all other respects conform to the applicable regulations of the district in which it is located.

3-405 Burden of Proof

The applicant for a special exception shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact that are to be determined by the Board of Appeals.

3-406 Conditions and Restrictions

The Board of Appeals, in approving a special exception, may impose such conditions and restrictions upon the proposed use, as it may deem necessary in the public interest to secure compliance with the provisions of this Ordinance and to protect the viability of the implementation of the adopted North Beach Comprehensive Plan.

3-407 Application Procedure

- A. An application for a special exception may be made by a property owner, lessee, or contract purchaser. A lessee or contract purchaser must file with the application, a copy of the contract or some form of written statement, which indicates endorsement of the application by the property owner.
- B. Applications for a special exception shall be submitted to the Zoning Administrator on forms supplied to him or her. The application shall be complete and shall be accompanied by information which will be necessary to evaluate a given proposed category or use. The Zoning Administrator, upon receipt of a properly completed and documented application, shall refer the application along with pertinent evaluation material to the Planning Commission and Board of Appeals.

3-408 Processing and Public Hearing Requirement

The Board of Appeals shall process all applications for a special exception in accordance with the provisions in this Part and the provisions of Part 2 of Article 8. The Board, on the application for a special exception, shall make no determination until a public hearing has been held on it in accordance with the provisions of Section 7-106 of this Ordinance.

3-409 Termination or Revocation

- A. Unless a time limit is specified for a special exception, the same shall be valid for an indefinite period, except if the use or activity should cease for any reason for a continuous period of one year, the special exception shall automatically terminate without notice. The approval of a new special exception shall be required prior to any subsequent reinstatement of the use.
- B. A special exception shall be revocable on the order of the Zoning Administrator at any time because of the failure of the owner or operator of the use covered by the special exception to observe all requirements of law with respect to the maintenance and conduct of the use and all conditions in connection with the special exception that were designated in issuing the same. Before revoking any special exception, however, the Zoning Administrator shall give the holder thereof at least ten (10) days notice. The special exception holder may appeal the decision to the Board of Appeals and the Board of Appeals shall hold a hearing on the revocation of the exception, giving the applicant advance written notice of the hearing date.
- C. The foregoing provisions shall not be deemed to preclude the use of any other remedy prescribed by law or by this Ordinance with respect to violations of the provision of this Ordinance.