

ARTICLE 7

ADMINISTRATION

7-100 ENFORCEMENT AND INTERPRETATION

7-101 Enforcement of Ordinance

Unless otherwise specifically qualified, the provisions of this Ordinance shall be enforced by the Zoning Administrator. The Zoning Administrator shall have all necessary authority to administer and enforce the provisions of this Ordinance. Such authority shall include the ability to order, in writing, the remedy of any condition found in violation of this Ordinance and the ability to bring legal action to insure compliance with the provisions, including injunction, abatement, or other appropriate action or proceeding.

7-102 Duties of the Zoning Administrator

In the administration of the provisions of this Ordinance, the Zoning Administrator shall have the following specific duties and responsibilities:

- A. The receipt, review for completeness and substantial compliance, official acceptance, and maintenance of current and permanent files and records for the following:
 - 1. Proposed and adopted amendments to the Zoning Ordinance, to include the Zoning Map.
 - 2. Applications for special exceptions.
 - 3. Appeals of a decision made by the Zoning Administrator.
 - 4. Applications for a variance.
 - 5. Applications for Category I Site Plan approval
 - 6. Applications for Zoning Permit approvals, and
 - 7. All other applications required by this Ordinance unless otherwise qualified by specific provisions.
- B. Review and take action on Category 2 Site Plans.
- C. Sign applications and site plans to indicate completion of review.
- D. Sign Zoning Permits on behalf of the Town.
- E. Conduct inspections of buildings, structures and uses of land to determine compliance with the provisions of this Ordinance.
- F. Make annual reports to the Planning Commission and Town Council on the effectiveness of the Zoning Ordinance, to include suggested amendments thereto.
- G. Ensure that copies of the Zoning Ordinance, all amendments, and the Zoning Map are available for public distribution.
- H. Perform such other duties and functions as are required by the provisions of this Ordinance.

7-103 Questions of Interpretation

The Zoning Administrator shall be responsible for interpreting the Zoning Ordinance. Interpretive decisions made by the Zoning Administrator shall be in writing. Copies of such decisions shall be sent to the Town Council, Planning Commission, and Board of Appeals. An appeal of any decision of the Zoning Administrator may be taken to the Board of Appeals as provided for in Part 4 of this Article.

7-104 Application Forms and Filing

All applications and appeals as provided for in this Ordinance shall be submitted in writing on prescribed forms to the Zoning Administrator. Each application or appeal shall contain that specific information as may be required by the various provisions of this Ordinance.

7-105 Application Fees

All applications and appeals as provided for in this Ordinance shall be accompanied by a filing fee in the amount to be determined in a schedule of fees established by the Town Council.

7-106 Required Notice for Public Hearings

No public hearing as required by the provisions of this Ordinance shall be held unless the following notice requirements have been satisfied:

- A. Publication. Public notice of any hearing held shall be published once a week for two (2) successive weeks in a local newspaper having general circulation in Calvert County. The first such notice shall be published at least fourteen (14) days prior to the date of the hearing, and shall specify the time and place of the hearing and the nature of the matter before the hearing body. Such notice shall be the responsibility of the hearing body.
- B. Written Notice to Applicant/Appellant. The hearing body shall submit written notice to the applicant/appellant by first class mail, such to be postmarked at least twenty (20) days before the day of the hearing.
- C. Posting. The Zoning Administrator shall, at least fourteen (14) days before the date of the hearing, post on the land or building involved in any application or appeal, a notice of the public hearing. Said notice shall contain the date, location and time of the public hearing, the nature of the proposed change, the property affected, such other information as may be necessary to provide adequate identification of the application, and where further information on the application may be obtained.
- D. Written Notice to Adjacent Property Owners. The hearing body shall submit written notice to all owners of property adjoining and immediately across the street from the subject property. Such written notice shall state the date, time, place, and subject matter of the hearing, and the name of the applicant. Such notice shall be sent by first class mail and postmarked not less than twenty (20) days before the day of the hearing.

7-107 Limitation on Rehearing

If an application or appeal is denied by the approving body, no new application or appeal concerning any or all of the same property for the same general use as applied or appealed for originally shall be heard by said approving body for a period less than twelve (12) months from the date of action by the approving body on the original application or appeal.

7-200 NON-CONFORMING USES

7-201 Definitions

- A. Nonconforming Structure or Lot – A structure or lot that does not conform to a dimensional regulation prescribed by this Ordinance for the District in which it is located or to regulations for signs, off-street parking, off-street loading, or accessory buildings, but which structure or lot was in existence at the effective date of this ordinance and was lawful at the time it was established.
- B. Nonconforming Use – A use of a building or lot that does not conform to a use regulation prescribed by this Ordinance for the District in which it is located, but which was in existence at the effective date of this Ordinance, was lawful at the time it was established, and is duly approved by a valid zoning permit issued by the Zoning Administrator.

7-202 Existing Uses

Any building, structure, lot or use lawfully existing at the time of the adoption of this Ordinance, or lawfully existing at the time this Ordinance is subsequently amended, may continue to be used even though such building, structure or lot that does not conform to use or dimensional regulations of the zoning district in which it is presently located.

7-203 Alteration or Extension

A nonconforming use shall not be enlarged. A nonconforming structure or lot shall not be altered, extended or enlarged except as provided for in Section 5-100.

7-204 Reconstruction

A nonconforming structure, lot or use that is destroyed or damaged by any casualty may be restored within one (1) year after such destruction or damage. After one year, any restoration shall be made to conform to this Ordinance. Upon petition of the property owner, the Planning Commission may approve one 12-month extension, provided evidence is provided demonstrating to the satisfaction of the Planning Commission that substantial progress is being made toward reconstruction.

7-205 Abandonment

No nonconforming structure, lot or use, once abandoned, shall thereafter be re-established. For the purpose of this Section, abandoned shall be defined as the cessation of a nonconforming use for a period of three (3) months or more.

7-206 Change of Use

Whenever a nonconforming use is changed to a conforming use, such shall not be reestablished. Whenever a nonconforming use has been changed in whole or in part to a more restricted nonconforming use with the approval of the Board of Appeals, such use shall not again be changed to a less restricted nonconforming use. No use which is accessory to a principal nonconforming use shall continue after such principal use shall cease or terminate.

7-207 Exceptions to Minimum Lot Sizes and Lot Widths

If two (2) or more lots of record, one or both of which fail to meet the requirements of this Ordinance with regard to lot area and/or lot width, have continuous frontage and are in single ownership at any time after the application of the provisions of this Ordinance to such lots, and if such lots taken together would form one or more lots, each meeting the requirements of this Ordinance with regard to lot area and lot width, such lot or lots shall no longer be considered nonconforming, and must be used in compliance with the lot area and lot width requirements irrespective of subsequent changes in ownership.

7-208 Lots of Record and Pre-existing Uses in the Critical Area Overlay District

An individual lot or parcel of land located within the Town of North Beach Critical Area District may be improved with a single family dwelling and related accessory uses and otherwise developed in accordance with Article 4 subsection 4-500 in a Limited Development Area (LDA) and an Intensely Developed Area (IDA) provided they comply with appropriate yard requirements and further provided they comply with the following criteria:

- A. Any legally buildable single lot or parcel of record established in North Beach prior to approval of the Town's Critical Area Protection Program may be improved or developed with a single-family residence.
- B. Any lot on which development activity has progressed to the point of pouring foundation footing or installation of structural members, prior to approval of the Town of North Beach Critical Area Protection Program, will be permitted to complete construction as per existing development approvals (e.g. building permit).
- C. Any new development activities that are grandfathered by previous approvals must fully comply with the criteria required by the Water Dependent Facilities Program and/or the Habitat Protection Areas Program of the Town of North Beach Critical Area Protection Program.
- D. Any legal parcel of land, now being part of a recorded or approved subdivision that was recorded as of December 1, 1985 and land that was subdivided into recorded, legally buildable lots, where the subdivision received final approval prior to June 1, 1984 is grandfathered, provided that the development conforms with the requirements of the land use designation insofar as possible, including the consolidation or reconfiguration of lots not individually owned. The consolidation or reconfiguration of lots not individually owned is required and not to be considered a re-subdivision within the Critical Area District.
- E. Land that was subdivided into recorded, legally buildable lots, where the subdivision received final approval between June 1, 1984 and December 1, 1985 is grandfathered, provided it can be shown that steps have been taken to conform the development to the Critical Area Criteria.

7-300 AMENDMENTS

7-301 Initiation of Amendments

The text of this Ordinance and any zoning district boundary shown on the Zoning Map may be amended by the Town Council, provided that the proceedings for any amendment shall be initiated in the following manner:

- A. By the adoption by the Planning Commission of a resolution recommending to Town Council such an amendment; or
- B. By the introduction by the Town Council of a ordinance to amend, which ordinance, upon adoption, shall be issued to the Planning Commission and Zoning Administrator; or
- C. By the filing with the Zoning Administrator of an application by the owners or their agents of the land proposed to be rezoned.

7-302 Individual Application Procedure

All applications for amendments, initiated in the manner prescribed by Paragraph C of Section 7-301 above, shall be submitted to the Zoning Administrator on forms supplied by him. The Zoning Administrator, upon receipt of a properly completed application, shall refer the application along with pertinent evaluation material to the Planning Commission for consideration and recommendation to the Town Council.

7-303 Public Hearing Requirement

All applications or ordinances to amend the Zoning ordinance or the Zoning Map shall be subject to a public hearing before the Planning Commission and Town Council in accordance with the provisions of Section 7-106 above. A single public hearing on the same amendment may be held jointly by the Planning Commission and Town Council.

7-304 Report by Planning Commission

- A. After the conclusion of a public hearing, the Planning Commission shall report to the Town Council its recommendations with respect to the proposed amendment.
- B. The Planning Commission need not confine its recommendation to the proposed amendment as set forth in the application/resolution; it may recommend text revision or reduce or enlarge the extent of the land it recommends to be rezoned.
- C. In recommending the adoption of any amendment to this Ordinance, the Planning Commission shall state its reasons for such recommendation, describing any changes in conditions, if any, that it believes make the amendment advisable and specifically setting forth the manner in which, in its opinion, the amendment would be in harmony with the adopted Comprehensive Plan and the Waterfront Revitalization Plan and would be in furtherance of the purpose of this Ordinance.
- D. Within thirty (30) days following a public hearing, the Planning Commission shall transmit its recommendation to the Town Council. Failure to provide a recommendation within such specified time shall be deemed a recommendation for approval.

7-305 Findings of Fact Required by the Town Council

- A. For a comprehensive amendment to this Ordinance initiated by the Planning Commission or Town Council under Section 7-301, Paragraph A or B above, the Town Council shall find such amendment consistent with the Comprehensive Plan.
- B. For an individually filed amendment initiated under Section 7-301, Paragraph C, the Town Council shall make findings of fact in each specific case including, but not limited to, the following matters:
 - 1. Population change.
 - 2. Availability of public facilities.
 - 3. Present and future transportation patterns.
 - 4. Compatibility with existing and proposed development for the area.
 - 5. Recommendations of the Planning Commission.
 - 6. Relationship of the proposed amendment to the Comprehensive Plan.
 - 7. Substantial change in the character of the neighborhood, or there was a mistake in the existing zoning classification.

7-306 Effective Date of Amendment

An amendment to the Zoning Ordinance or the Zoning Map shall become effective on the date of Town Council approval, provided it is at least ten (10) days after a public hearing on such amendment.

7-307 Special Amendment Requirements in the Critical Area District

The Mayor and Council may from time to time amend the provisions of this Ordinance as they relate to the Critical Area District, amend the land use designation of properties in the Critical Area District or amend the Critical Area District Boundary.

In addition, the Mayor and Council shall review and propose any necessary amendments, as required, to the land-use designations in the Critical Area District at least every four (4) years.

All such amendments shall be approved by the Maryland Chesapeake Bay Critical Area Commission as established in Subsection 8-1809 of the Critical Area Law, Subtitle 18. Standards for Critical Area Commission approval of proposed amendments are as set forth in the Critical Area Law, Subtitle 18 Subsection 8-1809 (i). The Critical Area Commission process for approval of proposed amendments are as set forth in the Critical Area Law, Subtitle 18, Subsection 8-1809 (d).

A. Amendment Procedures

- 1. Proposed amendments to the text of this Ordinance as it relates to the Critical Area District may only be initiated by the Planning Commission or Mayor and Council.
- 2. Amendments involving specific properties shall first be submitted to the Planning Commission.
- 3. For all proposed amendments the Planning Commission shall first hold a public hearing related thereto, as per Section 7-106 of this Article.
- 4. The Planning Commission shall then forward proposed amendments to the Maryland Critical Area Commission.

5. After receiving the recommendations of the Planning Commission and the approval of the Critical Area Commission, the Mayor and Council shall hold a public hearing on the proposed amendments.

B. Amendments to Critical Area Maps

1. The Mayor and Council may amend the Critical Area Boundary to delete areas of the Town from the Critical Area District when it can be demonstrated that the Critical Area, as mapped on the Official Critical Area District Maps, is incorrectly drawn. The amended Critical Area District Boundary shall, at a minimum, encompass all areas as set forth in Article 2, Section 2-103. Evidence sufficient to warrant a determination of a mistakenly drawn Critical Area Boundary Line shall be based on, and substantiated by either;

- (a) The Official State Wetland Maps;
- (b) The amended Official State Wetland Maps adopted by the State of Maryland; or
- (c) The written concurrence by the State of Maryland that the Official State Wetland Map is incorrect.

The Mayor and Council may also elect to add areas to the Critical Area District at any time. Addition or deletion of areas from the Critical Area District shall be processed as amendments to the Critical Area District as per this Section.

2. When proposing a change of a land-use designation, i.e., Intensely Developed Area (IDA), Limited Development Area (LDA) or Resource Conservation Area (RCA), the Mayor and Council shall not approve amendments unless it is found that there was a mistake in the original classification and that the amendment is approved by the Critical Area Commission.

7-400 APPEALS

7-401 Initiation

Any person or agency aggrieved or affected by a decision of the Zoning Administrator may appeal such decision to the Board of Appeals.

7-402 Time Limit on Filing

- A. Appeals shall be filed within thirty (30) days from the date of the decision that is being appealed. An appeal shall be initiated by filing a notice of appeal with the Zoning Administrator that specifies the grounds for such appeal and shall be filed in accordance with the provisions of Part 1 above.
- B. Upon receipt of a notice of appeal, the Zoning Administrator shall forward said notice and all of the papers constituting the records upon which the decision being appealed was based, to the Board of Appeals for decision within forty-five (45) days of receipt.

7-403 Processing and Public Hearing Requirements

The Board of Appeals shall process all notices of appeal in accordance with the provisions of Part 2 of Article 8. No determination shall be made by the Board on any appeal until a public hearing has been held on same in accordance with the provisions of Section 7-106 above.

7-404 Decision on Appeals

- A. The Board of Appeals may affirm or reverse, wholly or partly, or may modify the order, requirement, decision, or determination that is being appealed.
- B. The concurring vote of three (3) members of the Board of Appeals shall be required to reverse any order, decision, or determination of the Zoning Administrator under this Ordinance.
- C. The Board of Appeals shall render a written decision on the appeal within sixty (60) days after receipt of same.

7-405 Stay of Proceedings

An appeal shall stay all proceedings in furtherance of the action upon which the appealed decision is based.

7-500 VARIANCES

7-501 Purpose

A property owner may apply to the Board of Appeals for a variance of the strict application of the terms of this Ordinance. The Board of Appeals may authorize a variance in the strict application of any specific requirement of this Ordinance except as qualified in Section 7-504 below. The requirements of Section 7-503 shall be followed by the Board of Appeals in granting a variance of the strict application of the terms of this Ordinance.

7-502 Processing and Public Hearing Requirement

- A. Applications for variance shall be submitted to the Zoning Administrator and should include the following;
 - 1. A written statement detailing the specific provision of the Ordinance from which a variance is sought,
 - 2. The nature and extent of the variance sought,
 - 3. The special conditions of the property, or the nature of the use and/or development of immediately adjacent property, which would make a variance necessary, and
 - 4. A statement indicating why the variance should be granted.
- B. The Board of Appeals shall process all applications for variance in accordance with the provisions of Part 2 of Article 8.

- C. No variance shall be authorized by the Board until a public hearing has been held on same in accordance with the provisions of Section 7-106 above.

7-503 Decision on Variances

- A. No variances in the strict application of any provisions of this Ordinance shall be authorized by the Board of Appeals except upon the following findings, made in the following sequence:
 - 1. The Board of Appeals shall ascertain whether or not there are unusual circumstances or conditions applying to the land or buildings for which the variance is sought and whether or not such circumstances or conditions do not apply generally to other land or buildings in the same zoning district and the same vicinity, and have not resulted from any act of the applicant other than the act of purchasing the land involved in the application.
 - 2. In considering allegations of the existence of unusual circumstances and conditions, the Board of Appeals shall take into account only such circumstances and conditions as pertain to the physical situation or condition of the specific land or building involved in the application and shall not consider any allegation or knowledge of financial hardship or any other personal situation or circumstance on the part of the applicant.
 - 3. The Board of Appeals shall ascertain whether or not the aforesaid special circumstances or conditions are such that the strict enforcement of the specific provision of the Ordinance involved in the application would deprive the applicant of the reasonable use of the land or building that is involved, and that the granting of some variance in such strict enforcement is necessary for the reasonable use of such land or building.
 - 4. If an affirmative finding in all respects is not made together with a full statement of the reasons therefore, the Board of Appeals shall have no jurisdiction to proceed further and shall deny the application.
 - 5. Upon an affirmative finding, the Board of Appeals shall determine what variance, in its opinion, is the minimum that will afford relief; in so doing the Board of Appeals shall not be confined to the specific content of the application.
 - 6. In making such a determination, the Board of Appeals shall give careful consideration to the relationship of the land or building in question to land and building in the neighborhood and to the purpose and intent of this Ordinance, and shall not give favorable consideration to any variance unless it finds that the same is in harmony with such purpose and intent, and will not be injurious to the use of land and buildings in the vicinity or to the neighborhood or otherwise be detrimental to the public welfare.
 - 7. On the completion of the above steps of the foregoing procedures and after the completion of a written record of its findings, but not otherwise, the Board of Appeals shall authorize such variance as it deems to be necessary as aforesaid, in order to afford relief. In so doing, the Board of Appeals shall prescribe any conditions applying to the authorization made by it that it may deem to be necessary or desirable in furtherance of the purpose and intent of this Ordinance, and may make such requirements in connection therewith as will give reasonable assurance that such conditions will be met.

- B. The concurring vote of three (3) members of the Board of Appeals shall be required to authorize a variance.
- C. The Board of Appeals shall render a written decision on the application for a variance within sixty (60) days after receipt of same.

7-504 Unauthorized Variances

- A. No variance shall be authorized that would permit the establishment of any use not otherwise permitted in the zoning district under the strict provision of this Ordinance.
- B. No variance shall be authorized that would reduce the amount of off-street parking space required by Article 5, Part 3.
- C. No variance shall be authorized that would relate to signs under the provisions of Article 5, Part 4.
- D. No variance shall be authorized that would modify any definition set forth in Article 9.

7-505 Expiration of Variances

If the activity or construction has not commenced within such time as the Board of Appeals or Zoning Administrator per Section 7-507 have specified or if no time has been specified, then within a period of twelve (12) months, unless extended, such variance shall automatically expire without notice.

7-506 Variance from the Critical Area Overlay District Provisions

- A. The Town of North Beach Board of Appeals is empowered to grant variances to the provisions of the Critical Area Overlay District where owing to a special features of a site or other circumstances, a literal enforcement of provisions of the Critical Area Ordinance would result in unwarranted hardship.
- B. Due to special features of a site or other circumstance where a literal enforcement or provisions relating to the Critical Area Overlay District would result in unwarranted hardship to a property owner, the Board of Appeals may grant a variance from the provisions of the Critical Area Overlay District. Variance requests in the Critical Area Overlay District shall not be granted unless the decision is based on the following criteria in addition to any other requirements contained in the Article:
 - 1. That special conditions or circumstances exist that are unique to the subject property or structure and that strict enforcement of the provisions within the Critical Area Overlay District would result in unwarranted hardship which is not generally shared by owners of property in the same land use designation (i.e., IDA, LDA, RCA) of the Critical Area.
 - 2. That strict enforcement of the provisions within the Critical Area District would deprive the property owner of rights commonly shared by other owners of property in the same land use designation within the Critical Area District.
 - 3. That the granting of a variance will not confer upon an applicant any special privilege that would be denied to other owners of like property and/or structures within the Critical Area District.

4. That the variance request is not based upon conditions or circumstances which are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or nonconforming which are related to adjacent parcels.
5. That the granting of a variance will not adversely affect water quality or adversely impact fish wildlife, or plant habitat within the Critical Area District, and that the granting of the variance will be consistent with the spirit and intent of the Town's Critical Area Protection Program and associated ordinances.
6. That greater profitability or lack of knowledge of the restrictions shall not be considered as sufficient cause for a variance.

C. A variance will not be granted by the Board of Appeals unless and until:

1. A completed application for a variance is submitted which demonstrates the applicability of the above criteria. In addition, requests for variance in the Critical Area Overlay District shall not be heard unless the State's Critical Area Commission has received a copy of the variance request at least two weeks prior to the scheduled public hearing.
2. The Board of Appeals shall find that the reason set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of land, building, or structures. In making the determination for variance requests in the Critical Area Overlay District, the Board of Appeals shall consider the following as tantamount to a minimum variance:
 - a. That the granting of a variance to the yard and/or Buffer requirements results in new structures or impervious surfaces being located as far back from mean high water, tidal wetlands, or tributary streams in the Critical Area as is feasible; and,
 - b. that the applicant takes steps to offset impacts consistent with the provisions of which may include:
 - (1) Reforestation on the site to offset disturbed forested or developed woodlands on at least an equal area basis;
 - (2) Afforestation of areas of the site so that at least fifteen (15) percent of the gross site is forested; and,
 - (3) Implementation of offset measures which relate to Habitat Protection Areas as delineated in the Town of North Beach Critical Area Protection Program, and recommended by State agencies, are included as conditions of approval.
 - c. The Board of Appeals shall further find that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, shall not result in a use not permitted in the zone in which the property subject to variance is located, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
 - d. For variances in the Critical Area Overlay District, the Board of Appeals shall find that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance and the Town of North Beach Critical Area Protection Program, shall not result in a use not permitted in the land use designation area (i.e., IDA, LDA, RCA) or an increase in the number of permitted dwelling units (i.e., density limits) in which the property subject to the variance is located, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
 - e. In addition to the extent possible based on the best available information, all property owners immediately contiguous to the application shall be notified by Certified Mail and furnished a copy of the said application.

- D. In granting the variance, the Board of Appeals may prescribe such conditions and safeguards, as it deems appropriate which comply with the intent of this Ordinance and the Town of North Beach Critical Area Program. Violations of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this ordinance.

7-507 Administrative Variances - The Zoning Administrator

In the case of individual residential lots, the Zoning Administrator may grant a tolerance of up to twenty-percent (20%) of the established yard requirements upon making a written finding that the objectives of the Zoning Ordinance will not be jeopardized.

7-508 Variances Granted by the Planning Commission

- A. In the C-1, C-2, and W Districts, the Planning Commission may, upon written request, grant a tolerance of up to twenty percent (20%) of the established yard requirements provided that the following conditions are met:
 - 1. The owners of all immediately adjoining side and rear yard properties are notified in writing by the Planning Commission at least 10 days prior to the meeting at which time such request will be considered.
 - 2. In the case of a side or yard variance request, the property or properties adjoining the specific yard under consideration for variance, are not in the R-1 District.
 - 3. The Planning Commission shall make a written finding that the objectives of the Zoning Ordinance will not be jeopardized by the variance.
- B. The Planning Commission in granting a variance may prescribe such conditions and safeguards as it deems appropriate which comply with the intent of the Ordinance.
- C. The Planning Commission shall render a decision on a variance request per sub-section "A" above, request within 60 days.

7-600 ZONING AND BUILDING PERMITS

7-601 Permit Required

The erection of all buildings and all structures, additions, deletions and modifications thereto, shall be subject to the provisions of this Ordinance and the Building Codes administered and enforced by Calvert County. No building or structure shall be erected or modified until a Zoning Permit application has been approved by the Zoning Administrator and where applicable a Building Permit issued by Calvert County.

7-602 Application for a Zoning Permit

Applications for a Zoning Permit shall be submitted in writing on prescribed forms to the Zoning Administrator. Each application shall be accompanied by a site plan in accordance with the provisions of Article 6 and shall contain other specific information as may be required by the various provisions of this Ordinance.

7-603 Issuance of a Zoning Permit

A Zoning Permit shall be issued by the Zoning Administrator after one of the following being completed.

- A. The Zoning Administrator's review and approval of a Category 2 Site Plan.
- B. Six (6) days following the approval of a Category 1 Site Plan by the Planning Commission, to allow the right of appeal of the site plan as provided for in Section 6-106.

7-604 Building Permits

After the issuance of a Zoning Permit by the Zoning Administrator, and where applicable, applicants shall apply and receive a Building Permit from Calvert County before performing any work.

7-700 CERTIFICATE OF USE AND OCCUPANCY

7-701 Certificate Required

No use or occupancy shall be made of any structure hereinafter erected or of any premises hereinafter improved, and no change in use shall be permitted, unless and until a Certificate of Use and Occupancy has been approved in accordance with the provisions of this Part.

7-702 When Required

For the purpose of this Ordinance, a Certificate of Use and Occupancy shall be obtained from the Zoning Administrator before any person shall:

- A. Occupy or use, or permit or cause to be occupied or used, any building hereafter erected.
- B. Change the use, or permit or cause a change in the use, of any existing building.
- C. Make any change in the use of a nonconforming use.
- D. Enlarge any use with respect to the unit of measurement specified in this Ordinance as the basis for determining the amount of required off-street parking space, whether the same is specified in terms of floor area, dwelling unit or any other element of size or use.
- E. Continue any use after a change in the proprietorship of such use, except a single-family dwelling.

7-703 Application for a Certificate

- A. For Construction
 - 1. Written application for a Certificate of Use and Occupancy for any building hereafter erected shall be made to the Zoning Administrator after the completion of the work covered by the Zoning Permit.
 - 2. If the proposed use is in conformance with the provisions of this Ordinance, all other applicable laws and ordinances, conditions, or special exceptions, and

meets the minimum requirements set forth in Section 7-704 below, the applicable permit shall be issued.

- B. For a Change in Use
 - 1. Written application for a Certificate of Use and Occupancy for the use of vacant land or for a change in the use of land or a building, for a change of a nonconforming use, for the enlargement of a use or for the continuation of a use, shall be made to the Zoning Administrator.
 - 2. If the proposed use is in conformance with the provisions of this Ordinance, all other applicable laws and ordinances, conditions, or special exceptions, and meets the minimum requirements set forth in Section 7-704 below, the applicable permit shall be issued.

7-704 Minimum Requirements

The following minimum requirements must be met prior to the Issuance of a Certificate of Use and Occupancy:

- A. The structure must have passed all applicable final Calvert County inspections such as building, electrical, plumbing, or mechanical inspection. Where applicable, the structure must have been approved for occupancy by the State Fire Marshal.
- B. The structures lot must be final graded. Sodding and/or seeding are required to be complete. An exception may be granted in the winter when seeding, sodding, and/or final grading is not possible, or when extraordinary sustained inclement weather conditions have occurred, and then the lot must be rough graded and completely mulched where disturbed. When exceptions for final grading, sodding and/or seeding are granted, an agreement satisfactory to the Zoning Administrator shall be necessary to show when such shall be brought into full compliance.
- C. The landscaping and screening requirements of Article 5, Part 4 must be completed; provided, however, that exceptions may be made when justification satisfactory to the Zoning Administrator is provided. Such justification shall include an agreement and bond with surety satisfactory to the Zoning Administrator for completion in accordance with a firm schedule for timely completion.
- D. All walks adjacent to the street and/or between the driveway or parking lot and the structure must be complete.
- E. All streets and driveways necessary to provide access for the structure to a public street must be complete except for a final surface.
- F. All storm and sanitary sewers serving the lots for which a Certificate of Use and Occupancy is requested must be completed and approved.
- G. Curb and gutter in front of the structure must be complete and in place.

7-705 Issuance of Certification When Regulations Change

- A. On written request by the owner, the Zoning Administrator shall issue a Certificate of Use and Occupancy for any such use of a building or of land existing at the time of the effective date of this Ordinance or at the time of the adoption of any amendment to this Ordinance which changes the regulations applying to such building or land, certifying

after inspection and investigation, the extent and kind of such use and whether the same conforms to the provisions of this Ordinance for the zoning district in which it is situated or whether the same is a nonconforming use.

- B. The Zoning Administrator may require such proof as may be necessary to enable him to make a determination in the matter, and the furnishing of such proof shall be condition of his acting on the request.

7-706 Certificate Not to Validate Any Violation

No Certificate of Use and Occupancy shall be deemed to validate any violation of any provision of any law or ordinance.

7-707 Revocation of Certificate

The Zoning Administrator may revoke an approved Certificate of Use and Occupancy when it is determined that such approval was based on a false statement or misrepresentation of fact by the applicant, or as provided for in Section 7-804 below.

7-800 VIOLATIONS AND PENALTIES

7-801 Generally

Any person, whether owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this Ordinance, or permits any such violation, or fails to comply with any of the requirements hereof, or who erects any building or uses any building or uses any land in violation of any detailed statement or plan submitted by him and approved under the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to punishment as provided by law. Each day that a violation continues shall be deemed a separate offense.

7-802 Unlawful Improvements

Any building erected or improvements constructed contrary to any of the provisions of this Ordinance and any use of any building or land which is conducted, operated or maintained contrary to any of the provisions of this Ordinance shall be and the same is declared to be unlawful.

7-803 Enforcement

The Zoning Administrator may initiate injunction, mandamus, or any other appropriate action to prevent, enjoin, abate, or remove such erection or use in violation of any provision of this Ordinance. Such action may also be instituted by any citizen who may be aggrieved or particularly damaged by any violation of any provisions of this Ordinance.

7-804 Violation Notice

Upon his becoming aware of any violation of any provisions of this Ordinance, the Zoning Administrator shall serve notice of such violation on the person committing or permitting the

same. A preset fine may be imposed for each violation. If a person who receives a citation for a violation fails to pay the fine by the date of payment set forth on the citation and fails to file a notice of intention to stand trial, a formal notice of the violation shall be sent to the owner's last known address. If the citation is not satisfied within fifteen (15) days from the date of the notice, the person is liable for an additional fine not to exceed twice the original fine. If after thirty-five (35) days, the citation is not satisfied, the Zoning Administrator may request adjudication of the case through the District Court.

7-805 Remedies Not Exclusive

The remedies provided for in this Part are cumulative and not exclusive and shall be in addition to any other remedies provided by law.