

district in which it is situated.

9A.5.2 – CHANGES

A nonconforming use of a building or land may be changed to a nonconforming use of the same or more restricted classification. Whenever a nonconforming use of a building or land has been changed to a use of more restricted classification or to a conforming use, such use shall not thereafter be changed to a use of a less restricted classification.

9A.5.3 RESTORATION

A nonconforming building wholly or partially destroyed by fire, explosion, flood, or other phenomenon, or legally condemned, may be reconstructed and used for the same nonconforming use, provided that the building reconstructed shall be commenced within one (1) year from the date the building was destroyed or condemned .

9A.5.4 – ABANDONMENT

If a nonconforming use of a building or land is voluntarily abandoned and ceases for a continuous period of one (1) year or more, subsequent use of such building or land shall be in conformity with this Ordinance.

Article 6 - Planning and Zoning Commission

9A.6.0 - PLANNING AND ZONING COMMISSION

The Town hereby establishes a Planning and Zoning Commission that shall consist of a minimum of five (5) members and a maximum of nine (9). The Commission shall be an advisory commission, created pursuant to the Charter of the Town and state law for the purpose of advising Council on matters related to this ordinance, and any other matters referred to it by Town Council. The Commission's authority and procedures shall be governed by state law if not otherwise expressed by Town ordinance and not in contradiction to state law. The Town Council retains ultimate authority and control over land use decisions in the Town of Bethel.

Article 7 - Board of Adjustment

9A.7.0 - BOARD OF ADJUSTMENT

The Town hereby establishes a Board that shall consist of a minimum of three (3) members and a maximum of five (5) members. The Board of Adjustment's authority and procedures shall be governed by state law if not otherwise expressed by Town ordinance and not in contradiction to state law.

9A.7.1 Specifically, the Board may:

1. Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter or of any ordinance adopted pursuant thereto;

2. Hear and decide special exceptions to the terms of the ordinance upon which the Board is required to pass under such ordinance;

3. Authorize, in specific cases, such variance from any zoning ordinance, code or regulation that will not be contrary to the public interest, where, owing to special conditions or exceptional situations, a literal interpretation of any zoning ordinances, code or regulation will result in unnecessary hardship or exceptional practical difficulties to the owner of property so that the spirit of the ordinance, code or regulation shall be observed and substantial justice done, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any zoning ordinance, code, regulation or map; provided, however, that notwithstanding any provision of law to the contrary, the Council may, by ordinance, vest a designated Town official or department with authority to administratively grant a dimensional variance for existing conditions that do not exceed 1 foot of the required dimension restrictions without the application being considered by the Board, subject to the standards, procedures and conditions set forth in the ordinance granting such authority.

9A.7.2 BOARD ACTION

In exercising the powers provided section 9A.7.1 the Board may, in conformity with this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.