

ARTICLE XIX AMENDMENTS

Section 1. Amendments in General

1. The Town Commissioners may from time to time amend, supplement, modify, or repeal the regulations, or district boundaries herein established on its own motion or on petition of the owner(s) or contract owner(s) of the property proposed for change.
2. Any application for a zoning amendment shall contain specific information setting forth the basis for the granting of the request.

Section 2. Initiation of Amendments

1. Any owner or contract owner wishing to amend, supplement, modify, or repeal any portion of this Ordinance shall file a Zoning Amendment Petition with the Planning Director in such form and accompanied by such information as may be required by the Planning Director.
2. Upon determination by the Planning Director that the application is complete in accordance with the herein requirements, the application shall be forwarded to the Planning Commission.

Section 3. Planning Commission Consideration of Proposed Amendments

1. The Planning Commission shall consider the application and shall conduct a public hearing regarding the application. The public hearing shall be conducted as follows:
 - a. The applicant shall be given ample time to present his case to the Planning Commission. In so doing the applicant may call on expert witnesses to support his request.
 - b. The Planning Director shall present a staff report representing a review of the application by the Planning Director. The staff report shall include, without limitation, the following matters: population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development for the area, the relationship of such proposed amendment to the Town of Elkton Comprehensive Plan, and a recommendation for approval or denial of the proposed amendment.
 - c. The Planning Commission shall ask such questions of either the applicant, any witnesses, or the staff as may be necessary in deciding its approval or denial of the application.
 - d. The Public shall be given an opportunity to testify or ask questions of the applicant, his witnesses, or the planning staff. The Planning Commission may in turn question those testifying and may place a reasonable time limit for such testimony.
2. Within sixty (60) days from the Planning Commission's final hearing on the application, the Planning Commission shall transmit the application to the Town Commissioners together with its recommendations for approval or disapproval. The Planning Commission shall concurrently transmit this information to the applicant.
3. After the Planning Commission makes its formal recommendation on the application, the Town Commissioners shall hold a public hearing on the application.

Section 4. Hearing Required; Notice

All public hearings shall be conducted in accordance with the provision of Article 66B, Section 4.04, Annotated Code of Maryland. Specifically, the following procedures shall apply:

1. The Town shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established, and enforced, and from time to time amended, supplemented, modified or repealed. However, a regulation, restriction, or boundary may not become effective until ten (10) days after at least one (1) public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard.
2. Notice of the time and place of the public hearing, together with a summary of the proposed regulation, restriction, or boundary, shall be published in at least one (1) newspaper of general circulation in Elkton once each week for two (2) successive weeks, with the first such publication of notice appearing at least 14 days prior to the hearing.

Section 5. Town Commissioners Action on Amendments

1. Before approving or disapproving any application for amendment, the Town shall hold at least one (1) public hearing in relation to the application, at which parties in interest and citizens shall have an opportunity to be heard.
2. The Town Commissioners shall hold a public hearing within sixty (60) days after receipt of the Planning Commission's recommendation. At least fifteen (15) days' notice of the time and place of said hearing shall be published in an official newspaper of general circulation in the Town.
3. Prior to holding the public hearing, the property in question shall be posted at least fifteen (15) days prior to the hearing and all property owners within two hundred (200) feet of subject property shall be notified by the applicant by registered or certified mail at the last known address as reflected on the tax records.
4. In reaching a decision on zoning amendments, the Town Commissioners shall make findings of fact in each specific case including, but not limited to, the following matters: population change, adequacy of public facilities, present and future transportation patterns, compatibility with existing and proposed development for the area, the recommendations of the Planning Commission, relation to the Comprehensive Plan, fiscal impact upon Town government, and the suitability of the property in question to the uses permitted under the existing and proposed zoning classifications; and may grant the amendment based upon a finding that there was a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification. It shall be the responsibility of the applicant to delineate the boundaries of the neighborhood and to identify the change in the character of the neighborhood.
5. An application for reclassification shall not be accepted for filing by the Director of Planning if the application is for the reclassification of the whole or any part of land which has been denied by the Town Commissioners until twelve (12) months from the date of denial.
6. The record in all zoning cases shall include the application, all documents or communications submitted regarding the application, the recorded testimony received at the hearing, any reports or communications to or from any public officials or agency concerning the application, and the final decision of the Town Commissioners. The record shall be open to public inspection and

shall be maintained in the Planning Office. The burden of proof for any zoning change shall be upon the applicant.

Section 6. Amendments for Floating Zones

Zoning Amendment Petitions for one of the floating zone classifications shall be subject to a different set of criteria than those outlined above. Floating zone requests shall be reviewed in accordance with the Administrative Procedures for Planned Unit Developments per Article XI of this Ordinance. The provisions of this Article regarding the procedures and requirements of public hearings shall apply except that it shall not be necessary to prove change in the character of the neighborhood or mistake in the original zoning of the property in order to gain approval. In floating zones the test for approval or denial shall be compatibility with the neighborhood and consistency with the comprehensive plan.

Section 7. Amendments in the Critical Area

Proposed amendments to the text of this Ordinance as it relates to the Critical Area District or to the land management classifications of specific properties shall be considered in accordance with the Amendment procedures in Article IX, Part 4 of this Ordinance.