

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. Any application must disclose the names and addresses of all persons having legal or equitable interest in the property which is the subject of the amendment, including shareholders owning more than five (5) percent of the stock in a corporation that has any interest in land involved in the application, excepting those corporations which are listed and regularly traded on a recognized stock exchange.

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 Zoning Administrator in such form and accompanied by such information as may be required by the Zoning Administrator.
2. Upon determination by the Zoning Administrator that the application is complete in accordance with the herein requirements, the application shall be promptly submitted for comment and review to appropriate Town, county, and state departments and agencies. Upon such administrative review (to be completed within sixty (60) days from submission by the Zoning Administrator) the application shall be submitted 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 Zoning Administrator shall present a staff report representing a review of the application by the Zoning Administrator. 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.

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.

6. An application for reclassification shall not be accepted for filing by the Zoning Administrator 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.
7. 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 Office of the Zoning Administrator. The burden of proof for any zoning change shall be upon the applicant.

Section 6. Amendments for Floating Zones

1. 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 under the provisions relating to Planned Developments. 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.
2. Procedures to maintain a floating rezoning once granted.
 - a. Within one (1) year of the granting of a rezoning, application for building permits must be filed with requisite fees paid; otherwise, such zoning shall revert automatically to its prior district classification without notice and public hearing.
 - b. Within one year (1) of the issuance of a building permit, construction shall be commenced on the land so zoned; otherwise, such zoning shall revert automatically to its prior district classification without notice and public hearing.
 - c. Within three (3) years of the granting of a rezoning, seventy-five (75) percent of the public improvements devoted to such use or uses as may be permitted in the zoning district shall be completed; otherwise, the zoning shall revert automatically to its prior district classification. The property owners have the ability to petition the Town Commissioners for an extension.

Section 7. Amendments in the Critical Area

- 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 and Town Commissioners.
- 2.** Amendments involving the land management classification of specific properties may be submitted by the property owner or designated agent and shall first be submitted to the Planning Commission. The Planning Commission shall complete its review and make recommendation to the Town Commissioners within sixty (60) days.
- 3.** For all proposed amendments the Town Commissioners shall first hold a public hearing related thereto, at which parties of interest and citizens in general shall have an opportunity to be heard. At least fifteen (15) days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the County
- 4.** Following the public hearing, the Town Commissioners may adopt the amendment subject to the approval of the Critical Area Commission.
- 5.** The Town Commissioners shall then forward proposed amendments to the Maryland Critical Area Commission. If no response is received from the Critical Area Commission within ninety (90) days, the proposed amendments shall be deemed accepted.