



The Mayor and Commissioners of the Town of Elkton

Ordinance 4 - 2020

BY: Mayor and Commissioners

Public Hearing: **December 7, 2020 (Elkton Planning Commission)**

Public Hearing
& Introduction: **December 16, 2020 (Mayor and Commissioners)**

Adoption: January 6, 2021

AN ORDINANCE CONCERNING

ELKTON ZONING ORDINANCE

FOR THE PURPOSE of amending the Elkton Zoning Ordinance, Article XVI, Signs. The amendment is in regard to variance requests for signs.

WHEREAS, XI-E, Constitution of the State of Maryland, Article 23A, Annotated Code of Maryland; Article 66B, Annotated Code of Maryland; and the Charter and Code of the Town of Elkton provide the authority under which the Mayor and Commissioners may adopt, repeal, and/or amend the ordinances of the Town of Elkton; and

WHEREAS, the Mayor and Commissioners adopted the Elkton Zoning Ordinance on November 26, 2013, amended from time to time thereafter, and

WHEREAS, the Elkton Planning Commission has proposed and recommended the hereinafter stated amendment to the Elkton Zoning Ordinance relating to variance requests for signs following their public hearing held on December 7, 2020, said public hearing being held in conformance with the requirements of the Elkton Zoning Ordinance, Article XIX, Amendments.

NOW, THEREFORE, the Mayor and Commissioners of the Town of Elkton hereby ordain that Article XVI Section 20 shall be amended, and read as follows:

Elkton Zoning Ordinance

Article XVI. Signs

Section 20. Variance Requests for Signs

1. An individual may request a sign variance to any of the Sign Ordinances which shall be presented to and approved by the Board of Zoning Appeals prior to the placement of said sign.
2. An Application for Variance shall be submitted consistent with Article V, Section 2 of this Zoning Ordinance.
3. Standards for Approval of Variance Request:
 - a. A variance may be granted by the Board of Zoning Appeals if it concludes that strict enforcement of the ordinance would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of the ordinance will be observed, public safety and welfare secured, and substantial justice done. It may reach these conclusions if it finds that:
 - i. That special conditions or circumstances exist that are unique to the subject property or structure and that a strict enforcement of the provisions of this Ordinance would result in unwarranted hardship which is not generally shared by owners of property in the same land use classification, and:
 - (1) The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public;
 - (2) The hardship is not the result of the applicant's own actions; and
 - (3) That strict enforcement of the provisions of this Ordinance would deprive the property owner of rights commonly shared by other owners of property in the area that are subject to the Zoning Ordinance of the Town of Elkton.
 - b. 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 Zoning District.
 - c. That the proposed variance is consistent with the Town of Elkton Comprehensive Plan.
 - d. The variance will neither result in the extension of a nonconforming situation in violation of Article VIII nor authorize the initiation of a nonconforming situation.
 - e. In granting variances, the Board of Appeals may impose such reasonable conditions as will ensure that the proposed sign or placement of said sign will be as compatible as practicable with the surrounding properties and will not be injurious to the health, safety, and welfare of the public.
 - f. A variance may be issued for an indefinite duration or for a specified duration only.
 - g. The nature of the variance and any conditions attached to it shall be entered on the face of the zoning permit, or the zoning permit may simply note the issuance of the variance and refer to the written record of the variance for further information. All such conditions are enforceable in the same manner as any other applicable requirement of this ordinance.

- h. No application for variance, which has been denied wholly or in part by the Board of Zoning Appeals, shall be resubmitted for a period of one (1) year from the date of said denial except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Zoning Appeals.

Section 21 Reserved

**** END OF SECTION ****

THIS ORDINANCE SHALL BE EFFECTIVE ON THE 26th DAY OF JANUARY, 2021.

**Mayor and Commissioners
of the Town of Elkton**

**Mayor Robert J. Alt
Commissioner Charles H. Givens, Sr.
Commissioner Robert M. Massimiano
Commissioner Earl M. Piner, Sr.**