

SECTION 15.
ZONING ORDINANCE AND MAP AMENDMENTS

15.01 GENERAL

- (1) The regulations, restrictions, and the classification of buildings, structures, and land, and the manner of establishing the boundaries of zones, contained in the Zoning Ordinance, may from time to time and after public notice and hearing, be amended, supplemented, or changed by Council.
- (2) Applications for zoning text or zoning map amendments shall be filed with the Department of Community Development on forms provided by the Department and shall include such information as may be specified in this section or as may be required by the Department to explain or support the request. Fees associated with the application shall be paid at the time of filing. The Department shall not accept any application until all the necessary and required information is included and the fees are paid in full.

15.02 TEXT AMENDMENTS

An application for a text amendment to the Ordinance may be made by City Council, any citizen, or any official or agency of the City.

15.03 MAP AMENDMENTS (REZONING)

An application for a zoning map amendment may be made by City Council, any official or agency of the City, any property owner or his authorized agent, or any other person or persons with a 50 percent or more contractual or proprietary interest in the area covered by any map amendment application.

15.04 APPLICATIONS

15.04.01 Required Submission, Fees, and Information

- (1) Every application for a change in zoning district boundaries shall be accompanied by a plat drawn to such scale as the Department of Community Development shall require, showing the existing and proposed boundaries and other information as may be needed to amend the official zoning map. The amendments shall be on forms prescribed by the Zoning Administrator and shall contain an applicant's

justification statement setting forth findings of fact (to be proven by the applicant) on the matters set forth in 15.05(1) below.

- (2) Public notices of proposed text amendments shall include either the full text thereof or a brief summary, setting forth the principal provisions in reasonable detail, and a reference to a place within the City where copies of the proposed ordinance or amendment may be examined, in addition to the time and place of hearing.
- (3) All amendments must conform to Sections 4.05 (a) and (b) of Article 66B of the Annotated Code of Maryland as the same exists and as they might be amended in the future, and further, all amendments must conform to any and all other appropriate provisions of the Annotated Code of Maryland.

15.04.02 Public Notice/Advertising/Property Posting

- (1) The Department of Community Development shall set a date for a public hearing by the Planning Commission within forty-five (45) days of the filing of the application and shall cause notice of the application to be published twice in successive weeks in a newspaper of general circulation in the City, with the first notice of the hearing to be published not less than fourteen (14) days prior to the date set for the hearing.
- (2) In the case of a proposed zoning map amendment, except a comprehensive map amendment, the applicant shall post a sign, the size of which shall be approved by the Department of Community Development, noting the application and the date of the hearing on the property affected in a conspicuous place as directed by the Department at least fourteen (14) days prior to the hearing. The applicant shall see that the sign remains posted in good condition until after the hearing or until the application is withdrawn, whichever occurs first.

15.04.03 Referral to Planning Commission

Upon acceptance of a proper application for a zoning map or text amendment, the Department shall refer it to the Planning Commission for its recommendation.

15.04.04 Public Meeting

The Planning Commission shall hold a public hearing as required. Any interested person shall have the right to appear and testify at the hearing. A complete and permanent record of all testimony shall be kept by the Department. The Planning Commission may order a continuance of the hearing for a specified reason to a specified date, time, and place.

15.04.05 Recommendation to Mayor and City Council

- (1) Within forty-five (45) days of the closing of the public hearing, unless such time is extended by the Planning Commission for a specified reason, the Commission shall by resolution recommend either the approval, denial, or modification of the proposed zoning amendment and shall forward its recommendation to the Mayor for action by the Council.
- (2) In the case of a proposed zoning map amendment, the Planning Commission may recommend approval of the rezoning of a smaller portion of the parcel than that requested by the applicant but only for the zoning classification required by the applicant, provided a lesser area of rezoning is supported by the evidence and provided the smaller area is accurately delineated. In no case shall the Planning Commission recommend the rezoning of a larger area than that requested by the applicant.
- (3) In the case of a zoning map amendment proposal, except a comprehensive zoning map amendment, the Planning Commission shall include with its recommendation to the Mayor and Council findings of fact regarding the matters listed in Section 15.05, shall identify the " rezoning neighborhood" of the property in question, and may recommend approval of the rezoning in whole or in part based on a finding that there has been a substantial change in the character of the neighborhood where the property is located or that there is a mistake in the existing zoning classification of the property in question.

15.04.06 Public Notice/Advertising/Property Posting

- (1) Within thirty (30) days of the receipt of their recommendation by the Planning Commission, the Mayor shall schedule a public hearing by the Council. The Mayor shall cause notice of the public hearing and the nature of the application to be published twice in successive weeks in a newspaper of general circulation in the City, with the first notice of the hearing to be published not less than fourteen (14) days prior to the date of the public hearing.
- (2) In the case of a proposed zoning map amendment, except a comprehensive zoning map amendment, the applicant shall post a sign noting the application and date of the hearing on the property affected in a conspicuous place as directed by the Department of Community Development at least fourteen (14) days prior to that hearing. The applicant shall see that the sign remains posted in good condition until after the public hearing or until the application is withdrawn, whichever occurs first.

15.04.07 Public Hearing

The Mayor and City Council shall hold a public hearing as required. Any interested person shall have the right to appear and testify at the hearing. A complete and permanent record of all testimony shall be kept by the Mayor. The Council may order a continuance of the hearing for a specified reason to a specific date, time, and place.

15.05 FINDINGS OF FACT UNDER ARTICLE 66B

- (1) Any application or a final action by the Council on an application for a zoning map amendment, except a comprehensive zoning map amendment, shall include findings of fact regarding the following matters: population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development for the area and the relationship of the proposed amendment to the City's Comprehensive Plan, and, via a letter of transmittal to the Mayor and Council, the Planning Commission's recommendation.
- (2) Except for a comprehensive zoning map amendment, the application shall include either a finding that there has been a substantial change in the character of the neighborhood where the property is located since the last comprehensive zoning map amendment which supports the proposed amendment, or a finding that existing zoning classification of the property is a mistake.
- (3) If a finding is made that there has been a "change in the character of the neighborhood," in accordance with 15.05(2) above, the area comprising that neighborhood shall be defined by the applicant. The Planning Commission may modify these neighborhood boundaries, in whole or in part.

15.06 FINAL ZONING ACTION BY MAYOR AND CITY COUNCIL

The Mayor and City Council may grant the reclassification based on a finding of substantial change in the character of the neighborhood where the property is located since the last comprehensive rezoning map amendment or that there is (was) a mistake in the existing zoning classification. The final action shall be in the form of an ordinance (for approval) or in the form of a resolution (for denial) setting forth the findings of fact required herein and under Article 66B.

15.07 CONDITIONAL ZONING

- (1) The Mayor and City Council, upon the zoning or rezoning of any land or lands pursuant to the provisions of this authority, may impose such additional restrictions, conditions or limitations as may be deemed appropriate to preserve, improve or protect the general

character and design of the land and improvements and may, upon the zoning or rezoning of any land or lands, retain or reserve the power and authority to approve or disapprove the design of buildings, construction, landscaping or other improvements, alterations, and changes made or to be made on the subject land or lands to assure conformity with the intent and purpose of this authority and of the Ordinance.

- (2) In the Planning Commission's review, recommendation to the Mayor and City Council, public hearings, and changes to the application, the Commission shall have the right to recommend conditional zoning, except that changes to recommended conditions may be approved by the Mayor and Council without referral to the Planning Commission for further recommendation.

15.07.01 Restrictions, Conditions, or Limitations

- (1) Restrictions, conditions or limitations sought to be imposed shall be adopted by ordinance of the Mayor and City Council. Conditions may be a part of the ordinance approving any proposed rezoning or may be adopted by separate ordinance.
- (2) In addition to the findings of fact required under Article 66B, said ordinance shall contain as a minimum the following information:
 - (a) A description of the property affected by the conditions imposed.
 - (b) The zoning classification of the property affected by the conditions imposed.
 - (c) The name of owners of record and, if under option, the prospective owners.
 - (d) Maps, drawings or illustrations that may more fully or clearly illustrate said conditions. Any illustrative documents approved as part of the proposed conditions shall be clearly labeled as a part of the approving ordinance.
 - (e) The method of assuring compliance with all conditions imposed, including the title of the Department responsible for enforcement as determined by the Mayor and City Council.

15.08 WITHDRAWAL/CONTINUANCE/DENIAL OF AMENDMENT

- (1) The applicant may withdraw in writing a proposed zoning amendment from consideration prior to the Planning Commission's public hearing. If withdrawn, no new application for the same amendment shall be accepted by the Zoning Administrator within four (4) months of the date of withdrawal.

- (2) The applicant may withdraw in writing a proposed zoning amendment from consideration prior to the Mayor and City Council's public hearing. If withdrawn, no new application for the same amendment shall be accepted by the Department of Community Development within six (6) months of the date of withdrawal.
- (3) If a zoning amendment application is denied in whole or in part by the City Council, no new application for the same amendment shall be accepted by the Department of Community Development within one year of the date of the City Council's action.