

## Article 6 – Procedures for Map and Text Amendments, Variances, and Administrative Actions

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### 25.06.01 – Zoning Map Amendments

- a. *Compliance Required* - The Zoning Map cannot be amended except in compliance with the procedures set forth in this Article and other applicable law.
- b. *Types of Applications* – An application may be filed for any of the following types of amendment to the Zoning Map:
  1. *Local Amendment* – A local map amendment covering a single tract of land, all portions of which are proposed to be classified in one (1) or more zones;
  2. *Sectional Amendment* – A sectional map amendment covering a section of the City, portions of which may be proposed to be classified in different zones; or
  3. *Comprehensive Amendment* – A comprehensive map amendment covering the entire City, portions of which may be proposed to be classified in different zones.
- c. *Applications*
  1. *Authority to File*
    - (a) *Local Map Amendment* – An application for a local map amendment may be filed by any governmental agency or by a person with a financial, contractual, or proprietary interest in the property to be affected by the proposed amendment.
    - (b) *Sectional and Comprehensive Amendment* – An application for a sectional or comprehensive map amendment may be filed only by the Planning Commission or the Mayor and Council.
  2. *Submission*
    - (a) *General Requirements* - An application for an amendment to the Zoning Map must be submitted to the City Clerk on forms approved by the Chief of Planning, and be accompanied by such fee as is determined by resolution of the Mayor and Council.
    - (b) *Complete Application* - The application will not be deemed to be complete until all submission requirements have been met.
- d. *Local Amendment Applications*
  1. *Limitation on Successive Applications* – The City Clerk must not accept for filing any application for a local amendment to the Zoning Map if the application is for the reclassification of the whole or any part of land, the reclassification of which has been approved or denied by the Mayor and Council on its merits within 12 months prior to the date of the application for filing.
  2. *Limitation on Amendments to Applications* – After acceptance for filing, an application for a local amendment to the Zoning Map may not be amended so as

to increase the area proposed to be reclassified or to change the zone or alternate zones requested to any other zone.

e. *Public Notification of Pending Application*

1. *Notification Requirements* – Notice required under this Section must be given in accordance with the provisions of the notice requirements found in Section 25.05.03.
2. *Newspaper Notification* – Publication in a newspaper of general circulation is required prior to a hearing in accordance with the requirements of State law.
3. *Sign Required* – In the case of a local amendment, the owners of the subject property must post a sign or signs in accordance with the provisions of Section 25.05.03.d.
4. *Written Notification to Property Owners* – At least 15 days prior to the hearing on any application for a local or sectional amendment to the Zoning Map, the applicant in the case of a local amendment, and the City Clerk in the case of a sectional amendment, must send written notice of such hearing by first class mail in the following manner:
  - (a) *Local Amendment* – In the case of a local amendment, each owner of property subject to the map amendment application at the mailing address on the current tax assessment list, and also the property location address, if addresses are different on the tax roll, and civic associations and homeowner’s associations within 750 feet of the subject property.
  - (b) *Sectional Amendment* – In the case of a sectional amendment, each owner of property subject to the map amendment application at the mailing address on the current tax assessment list, and also the property location address, if addresses are different on the tax roll, and civic associations and homeowner’s associations within 750 feet of any property within such area.
  - (c) *Comprehensive Amendment* – In the case of a comprehensive City-wide map amendment, mailed notice is not required.
- f. *Access to Application Files* – Access to application files under this Section is subject to the provisions found in Section 25.05.05.
- g. *Referring Application to the Planning Commission* – Within five (5) days after acceptance of any application under this Section, the City Clerk must transmit a copy of the application to the Planning Commission. The Commission may submit a written recommendation which will be placed in the application file by the Clerk and become a part of the record on the application.
- h. *Hearing on Application* – No application made under this Section may be granted unless a public hearing has been held on the application by the Mayor and Council in accordance with the requirements of State law.
- i. *Action on Application*

1. An application may be granted by ordinance or denied, dismissed, or allowed to be withdrawn by resolution of the Mayor and Council.
  2. An application may be dismissed if the Mayor and Council finds that it does not comply with any procedural requirements of this Chapter or other applicable law.
- j. *Withdrawal of Application* – An application for a local map amendment for which a public hearing has been conducted may be withdrawn only with the approval of the Mayor and Council. The Mayor and Council may decline to permit the withdrawal and decide the application on its merits or may permit withdrawal subject to any reasonable condition including but not limited to, the imposition of a time limitation within which no subsequent application may be filed, the limitation not to exceed three (3) years.
- k. *Notification of Decision and Appeal*
1. Notification of decisions must be in accordance with Section 25.05.06.
  2. *Appeals* – Any person aggrieved by any decision of the Mayor and Council made on a map amendment application may appeal the same to the Circuit Court for the County. Such appeal must be taken according the Maryland Rules as set forth in Title 7, Chapter 200.
  3. The time limitation for appeals will run from the date of the ordinance or resolution adopted by the Mayor and Council.

**25.06.02 – Text Amendments**

a. *Scope*

1. Except as otherwise provided, no provision of this Chapter which directly affects property can be amended except in compliance with the procedures set forth in this Article and any other applicable law.
2. The procedures set forth in this Section 25.06.02 do not apply to amendments to the following provisions of this Chapter:
  - (a) Article 4 pertaining to Approving Authorities;
  - (b) Sections 25.06.01 and 25.06.02 pertaining to procedures for Zoning Map amendments and zoning Text amendments;
  - (c) Article 19 pertaining to enforcement of the Chapter.

Amendments to the foregoing provisions must be made by ordinance adopted in accordance with the procedures for amendment other Chapters of the Code.

b. *Applications*

1. *Authority to File* – An application for an amendment to the text of this Chapter may be made by any interested person or governmental agency.
2. *Submission*

- (a) An application for an amendment to the text of this Chapter must be submitted to the City Clerk.
  - (b) An application for a text amendment must be submitted on forms approved by the Chief of Planning and be accompanied by such fee as is determined by resolution of the Mayor and Council. All information specified on such forms must be supplied.
  - (c) The time limits specified in this Chapter will commence when all submission requirements are met as determined by the Chief of Planning.
- c. *Public Notification of Pending Application* – Publication in a newspaper of general circulation is required prior to any hearing on a zoning text amendment application, in accordance with State law.
  - d. *Referring Application to the Planning Commission*
    - 1. *City Clerk Responsibility* – Within five (5) days after acceptance of any text amendment application, the Clerk must transmit a copy of the application to the Planning Commission. The Commission may submit a written recommendation to the Mayor and Council, which will be placed in the application file by the Clerk and become a part of the record on the application.
    - 2. *Hearing before Planning Commission Required for Article 21 Amendment* – Prior to submitting its recommendation of any proposed amendment to Article 21, “Plats and Subdivision Regulations”, the Planning Commission must hold a public hearing on the application in accordance with the requirements of State law relating to proposed subdivision regulations.
  - e. *Access to Application Files* – Access to application files under this Section is subject to the provisions found in Section 25.05.05.
  - f. *Hearing on Application* – No application made under this Section may be granted unless a public hearing has been held on the application by the Mayor and Council in accordance with the requirements of State law.
  - g. *Action on Application*
    - 1. A text amendment application may be granted by ordinance or denied, dismissed, or allowed to be withdrawn by resolution of the Mayor and Council.
    - 2. A text amendment application may be dismissed if the Mayor and Council finds that it does not comply with any procedural requirements of this Chapter or other applicable law.
  - h. *Withdrawal of Application* – An application for a text amendment for which a public hearing has been conducted may be withdrawn only with the approval of the Mayor and Council.

**25.06.03 – Variances**

- a. *Scope* – Variances may be granted by the Board of Appeals from the strict application of density, bulk, or area requirements of the development standards set forth in this Chapter.
- b. *Application* – Applications for variances must be submitted in accordance with the provisions of Article 5.
- c. *Public Notification of Pending Application* – Written notice of a pending variance application must be provided by the Chief of Planning in accordance with the provisions of Section 25.05.03.c and d.
- d. *Hearings* – A hearing must be held by the Board of Appeals in accordance with provisions of State Law, this Chapter.
- e. *Findings* – A variance may be approved by the Board of Appeals if it finds that:
  - 1. The variance would not be contrary to the public interest;
  - 2. The request for the variance is the result of conditions peculiar to the property and not the result of any action taken by the applicant;
  - 3. Literal application of this Chapter would result in practical difficulty; and
  - 4. The approval of the variance is not inconsistent with the purposes of this Chapter.
- f. *Conditions* – In approving a variance, the Board of Appeals may impose terms, conditions, and restrictions that are reasonably necessary to protect adjacent properties, the neighborhood, and the residents and workers therein.
- g. *Notice of Decisions* – Notice of a decision of the Board of Appeals must be given in accordance with Section 25.05.06.
- h. *Implementation Period* - A variance or special exception approval expires under the following circumstances:
  - 1. *Site Plan Approval Required* - If site plan approval is required to exercise the rights granted by the Board's decision, application for such approval must be filed within six (6) months of the date of the Board's decision, or the variance approval shall expire. The filing of an application for site plan approval shall extend the rights granted by the Board's decision to a date one (1) year from the date of the Board's decision. The approval of a site plan shall extend the rights granted by the Board's decision for the same period of time that the rights granted by the site plan approval exist, including any extensions thereof;
  - 2. *Building Permit Required* - If a building permit is required to exercise the rights granted by the Board's decision, such building permit must be issued and construction started within 12 months of the date of the Board's decision, or within the time limit as extended by the approval of a site plan, or the variance approval shall expire; and

3. *No Building Permit Required* - If a building permit is not required to exercise the rights granted by the Board's decision, such rights must be established within 12 months of the Board's decision, or the approval shall expire.
- i. *Extension* - The Board may, for good cause shown, grant no more than two (2) extensions of the implementation period of not more than six (6) months each, subject to the provisions of Section 25.05.08.

**25.06.04 – Administrative Interpretation**

- a. The Chief of Planning has final interpretation authority on all provisions of this Chapter.
- b. Such interpretations must be recorded and kept on file for public viewing in accordance with Section 25.05.05.
- c. An interpretation by the Chief of Planning may be appealed to the Board of Appeals in accordance with Section 25.04.06.b.2.

**25.06.05 – Administrative Adjustments in Single Dwelling Unit Residential Zones.**

- a. *Purpose and Authority* – The Chief of Planning is authorized to determine and make administrative adjustments from the regulations of this Chapter when:
  1. It is found to be in harmony with its general purpose and intent provided in Section 25.01.02;
  2. In the specific instances set forth in this Section 25.06.05; and
  3. Where the Chief of Planning makes findings of fact in accordance with the standards prescribed in this Section.
- b. *Permitted Administrative Adjustments* – Administrative adjustments from the regulations of this Chapter may be granted by the Chief of Planning only in Single Dwelling Unit Residential Zones, in accordance with the criteria established in this Section, and may be granted only for the following:
  1. *Setbacks* – To reduce the required yard setback by no more than ten (10) percent .
  2. *Lot Coverage* – To increase the lot coverage or decrease landscaping requirements by no more than ten (10) percent .
- c. *Application* – Applications for administrative adjustments must be submitted and processed in accordance with the provisions of Section 25.05.02. Notice is required only to the adjoining and confronting property owners.
- d. *Review Procedures* – The following procedures apply to the review and consideration of an application for an administrative adjustment:
  1. *Staff Review* – The Chief of Planning, after having determined that the submission is complete, will distribute copies of the application to appropriate City departments for review.

2. *Staff Report* – Any City department reviewing the application will prepare staff comments on the application and transmit the comments to the Chief of Planning.
- e. *Review Criteria and Findings* – An administrative adjustment may not be granted unless the Chief of Planning makes the following findings based upon the evidence of record:
1. *Good Cause Shown* – The applicant has shown good cause for granting the administrative adjustment.
  2. *Consistency With Purpose* – The adjustment is not inconsistent with the purposes of this Chapter as set forth in Section 25.01.02.
  3. *Total Cumulative Adjustment* - The total cumulative adjustment to the regulation that is the subject of the application does not exceed ten (10) percent. This total cumulative adjustment is to be considered in connection with all adjustments made to the applicable property and not solely to the adjustments in connection with any single application for adjustment.
  4. *Notice of Decision* – The Chief of Planning must send notice of the decision in accordance with the provisions of Section 25.05.06.
- f. Appeals to the decision of the Chief of Planning must be made to the Board of Appeals in accordance with the provisions of Section 25.04.06.b, except that any appeal must be filed within 10 days of the date of the decision letter.