

REZONINGS

§ 18-16-303. Rezoning.

(a) **Generally.** An application for a rezoning may be for a more or less restrictive classification and may cover more than one lot if portions of the lots are proposed to be classified in the same district or in one or more districts.

(b) **Requirements for approval.** A rezoning may not be granted unless the Administrative Hearing Officer makes the following affirmative findings:

(1) There was a mistake in the zoning map or the character of the neighborhood has changed to such an extent that the zoning map should be changed;

(2) The new zoning classification conforms to the General Development Plan in relation to land use, number of dwelling units or type and intensity of nonresidential buildings, and location;

(3) There is compatibility between the uses of the property as reclassified and the surrounding land uses, so as to promote the health, safety, and welfare of present and future residents of the County; and

(4) For a property located in the critical area:

(i) the uses allowed in the proposed zoning classification are compatible with the critical area land use designation and development standards for the property; and

(ii) the Critical Area Commission staff has recommended approval of the rezoning if the basis for the rezoning is that the character of the neighborhood has changed to such an extent that the zoning map should be changed.

(c) **Restrictions.** A lot located in an Odenton Growth Management Area District may be rezoned only to another Odenton Growth Management Area District, and a lot that is not located in a sub-area may not be administratively rezoned to an Odenton Growth Management Area District. A lot not designated as a mixed use development area in the General Development Plan or a small area plan may not be administratively rezoned to a mixed use district.

(d) **Governmental use.** The use of property by or on behalf of a unit of government not subject to zoning laws in a manner that otherwise would be contrary to zoning laws is not evidence of a mistake in zoning or a change in the character of a neighborhood.

(e) **Road construction or closing.** The construction or closing of a road may constitute evidence of a change in the character of a neighborhood.

(f) **Suburban community center.** Neither the approval of a special exception for a suburban community center nor the development of a center may be evidence of or constitute a mistake in the zoning map or a change in the character of the neighborhood.