

§ 340-195. Text amendments.

- A. An amendment to the text of this chapter may be proposed by the Town Commissioners, the Planning Commission, or any person. Application for text amendments from anyone other than a Commissioner shall be made to the Town Commissioners in writing.
- B. After receiving an application proposing a text amendment, the Town Commissioners shall determine whether the proposal merits further consideration.
 - (1) If the proposal is determined to merit further consideration, the proposal may be altered by the Town Commissioners at any time prior to the introduction of legislation.
 - (2) If the proposal is determined not to merit further consideration, 90% of any paid application fees shall be returned.
- C. If the proposal is determined to merit further consideration, the Town Commissioners may, by vote, and in their sole discretion, refer the proposal to the Planning Commission or other board, commission, or panel for review.
 - (1) The referral shall be in writing and shall request that the Planning Commission evaluate the consistency of the proposal with the Comprehensive Plan. The referral may also identify other questions or issues to which the Town Commissioners wish to direct the Planning Commission's attention or upon which they wish to solicit the Planning Commission's advice.
 - (2) Upon receiving the referral, the Planning Commission shall place the proposal on its agenda for a public meeting. At that meeting, as part of its review of the proposal, the Planning Commission shall accept public comment on the proposal. A public hearing in accord with § 340-200 is not required.
 - (3) By the required reporting date, the Planning Commission shall submit to the Town Commissioners its written report on the proposal.
 - (a) The required reporting date shall be either the 60th day following the date of the written referral or date requested by the Planning Commission and agreed to by the Town Commissioners, whichever is later.

- (b) If the written report of the Planning Commission is not submitted by the required reporting date, the report of the Planning Commission on the referral shall be deemed to be "The Planning Commission has no comment on the referred proposal or its consistency with the St. Michaels Comprehensive Plan."
 - (c) The Town Commissioners may introduce the proposal as legislation at any time prior to the public hearing. After legislation is introduced, amendments to the legislation may also be introduced, and for purposes of Subsection D shall be deemed part of the legislation under consideration.
- D. Prior to voting to enact the legislation, the Town Commissioners shall conduct a public hearing on the legislation. Notice of the hearing shall be provided according to the requirements of § 340-200. A complete record of the hearing shall be kept.
 - (1) Once a public notice of the hearing has been given, the text of the legislation (including any amendments introduced under Subsection C(3)(c) may not be altered until the hearing has concluded.
 - (2) Once the hearing has concluded, the text of the legislation may not be altered in any material respects. If alterations are made to the text of the legislation, the Commissioners shall affirm by vote that these alterations do not materially change the legislation as considered in the public hearing. Amendment introduced under Subsection C(3)(c) shall be deemed part of the legislation under consideration and not textual alterations to which this subsection applies.
 - (3) If, after the conclusion of the public hearing, material alterations are made to the text of the legislation (including to any amendments introduced under Subsection C(3)(c), the legislation shall be the subject of a new hearing before the Town Commissioners under this Subsection D.
- E. An applicant may request at any time to withdraw a proposed text amendment. Requests to withdraw shall be submitted to the Town Commissioners in writing.
 - (1) If the request to withdraw is received by the Town Commissioners prior to the introduction of legislation, the withdrawal shall be granted automatically by the Town Commissioners.

- (2) If the request to withdraw is received by the Town Commissioners after the introduction of legislation, the withdrawal shall not be granted without the consent of those Town Commissioners who introduced the legislation.
- (3) When a request to withdraw is granted under either Subsection E(1) or (2):
 - (a) Withdrawal shall not relieve the applicant of the duty to pay the costs incurred by the Town to the time of withdrawal. Those costs shall be deducted from the application fee, and the remainder of the fee, if any, shall be returned to the applicant.
 - (b) For 12 months following withdrawal, the Town Commissioners shall not accept from the same applicant any proposal for a text amendment like the one withdrawn unless the Town Commissioners, by resolution, waive the twelve-month restriction.