

Appendix 1 Development Process in Talbot County

11/1/05

Unless otherwise noted in the chart, the Board of Appeals and County Council hold public hearings before making decisions; the Planning Commission holds a public meeting before making its recommendations; and no public hearing or meeting is held for decisions made by the Planning Officer.

ZONING PROCESSES			
Process	Advisory Role	Decision-Making Authority	Appeal
Variance	none	Board of Appeals	Circuit Court
Special Exception	Planning Commission	Board of Appeals	Circuit Court
Amendment to special exception (except minor amendment)	Planning Commission	Board of Appeals; same procedure as original application	Circuit Court
Minor amendment to special exception	none	Planning Officer may approve minor expansions. No criteria for determining what is minor.	Board of Appeals
Nonconforming structure: administrative variance for expansion along existing setback lines within the Critical Area shoreline development buffer	Planning Commission	Planning Officer	Board of Appeals
Nonconforming structure: repair or reconstruction after damage, beyond allowed one year period.	None	Planning Officer may approve 6-month extension for repair/reconstruction of most primary structures	Board of Appeals

ZONING PROCESSES			
Process	Advisory Role	Decision-Making Authority	Appeal
Appeal of Planning Officer decision (allegation of error)	None	Board of Appeals	Circuit Court
Accommodation for disabled citizens (190-107)	Planning Commission	Board of Appeals	Circuit Court
Issuance of short-term rental license (190-20.L)	None	Planning Officer issues license based on compliance with requirements	Board of Appeals
Short-Term Rental Review Board (190-108.1)	Council-appointed Short Term Rental Review Board holds public hearing, mediates disputes and makes non-binding recommendations.	If either party in dispute rejects the Board's recommendations, Planning Officer holds a public hearing and makes a decision.	Board of Appeals
Interpretation of zoning district boundaries where features on ground differ from those on official Zoning Maps and circumstance is not covered by 190-17.A-G. Application may be filed by property owner or Planning Officer.	None	Board of Appeals	Circuit Court?? Or county council?
Determination of land uses not listed in Table of Land Use Regulations (190-19)	Planning Commission	Planning Officer determines whether an unlisted use would have similar impacts to a listed use.	Board of Appeals
Temporary structures on construction sites in association with active building permit: approval of a 6-month extension	none	Planning Officer, if he determines the extension is reasonably necessary for project completion	Board of Appeals

ZONING PROCESSES			
Process	Advisory Role	Decision-Making Authority	Appeal
after the allowed 6-month period (190-22)			
Establishment or enlargement of solid waste disposal site (apparently not a SE because Council approval was desired)	Planning Commission	County Council	Circuit Court
Variance to ownership restriction on parcels subdivided through intra-family transfer in RC District (190.58)	None	Board of Appeals	Circuit Court

SUBDIVISION AND SITE DEVELOPMENT PROCESSES				
Process	Technical Review	Advisory Role	Decision	Appeal
<p>The Subdivision Regulations in Section 168-16.C and elsewhere authorize the Planning Officer to approve sketch plans, preliminary plats and final plats, with a Planning Commission recommendation required if the plan is for a major subdivision. However, a charter amendment (adopted by referendum in the 2002 General Election?) requires that all major subdivision plans, and commercial and industrial site plans, be approved by the Planning Commission. This chart reflects the charter language, which authorizes the Planning Commission, rather than the Planning Officer, to approve subdivisions. The revised zoning and subdivision regulations need to reflect the Charter</p>				
General site plan	TAC TAC meeting is advertised and open to public.	Planning Officer prepares staff report and allows site plan to proceed to Planning Commission only when it is complete and technically correct.	Planning Commission	Board of Appeals

SUBDIVISION AND SITE DEVELOPMENT PROCESSES				
Process	Technical Review	Advisory Role	Decision	Appeal
Simplified site plan	TAC	None	Planning Officer according to Zoning Regulations; according to the 2002 County Charter amendment, the Planning Commission must approve all commercial and industrial site plans.	Board of Appeals
Extension of one-year term for approved site plan (190-92.J)	Reviewing agencies	None	Planning Commission	Board of Appeals
Revision of site plan (190-92.K)	TAC	Same process as original approval	Same process as original approval	
Waiver of site plan requirements (190-92.K)	TAC would see waiver request as part of site plan application	None specified in code; Planning Officer would provide technical comments to Planning Commission.	Planning Commission	Board of Appeals
Major subdivision: sketch plan	TAC TAC meeting is advertised and open to public.	Planning Officer prepares staff report and allows plan to proceed to Planning Commission only when it is complete and technically correct.	Planning Commission	Board of Appeals
Major subdivision: preliminary plat	TAC	Planning Officer prepares staff report and allows plan to proceed to Planning Commission only when it is complete and technically	Planning Commission	Board of Appeals

SUBDIVISION AND SITE DEVELOPMENT PROCESSES				
Process	Technical Review	Advisory Role	Decision	Appeal
		correct.		
Major subdivision: final plat	TAC	Planning Officer prepares staff report and allows plan to proceed to Planning Commission only when it is complete and technically correct.	Planning Commission	Board of Appeals
Major subdivision: amendments to preliminary plat	TAC	Planning Officer prepares staff report and allows site plan to proceed to Planning Commission only when it is complete and technically correct.	Planning Commission, if Planning Officer deems that the amendment is major. Planning Officer approves minor amendments.	Board of Appeals
Minor Subdivision: sketch plan and preliminary/final plat	TAC	None required. The Planning Officer may request Planning Commission review if he feels the subdivision should be discussed in a public forum.	Planning Officer	Board of Appeals
Waivers, variances, exceptions of subdivision regulation requirements (168-4, 168-11)	TAC	Planning Commission for minor subdivisions; Planning Officer provides technical comments for major subdivisions.	Planning Commission for major subdivisions; Planning Officer for minor subdivisions. Appeals of PO decision are made to Board of Appeals under procedures for allegation of error.	Board of Appeals

SUBDIVISION AND SITE DEVELOPMENT PROCESSES				
Process	Technical Review	Advisory Role	Decision	Appeal
Requests for extension of time for a sketch plan, preliminary plat or final plat. (168-21)	None per code.	Minor subdivision: no recommendation required. Major subdivision: Planning Commission	Planning Officer	Board of Appeals
Revised plat; no additional lots created (168-22)	Planning Officer refers plat to other agencies as applicable.	None for minor revisions. Planning Officer refers major revisions to Planning Commission and provides technical comments.	Planning Officer for minor revision; Planning Commission for major revision.	Board of Appeals
Waiver for nondevelopmental division of land (168-29)	Applicable agencies.	None according to 168-29.	Planning Officer	Board of Appeals

LEGISLATIVE ACTIONS			
Process	Advisory Role	Decision-Making Authority	
Amendments to Subdivision Ordinance (168-9)	Planning Officer and Planning Commission	County Council	Circuit Court
Zoning map amendment (190-109.B)	Planning Officer (may hold informal public hearings) and Planning Commission Planning Officer and Planning Commission must	County Council must introduce bill for map amendment; adopts or rejects bill after public hearing. Growth allocation district boundary amendments in Critical Area must be	Circuit Court

LEGISLATIVE ACTIONS			
Process	Advisory Role	Decision-Making Authority	
	send recommendations to County Council within 60 days of filing.	approved by Critical Areas Commission after approval by County Council.	
Zoning text amendments (190-109.A)	<p>Planning Officer (may hold informal public hearings) and Planning Commission</p> <p>Planning Officer and Planning Commission must send recommendations to County Council within 60 days of filing.</p>	County Council may hold informal public hearings and decides whether to introduce legislation. Council adopts or rejects the Council bill after formal public hearing.	Circuit Court
Awarding supplemental growth allocations to towns (190-109.D(9))	Town and County Planning Commissions (joint public hearing)	County Council and town council or commission	Circuit Court
Growth allocation district boundary amendment in Critical Area (190-109.D)	Site plan or subdivision plat review by TAC; recommendations by Planning Officer and Planning Commission	<p>County Council</p> <p>If approved, must also be approved by Critical Area Commission.</p>	Circuit Court
Growth allocation for uses in RC zone that are permitted to expand only with issuance of growth allocation (190-109.D(21))	Site plan review by TAC; recommendation by Planning Officer and Planning Commission	Application goes to County Council only after a favorable recommendation by Planning Officer and Planning Commission. Decisions by County Council after public hearing; if approved, must also be approved by Critical Area Commission.	Circuit Court

LEGISLATIVE ACTIONS			
Process	Advisory Role	Decision-Making Authority	
Mobile Home Development Floating Zone	Planning Commission makes recommendation on concept site plan or concept subdivision plan and on zoning map amendment	Concept site plan or concept subdivision plan must be approved by Planning Officer first; then County Council holds a public hearing and makes decision on zoning map amendment .	Circuit Court
Affordable Housing Floating Zone	Planning Commission makes recommendation on zoning map amendment.	Planning Commission must approve site plan or subdivision plat first; then County Council holds a public hearing and makes decision on zoning map amendment.	Circuit Court