

COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND

2007 Legislative Session, Legislative Day No.: June 26, 2007

Bill No.: 1062 *AS AMENDED*

Expiration Date: August 30, 2007

Introduced by: Mr. Carroll and Mr. Harrison

A BILL TO AMEND INTERIM DENSITY CONTROLS IN TALBOT COUNTY CODE § 168-26 PENDING COMPLETION OF THE FIRST COUNTY-WIDE COMPREHENSIVE REZONING FOLLOWING ADOPTION OF THE 2005 COMPREHENSIVE PLAN; TO PROVIDE THAT APPLICATIONS FILED WITH THE OFFICE OF PLANNING & ZONING PRIOR TO APRIL 17, 2006 SHALL BE PROCESSED IN ACCORDANCE WITH DENSITY REGULATIONS IN EFFECT PRIOR TO APRIL 17, 2006

By the Council: June 26, 2007

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, July 24, August 14, 2007 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 N. Washington St., Easton, Maryland 21601.

By Order

Susan W. Moran

Secretary

A BILL TO AMEND INTERIM DENSITY CONTROLS IN TALBOT COUNTY CODE § 168-26 PENDING COMPLETION OF THE FIRST COUNTY-WIDE COMPREHENSIVE REZONING FOLLOWING ADOPTION OF THE 2005 COMPREHENSIVE PLAN; TO PROVIDE THAT APPLICATIONS FILED WITH THE OFFICE OF PLANNING & ZONING PRIOR TO APRIL 17, 2006 SHALL BE PROCESSED IN ACCORDANCE WITH DENSITY REGULATIONS IN EFFECT PRIOR TO APRIL 17, 2006

SECTION ONE: BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that § 168-26 of the Talbot County Code entitled "Subdivision Regulations" is repealed and re-enacted as set forth herein.

| KEY | |
|---|---|
| Boldface | Heading or defined term. |
| <u>Underlining</u> | Added to existing law by original bill. |
| Strikethrough | Deleted from existing law by original bill. |
| <u><u>Double underlining</u></u> | Added to bill by amendment. |
| <u><u>Double strikethrough</u></u> | Deleted from existing law or bill by amendment. |
| * * * | Existing law or bill unaffected. |

Subdivision Regulations

* * *

§ 168-26. General provisions.

A. Conformance to applicable rules and regulations.

- (1) In addition to the requirements established in these regulations, all subdivision of land shall comply with the following:

- (a) The County Zoning Ordinance (Chapter 190), Roads Ordinance (Chapter 134), Forest Conservation Ordinance (Chapter 73), Floodplain Management Ordinance (Chapter 70), Stormwater Management Ordinance (Chapter 164), County Building Code (Chapter 28) and all other applicable local laws and regulations; and
 - (b) The current County Comprehensive Plan, Comprehensive Water and Sewer Plan, and Capital Improvements Program all as amended from time to time; and
 - (c) All applicable State and federal regulations.
- (2) Pending completion of the first County-wide comprehensive rezoning following adoption of the 2005 Comprehensive Plan:
- (a) Countryside Preservation Area. Land included in the Countryside Preservation Area in the 2005 County Comprehensive Plan shall not be subdivided at densities greater than 1 dwelling unit per 20 acres.
 - (b) Western Rural Conservation Area. Land included in the Western Rural Conservation Area in the 2005 County Comprehensive Plan shall not be subdivided at densities greater than 1 dwelling unit per 20 acres.
 - (c) Designated Growth Areas. Land included in the Designated Growth Areas in the 2005 County Comprehensive Plan shall not be subdivided at densities greater than 1 dwelling unit per 20 acres.
 - (d) Paragraphs A. (2) (a), (b), and (c) shall apply to all applications for subdivision of land that have not received sketch plan review on or after April 17, 2006. Applications for subdivision of land that received sketch plan review pursuant to § 168-17 before April 17, 2006 shall comply with density requirements in effect before that date. Projects that received sketch plan review prior to April 17, 2006 may

continue through the subdivision review process provided subsequent plats are consistent in configuration and number of lots as proposed on the previously reviewed sketch plan and projects shall be limited to five (5) lots or less.

(3) Upon completion of the first County-wide comprehensive rezoning following adoption of the 2005 Comprehensive Plan, development within the land-use classifications in (2) (a), (b), and (c) shall be as provided in the comprehensive rezoning.

(4) Plat approval shall be withheld if the proposed subdivision does not comply with the above requirements.

* * *

SECTION TWO: Severability Clause. Should any article, section, subsection, sentence, clause, or phrase of this Bill, as enacted, be held unconstitutional or invalid for any reason, such decision or holding shall not affect the validity of the remaining portions hereof. The County Council intends to enact each such provision individually, and each shall stand alone, if necessary, and be enforced regardless of the invalidity of any other provision(s).

SECTION THREE: BE IT FURTHER ENACTED, that this ordinance shall take effect sixty (60) days from the date of its passage.

PUBLIC HEARING

Having been posted and Notice of time and place of hearing and Title of Bill No. 1062 having been published, a public hearing was held on Tuesday, August 14, 2007 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

BY THE COUNCIL

Read the third time.

ENACTED: August 28, 2007 *AS AMENDED*

By Order Susan W. Moran
Secretary

Duncan - Aye
Foster - Aye
Bartlett - Nay
Harrison - Aye (via ballot)