

**COUNTY COUNCIL  
OF  
TALBOT COUNTY, MARYLAND**

2012 Legislative Session, Legislative Day No.: October 9, 2012

Bill No.: 1227 as amended

Expiration Date: December 13, 2012

Introduced by: Mr. Bartlett, Mr. Pack, Ms. Price

**A BILL TO AMEND THE TALBOT COUNTY CODE, CHAPTER 190, "ZONING, SUBDIVISION AND LAND DEVELOPMENT", TO CREATE AND DEFINE SMALL SCALE SUBDIVISIONS, AND THEREBY MAINTAIN THE EXISTING DEVELOPMENT POTENTIAL OF PROPERTIES IN THE TIER IV MAP DESIGNATION UNDER *THE SUSTAINABLE GROWTH AND AGRICULTURAL PRESERVATION ACT OF 2012* (SENATE BILL 236) ENACTED BY THE MARYLAND GENERAL ASSEMBLY**

By the Council: October 9, 2012

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, November 27, 2012 at 6:30 p.m. and Tuesday, December 11, 2012 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 N. Washington St., Easton, Maryland 21601.

By Order   
Secretary

**A BILL TO AMEND THE TALBOT COUNTY CODE, CHAPTER 190, “ZONING, SUBDIVISION AND LAND DEVELOPMENT”, TO CREATE AND DEFINE SMALL SCALE SUBDIVISIONS, AND THEREBY MAINTAIN THE EXISTING DEVELOPMENT POTENTIAL OF PROPERTIES IN THE TIER IV MAP DESIGNATION UNDER THE SUSTAINABLE GROWTH AND AGRICULTURAL PRESERVATION ACT OF 2012 (SENATE BILL 236) ENACTED BY THE MARYLAND GENERAL ASSEMBLY**

SECTION ONE: BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that § 190 of the Talbot County Code entitled “Zoning, Subdivision and Land Development” is amended as set forth herein.

<b>KEY</b>	
<u>Underlining</u> .....	Added to existing law by original bill.
<u>Double Underlining</u> .....	Added to bill by amendment.
<del>Strikethrough</del> .....	Deleted from existing law by original bill.
<del>Double Strikethrough</del> .....	Deleted from proposed bill by amendment.
* * *.....	Existing law or bill

\* \* \*

**Add to Table of Contents:**

§190-189. Major, small scale and minor subdivisions...

**§ 190-12 Decisionmaking bodies and officials.**

\* \* \*

C. (4) Decide applications for major and small scale subdivisions. (See Article X.)

\* \* \*

**Table I-1 insert after Major Subdivision:**

Small Scale Subdivision	Recommendation	Decision	Review	Review	Appeal		
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\* \* \*

**§ 190-120 Sidewalks and streetlights.**

\* \* \*

A. . . ., or by the Planning Commission for major and small scale subdivisions. . .

\* \* \*

**§ 190-123 Buffers from streams and nontidal wetlands outside Critical Area.**

The following standards apply to all applications for development activity outside the Critical Area, including building permits; ~~major and minor site plans and~~, small scale and minor subdivisions; and major and minor site plans.

\* \* \*

**§190-185 Developer agreements.**

\* \* \*

B. (9) . . . The Planning Commission shall make recommendation on developer agreements for major site plans, major and small scale subdivision plans.

\* \* \*

**§190-186 Waivers.**

\* \* \*

C. (4) The Planning Commission shall make decision on all waiver applications for major site plans, major and small scale subdivisions,. . .

\* \* \*

**§190-190 General Procedures for review of subdivision plans.**

\* \* \*

F. Approval expiration of ~~approval~~ for major, small scale and minor subdivisions

\* \* \*

**§ 190-208 Definitions**

\* \* \*

SUBDIVISIONS, MAJOR—This term includes all of the following types of subdivisions located in Tiers I, II which are served by public sewerage or III:

- A. A subdivision of four or more lots.
- B. Subdivision(s) that result(s) in the cumulative creation of four or more lots from the original parcel.
- C. A subdivision that creates or modifies a public or private road.

SUBDIVISIONS, SMALL SCALE—This term includes all of the following types of subdivisions located in ~~a~~ Tier II which are not served by public sewerage and in Tier IV:

- A. A subdivision of four or more new parcels or lots, but no more than seven new parcels or lots.
- B. Subdivision(s) that result(s) in the cumulative creation of four or more lots, but not more than a total of seven new parcels or lots from the original parcel.
- C. A subdivision that creates or modifies a public or private road which creates less than eight new lots.

\* \* \*

TIER—A mapped land designation as prescribed by *The Sustainable Growth and Agricultural Preservation Act of 2012* (Senate Bill 236), as currently amended, and shown on maps adopted by the Talbot County Council.

\* \* \*

**§ 190-189 Major and minor subdivisions.**

- A. There are ~~two~~ three types of subdivision types: major, small scale and minor subdivisions(see ~~Definitions~~, Article XI, Definitions)
- B. All subdivisions, ~~Major and minor~~, have three required approval stages of approval:

\* \* \*

- D. Authority for major and small scale subdivisions:

\* \* \*

**§ 190-190 General Procedures for review of subdivision plans.**

\* \* \*

- F. Approval ~~Expiration of approval~~ for ~~major and minor~~ subdivisions:

\* \* \*

**§ 190-191 Master plans.**

\* \* \*

D. For major and small scale subdivisions, ~~the master plan shall be presented to the Planning Commission~~ shall review the master plan.

\* \* \*

**§ 190-192 Review of subdivision plans by Historic Preservation Commission.**

A. The Planning Director or the Planning Commission may request sketch plan review by the Historic Preservation Commission ~~review of sketch plans~~ for major and small scale subdivisions . . .

\* \* \*

**§ 190-193 Sketch plan procedures.**

\* \* \*

B. Community meeting for major and small scale subdivision sketch plans:

(1) . . .hold a meeting on a sketch plan for major and small scale subdivisions.

\* \* \*

C. TAC Review

(2) For major and small scale subdivisions, TAC meeting public notice ~~for~~ ~~of the TAC Meeting on.~~ .

\* \* \*

E. Decision on major and small scale subdivisions sketch plans. . .

(1) Following the TAC meeting, ~~when issuing upon issuance of~~ a Notice to Proceed for a major or small scale subdivision . . .

\* \* \*

**§ 190-194 Preliminary plat procedures.**

\* \* \*

E. Decision by the Planning Commission for major and small scale subdivisions

. . .upon ~~issuance~~issuing of a Notice to Proceed for a major or small scale subdivisions, . . .

\* \* \*

**§ 190-195 Final plat procedures.**

\* \* \*

B (3)(a) A title search prepared by a qualified professional, as determined by the Planning Director, for all major subdivisions, small scale and ~~for~~ minor subdivisions

\* \* \*

E. Decision by the Planning Commission for major and small scale subdivisions  
(1) Planning Commission approval of the final plat for a major or small scale subdivision . . .

\* \* \*

SECTION TWO: BE IT FURTHER ENACTED, that if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Ordinance which can be given effect without the invalid provision or application, and for this purpose the provisions of this Ordinance are declared severable.

SECTION THREE: AND BE IT FURTHER ENACTED, that the title and a summary of this Bill shall be published once on the first publication date after enactment of the Bill in accordance with County Charter § 213 (c). The title is not a substantive part of this Bill. If the Bill is amended, the title may be administratively revised if required to conform the title to the content of the Bill as finally enacted.

SECTION FOUR: AND BE IT FURTHER ENACTED, that the Publishers of the Talbot County Code or the Talbot County Office of Law, in consultation with and subject to the approval of the County Manager, shall make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any internal or external reference or citation to the Code that is incorrect or obsolete, with no further action required by the County Council. All such corrections shall be adequately referenced and described in an editor's note following the section affected.

SECTION FIVE: AND 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. 1227 having been published, a public hearing was held on Tuesday, November 27, 2012 at 6:30 p.m. and Tuesday, December 11, 2012 at 6:30 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: December 11, 2012 \*AS AMENDED\*

By Order Suzanne W. Moran  
Secretary

Bartlett - Aye  
Hollis- Aye  
Pack - Aye  
Price - Aye  
Duncan - Aye