

**COUNTY COUNCIL**  
**OF**  
**TALBOT COUNTY, MARYLAND**

2013 Legislative Session, Legislative Day No.: February 26, 2013

Bill No.: 1232

Expiration Date: May 2, 2013

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

**A BILL TO AMEND EXISTING PROCEDURES FOR APPLICATIONS TO THE COUNTY COUNCIL TO AMEND THE TEXT OF CHAPTER 190, TO AMEND THE OFFICIAL ZONING MAPS, AND PROCESS APPLICATIONS FOR GROWTH ALLOCATION AND APPLICATIONS FOR ESTABLISHMENT OR ENLARGEMENT OF SOLID WASTE DISPOSAL SITES**

By the Council: February 26, 2013

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, March 26, 2013 at 6:30 p.m. at the Bradley Meeting Room, Talbot County Court House, South Wing, 11 North Washington Street, Easton, Maryland 21601.

By Order   
Susan W. Moran, Secretary

**A BILL TO AMEND EXISTING PROCEDURES FOR APPLICATIONS TO THE COUNTY COUNCIL TO AMEND THE TEXT OF CHAPTER 190, TO AMEND THE OFFICIAL ZONING MAPS, AND PROCESS APPLICATIONS FOR GROWTH ALLOCATION AND APPLICATIONS FOR ESTABLISHMENT OR ENLARGEMENT OF SOLID WASTE DISPOSAL SITES**

<b>KEY</b>	
<b>Boldface</b> .....	Heading or defined term
<u>Underlining</u> .....	Added by Bill
<del>Strikethrough</del> .....	Deleted by Bill
<u><del>Double underlining</del></u> .....	Added by amendment to Bill
<del>Double strikethrough</del> .....	Deleted by amendment to Bill
Green text.....	Existing text, moved by Bill
* * * .....	Existing law unaffected

SECTION ONE: BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that § 190-173, Talbot County Code, shall be and is hereby amended as set forth herein:

\* \* \*

**§ 190-173. Procedures for text amendments and County Council applications**

- 1 A. Types of applications. This section and other applicable sections of this chapter authorize the
- 2 following applications to the County Council:
- 3 (1) Amendments to the text of this chapter.
- 4 (2) Amendments to the Official Zoning Maps.
- 5 (3) Applications for use of growth allocation in the Critical Area.
- 6 (4) Applications for establishment or enlargement of solid waste disposal sites.
- 7 B. Persons authorized to apply.

8 (1) Amendments to the Official Zoning Maps or the zoning text, including Zoning Map  
9 amendments in the Critical Area that require growth allocation, may be initiated by the  
10 County Council, Planning Commission, or Planning Director.

11 (2) In addition to the applications authorized by Subsection B (1) above:

12 (a) A proposed amendment to the text of this chapter may be submitted by any interested  
13 person; and

14 (b) A proposed amendment to a Zoning Map, an application for growth allocation, or an  
15 application for a solid waste disposal site may be submitted by a person with a committed  
16 financial, contractual or proprietary interest in the property affected by the amendment.

17 (c) For amendments proposed pursuant to Sub-Paragraphs (a) or (b) above, any member  
18 of the County Council may direct staff to draft legislation for introduction or may request  
19 the Planning Director and Planning Commission to proceed with the application in  
20 accordance with Paragraphs C and D, below. If no member of the Council directs staff to  
21 do either, the application shall not be processed.

22 C. Planning Director's report. At the request of at least one member of the County Council, T  
23 the Planning Director shall prepare a staff report and recommendation on the application and  
24 forward it to the Planning Commission.

25 D. Planning Commission recommendation. The Planning Commission shall consider the  
26 application and the Planning Director's recommendation at a public meeting and make a  
27 recommendation. The Planning Director shall submit the recommendations and any pertinent  
28 information to the County Council within 60 days of acceptance of a complete application.

29 E. Introduction; public hearing; decision.

30 (1) After receiving the recommendations of the Planning Director and Planning Commission  
31 ~~on a proposed amendment to the text of this chapter, any member of the Council shall~~ may  
32 ~~determine whether or not the proposal warrants the introduction of introduce~~ legislation; if  
33 no member of the Council introduces legislation, the application fails.

34 (2) ~~If any member of Tthe County Council shall introduces~~ legislation for the proposed  
35 amendment to the Official Zoning Maps, for the proposed solid waste disposal facility, or for  
36 the proposed text amendment The the public hearing shall be advertised in accordance with  
37 the requirements for posting, newspaper publication, and notice to adjacent property owners  
38 specified in § 190-172 of this article. Notification of adjacent property owners and posting of  
39 the property shall not be required for sectional or comprehensive amendments to the Official  
40 Zoning Maps or for zoning text amendments.

41 ~~(3) The Council shall hold a public hearing on the legislation.~~

42 ~~(4) The public hearing shall be advertised in accordance with the requirements for posting,~~  
43 ~~newspaper publication, and notice to adjacent property owners specified in § 190-172 of this~~  
44 ~~article. Notification of adjacent property owners and posting of the property shall not be~~

45 ~~required for sectional or comprehensive amendments to the Official Zoning Maps or for~~  
46 ~~zoning text amendments.~~

47 ~~(5) A complete record shall be kept of the hearing, including the vote of all members of the~~  
48 ~~Council in deciding all questions relating to the application.~~

\* \* \*

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

54  
55 SECTION THREE: AND BE IT FURTHER ENACTED, that the title and a summary of this  
56 Bill shall be published once on the first publication date after enactment of the Bill in accordance  
57 with County Charter § 213 (c). The title is not a substantive part of this Bill. If the Bill is  
58 amended, the title may be administratively revised if required to conform the title to the content  
59 of the Bill as finally enacted.

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

68  
69 SECTION FIVE: AND BE IT FURTHER ENACTED, that this ordinance shall take effect  
70 sixty (60) days from the date of its passage.

**PUBLIC HEARING**

Having been posted and Notice of time, date, and place of hearing, and Title of Bill No. \_\_\_\_\_ having been published, a public hearing was held on \_\_\_\_\_.

BY THE COUNCIL

Read the third time.

ENACTED \_\_\_\_\_

By Order \_\_\_\_\_  
Susan W. Moran, Secretary

Bartlett -

Hollis -

Pack -

Price -

Duncan -