

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

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

Bill No.: 1232 \*AS AMENDED\*

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. and Tuesday, April 9, 2013 at 2:00 p.m. in 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> .....	Bill adds to existing law
<del>Strikethrough</del> .....	Bill deletes from existing law
<u><u>Double underlining</u></u> .....	Added to Bill by amendment
<del><u>Double strikethrough</u></del> .....	Deleted from Bill by amendment
<i>Italicized text</i> .....	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**

A. Types of applications. This section and other applicable sections of this chapter authorize the following applications to the County Council:

- (1) Amendments to the text of this chapter.
- (2) Amendments to the Official Zoning Maps.
- (3) Applications for use of growth allocation in the Critical Area.
- (4) Applications for establishment or enlargement of solid waste disposal sites.

B. Persons authorized to apply.

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

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

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

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

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

(i) The subject matter of the text or map amendment has comprehensive impacts to the general welfare of the County and shall direct staff to draft or share in the drafting of the proposed amendment; or

(ii) The subject matter of the text or map amendment is focused on a specific land use, zoning or other topic and the Council shall authorize staff to process the application to be filed by the interested person; or

(iii) The proposed amendment is inherently inconsistent with this Chapter and the general spirit of the Comprehensive Plan and shall not be processed.

C. ~~Planning Director's report. At the request of at least one member of the County Council.~~ The Planning Director shall prepare a staff report and recommendation on the application and forward it to the Planning Commission.

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

E. County Council Introduction; public hearing; decision.

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

(2) If any member of ~~the~~ County Council shall introduces legislation for the proposed amendment to the Official Zoning Maps, for the proposed solid waste disposal facility, or for the proposed text amendment The the public hearing shall be advertised in accordance with the requirements for posting, newspaper publication, and notice to adjacent property owners specified in § 190-172 of this article. Notification of adjacent property owners and posting of the property shall not be required for sectional or comprehensive amendments to the Official Zoning Maps or for zoning text amendments. (3) ~~The Council shall hold a public hearing on the legislation.~~

~~(4)The public hearing shall be advertised in accordance with the requirements for posting, newspaper publication, and notice to adjacent property owners specified in § 190-172 of this article. Notification of adjacent property owners and posting of the property shall not be required for sectional or comprehensive amendments to the Official Zoning Maps or for zoning text amendments.~~

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

\* \* \*

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, date, and place of hearing, and Title of Bill No. 1232 having been published, a public hearing was held on Tuesday, March 26, 2013 at 6:30 p.m. and Tuesday, April 9, 2013 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington St., Easton, Maryland.

BY THE COUNCIL

Read the third time.

ENACTED: April 9, 2013 \*AS AMENDED\*

By Order   
Susan W. Moran, Secretary

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