

Proposed Amendment No. __ to Bill 1401

Proposed by: Staff

Introduced by:

Date:

A BILL TO REPEAL AND REPLACE TALBOT COUNTY CODE CHAPTER 190, ENTITLED “ZONING, SUBDIVISION, AND LAND USE DEVELOPMENT”, IN ITS ENTIRETY, AND TO ENACT AN ENTIRE NEW CHAPTER 190 OF THE TALBOT COUNTY CODE TO IMPLEMENT ZONING CONTROLS AND REGULATIONS CONSISTENT WITH AND PURSUANT TO THE 2016 TALBOT COUNTY COMPREHENSIVE PLAN

KEY

Boldface.....Heading or defined term

Underlining.....Added by amendment

~~Strikethrough~~.....Deleted by amendment

* * * Existing Bill unaffected

Proposed Amendments: The amendments proposed to the text of Exhibit “A” to the Bill are as follows:

* * *

58.1 AUTHORITY

- A.** The Board of Appeals or the Planning Director may authorize a variation or modification from the bulk requirements or numerical parking standards of this chapter subject to the standards given in this Section.

- B.** The Planning Director shall make decisions on minor variances as described in this Section. The Planning Director’s decision may be appealed to the Board of Appeals.

C. All other variances shall be heard and decided by the Board of Appeals.

D. A variance may not be granted to the following:

1. Density, minimum lot width requirements and, except for cottage industries, minimum lot size.
2. Provisions other than bulk requirements or numerical parking standards, such as the number of employees and time of operation.

~~3. Regulations or conditions under which a special exception may be or has been granted by the Board of Appeals.~~

E. The Board of Appeals or the Planning Director may impose conditions on the use or development of a property related to the granting of a variance.

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Purpose: These changes are intended to make Bill 1401 consistent with Bill 1293. The language in § 58.1 D. 3. was removed from Chapter 190 of the Talbot County Code by Bill 1293, but the County's code publisher erroneously failed to remove it from the official version of the code. The language, therefore, was inadvertently included in Next Step 190.

Amendment not substantive: An amended ordinance cannot be deemed to be a new or different one unless it enlarges or narrows the scope of the original ordinance to such an extent that the ordinance as enacted can be said to be misleading in a substantial manner in its final form. Amendments that do not defeat the original purpose of the ordinance are not so substantial as to become a new ordinance. *Ajamian v. Montgomery County*, 99 Md. App. 665, 684-685 (1994). This amendment does not meet the test and therefore is non-substantive.