

Yellow highlights include changes to existing text of Zoning Ordinance and changes to original Bill 1232

AMENDMENT TO BILL NO. 1232

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

KEY	
Boldface	Heading or defined term
<u>Underlining</u>	Bill adds to existing law
Strikethrough	Bill deletes from existing law
<u>Yellow underlining</u>	Added to Bill by amendment
Yellow strikethrough	Deleted from Bill by amendment
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 to the Council by
13 any interested 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 to the Council by a person
16 with a committed financial, contractual or proprietary interest in the property affected by
17 the amendment.

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

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

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

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

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

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

39 E. County Council Introduction; public hearing; decision.

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

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

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

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

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

* * *

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

64
65 SECTION THREE: AND BE IT FURTHER ENACTED, that the title and a summary of this
66 Bill shall be published once on the first publication date after enactment of the Bill in accordance
67 with County Charter § 213 (c). The title is not a substantive part of this Bill. If the Bill is
68 amended, the title may be administratively revised if required to conform the title to the content
69 of the Bill as finally enacted.

70
71 SECTION FOUR: AND BE IT FURTHER ENACTED, that the Publishers of the Talbot County
72 Code or the Talbot County Office of Law, in consultation with and subject to the approval of the
73 County Manager, shall make non-substantive corrections to codification, style, capitalization,
74 punctuation, grammar, spelling, and any internal or external reference or citation to the Code that
75 is incorrect or obsolete, with no further action required by the County Council. All such
76 corrections shall be adequately referenced and described in an editor's note following the section
77 affected.
78

79 SECTION FIVE: AND BE IT FURTHER ENACTED, that this ordinance shall take effect
80 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 -