COUNTY COUNCIL

OF

TALBOT COUNTY

2011 Legislative Session, Legislative Day No.: March 22, 2011

Resolution No.: 180

Introduced by: Mr. Duncan

A RESOLUTION TO ENACT A TEMPORARY MORATORIUM IN THE VILLAGES OF ROYAL OAK, NEWCOMB, BELLEVUE, UNIONVILLE, TUNIS MILLS, AND COPPERVILLE UPON PROCESSING, REVIEW, OR APPROVAL OF ANY APPLICATION FILED AFTER MARCH 22, 2011, TO SUBDIVIDE MORE THAN THREE (3) LOTS ON OR FROM PARCELS ZONED "VILLAGE CENTER," FOR A PERIOD OF NINE (9) MONTHS PENDING CONSIDERATION AND ADOPTION OF SUCH LEGISLATION AS THE COUNTY COUNCIL MAY CONSIDER ADVISABLE TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE

By the Council: March 22, 2011

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, May 10, 2011 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By order: Susan W. Moran

Susan W. Moran, Secretary

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WHEREAS, the Talbot County Comprehensive Plan (the "Plan") is the basis for land use policy decisions in the County. The Plan calls for the County's planning goals to be implemented from time to time through zoning, subdivision, map amendments, and other County ordinances and regulations; and,

WHEREAS, the Talbot County Comprehensive Water & Sewer Plan (the "CSP") is the guiding document for extension of sewer service in the County. In coordination with the Plan, it is intended to plan and map sewer service areas, extensions, and policies that, in conjunction with County land use regulations will promote orderly land use and development and will promote the public health, safety, and welfare; and,

WHEREAS, the Plan calls for master planning and small-area plans for the County's Village Centers. Under the Plan, new development and redevelopment in Village Centers is to be compatible with the existing village character in land use, density, scale, set-backs, site layout, and general design; and,

WHEREAS, the Plan states that villages should maintain their unique "sense of place" as identified by their existing architectural character, scale, mix of uses and density of development, and that, as infill and redevelopment occurs within the Village Centers, it should be required to maintain these attributes; and,

WHEREAS, the Plan also notes that many of the existing Village Centers have problems with failing septic systems because of the typically small size of Village Center lots, poor soil conditions and a high groundwater table; and,

WHEREAS, the County extended sewer to the villages of Royal Oak, Newcomb, Bellevue, Unionville, Tunis Mills, and Copperville, to solve serious pre-existing public health problems caused by failing septic systems, small lots, poor soil drainage, and high groundwater tables; and,

WHEREAS, master planning and small-area plans for Village Centers is intended and expected to promote public health, safety, and welfare, and to promote orderly land use and development consistent with the planning goals adopted in the Plan, and is expected to allow review, revision, and coordination between zoning and subdivision ordinance amendments adopted to implement the Plan's goals and any required revision of the existing CSP's sewer

service areas, extensions, and policies to reflect the master planning and small-area plans adopted by the County for the villages; and,

WHEREAS, the County has begun to implement but has not yet completed the master planning and small-area plans for Village Centers, and has not developed, considered, or adopted amendments to the County zoning and subdivision ordinance to implement such plans for Village Centers; and,

WHEREAS, Article 25A § 5, Md. Ann. Code authorizes the County to enact such legislation as it deems necessary to assure the good government of the County, and to protect the health, comfort and convenience of the citizens of the County; and,

WHEREAS, Article 25A § 5 (X), Md. Ann. Code authorizes the County to enact a zoning and subdivision ordinance, *viz.*, Chapter 190, Talbot County Code, and to develop and adopt land-use and development ordinances to promote the health, safety, and general welfare of the community; and,

WHEREAS, the County desires to conduct and to conclude the master planning and small-area planning envisioned for Village Centers. The County desires to consider and, if appropriate, adopt suitable zoning and subdivision amendments, ordinances, or maps concerning Village Centers; and,

WHEREAS, the County requires time to ensure that appropriate study, suitable proposals, and desired public input is obtained before considering amendments to the County zoning and subdivision ordinance and/or zoning maps; and,

WHEREAS, in these villages at this time the, processing, consideration, review, or approval of subdivision applications for more than three (3) lots on land zoned "Village Center" would frustrate the County's ability to conclude the master planning and small-area plan, and to revise the County zoning and subdivision ordinance and other regulations consistent with those plans, and would be adverse to the orderly implementation of the planning goals of the Comprehensive Plan and land use and development in the County; and,

WHEREAS, to protect and promote the public interest, the County Council is proposing a temporary moratorium for nine (9) months upon processing, consideration, review, or approval of any application for any subdivision of more than three (3) lots on any land in the villages of Royal Oak, Newcomb, Bellevue, Unionville, Tunis Mills, and Copperville that is zoned "Village Center".

NOW, THEREFORE, BE IT RESOLVED, by the County Council of Talbot County, that:

SECTION 1. A temporary moratorium is hereby adopted on certain subdivision applications in the villages of Royal Oak, Newcomb, Bellevue, Unionville, Tunis Mills, and Copperville to temporarily suspend processing, consideration, review, or approval of any application filed after March 22, 2011, to subdivide more than three (3) lots on or from parcels zoned "Village Center." This temporary moratorium is enacted for a period of nine (9) months from the date of adoption of this Resolution pending consideration and adoption of such

legislation as the County Council may consider advisable to promote the public health, safety, and welfare.

SECTION 2. During the moratorium, County staff shall continue to accept all subdivision applications and place them in queue, but the County Planning Office, the Planning Commission, and the Board of Appeals shall temporarily suspend and shall not process, consider, review, or approve any application, permit, or other approval for any application filed after March 22, 2011, to subdivide more than three (3) lots on or from parcels zoned "Village Center" in the villages of Royal Oak, Newcomb, Bellevue, Unionville, Tunis Mills, and Copperville.

SECTION 3. The temporary suspension adopted by this Resolution shall apply only to applications for subdivisions of more than three (3) lots filed on or after March 22, 2011, and shall continue during the pendency of this temporary moratorium.

SECTION 4. This moratorium is adopted to allow sufficient time for the County to accomplish the following:

(a) Conduct and conclude the master planning and small-area planning envisioned for these Village Centers consistent with the Comprehensive Plan

(b) Consistent with the master planning and small-area planning for these Village Centers, consider any revisions to the zoning and subdivision ordinance, zoning maps, and other laws or regulations, as necessary, to implement master planning and small-area plans for Village Centers;

(c) Consistent with the master planning and small-area plans, and consistent with implementation of those plans by zoning, subdivision, zoning map, or other legislation for Village Centers, consider any revisions to the comprehensive sewer plan, sewer service area maps, or sewer service allocation policy concerning these Village Centers to make the comprehensive sewer plan consistent with the comprehensive land-use plan, and to insure these policies are clear and consistent with the original grant and purpose for extension of sewer;

(d) Obtain public comment and input, as necessary;

(e) Obtain expert advice and assistance and additional studies or reports, as necessary;

(f) Consider all such other matters as the County Council, Planning and Zoning Commission, Public Works Advisory Board, and County staff deem appropriate;~~.~~

(g) Consistent with the foregoing, adopt appropriate master planning and small-area plans, zoning text and map amendments, comprehensive sewer plan amendments, or sewer service area map or allocation policy amendments, as may be necessary to protect and promote the public health, safety, and welfare.

SECTION 5. The County Council reserves the right to terminate or modify this temporary moratorium, including the right to extend it for such additional period or periods on such terms and conditions as it deems necessary for the public health, safety and welfare of the citizens of the County.

SECTION 6: BE IT FURTHER ENACTED, that if any provision of this Resolution, 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 Resolution which can be given effect without the invalid provision or application, and for this purpose the provisions of this Resolution are declared severable.

SECTION 7: AND BE IT FURTHER ENACTED, that this Resolution shall take effect immediately upon the date of its passage.

PUBLIC HEARING

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. _____having been published, a public hearing was held on _____ at _____ in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

BY THE COUNCIL

Read the second time:

Enacted: _____

By Order: _____
Susan Moran, Secretary

Bartlett -

Hollis -

Pack -

Price -

Duncan -