

COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND

2026 Legislative Session, Legislative Day No.: June 30, 2026

Bill No.: 1651

Expiration Date: September 3, 2026

Introduced by: Mr. Callahan, Ms. Haythe, Mr. Leshner, Ms. Mielke, Mr. Stepp

A BILL TO AMEND CHAPTER 190 (ZONING, SUBDIVISION, AND LAND DEVELOPMENT) OF THE TALBOT COUNTY CODE FOR THE PURPOSES OF AUTHORIZING THE PLANNING DIRECTOR TO GRANT A WAIVER FROM THE REQUIREMENTS OF 190-61.2.C FOR A BONA FIDE NON-PROFIT ENTITY, SUBJECT TO CERTAIN CONDITIONS, AND AMENDING THE CRITERIA FOR EVALUATION OF WAIVER APPLICATIONS

By the Council: June 30, 2026

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, July 28, 2026, at 5:30 p.m. in the Bradley Meeting Room, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By Order:

Susan W. Moran
Susan W. Moran, Secretary

A BILL TO AMEND CHAPTER 190 (ZONING, SUBDIVISION, AND LAND DEVELOPMENT) OF THE TALBOT COUNTY CODE FOR THE PURPOSE OF AUTHORIZING THE PLANNING DIRECTOR TO GRANT A WAIVER FROM THE REQUIREMENTS OF 190-61.2.C FOR A BONA FIDE NON-PROFIT ENTITY, SUBJECT TO CERTAIN CONDITIONS, AND AMENDING THE CRITERIA FOR EVALUATION OF WAIVER APPLICATIONS

SECTION ONE: BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND that Chapter 190 (Zoning, Subdivision and Land Development) shall be and is hereby amended as follows:

KEY	
Boldface	Heading or defined term
<u>Underlining</u>	Added to law by Bill
* * *	Existing law unaffected

* * *

§ 190-61. Developer agreements.

61.1 Purpose. Developer agreements shall be used when a developer is required to install public or private improvements or plantings as a condition of approval of a site plan, subdivision plan or other development approval. A developer agreement is not required if a public works agreement administered by the Department of Public Works is required for the improvement.

61.2 Provisions of developer agreements.

- A. The agreement shall be in a manner and form approved by the County Attorney.
- B. The agreement shall require that the applicant install at his expense the required improvements or plantings and provide for completion of work within a given period of time.
- C. To assure the County that the required improvements or plantings will be installed in accordance with the developer agreement:
 1. The developer shall furnish to the County a surety acceptable to the County in an amount sufficient to cover the cost of installation.
 2. The surety shall guarantee sufficient funds to cover the full cost of installing improvements covered by the developer agreement, including any necessary demolition and disposal. The

value of sureties shall not be reduced based on potential sale or recycling of materials from demolition.

3. The developer agreement shall include provisions for insurance, funding, performance bonds and maintenance bonds to assure that the work is completed and protected in accordance with the specifications.
4. In the event of default, the agreement shall assign to the County the right of immediate access to any security to complete necessary improvements.

5. The Planning Director, upon recommendation of the Planning Commission, and in accordance with the procedures in § 190-62 may grant a waiver from the requirements of this subsection § 190-61.2.C for a bona fide non-profit entity based upon a showing of need and that such waiver would be in the public interest.

- D. The developer agreement shall also include provisions for settlement of disagreements during the course of construction such that suitable and timely remedies are available without undue hardship to the owner, contractor, developer, or County.
- E. The developer agreement shall provide for the expiration of the agreement at the time that a site plan approval expires if the plan is not implemented.
- F. Construction, planting and development authorized by a developer agreement shall be performed in accordance with all applicable federal, state and local requirements.
- G. The Planning Director shall have the authority to require and administer developer agreements on behalf of the County. The Planning Commission shall make recommendations on developer agreements for major site plans and major and small-scale subdivision plans.

§ 190-62. Waivers.

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62.4 Criteria for evaluation of waiver applications. The Planning Commission or Planning Director shall evaluate waiver applications based upon one or more of the following criteria, as applicable:

- A. The waiver shall not have the effect of nullifying the intent and purposes of this chapter.
- B. Granting the waiver will not be detrimental to the public health, safety or welfare, or injurious to other property.
- C. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property.

- D. Because of the particular physical surroundings, shape or natural features of the specific property involved, one of the following findings is made. other property.
1. A particular hardship to the applicant would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; or
 2. The purposes of this chapter are better accomplished by the alternative proposal made in the waiver application.
- E. The waiver complies with any criteria required by the specific section of this chapter from which a waiver is requested.

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

SECTION THREE: AND BE IT FURTHER ENACTED, that the Publishers of the Talbot County Code and the Talbot County Office of Law, in consultation with and subject to the approval of the County Manager, may make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any internal or external reference or citation included in this Bill, as finally adopted, that are 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 FOUR: AND BE IT FURTHER ENACTED, that this Bill 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. 1651 having been published, a public hearing was held on Tuesday, July 28, 2026, at 5:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

BY THE COUNCIL

Read the third time.

ENACTED: August 11, 2026

By Order *Susan W. Moran*
Susan W. Moran, Secretary

Callahan	-	Aye (via absentee ballot)
Stepp	-	Aye
Leshner	-	Aye
Mielke	-	Aye
Haythe	-	Aye

EFFECTIVE DATE: October 10, 2026