

COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND

2023 Legislative Session, Legislative Day No.: June 27, 2023

Bill No.: 1545 *AS AMENDED*

Expiration Date: August 31, 2023

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

A BILL TO AMEND CHAPTER 20 OF THE TALBOT COUNTY CODE (BOARD OF APPEALS) FOR CLARITY AND CONSISTENCY AND REGARDING THE BOARD OF APPEALS' PROCEEDINGS, FORMS, HEARINGS, AND PROCEDURES

By the Council: June 27, 2023

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, July 25, 2023 at 5:30 p.m. at the Bradley Meeting Room, Talbot County Courthouse, South Wing, 11 North Washington Street, Easton, Maryland 21601.

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

A BILL TO AMEND CHAPTER 20 OF THE TALBOT COUNTY CODE (BOARD OF APPEALS) FOR CLARITY AND CONSISTENCY AND REGARDING THE BOARD OF APPEALS' PROCEEDINGS, FORMS, HEARINGS, AND PROCEDURES

SECTION ONE: BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND that Chapter 20 (Board of Appeals) shall be and is hereby amended as follows:

KEY	
Boldface	Heading or defined term
<u>Underlining</u>	Added to law by Bill
Strikethrough	Deleted from law by Bill
<u>Double Underlining</u>	Added by amendment
Double Strikethrough	Deleted by amendment
* * *	Existing law unaffected

§ 20-1. Definitions.

In this chapter, the following words have the meanings indicated:

ADMINISTRATIVE APPEAL – A proceeding upon an ~~application~~ Application, alleging error by an administrative official, board, department, or ~~by~~ commission, including the Planning Commission, in ~~any~~ final order, requirement, decision, or determination under this Code for which review by the Board is expressly authorized by law.

APPLICANT – A person who files an ~~application~~ Application.

APPLICATION – A claim or claims for relief by an ~~applicant~~ Applicant, including special exceptions, variances, administrative appeals, or reasonable accommodations for the benefit of a disabled citizen.

APPROVAL – Any relief the Board may grant upon an ~~application~~ Application, including a special exception, variance, or reasonable accommodation, and any relief granted upon an ~~application~~ Application for administrative appeal, including any license, permit, authorization, exemption, waiver, certificate, registration, or other form of permission issued by the County as a result of the administrative appeal.

BOARD – The Talbot County Board of Appeals.

CLAIM FOR RELIEF – All rights of the ~~applicant~~ Applicant to any approval from the Board with respect to all or any part of the transaction, or series of connected transactions, out of which the claim arose.

CODE – The Talbot County Code.

COUNCIL – The County Council of Talbot County ~~Council~~.

§ 20-2. Composition.

The Board of Appeals shall consist of five members and three alternates appointed by the Council for three-year terms. The Board shall elect a Chairperson and Vice Chairperson annually at the first meeting of each calendar year. An alternate member shall act in the place of an absent or disabled Board member. Members of the Board may receive such compensation as deemed appropriate by the Council and may be removed by the Council for malfeasance in office upon written charges and after public hearing.

§ 20-3. Jurisdiction.

A. General. The Board shall have authority to hear and decide only such of the following matters as the Council has or may specify from time to time by ordinance enacted separately from this chapter:

- (1) An ~~application~~ Application for a special exception or expansion of a nonconforming use.
- (2) An ~~application~~ Application for a variance; however, the Board may not grant any variance that would authorize a use not otherwise permitted in the zone.
- (3) An ~~application~~ Application for administrative appeal concerning:
 - (a) Issuance, renewal, denial, revocation, suspension, annulment, or modification of any license, permit, authorization, exemption, waiver, certificate, registration, or other form of permission;
 - (b) Issuance of any administrative or adjudicatory order;
 - (c) Assessment of any special benefit tax;
 - (d) A final decision by the Planning ~~and Zoning~~ Commission concerning major subdivisions and commercial and industrial site plan review;
 - (e) Reasonable accommodations for the benefit of disabled citizens; or
 - (f) Determination of zoning district boundaries.

B. Limitation. This section does not authorize the Board to hear or decide any of the foregoing matters unless, prior to the ~~application~~ Application, the Council shall have adopted separate enabling legislation authorizing the Board to do so.

§ 20-4. Proceedings.

- A. Subpoenas and oaths. The Chairperson, or in ~~his~~ their absence the Vice Chairperson, may issue subpoenas to compel attendance of witnesses and production of documents and other relevant evidence, administer oaths and take testimony.
- B. Rules of procedure. The Board shall adopt rules of procedure governing its proceedings, which shall have the force and effect of law when approved by legislative act of the Council.
- C. Rules of evidence. The Board shall adopt rules of evidence governing its proceedings, which shall have the force and effect of law when approved by legislative act of the Council.
- D. Dismissal. The Board shall dismiss an Application if it lacks jurisdiction to hear the matter. The Board may dismiss an Administrative Appeal if the Applicant fails to substantially comply with the prehearing procedures for administrative appeals set forth in § 20-13 herein.
- E. Records. The Board shall keep minutes and, where appropriate, transcripts, voice recordings and other records on matters coming before the Board, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, all of which shall be a public record filed in the Planning Office.
- E. F. Legal counsel. The Board may appoint its own attorney within budgetary limitations established by the Council.

§ 20-5. Forms and fees.

~~An application~~ Applications shall be ~~submitted, in writing, on forms provided by~~ filed on a form approved by the Board and accompanied by the filing fee as established by the Council. An ~~application~~ Application that does not contain an appropriate ~~application~~ Application form, filing fee, and accompanying material required by §§ 20-6 and 20-7 shall not be accepted for filing and shall be returned with the required, but missing or incomplete, material identified.

§ 20-6. Applications in general.

- A. Special exceptions, nonconforming uses and variances. Applications for a special exception, an expansion of a nonconforming uses, or a variance may be filed by any person, entity, or government agency with any financial, contractual, or proprietary interest in the affected property. Applications filed by one other than the owner of the property must be filed with the owner's written consent.
- B. Administrative appeals.
 - (1) General. Applications for administrative appeal may be initiated by any person aggrieved by a final order, requirement, decision, or determination of an administrative official, department, or commission. An appeal from the grant or denial of an administrative variance shall be by an ~~application~~ Application for administrative appeal.

- (2) Time for filing. Applications for administrative appeal shall be filed within 30 days of the date of final order, requirement, decision, or determination, unless separate legislation establishes a different period.
- (3) Stay. An ~~application~~ Application for administrative appeal shall automatically stay all further proceedings to enforce compliance with the order, requirement, decision, or determination, and shall automatically stay all further subdivision, site plan, and related development reviews. There shall be no automatic stay when, in the judgment of the official having administrative authority to decide the question, a stay would cause immediate peril to life or property. A stay shall not limit the County's ability to obtain appropriate injunctive or other relief from a court.

(4) Short Term Rental Review Board. Notwithstanding subsection (3) above, decisions of the Short Term Rental Review Board shall remain in effect until the Board's decision is rendered. An Application for review of the Short Term Rental Review Board's approval of an application for a new short-term rental license shall automatically stay the effectiveness of the license until the Board's decision is rendered. Stays pending judicial review of the Board's decision shall be subject to Maryland Rule 7-207 7-205. Applications for review of any final order, requirement, decision, or determination of the Short Term Rental Review Board shall be by written statement and oral argument based solely on evidence submitted and received in the proceedings before the Short Term Rental Review Board.

C. Planning Commission. Applications for review of any final order, requirement, decision, or determination of the Planning Commission shall be by written statement and oral argument based solely on evidence submitted and received in the proceedings before the Planning Commission.

§ 20-7. Accompanying materials.

- A. Special exceptions and nonconforming uses. An ~~application~~ Application for special exception or expansion of a nonconforming use shall be accompanied by the following materials:
 - (1) Survey plats, site plans, or other accurate drawings showing property boundaries, dimensions, area, topography, and frontage, and the dimensions of all existing and proposed structures and their locations measured from the nearest property lines.
 - (2) Plans, architectural drawings, photographs, floor plans, elevations, specifications, or other detailed information depicting fully the exterior appearance of existing and proposed construction, including parking, access, exterior lighting, and signs.
 - (3) A statement explaining in detail how the use is to be operated, including hours of operation, number of anticipated employees, occupants and clientele, traffic impact, and any special equipment, conditions, or limitations that the ~~applicant~~ Applicant proposes.
 - (4) A copy of the official Zoning Map showing a 1,000-foot radius surrounding the subject property and other information to indicate the use and general conditions of existing

improvements on adjacent properties.

- (5) Names and [mailing](#) addresses of adjacent property owners as required by this chapter.
 - (6) If the ~~applicant~~ [Applicant](#) is not the owner or the authorized agent of the owner, in addition to the owner's written consent, a copy of the lease, rental agreement, or contract to purchase by which the ~~applicant~~ [Applicant](#) claims the right to file the ~~application~~ [Application](#).
 - (7) All documents, records, and exhibits that the ~~applicant~~ [Applicant](#) intends to introduce or rely upon at the public hearing.
 - (8) A reference to each specific section of the County Code that authorizes the Board to hear the ~~application~~ [Application](#) and grant the requested relief.
 - (9) Applications governed by state or federal laws, rules, or regulations shall provide the materials and information required by applicable state and federal standards.
- B. Variances. An ~~application~~ [Application](#) for a variance shall be accompanied by the following materials and information:
- (1) Survey plats, site plans, or other accurate drawings showing property boundaries, dimensions, area, topography, and frontage, and the dimensions of all existing and proposed structures and their locations measured from the nearest property lines.
 - (2) Identification and description of all unique physical characteristics of the property for which the variance is sought, and information, [floor plans, elevations](#), photographs, maps, or other materials showing that these physical characteristics are not common to other property in the neighborhood.
 - (3) Identification of the provisions of the County Code for which the variance is requested. A description of how, if the Code requirement were applied to the property, its unique physical characteristics would create either extraordinary hardship or practical difficulty, and not mere inconvenience.
 - (4) Other materials required by the separate, enabling legislation authorizing the ~~application~~ [Application](#).
 - (5) All documents, records, and exhibits that the ~~applicant~~ [Applicant](#) intends to introduce or rely upon at the public hearing.
 - (6) Names and mailing addresses of adjacent property owners as required by this chapter.
 - (7) A reference to each specific section of the County Code that authorizes the Board to hear the ~~application~~ [Application](#) and grant the requested relief.

(8) Applications governed by state or federal laws, rules, or regulations shall provide the materials and information required by applicable state and federal standards.

C. Administrative appeal. An ~~application~~ Application for administrative appeal shall be accompanied by the following materials and information:

(1) All documents and records upon which the ~~application~~ Application is based, including the final order, requirement, decision, or determination being reviewed.

(2) A specific reference to each section of the County Code that authorizes the Board to hear the ~~application~~ Application and grant the requested relief.

(3) Names and addresses of adjacent property owners as required by this chapter.

(4) The following materials and information need not be submitted with the ~~application~~ Application but shall be submitted no later than 30 days prior to the public hearing:

(a) All documents, records, and exhibits that the Applicant intends to rely upon at the public hearing.

(b) A summary of what the ~~applicant~~ Applicant expects to prove, including the names of the ~~applicant's~~ Applicant's witnesses, summaries of the testimony of expert witnesses, and the estimated time required for presentation of the ~~applicant's~~ Applicant's case. All reports from experts shall be filed and served on all other persons who have entered an appearance in the proceeding at least 15 days prior to the public hearing.

D. Written Public Comments. Written public comments that are received by the Board less than three business days prior to any proceeding may not be considered by the Board.

§ 20-8. Service of Application for administrative appeal.

Upon filing an ~~application~~ Application for administrative appeal, the ~~applicant~~ Applicant shall serve a copy on the County department head, or chairman of any County commission or agency responsible for interpretation, administration, and enforcement of the ordinance, rule, or regulation involved in the ~~application~~ Application as well as any opposing parties and/or their Attorney or Agent(s).

§ 20-9. Posting property.

A. Required. The ~~applicant~~ Applicant shall post the property for which an ~~application~~ Application is pending in accordance with the requirements of this section. The Talbot County Enforcement Office will be responsible for posting on property that is owned by anyone other than the Applicant(s).

B. Location. ~~The applicant shall post the property~~ Signs shall be posted at the property listed in the Application by erecting a sign furnished by the Board at least 15 days prior to the public

hearing. The sign shall be located on the property, nearly centered between its two side property lines, and within 10 feet from the most traveled public road. If no public road abuts the property, the sign shall be located so that the public will most readily see it. Signs shall be posted conspicuously and continuously maintained upright, visible, and free from obstruction by vegetation or otherwise, through the conclusion of all public hearings.

- C. Responsibility. The ~~applicant is~~ Applicant, when responsible for ~~and~~ posting, bears the burden of proof to establish, by affidavit or otherwise, full compliance with all posting requirements. If the Board determines that the Petitioner has not made a good faith effort to comply with the posting requirements, the Board may defer consideration of the Application to a later date, with all costs resulting therefrom to be paid by the Applicant.
- D. Sign return. The ~~applicant~~ Applicant, when responsible for posting, shall remove and return the sign to the Secretary within five calendar days after conclusion of the public hearing(s). The ~~applicant~~ Applicant shall pay a fine of \$50 per calendar day for late return, and the full cost of repair or replacement for any damaged sign.

§ 20-10. Notice to adjacent property owners.

- A. Adjacent properties. The Secretary shall provide notice to owners of:
 - (1) All contiguous properties;
 - (2) All properties across any road or street; and
 - (3) All properties within 1,000 feet measured by any line of sight entirely over water.
- B. Content. The notice shall state:
 - (1) That an ~~application~~ Application has been filed;
 - (2) The name and address of the ~~applicant~~ Applicant;
 - (3) The name and address of the property owner, if different;
 - (4) The location of the property;
 - (5) A summary of the requested relief; and
 - (6) The date, time, and place of the public hearing.
- C. Mailing. The notice shall be mailed by regular mail, postage prepaid. For an ~~administrative appeal~~ Administrative Appeal, the notice shall be mailed at least 30 days prior to the date scheduled for the public hearing. For special exceptions and variances, the notice shall be mailed at least 15 days prior to the date scheduled for the public hearing. The notice shall be mailed to the property owners' addresses to which County real estate tax bills are sent.

- D. List. The ~~applicant~~ Applicant shall furnish the Secretary with a complete, accurate, and verified listing of the tax maps, grids, and parcels, and the names and addresses of all property owners entitled to receive notice under Subsection A of this section.
- E. Renotification. Renotification of adjacent property owners under this section is not required for any hearing that is properly convened and continued in accordance with the requirements of this chapter.
- F. Nonreceipt. Failure of a property owner to receive notice under this section shall not affect the public hearing or the action of the Board on the ~~application~~ Application.

§ 20-11. Notice of public hearing.

- A. Content. The Secretary shall schedule and provide public notice of the date, time, and place of the hearing on each ~~application~~ Application. The notice shall include the property address, a brief description of the property, a summary of the relief requested, and shall be published over the signature of the Secretary in a suitable format approved by the Board. The ~~applicant~~ Applicant shall bear the expense of publication.
- B. Advertisement. All public hearings shall be advertised in a newspaper of general circulation in the County, ~~with the last advertisement published~~ not more than ~~10~~ 15 days prior to the date of the hearing.

§ 20-12. Site visit.

A majority of the members of the Board of Appeals shall be required to visit the site before a public hearing. However, a decision of an appeal shall be decided upon the basis of the evidence of record.

§ 20-13. ~~Contested administrative appeals~~

~~An administrative appeal becomes contested when any person, or any County agency, department, or commission, files with the Board a notice of intention to participate. Such notice shall be filed within 15 days after either being served with a copy of the administrative appeal or receiving actual notice of the administrative appeal.~~

~~§ 20-14. Procedure~~ Prehearing procedure for ~~contested administrative appeals~~ Administrative Appeals.

~~The following requirements apply to all contested administrative appeals:~~

- A. Prehearing statement. The ~~applicant~~ Applicant shall file an original and five additional copies, as required by the Board Secretary, of a prehearing statement no later than 30 days prior to the public hearing and shall serve a copy on all parties of record and upon counsel to the Board. The statement shall include the following information:
 - (1) Citation to the section of the County Code authorizing the Board to hear and decide the

~~application~~ Application;

- (2) Citations to all ordinances, rules, and regulations upon which the ~~applicant~~ Applicant relies;
 - (3) All facts upon which the ~~application~~ Application is based;
 - (4) All documentary evidence upon which the ~~applicant~~ Applicant relies;
 - (5) A summary of all expert opinion to be offered;
 - (6) The area of expertise and qualifications of all expert witnesses;
 - (7) Identity of all witnesses who will testify; and
 - (8) Estimated time for presentation.
- B. Response. ~~County departments, commissions, agencies, or persons or associations~~ Any person or association intending to appear in opposition to an ~~application~~ Application, whether or not represented by counsel, must file a similar prehearing statement no later than seven days prior to the date of the hearing.
- C. Motions. A party may request the Board to address any preliminary matter, including dispositive matters, at least 15 days prior to the date of the initial hearing by filing the request as a motion to the Board and certifying that a copy was provided to all parties of record. Any person interested in responding to the motion shall file a written response with the Board within 15 days of the date that the motion was filed.
- D. Public participation. This section shall not be construed to limit the rights of individual members of the public to submit testimony during the hearing or to submit pertinent written materials at any time while the record remains open.
- ~~D.~~ E. Nonbinding. The information submitted in compliance with this section shall be construed only as a statement of the party's intent to submit such information or to provide testimony from witnesses, but no parties are bound to introduce the same at the hearing.
- ~~E.~~ F. Noncompliance. Failure to comply with the requirements of this section may result in a postponement, continuance, dismissal of an Application, refusal to accept documentary evidence, or prohibition of the testimony of a witness who is not identified.
- ~~F.~~ G. Decision. ~~In any contested application, the~~ The Board may request that the parties submit proposed findings of fact and conclusions of law. Additionally and without request, any party may submit proposed findings of fact and conclusions of law for consideration by the Board.

§ ~~20-15~~ 20-14. Planning Commission.

- A. Review. All ~~applications~~ Applications for special exceptions and expansion of nonconforming uses shall be referred to the Planning Commission and the Planning Officer or his designee for review and recommendation. Applications for variances shall be referred to the Planning Officer or his designee, but shall only be referred to the Planning Commission at the discretion and direction of the Board. Comments and recommendations shall be forwarded to the Board prior to the public hearing and shall be available for inspection and distribution to the public.
- B. Amendment. An ~~application~~ Application may not amend an ~~application~~ Application for special exception or expansion of a nonconforming use or variance after consideration by the Planning Commission or Planning Officer except upon the recommendation of the Planning Commission or Planning Officer, or with the consent of the Board prior to the public hearing.

§ ~~20-16~~ 20-15. Public hearings.

On all ~~applications~~ Applications, the Board shall hold at least one public hearing at which any person may appear in person or through an agent or attorney. Public hearings shall be conducted in accordance with the Board's rules of procedure and the requirements of this chapter.

§ ~~20-17~~ 20-16. Order of presentation.

The order of presentation of evidence shall be as follows, with cross examination following all witnesses' direct testimony and examination by the Board ~~of Appeals~~ at any time:

- A. Presentation of the official record of exhibits by the Board ~~of Appeals~~, notation of any objections to any part of the record, and other preliminary matters;
- B. Presentation of testimony and exhibits by the ~~applicant~~ Applicant;
- C. Presentation of testimony and exhibits by County officials and staff;
- D. Presentation of testimony and exhibits by other persons opposed to the ~~application~~ Application;
- E. Rebuttal evidence by the ~~applicant~~ Applicant;
- F. Surrebuttal by parties opposing the ~~application~~ Application;
- G. Formal receipt into evidence of the record by the Board ~~of Appeals~~; and
- H. Closing statements by each side.

§ ~~20-18~~ 20-17. Record.

The Board shall maintain a complete record of its proceedings, including all exhibits offered and accepted, minutes, decisions, and transcripts or voice recordings of all testimony.

§ ~~20-19~~ 20-18. Burden of proof.

The ~~applicant~~ Applicant shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion, by a preponderance of the evidence, on all issues of fact.

§ ~~20-20~~ 20-19. Decisions of Board.

Decisions of the Board shall comply with the following requirements:

- A. Standard of review Evidence of record. All decisions of the Board shall be based solely upon the evidence of record. The Board shall determine whether a decision on Appeal is in conformance with law and supported by substantial evidence.
- B. Form and time. Decisions of the Board shall be in writing, shall contain findings and conclusions, and shall be rendered within 30 days from the date of the public hearing unless such time is extended by the Board.
- C. Vote. Three votes shall be required to grant an ~~application~~ Application. A denial of relief by fewer than three votes shall entitle the ~~applicant~~ Applicant to a rehearing at the ~~applicant's~~ Applicant's expense before the full Board. If fewer than five members of the Board convene to conduct a hearing, the Board shall open the hearing and advise the ~~applicant~~ Applicant on the record of the following:
 - (1) A majority vote of the full Board, three votes, is required to grant an ~~application~~ Application.
 - (2) The ~~applicant~~ Applicant is entitled, upon request, to postponement of the hearing for lack of a full Board.
 - (3) The ~~applicant~~ Applicant is also entitled to proceed with the hearing, but in making that election the ~~applicant~~ Applicant waives the right to a rehearing before the full Board if the ~~application~~ Application is denied.
- D. Complete relief. A decision on an ~~application for administrative appeal~~ Application for Administrative Appeal involving the same parties or their privies is a final bar to any subsequent ~~claim for relief~~ Claim for Relief upon the same ~~application~~ Application. Such a decision is conclusive as to all ~~claims for relief~~ Claims for Relief that were decided in the original application and any other claim for relief Claim for Relief that could have been asserted.
- E. Standard conditions. All approved ~~applications~~ Applications shall contain standard conditions that:
 - (1) The ~~applicant~~ Applicant and his successors are bound by the testimony and exhibits presented in support of the ~~application~~ Application and by the representations of the ~~applicant's~~ Applicant's agents and attorneys to the extent they are set forth or incorporated

by reference in the Board's decision; and

- (2) The ~~applicant~~ Applicant and his successors consent to entry by the County and its agents at reasonable times, upon reasonable advance notice, to determine initial and ongoing compliance with the terms, conditions, restrictions, and limitations of the Board's ~~approval~~ Approval.

F. Additional conditions.

- (1) The Board may prescribe additional conditions, restrictions, and limitations upon any ~~approval~~ Approval. All ~~approvals~~ Approvals shall be implemented in accordance with, and subject to, such conditions, restrictions, and limitations. Violation of any such condition, restriction, or limitation shall be grounds for revocation of the ~~approval~~ Approval.
- (2) Approvals by the Board shall not preclude any County department, commission or agency, when appropriate, to add specific conditions or requirements not inconsistent with the Board's decision that are:
 - (a) Required to comply with any federal, ~~state~~ State, or County law, ordinance, or regulation; or
 - (b) Authorized by law to protect public or private property, or public health, safety, or welfare.

G. Mailing. A copy of the Board's decision shall be mailed or electronically forwarded promptly to all persons who participated in the hearing.

H. Reconsideration. The Board may reconsider its decisions upon its own motion or upon request of any party, provided such request is received not more than 10 days from the date of the hearing at which the Board reached and announced its decision, or within 10 days after discovering new evidence that was not previously available and that could not have been discovered in the exercise of reasonable diligence prior to the hearing. The Board may promulgate additional rules with respect to reconsideration and rehearing.

I. Inadequate information. Whenever the Board determines that the information provided in connection with any ~~application~~ Application is inadequate to permit the Board to make a decision, the Board may request additional information or alternatively may decline to approve the ~~application~~ Application.

§ ~~20-21~~ 20-20. Implementation.

A. Time limit. The Board shall ~~prescribe~~ establish a time limitation for the implementation of the Approval. ~~The time limitation shall not to exceed 18 months in which an approval shall be implemented.~~ Failure to obtain required building permits, zoning certificates, site plan approval, or other necessary authorizations within the prescribed time voids the ~~approval~~ Approval. ~~The Board, upon written~~ Upon submittal of an extension request ~~before, prior to~~

expiration of the initial time limitation, and for good cause shown, the Board may extend the time to implement the ~~approval~~ Approval for one ~~like~~ additional period not to exceed 18 months.

- B. Amendment or modification. Upon request of an ~~applicant~~ Applicant, successor, property owner, County department, or Planning Commission, the Board is authorized to amend or modify any ~~approval~~ Approval, including the terms, conditions, or limitations imposed on an ~~approval~~ Approval.
- C. Compliance required. An ~~approval~~ Approval shall be implemented and maintained in compliance with all terms, conditions, restrictions, and limitations imposed by this Code or by the Board. Noncompliance shall be a violation of the ~~approval~~ Approval and shall be cause for revocation of the ~~approval~~ Approval.
- D. Inspections. An inspection shall be conducted by the appropriate County department to determine compliance with the requirements of this chapter and all terms, conditions, restrictions, and limitations, if any, imposed by the Board or by law upon the ~~approval~~ Approval. Additional inspections may be conducted from time to time to determine ongoing compliance.
- E. Vested rights. Vested rights in an ~~approval~~ Approval shall not attach where the ~~applicant~~ Applicant, successor, or holder is in violation of the applicable terms, conditions, restrictions, or limitations of the ~~approval~~ Approval, or of the requirements of law in effect at the time of implementation.
- F. Revocation. The Planning Commission, any County department, or any adjacent property owner as defined in § 20-10 may file an ~~application~~ Application to revoke any ~~approval~~ Approval for noncompliance with § 20-21C. The Board shall schedule the ~~application~~ Application for a hearing, notify the property owner, provide public notice and conduct a public hearing on the Application as set forth in this chapter and the Board's rules of procedure.
- G. Effect of noncompliance. The Board may revoke the ~~approval~~ Approval upon a finding of noncompliance with the requirements of § 20-21C. In lieu of revocation, the Board may modify or set such other or further terms, conditions, restrictions, or limitations upon the ~~approval~~ Approval as it deems appropriate.

§ ~~20-22~~ 20-21. Abandonment.

After public hearing, the Board may revoke a special exception or variance upon a finding that cessation of the use or variance, or activities constituting or necessary to the special exception, have ceased for a period of at least 12 months.

§ ~~20-23~~ 20-22. Appeals from Board decisions.

Any person who participated in the hearing and is aggrieved by the decision may, within 30 days after the date on which the Board's written decision has been signed by all Board members, appeal

the decision to the Circuit Court for Talbot County, and thereafter to the appellate courts of this state in accordance with the provisions of the Maryland Rules of Procedure.

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 Talbot County Department of Planning and Zoning 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.

EXHIBIT 1 TO BILL NO. 1545

Table IV-1. Table of Land Uses

Use Type	Section Cross- Reference	Conservation Districts					Residential Districts		Village Districts			Commercial Industrial Districts		
		AC	CP	WR C	TC	RC	RR	TR	VR	VH	VM	LC	GC	LI
25.2.D. Commercial Uses														
* * *														
Lodging														
* * *														
Inn	29.7	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>					P	P	P	

PUBLIC HEARING

Having been posted and Notice of time, date, and place of hearing, and Title of Bill No. 1545 having been published, a public hearing was held on Tuesday, July 25, 2023 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 22, 2023 *AS AMENDED*

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

Callahan	-	Aye
Stepp	-	Aye
Leshner	-	Aye
Mielke	-	Nay
Haythe	-	Aye

EFFECTIVE DATE: October 21, 2023