

ARTICLE XV

DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENTS

SECTION 1501 AUTHORITY

The Town of Easton shall exercise the authority granted by Section 13.01 of Article 66B Zoning and Planning, of the Annotated Code of Maryland to enter into development rights and responsibilities agreements.

SECTION 1502 APPLICABILITY

Any person having a legal or equitable interest in real property located within the boundaries of the Town may petition the Town of Easton to enter into an agreement pertaining to the development of that property.

SECTION 1503 CONTENTS OF DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENT

A. At a minimum, a development rights and responsibilities agreement shall contain the following:

- (1) A legal description of the real property subject to the agreement;
- (2) A certification that the petitioner has either a legal or equitable interest in the property;
- (3) The names of all parties having an equitable or legal interest in the property, including lien holders;
- (4) The duration of the agreement, including any proposed phasing plan of the development;
- (5) The permissible uses of the real property;
- (6) The density or intensity of use of the real property;
- (7) The maximum height and size of structures to be located on the real property;
- (8) A description of the permits required or already approved for the development of the real property;

- (9) A statement that the proposed development is consistent with applicable development regulations and the Comprehensive Plan of the Town;
- (10) A description of the conditions, terms, restrictions or other requirements determined by the Mayor and Council, or its designees, to be necessary to ensure the public health, safety and welfare;
- (11) In addition, the agreement shall include provisions for the following matters to the extent that they are applicable to the proposed development project:
- (a) Dedication of portions of the real property for public use;
 - (b) Protection of sensitive areas;
 - (c) Preservation or archaeological investigation of prehistoric sites which may provide information not commonly available from similar sites in the County or Town; and preservation or restoration of significant historical structures for which preservation or restoration, and maintenance, are economically reasonable and feasible; and
 - (d) Construction or financing of public facilities and extension or improvement of necessary utilities.
 - (e) A provisions requiring the developer to reimburse the Town for its attorney's fees, costs and expenses incurred in the event an agreement is abandoned or breached by the petitioner.

B. In addition to the matters set out in Subsection A, an agreement may fix the period in which and terms by which development and construction may commence and be completed, as well as provide for other matters consistent with this title, including the phasing of development in such a manner that public facilities and services may be provided in an orderly and sequential fashion in the discretion of the Town of Easton.

SECTION 1504 REFERRAL TO PLANNING COMMISSION; COMPLIANCE WITH COMPREHENSIVE PLAN

Upon receipt of a petition to enter into an agreement, the petition shall be referred to the Planning Commission for a determination of whether the proposed agreement is consistent with the Town's Comprehensive Plan. The Town of Easton may not enter into an agreement unless the Planning Commission determines whether the proposed agreement is consistent with the Comprehensive Plan.

SECTION 1505 PUBLIC HEARING; MANNER OF APPROVAL

A. Before an agreement may be executed by the Mayor, the Town Council shall hold a public hearing on the proposed agreement. Notice of the hearing shall be published in a newspaper of general circulation within the Town once each week for two consecutive weeks, with the first such publication of notice appearing at least 14 days prior to the hearing. The notice shall contain the name of the petitioner, a brief description sufficient to identify the property involved, a fair summary of the contents of the petition and the date, time and place of the public hearing. This hearing may be combined with other required public hearings for the proposed development.

B. If after consideration of all information produced as a result of the public hearing, the Town Council determines that execution of an agreement is in the best interests of the Town and furthers the purpose and intent of this Article, the Town Council shall enact a resolution approving the agreement and authorizing the Mayor to execute and deliver the same.

SECTION 1506 AMENDMENT OF AGREEMENT

A. Subject to paragraph B of this subsection and after a public hearing, the parties to an agreement may amend the agreement by mutual consent.

B. The parties may not amend an agreement unless the Planning Commission determines whether the proposed amendment is consistent with the Comprehensive Plan.

SECTION 1507 TERMINATION OF AGREEMENTS; SUSPENSION

A. The parties to an agreement may terminate the agreement by mutual consent.

B. After a public hearing, the Town Council may determine that suspension or termination is essential to ensure the public health, safety or welfare.

SECTION 1508 APPLICABLE LAWS, REGULATIONS AND POLICIES

A. Except as provided in paragraph B of this subsection, the laws, rules, regulations and policies governing the use, density or intensity of use or development of the real property subject to the agreement shall be the laws, rules, regulations and policies in force at the time that the Mayor and the petitioner execute the agreement.

B. An agreement may not prevent compliance with the laws, rules, regulations and policies enacted after the date of the agreement, if the Town Council determines that imposition and compliance with these laws and regulations is essential to ensure the public health, safety or welfare of residents of all or part of the Town.

SECTION 1509 RECORDING AGREEMENTS IN THE LAND RECORDS

A. An agreement shall be void if not recorded in the Land Records of Talbot County within 20 days after the day on which the Mayor and the petitioner execute the agreement.

B. When an agreement is recorded, the Town of Easton and the petitioner, and their successors in interest, are bound to the agreement.

SECTION 1510 ENFORCEMENT BY INTERESTED PARTIES

Unless terminated under Section 1507 of this Article, the Town or the petitioner, and their successors in interest, may enforce the agreement.