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# Chapter 3

# Land Use Plan

## I. Vision

Land use decisions, based on full participation of our citizens, preserve and enhance the rural character and natural resources of Talbot County and accommodate the diverse needs of our villages.

Business and residential development is located primarily within the planned urban growth areas consistent with the principles of Smart Growth, with Countryside Preservation Areas surrounding towns and villages. Agricultural land is protected to preserve our farms.

On the borders of towns and County, where two comprehensive plans may be in conflict, each respects the values of the other and strives for harmonious land use and growth management decisions. County and town planners work together to achieve these goals ensuring that we remain a rural community.

The desirable size of Talbot County and the growth rate that maintains or improves the quality of life and rural character are identified in a growth policy. Sustainable growth is related to the adequacy of aquifers, sewage disposal, and roads. Growth management in the County recognizes the fragility of our unique geography, which is bounded by the Chesapeake Bay, the Choptank River, and the Eastern Bay/Wye East River. In particular, the western portion of the County, consisting of a series of narrow peninsulas with single road access in and out, is environmentally sensitive to the impact of growth.

## Goal

*Promote and maintain a well-planned pattern of compatible and efficient utilization of land and water resources which concentrates development only in areas where environmental impacts will be minimized.*

## II. Introduction

Talbot County's classic rural landscape is shaped by the county's rich history as a farming and maritime community. The landscape is dotted with traditional towns and villages that developed at crossroads, maritime ports, and mill sites to serve the seafood, boat building, and farming communities.

This plan seeks to continue that pattern of development by guiding new development to locations where public infrastructure is available and discouraging development in rural and agricultural areas.

Growth management is not a new idea for Talbot County. The 1973 Comprehensive Plan contained the objective to "Encourage new development to locate in and around existing population centers." However, efforts to accomplish the objective did not predict a growing demand for two-acre lots, which were permitted in the rural areas. In the late 1980s and early 1990s, two important actions

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occurred that significantly strengthened the policy to maintain the rural character of the County. In 1989, the County passed the Talbot County Critical Area ordinance in compliance with State requirements. The Critical Area ordinance effectively downzoned 57,498 acres from 2 and 5-acre residential lots to a 20-acre density. This zone is called the Resource Conservation District (RC). In 1991, following the 1990 update of the Plan which reaffirmed the core goal of concentrating development in and around existing population centers, the County adopted a new zoning district, the Resource Agricultural Conservation District (RAC). The new district replaced the old A-2 district, which permitted 2-acre lots and created a conservation district (RAC) permitting a residential density of 1 lot per 20 acres. The two changes, Critical Areas (RC) and Agricultural (RAC) encompassing more than 87% of the County effectively changed the permitted density from 1 lot per 2 acres, to 1 lot per 20 acres. The 1990 Comprehensive Plan made significant changes to the County development ordinances and policies. The 1997 Plan update affirmed the 1990 Plan.

The 2004 Comprehensive Plan builds on the goals and policies of the 1990 Plan and strengthens the growth management policies that guide development in and around existing population centers and limit the outward expansion of those centers into the rural lands of the County. By establishing a Countryside Preservation Area around the Towns, the Plan creates an urban growth boundary defining the edge between town and countryside.

The County is divided into three primary groups: incorporated towns and surrounding growth areas, land within the Critical Area and land outside of the Critical Area. The Plan incorporates the concept of maintaining rural character as an organizing framework for land use management in the County. The pattern, scale, and mix of land uses define each character type. Community character types are categorized as land use policy areas. The County's land use policy areas are: agricultural, resource conservation, western rural conservation, moderate density residential, village centers, business and industrial, countryside preservation area, and towns and growth areas.

Talbot County's land use management strategies have been focused on limiting development in environmentally sensitive and rural areas, and encouraging growth in the Incorporated Towns and their adjacent designated growth areas. This strategy creates a system of urban growth boundaries that are the dividing line between areas planned for urban development and areas planned for resource based uses, such as agriculture, forestry, and/or rural residential uses.

In Talbot County, the areas for planned growth are designated as Priority Funding Areas (PFAs). The PFAs are locally designated areas, consistent with the 1992 Visions in Article 66B, where the State and local governments agree they want to encourage and support economic development and new growth. Within these designated growth areas, the character of future development should be compatible with the pattern, scale and mix of land uses that is proposed in the adjacent jurisdictions' long-range land use plans.

### **III. General Land Use Plan**

The Land Use Plan graphically represents the desired pattern of land use for the County and serves as the basis for delineating zoning districts and establishing development standards. This pattern is based in large part on an interest in maintaining traditional or historic settlement patterns and the character of established communities. Future growth and development in the County should

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generally be in conformance with the Official Land Use Plan Map (Map 3-1) and planning area policies.

The strategy for keeping the County's rural character depends on preserving rural lands and open space. Today, the County's farmland accounts for most of its open space and scenic character. To help agriculture continue as a long-term use in the rural areas, the County will encourage voluntary participation in programs that provide assistance and reduce tax burdens to the farm community. Encouraging the continuation of agriculture is one way the County will seek to maintain open space. The County's primary method of preserving open space in rural areas will be to encourage future residential, commercial, and industrial growth to occur in the incorporated towns. In the rural areas, development will be limited to low density residential and low intensity uses that preserve open space and provides opportunities for farming to continue.

The County's planning areas include:

- A. Incorporated Towns
- B. Designated Growth Areas
- C. Easton Primary and Secondary Growth Areas
- D. Easton Future Growth Area
- E. Business and Industrial Areas
- F. Village Center
- G. Moderate Density Residential Planning Area
- H. Countryside Preservation Areas
- I. Western Rural Conservation
- J. Resource Conservation
- K. Agriculture

### **Countywide Land Use Policies**

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- C03.P. 1. The County should preserve its unique rural landscape through conservation of farmland, forestlands, and environmentally sensitive lands by application of land use regulations and easement programs that conserve open space in rural areas.
- C03.P. 2. The County should continue a restrictive approach toward the use of land over which it has zoning authority, and new development should be of a controlled nature and channeled into the most appropriate areas and discouraged in others.
- C03.P. 3. Most new residential, institutional, commercial, business and industrial development should be located in the designated growth areas and incorporated towns.
- C03.P. 4. The County shall prohibit strip development along County and State roadways.
- C03.P. 5. Sensitive environmental areas shall be protected where they occur to the greatest extent possible.

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## **IV. Planning Areas**

### **A. Incorporated Towns**

The five incorporated towns of Easton, St. Michaels, Oxford, Trappe and Queen Anne are the County's principal residential, commercial and industrial centers. Traditionally, about 40% of all County residents have resided within the incorporated towns. Within the past ten years, the percentage of residents living in the incorporated towns has risen to 44%. During the same time-period, about 46 % of all new houses built in the County were within the towns. The majority of all County businesses and jobs also are located within the towns.

The incorporated towns are the best locations for future residential, commercial and industrial growth and development. Growth in the incorporated towns will reduce the outward sprawl of development and keep new growth within existing centers where adequate public facilities and services such as sewer, water, schools, government offices, police and fire protection, etc. can be efficiently provided. In addition, the impact upon the County road system will be minimized insofar as residents will be located physically close to the jobs, businesses and services they require.

Residential, commercial and industrial growth in existing towns should relieve development pressure in the County's rural and agricultural areas. The compact development form and investments in infrastructure in the County's towns offer opportunities for maximum use of facilities to support growth through new development, infill development, and creative redevelopment in appropriate locations.

The incorporated towns within the County have their own independent planning and zoning authority. Each town has its own limitations and potential to support growth consistent with the visions established in the 1992 Maryland State Planning Act based on available and planned investments in infrastructure. Given the emphasis in the Land Use Plan on directing growth to existing population centers, the County will need to continue to support the collective efforts of the towns in their land use plans and provide the necessary infrastructure required to support residential and business growth.

### **B. Designated Growth Areas**

An area around each of the incorporated Towns of Easton, St. Michaels, Oxford and Trappe is designated as a "growth area" (See Maps 3-2, 3-3, 3-4 and 3-5). These Designated Growth Areas encompass existing urban and suburban development and areas that will serve as the primary locations for new compact, mixed-use neighborhoods seamlessly integrated with the adjacent towns. The Designated Growth Areas have been established with the adjacent incorporated towns and represent the physical limits of continuous urban form.

It is anticipated that urban development in the Designated Growth Area will occur only after annexation into the adjacent incorporated town and that the development regulations of the towns will be designed to achieve the preferred type of development, i.e., compact mixed-use neighborhoods ("Smart Neighborhoods"). County regulations and growth management programs

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will be coordinated with those of the towns to insure that adequate public facilities and services are in place when development is proposed, that quality community design is required, and that environmental safeguards are in place.

Annexation and development within the Designated Growth Area should occur on an incremental basis with those properties closest to the towns receiving the higher priority for annexation and development. “Leapfrog development” of properties on the outer perimeter of the Designated Growth Area at low “septic system” densities shall be avoided so as not to produce isolated County enclaves within town borders. The Designated Growth Area in the Easton vicinity is further delineated into Primary and Secondary Growth Areas (See Map 3-2). The “Primary” and “Secondary Growth Area” classifications correspond to Easton’s short-term annexation plans and include properties that are expected to be annexed within the next five to ten years. County development regulations for the Designated Growth Area will support the orderly expansion of the towns by discouraging premature urban or suburban development in these areas.

Future commercial uses will be encouraged to locate within the towns and as infill and redevelopment of existing unincorporated commercial areas. Large-scale commercial uses, including shopping centers and big box retail will not be permitted in the County identified Designated Growth Areas. These uses may only be developed at appropriate locations within the incorporated towns. Business and industrial uses will be encouraged to locate within the incorporated towns as well but may also be located in designated business and industrial development areas.

### **Towns and Designated Growth Areas Land Use Policies**

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- C03.P. 6. The County should coordinate with the towns in the review and approval of development projects adjacent to the towns and in matters of town annexations. The current practice of regularly scheduled meetings among Councils and Planners should continue.
- C03.P. 7. The County and Towns should explore implementation of an inter-jurisdictional transfer of development rights program to encourage development in the Towns and designated growth areas, and encourage implementation of the Countryside Preservation Area.
- C03.P. 8. County development regulations for the Designated Growth Areas will support the orderly expansion of the towns by discouraging premature urban or suburban development in these areas.

### **C. Easton Primary and Secondary Designated Growth Areas**

The Town of Easton’s 2004 Comprehensive Plan establishes an Urban Growth Boundary that corresponds to the County’s Countryside Preservation Area. The land located between the existing Town boundary and the inner edge of the Countryside Preservation Area is defined in the County’s Comprehensive Plan as the Easton Primary and Secondary Growth Areas; and the Easton Future Growth Area. (See Map 3-2).

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The “Primary” and “Secondary Growth Area” classifications correspond to Easton’s short-term annexation plans and include properties that are expected to be annexed within the next ten to twenty years.

During the upcoming six years, the Town does not plan to annex any additional land, except those areas identified as Priority 1 Areas on the Town Land Use plan. These areas may be annexed for the purpose of “cleaning up” the Town boundary or for health and safety reasons.

To further slow demand for more land, the Town will increase the density of future residential areas. At a minimum, new development in the “Smart Growth” Priority Funding Area will be required to achieve a net density of 3.5 dwelling units per acre.

The Town’s proposed land use patterns in the Designated Growth Areas include well-defined connected neighborhoods with an integrated mix of residential, neighborhood-scale commercial, civic, and open space uses. It is the intention of the Town to encourage true neighborhoods rather than single-use suburban style subdivisions.

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### **Easton Designated Growth Areas Land Use Policies**

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- C03.P. 9. County development regulations for the Designated Growth Areas will support the orderly expansion of the towns by discouraging premature urban or suburban development in these areas.
- C03.P. 10. Future residential subdivision development around the Easton Airport should be prohibited.

### **D. Easton Future Growth Area**

The Land Use Plan identifies a Future Growth Area in the vicinity of Easton (See Map 3-2). The Future Growth Area encompasses land between the outer limits of Easton’s Primary and Secondary Growth Areas and the Countryside Preservation Area. The Town of Easton Future Growth Area is not currently part of the Designated Growth Area but is included in the Town of Easton’s long-range plan for urban expansion. County development regulations in the Future Growth Area should prohibit premature urban or suburban development until such time as these areas are annexed into the Town of Easton.

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### **Easton Future Growth Areas Land Use Policies**

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- C03.P. 11. County development regulations in the Easton Future Growth Area should prohibit premature urban or suburban development until such time as these areas are annexed into the Town of Easton.

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## **E. Trappe Future Growth Area**

The Land Use Plan identifies a Future Growth Area in the vicinity of Trappe (See Map 3-5). The Future Growth Area encompasses land between the town boundaries and the Countryside Preservation Area. During the upcoming six years, the Town of Trappe does not intend to annex this area. This area is included in Trappe's Comprehensive Plan as an area for planned urban expansion.

County development regulations in the Future Growth Area should prohibit premature urban or suburban development until such time as these areas are annexed into the Town of Trappe.

### **Trappe Future Growth Area Land Use Policy**

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C03.P. 12. County development regulations in the Trappe Future Growth Area should prohibit premature urban or suburban development until such time as these areas are annexed into the Town of Trappe.

## **F. Commercial and Industrial Area**

The Commercial and Industrial Area planning area (See Map 2-1 and 2-1a) primarily encompasses areas zoned for commercial and industrial sites, as well as some new areas deemed appropriate for development of commercial and industrial uses. The purpose of the Commercial and Industrial Area is to insure appropriate and adequate areas for employment development are provided for in these areas. Commercial and Industrial areas are not appropriate locations for large-scale retail uses.

### **Commercial and Industrial Areas Land Use Policies**

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C03.P. 13. Large-scale commercial uses, including shopping centers/districts and big box retail shall be limited to appropriate locations within the incorporated towns.

C03.P. 14. Industrial uses in village centers should be limited to those that support agriculture, forestry and commercial maritime uses. Commercial agriculture related uses should not be limited to village centers.

C03.P. 15. Concentrations of commercial and industrial uses should be located in well-planned centers or parks within the towns, or as infill and redevelopment of existing commercial/ industrial areas.

## **G. Village Center**

The Village Center planning area is included in the Land Use Plan in recognition of the special needs of the County's unincorporated population centers. The 22 village centers are low or moderate intensity residential communities many with limited neighborhood commercial and service uses. The villages are scattered throughout the County and vary in character and size. Some are highly water oriented and some are inland and farm oriented. Still others are small crossroad settlements consisting of only a few houses.

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The village centers do however share much in common, and collectively they play an important role in Talbot County life. Each is an important part of the County culture and character that has evolved based on settlement patterns over time. In this respect, the villages perform a role that is complementary to that of the incorporated towns. Visually, they are an important component of Rural Character, providing a pleasing and appropriately scaled and textured contrast to the rural open character of the surrounding areas.

The village centers are residential in character, but also contain some limited convenience businesses and services as well as civic uses, e.g., a small public park or landing or a church. Some village centers contain businesses oriented towards tourism, such as antique shops and inns. Several of the larger villages have large agriculture related uses and serve as employment and agriculture service centers.

Villages should maintain their unique “sense of place” as identified by their existing architectural character, scale, mix of uses and density of development.

As infill and redevelopment occurs within the Village Centers, it should be required to maintain these attributes. For this reason, it is recommended that the County undertake master planning processes for each of the Village Centers to establish a basis for guiding future infill and redevelopment.

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. The County provides sewer service to the Tilghman, Newcomb, Royal Oak, Bellevue, Tunis Mills, Unionville, and Copperville village centers. Innovative community systems and shared facilities for sewer and water may represent the most practical approach for correcting existing problems and allowing limited additional development in the remaining village centers that are experiencing septic system problems.

### **Village Center Areas Land Use Policies**

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- C03.P. 16. The County will re-examine permitted land uses in the Village Center zoning district to insure that only those uses that are compatible with the existing village character are allowed. The County will prepare appropriate development standards that require new non-residential development be compatible with the scale and prevailing architecture found in the village center.
- C03.P. 17. Residential infill development and redevelopment should be compatible with existing character and density of the village.
- C03.P. 18. Existing rural villages should be a high priority for County efforts to promote housing rehabilitation and affordable housing initiatives.
- C03.P. 19. The County encourages the development of innovative and shared sewer and water facilities in villages with failing septic systems.

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## **Village Center Areas Implementation Strategies**

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### **Village Planning**

Action: Undertake master planning processes for each of the Village Centers to establish a basis for guiding future infill and redevelopment. Particular priority and attention should be afforded to the Village of Longwoods due to the inconsistency between the Priority Funding Area boundary and existing zoning.

## **H. Moderate Density Residential**

The Moderate Density Residential Planning Area consists of residential communities areas that are designated as “Limited Development Areas” (LDA) in the County’s Chesapeake Bay Critical Area Program. Although these areas are largely already developed, some infill and redevelopment is expected. Development in the County’s Chesapeake Bay Critical Area is regulated by standards to insure the impacts to water quality and habitat are minimized. The primary emphasis in the moderate density residential areas is to insure that infill and redevelopment is done in an environmentally sensitive manner. To accomplish this end, the County will encourage context-sensitive development that is located outside of habitat protection areas.

### **Moderate Density Residential Planning Area Land Use Policies**

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- C03.P. 20. Infill development and redevelopment of existing residential subdivisions, and existing neighborhoods in rural areas should be compatible with existing character and density.
- C03.P. 21. New buildings or redevelopment of existing buildings on existing lots should be located outside of the habitat protection area.

## **I. Countryside Preservation Area**

The Countryside Preservation Area includes existing low-density rural residential, open space, resource conservation and agriculture uses that form an edge at the periphery of the Designated Growth Area. It is the County’s goal that these areas be permanently preserved as agriculture, forest, wetlands, countryside and other large open spaces. By physically and visually defining the limits of urban growth around the towns and disrupting the continuity and outward expansion of urban form, Countryside Preservation Areas insure that the towns will maintain their unique identity in the landscape and that urban sprawl is not permitted to erode the Rural Character of the County. In addition to the current Rural Agricultural Conservation or Critical Area zoning, the Countryside Preservation areas will be priority areas for the continued application of land preservation measures, such as conservation easements, agriculture preservation planning areas, etc. Additional implementation techniques, such as Inter-jurisdictional Transfer of Development Rights and Purchase of Development Rights programs will be considered for application in order to insure a permanent rural agricultural character at the edge of the towns.

### **Countryside Planning Area Land Use Policies**

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- C03.P. 22. A definitive countryside preservation area shall be established at the outer perimeter of the designated growth areas.

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## **Countryside Preservation Planning Area Implementation Strategies**

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### **Establishing Countryside Preservation Areas**

Action: Revise zoning ordinance to include Countryside Preservation Area.

Consider the following options:

- Limit residential to 1 dwelling unit per 20 acres. Encourage clustering to preserve open space.
- Designate the Countryside Preservation Area as a TDR sending areas, giving priority to Towns and Designated Growth Areas as receiving areas.
- Develop design guidelines that encourage appropriately sited development to preserve the view from the road.

## **J. Western Rural Conservation**

The Western Rural Conservation planning area includes the non-critical area portions of the narrow necks of western Talbot County as shown on Map 3-1. Agriculture, low-density residential and natural resource areas characterize this planning area. This planning area contains a high percentage of sensitive natural areas. In addition, these areas have limited highway access, which raises concerns for evacuation in the case of natural, or man induced event that would sever or block evacuation from these peninsular areas.

Conserving the Rural Character of these areas, especially agriculture, forestry, public recreation and resource conservation uses is a high priority for the County. This area will be targeted for development controls and natural resource enhancement programs designed to protect natural resources while providing for limited low-density residential development with appropriate safeguards for water quality and natural resource protection.

### **Western Rural Conservation Planning Area Land Use Policies**

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- C03.P. 23. Open space, agriculture, forestry, and low density single-family detached residential uses are the preferred uses in the Western Rural Conservation Planning Area.
- C03.P. 24. Residential development in this area will be limited to 1 dwelling unit per 20 acres. Bonus density should be limited. Cluster development is encouraged to conserve open space.

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## Western Rural Conservation Planning Area Implementation Strategies

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### Conserve rural character

- Action: Revise Zoning Ordinance to include the Western Rural Conservation Area.  
Include the following provisions:
- Limit residential density to 1 dwelling unit per 20 acres.
  - Review policy for awarding bonus density with a view towards limiting its use.
  - Cluster development is encouraged to conserve open space.
  - Residential density may not be increased in this area through use of TDRs.

## K. Resource Conservation

The Resource Conservation planning area corresponds to areas designated as “Resource Conservation Area” (RCA) in the County’s Chesapeake Bay Critical Area Program. These areas are characterized by natural environments, agriculture, forestry, and fisheries. The intent of the County’s Critical Area Program and this plan is to retain these areas in agriculture, forestry, fisheries and conservation land uses. Only low-density residential development is permitted provided such development is located outside of habitat protection areas and can demonstrate that water quality and habitat have been maintained or improved.

### Resource Conservation Planning Area Land Use Policies

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- C03.P. 25. Future development of rural and agricultural lands in the Resource Conservation areas should result in areas primarily characterized by open space, agriculture, forestry, and low-density single-family detached homes.
- C03.P. 26. Within rural areas, both inside and outside the Critical Area, agriculture and forest cover should remain the dominant land uses. The County should provide incentives to cluster development and preserve open space to maintain or enhance the Rural Character of these areas.
- C03.P. 27. Developments utilizing Growth Allocations must be in compliance with the policies and objectives of the Comprehensive Plan.
- C03.P. 28. Sensitive environmental areas shall be protected where they occur to the greatest extent possible. Discourage use of tradeoffs or incentives that increase overall density in or near sensitive areas.

### Resource Conservation Planning Area Implementation Strategies

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**Growth Allocation.** Growth allocation should be managed like a density bonus: it should be thought of as an incentive to recipients to fulfill some public purpose in exchange for the benefit (profit) bestowed by the granting of the growth allocation. For additional information on growth allocation in the Critical Areas, refer to the Implementation section in this chapter.

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## **L. Agriculture**

The Agriculture planning areas includes the majority of the inland rural and agricultural lands within the County. These areas are characterized by open space, agriculture, forestry, low-density single-family homes, and agriculturally related commercial and industrial land uses. Agricultural and forestry activities are the preferred land uses within these areas. Conservation of the open space character of these areas and maintenance of the land base necessary to support the County's agricultural industry is of primary importance.

Future residential development in the Agriculture planning area should be designed in such a way as to preserve productive agricultural lands, woodlands, open space, environmentally sensitive resources and Rural Character. In-filling of existing residential subdivisions shall be limited to the density allowed when the subdivision was approved.

Development standards applicable to the Agriculture planning area include incentives for rural and agricultural landowners to cluster building lots and retain land as open space. By grouping smaller residential building lots on a portion of the property and leaving the remainder of the property in open space, a developer is allowed to create more lots than if he subdivided the entire farm or parcel into large lots.

Additional incentives for the conservation of agricultural lands and open space include Purchase of Development Rights (PDRs) and Transfer of Development Rights (TDRs). The Maryland Agricultural Land Preservation Program (MALPF) in existence since 1977 is one of the most successful programs of its kind in the country. The program is comprised of two basic steps: the voluntary establishment of Agricultural Preservation Districts, and the purchase of perpetual development rights easements. The County and State administer the program in an equitable partnership. As of December 2002, 14,523 acres of land in Talbot County have been placed in agricultural preservation districts. Development rights easements have been purchased in 49 of the 95 districts, permanently protecting 8,100 acres of farmland. The County's TDR program allows property owners in rural and agricultural planning areas to transfer and/or sell residential development rights from one property to another. The TDR option allows landowners to maintain land in an undeveloped state and still be compensated for its development value. For more information on both PDRs and TDRs refer to the Implementation section in this chapter.

These approaches — lower residential densities, requiring subdivisions to be designed to conserve open space, providing density incentives for cluster subdivisions and the purchase or transfer of development rights (PDRs and TDRs) — should limit residential growth in rural and agricultural areas, conserve valuable open space, and still allow landowners to achieve a reasonable amount of development potential and equity. Most important, they afford protection of agricultural resource lands and direct growth to existing population centers in the County.

### **Agriculture Planning Area Land Use Policies**

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- C03.P. 29. The County encourages the preservation of the rural lands of Talbot County as a permanent rural landscape. Within the rural and agricultural planning areas, agriculture and forest cover should remain the dominant land uses.

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- C03.P. 30. The County will continue to encourage cluster development and preservation of open space to maintain or enhance the Rural Character.
- C03.P. 31. The County's preferred options for residential development in the Agricultural areas are: cluster development, large lot low-density subdivisions, and additions to existing rural villages. These options are preferred over conventional 20-acre lot subdivisions.
- a. Cluster residential development is the preferred rural development option. Cluster developments allow farmland owners to cluster lots in a traditional rural community pattern while retaining the majority of their land in agricultural use or open space.
  - b. Older subdivisions developed on two to five acres lots prior to 1990 were developed in a pattern that is no longer permitted in the Agricultural Planning Area. There are however, opportunities for infill development within some of these communities. Where such opportunities exist, the pre-1990 pattern may be used, but only for infill consistent with the existing character and density of the neighborhood.
- C03.P. 32. The County will continue to promote and encourage the Transfer of Development Rights as a means of preserving prime farmland and encouraging appropriate residential development patterns in rural areas.
- C03.P. 33. The County will continue and strengthen the current countywide farmland and resource land protection PDR programs. Additional public and private funding sources should be sought to expand the program.
- C03.P. 34. Agriculturally related commercial and industrial uses are permitted in the Agricultural Planning Area.

### **Agricultural Planning Area Implementation Strategies**

#### **Conserving agricultural land and open space.**

Action: Review cluster development standards regarding lot size, open space requirements and density bonus.

Action: Consider mandatory clustering for some of the permitted lots.

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## V. The Chesapeake Bay Critical Area Plan

The County has adopted a Chesapeake Bay Critical Area Plan pursuant to State requirements. This plan and corresponding zoning regulations affect all waterfront areas of the County within 1,000 feet landward from the shoreline or the inland edge of tidal wetlands.

Within the Critical Area, detailed regulations have been adopted which direct, manage and control residential, commercial and industrial development so that the adverse impacts of growth are minimized. The specific purposes of the Talbot County Critical Area Plan and the development standards that implement it are:

- The protection of water quality by reducing pollution and its effects, whatever the sources;
- The conservation of fish, wildlife and plant habitats;
- The establishment of land use policies that allow for limited growth while maintaining or improving environmental factors;
- The promotion of the most environmentally sensitive plans and practices where development is allowed in shoreline areas;
- The conservation of all types of wetlands so that they can continue to function in their natural capacities as marine nurseries, filters, and absorbers of flood and erosive impacts; and
- The restoration of both shellfish and finfish productivity through protection and cultivation of submerged aquatic vegetation beds.

Areas within the Talbot County Chesapeake Bay Critical Area have been placed in three general land use management categories (see Map 3-6). These categories are:

**Resource Conservation Areas (RCA)** - areas characterized by nature-dominated environments and resource-utilization activities. In addition, RCAs have at least one of the following features:

- Housing density less than one dwelling unit per five acres; or
- Dominant land use is in agriculture, wetland, forest, barren land, surface water or open space.

**Limited Development Areas (LDA)** - areas currently developed in low or moderate intensity uses that contain areas of natural plant and wildlife habitat and where the quality of run-off from such areas has not been substantially altered or degraded. In addition, LDAs have at least one of the following features:

- Housing density between one unit per five acres and four units per acre;
- Areas not dominated by agriculture, wetland, forest, barren land, surface water or open space;
- Areas having the characteristics of Intensely Developed Areas, but less than 20 acres; or
- Areas having public water or sewer or both.

**Intensely Developed Areas (IDA)** - areas of 20 or more contiguous acres, or the entire upland portion of a municipality within the Critical Area (whichever is less) where residential, commercial,

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institutional and/or industrial development is predominant and relatively little natural habitat occurs. In addition, IDA's have at least one of the following features:

- Housing density equal to or greater than four dwelling units per acres;
- Industrial, institutional or commercial uses are concentrated in the area; or
- Public sewer and water collection and distribution systems are currently serving the area and housing density is greater than 3 dwelling units per acre.

In addition to these three general classifications, the first 100 feet landward of the head of tide and/or State or private tidal wetlands is designated as a Shoreline Buffer. Within the Buffer, new development activities are generally not permitted. The Buffer is intended to be retained as a naturally vegetated or planted area. Clearing of the Buffer is also restricted. The County has established zoning districts that correspond to the Critical Area classifications of RCA, LDA and IDA. Within each district, land uses, densities and development design are regulated. The majority of the County's Critical Area is currently classified as RCA.

## **VI. Implementation Recommendations**

Realizing the vision of the Comprehensive Plan will require more than wishful thinking. The County's land use and other policies need to be implemented through specific regulations, ordinance, and programs that insure progress toward the plan goals. The following outlines various land use management tools that may be considered for application in Talbot County to achieve land use planning objectives. It identifies the implementation option or tool, provides a brief description of the purpose or traditional application of the particular technique or tool, followed by a recommendation for how and where it might be best applied. This is not meant to be an exhaustive list, but only the most obvious strategies for consideration.

Tools described represent both regulatory (e.g., zoning provisions, subdivision regulation reforms, etc.) and non-regulatory (easement donation and acquisition programs, capital improvements strategies, Purchase of Development Rights, and Transferable Development Rights programs, etc) approaches to achieving plan objectives. Many of the tools identified are already in use but their application, in some cases, may be broadened or re-focused to improve their effectiveness. Others represent new tools that should be considered for application to achieve policies and objectives identified in this Comprehensive Plan.

### **A. Urban Growth Boundaries (UGBs), or Development Districts**

UGBs provide guidance for future growth by establishing a dividing line between areas planned for urban development and areas planned for resource based uses, e.g., agriculture, forestry, aquaculture and/or rural residential uses. UGBs are typically set for a 20 year time period and should allow for adequate development opportunities within the boundary to maintain the market's confidence in the UGBs effectiveness. Establishing UGBs provides local governments with the knowledge needed to judiciously budget for capital improvements and infrastructure investment. UGBs are both a land use and community facilities management tool.

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Talbot currently utilizes a form of UGB, the Priority Funding Areas (PFAs). Priority Funding Areas are locally designated areas, consistent with the 1992 Visions in Article 66B, where the State and local governments agree they want to encourage and support economic development and new growth. The County should reevaluate the existing PFA boundaries. Within the Designated Growth Area, the PFA boundary should be revised to correspond to the desired limits of urban expansion within the five to ten year planning time horizon and be consistent with other potential growth management tools that may be adopted.

## **B. Density/Intensity Regulations**

Density and intensity regulations control growth by regulating the number of units that may be built on a particular site, but usually provide some flexibility in development form rather than prescribing a lot size. Intensity regulations are typically applied to commercial or industrial development in the form of limiting the floor area or bulk of a building to a percentage of the site, commonly expressed as a floor area ratio (FAR). Other intensity standards may include impervious surface ratios, limiting amounts of exterior storage, hours of operation, or total trips per acre per 24 hours. Both density and intensity regulations have been used in Talbot County.

Current density limits established in the Talbot County Zoning Ordinance were developed with the particular desired character of the planning area in mind. For example, the Rural Agriculture Conservation (RAC) zoning district limits the allowable base density in the agriculture areas to one dwelling unit per twenty acres. The RAC density regulations aid the stated purpose of preserving the rural agriculture character of this planning area.

The Zoning Ordinance and Zoning Maps should be revised to reflect the Plan's policies for the Designated Growth Area. Density standards, consistent with the objective of discouraging premature suburban residential development until these areas are annexed, should be implemented.

## **C. Open Space Development; Cluster Development; Density Averaging; or Conservation Development**

Each of these tools is designed to cluster or concentrate the volume of development permitted on a given tract into a smaller area in order to preserve the remainder as open space or farmland. The development is clustered on a smaller portion of the site using smaller lot sizes, preserving land and reducing development costs. Grouping residential units into one area requires less investment to support infrastructure. Open Space or cluster development programs can be mandatory, (requiring all development on sites to be clustered) or voluntary (leaving the option to cluster or not to the landowners' discretion).

This technique has been applied in Talbot as a voluntary tool or option for development in the Rural Agriculture Conservation (RAC) Zoning District. Its use is voluntary and incentive for use is provided in that permitted density increases from 1 dwelling unit per 20 acres to 1 dwelling unit per 10 acres when cluster provisions are utilized. Further density increases are permitted with the use of Transfer of Development Rights to a maximum of 1 dwelling unit per 5 acres. These provisions have been used to secure density increases and have protected over 3,800 acres of land through "Reservation of Development Rights agreements" to date.

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## **D. Critical Area Growth Allocation**

Critical Area Growth Allocation is provided for in the Critical Area Law as a means of re-designating land for more intense development in the Critical Area. For example, Growth Allocation may be used to modify the one dwelling unit per 20-acre limitation on development in Critical Area Resource Conservation Areas and allow more intensive development in coastal areas. The total amount of land that may be re-designated is limited to 5% of Talbot's Resource Conservation Lands (approximately 2,554 acres).

Growth allocation should be managed like a density bonus; that is, it should be thought of as an incentive to recipients to fulfill some public purpose in exchange for the benefit (profit) bestowed by the granting of the growth allocation. At a minimum, Growth Allocation should only be permitted where it advances the land use policies and objectives of the Comprehensive Plan.

## **E. Transferable Development Rights (TDR) or Density Exchange**

TDR programs are used to transfer the development potential from certain types of land, such as resource lands, targeted greenways, or agriculture lands to areas designated for growth. TDR is typically a market-driven, incentive-based mechanism, by which it becomes possible to sell development rights without actually buying or selling the land. Some programs use a TDR Bank, to jumpstart the program or connect willing buyers and sellers.

One technique that the County and towns should mutually explore is the concept of an inter-jurisdictional transferable development rights program as one means of implementing the County's objectives for Countryside Preservation Areas. Development rights originating in the Countryside Preservation Areas could be transferred to designated receiving areas within the adjacent incorporated town. The financial feasibility of transfers should also be assessed to determine program potential. If demonstrated to be feasible, such a program could provide an effective and equitable means of directing growth to appropriate locations and supporting agricultural conservation objectives.

## **F. Limitations on bonus density**

The County recommends that there be no density trade-offs or incentives in or near sensitive areas.

## **G. Purchase of Development Rights (PDR)**

PDR programs utilize public funds to purchase the development potential from privately held land. Typically, the landowner voluntarily sells the development rights and receives compensation for the development restrictions placed on the land in the form of a conservation easement. Title remains with the land and can be transferred although use of the land may be limited to farming or open space.

PDR programs may be targeted to protect farmland (e.g. the Maryland Agricultural Land Preservation Foundation) or to protect resource lands, sometimes in connection with easement

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donations (e.g. Maryland Environmental Trust, Nature Conservancy, The Conservation Fund, etc.). Develop a targeted PDR program for the purchase of development rights in the designated Countryside Preservation Area.

PDR is being successfully used in Talbot as part of the County's Agricultural Preservation Program. The current countywide farmland and resource land protection PDR programs should be continued and strengthened.

PDRs have also been used by conservancy organizations to acquire a number of easements in other locations. Since easement lands are protected from development in perpetuity, such programs provide permanence and greater assurance of protection than can be provided by zoning.

## **H. Greenway**

Greenways are corridors of various widths, linked together in a network. Greenways may include recreational Greenways that feature paths and trails of various kinds, often of relatively long distances, based on natural corridors as well as shorelines, abandoned rail beds, and other public rights-of-ways. Trails and routes often have scenic quality as they pass through diverse and visually significant landscapes. A Greenway may emphasize cultural and historic resources and include places or trails with historic heritage and cultural values to attract tourists and to provide educational, scenic, recreational, and economic benefit. Ecological Greenways are significant natural corridors and open spaces - usually along rivers and streams, to provide for wildlife migration and biodiversity, and appropriate nature studies. Talbot County's current "Green Infrastructure" planning effort is an example of an ecological Greenway.

## **I. Highway Corridor Overlay Zones**

An overlay zone is a mapped zone that imposes a set of requirements in addition to those of the underlying zoning district. Such zones are typically applied when there is a special public interest in a geographic area (e.g. the location of sensitive natural features areas, notable scenic qualities, i.e., scenic highway) that does not coincide with the underlying zone boundaries. Highway corridor zoning is an adaptation of the overlay zoning technique. Hilton Head, South Carolina uses this technique to "encourage and better articulate positive visual experiences along the island's major existing and proposed highways."

Highway corridor zones that establish appropriate design standards for new development and redevelopment should be considered for commercial areas along the MD 33 corridor, and at the entrances or gateways to incorporated towns, in and near the villages. In developing design standards, the County should identify key gateway locations to communities and establish specific design standards and guidelines for that location that will insure a positive visual image that reflects well on the community that lies beyond.

## **J. Performance Standards: Environmental Protection**

Performance standards are frequently used to protect environmentally sensitive areas by establishing specific levels or percentages of various site resources to be protected. For example, the County

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limits the amount of impervious surface in most of the Chesapeake Bay Critical Area to no more than 15 percent of the gross site area. In fact, nearly all performance standards that have been adopted as a result the Critical Area Law and Criteria are for the purpose of environmental protection for the Chesapeake Bay.

The County should continue to implement appropriate environmental performance standards relating to stormwater and flood plain management, forest conservation and sediment and erosion control.

Given the sensitive nature of land located in the Western Rural Conservation planning area, the County should consider additional environmental protection standards. The County should adopt development standards for the Western Rural Conservation planning area that include limiting total impervious surfaces to no more than 15 % of the gross site area, limiting total density to no more than 1 dwelling unit per 20 acres and eliminating the 3-up front lot subdivision and bonus density cluster options currently permitted under the existing zoning scheme.

## **K. Infill/and Community Redevelopment**

Community redevelopment is a planning tool to revitalize or improve existing neighborhoods by redeveloping existing buildings and properties that are blighted and/or underutilized. Infill and redevelopment can revitalize existing communities or neighborhoods, promote businesses revitalization, increase the supply of affordable housing on existing infrastructure, and reduce the consumption of resource lands to support growth.

This tool has not been extensively used in the County since most re-development opportunities are within the corporate limits of towns. The County should encourage cooperative use of this technique by the incorporated towns to better utilize existing infrastructure and reduce demand for development in new undeveloped locations in the County. Some of the unincorporated villages in the County should also be targeted for infill/redevelopment to enhance their character or improve village functions.

## **VII. Additional Planning Tools**

In addition to the Implementation recommendations, the following planning tools are options that may be considered.

### **Population Cap**

A population cap or total population establishes limits on permissible population by setting a numerical limit either on population itself or on the number of housing units in the County.

No explicit statutory authority allows regulation for the purpose of limiting absolutely the population within a jurisdiction. Conceivably authority might derive from a broad interpretation of the general basis for regulation: that which is related to the public health, safety and welfare. To be legally defensible absolute growth limits must show persuasive public purposes for their application.

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### **Population Growth Rate Controls**

Population rate control is generally accomplished by setting a quota on the number of building permits that a jurisdiction issues in a given period of time, for example an annual building permit allocation. While not directly protecting specific environments, such a quota reduces the overall pressure for new development. To be defensible, annual limits on new construction should be based on a clear and direct link between the real impacts of rapid growth and threats to the public health, safety or welfare. Population growth rate controls may be more applicable to the incorporated towns where population growth is most substantial and impacts more pronounced.

### **Bonus or Incentive Zoning**

Zoning traditionally places restrictions and limitations on the individual use of property. A departure from this tradition, bonus or incentive zoning permits greater or more intensive use of property and hence the opportunity for greater economic return. Essentially, incentive zoning is a trade between the community and the property owner. In exchange for the developer's providing something that the community feels is in its interest (affordable housing, parkland, public parking facilities, or higher quality development), the developer is given a bonus, usually in the form of higher density or permission to build in a bulk envelope slightly larger than that normally permitted.

The most common use of bonuses is found in PUD ordinances. In many such ordinances, developers are permitted to build more housing units in exchange for clustering the units, providing larger expanses of common open space, or providing other design features or community amenities. The cluster option available in the RAC zoning district is another example of incentive zoning.

In Talbot County, bonus or incentive zoning holds potential value in increasing the supply of low and moderate-income housing. For example, development projects could be permitted additional density, if a specified percentage of the housing units meet affordability criteria. In this example, the best chances for success are in larger scale, higher density development projects that will be limited to the designated growth areas adjacent to the incorporated towns for the most part.

### **Small Area Plan**

Small Area Master Plans are used to consider options and add details that are not normally addressed in a large area or comprehensive plan. Taking into account general planning and design policies contained in the comprehensive plan as well as specific site constraints, the Master planning process explores alternative development scenarios. The master planning process can be used to consider the aspects of development that may impact on community character and the environment. The process also may be used as a means of engaging stakeholders in critical pre-development planning.

Outcomes should include specific recommendations concerning such things as waste disposal, vehicle and pedestrian circulation, parking, resource protection, architectural design features, including scale of building and structures and mix and intensity of uses. The County should consider village development standards in conjunction with the review of zoning ordinance standards.

### **Performance Standards and Development Guidelines: Quality of Site Design**

Performance standards focus more on how development is carried out rather than concentrating on what development takes place. Uses are permitted provided pre-set performance standards are met. Examples include standards to control site access (entrance may not be located within 500 feet of a

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major intersection), to maintain the capacity of a road system (highway level of service may not fall below LOS D in the peak hour) or requirements that limit the scale of structure (individual shops may not exceed 2,500 square feet of floor area in the first floor).

Talbot County currently uses a number of performance standards that must be met as conditions of development approval. Most of these standards are environmental protection performance standards, fewer performance standards relate to the quality of development. Appropriate site design performance standards and design guidelines should be prepared for all planning areas. Such standards and guidelines should not stifle design creativity or overly strict adherence to any particular architectural style but should require site and building design that is sensitive and appropriate to the context in which it is proposed. Performance standards and development guidelines could be developed to improve the quality of site design in the Designated Growth Areas.