

Article V Development Standards

§ 190-113. Structure height

Structures shall comply with the following height limits.

Table V-1. Structure height

Type of structure	Maximum height	Additional requirements
A. Dwellings and agricultural structures. Includes ornamental towers and other design features.	40 feet	
B. Principal commercial, industrial or institutional structures.	40 feet, except 35 feet in the Gateway Overlay District.	
C. Chimneys, church belfries or spires, conveyers, and private radio and television antennas.	75 feet	One additional foot in setback for each foot in height over 40 feet.
D. Fire towers, silos, hospitals and public monuments.	100 feet	One additional foot in setback for each foot in height over 40 feet.
E. Grain elevators.	200 feet	One additional foot in setback for each foot in height over 40 feet.
F. Antenna towers for essential communications; for radio and television broadcasting facilities and other non-essential communication; and for wireless communication (see Article III).	200 feet	Minimum required setback shall be 10 feet greater than the height of the tower.
G. Residential accessory buildings on lots of two acres or less.	25 feet	
H. Residential accessory buildings on lots larger than two acres.	30 feet	

§ 190-114. Supplemental setbacks

The following setback requirements apply in addition to the setbacks established for each zoning district in Article II.

- A. Front setback averaging

In the AC, CP, WRC, RC, RR, TR, TC and VC Districts, the front setback for a new principal residential structure on an in-fill lot may be reduced to the average front setback of all existing principal residential structures located on the same side of the street on both sides of the lot for a distance of 100 feet from the side lot lines of the infill lot.

B. Setbacks from major highways

- (1) Setbacks from arterial highways (Routes 50, 404, 333, 322, 33, 328 and 331) shall be 150 feet in the AC, CP, WRC, RC, RR and TC Districts, and 50 feet in the VC, TR and LI Districts.
- (2) Setbacks from all other state highways shall be 100 feet in the AC, CP, WRC, RC, RR and TC Districts and 50 feet in the VC, TR, and LI Districts.
- (3) The above setbacks shall not apply within the Gateway Overlay District.

C. Corner lots

- (1) On corner lots created on or before June 22, 1991, the street side setback shall be one-half of the front setback, provided that the setback is sufficient to provide clear vision as required below. Corner lots created after June 22, 1991 shall comply with the required front setback for both street frontages.
- (2) Clear vision area on corner lots.
 - (1) A clear-vision area shall be maintained on the corners of all property at the intersection of two streets.
 - (2) A clear-vision area shall consist of:
 - (a) A triangular area, two sides of which are lot lines measured from the intersection of the street lot lines for a distance specified in this section; or,
 - (b) Where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the nonintersecting ends of the other two sides.
 - (3) A clear-vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding 2 1/2 feet in height, measured from the established street center-line grade, except that trees exceeding this height may be located in this area, provided that all branches and foliage are removed to a height of eight feet above grade.
 - (4) The following measurements shall establish clear-vision areas:
 - (a) In AC, CP, WRC, RC, RR, TC, TR and VC Districts, the minimum distance shall be 25 feet.
 - (b) In LC, GC, and LI Districts, the minimum distance shall be 15 feet, except that when the angle of intersection between streets is less than 30°, the distance shall be 25 feet.

D. Setbacks for through lots

For a through lot which lies between two streets, a front setback shall be required from both streets.

§ 190-115. Road frontage, access, dedication and layout

A. Minimum frontage

- (1) All lots shall have frontage of at least 50 feet on a public or private road. Pipestem or flag lots shall maintain a minimum lot width of 50 feet for a depth of at least 25 feet from the road right-of-way.
- (2) The minimum road frontage may be reduced to not less than 25 feet if the lot has joint access with an adjacent lot.

B. Access requirements

- (1) All lots shall have direct access to a public or private road.
- (2) Every building hereafter constructed shall be on a lot with access to a public or approved private road and shall be located to provide safe and convenient access for fire protection vehicles. Structures on islands are excluded from this provision.
- (3) Design and location
 - (1) The design and location of new access points shall be reviewed and approved by the County Engineer.
 - (2) Access points to state roads shall also be approved by the State Highway Administration.
 - (3) As a condition of site plan approval, the County Engineer or Planning Director may require improvement and consolidation of existing access points to a commercial, industrial or institutional use, where the improvements will enhance vehicular and pedestrian safety.
- (4) The number of new access points to existing state and County roads shall be limited to the extent possible. Joint entrances for adjacent lots shall be required wherever practical.
- (5) In the AC, CP, WRC, RC, RR, TC and TR Districts, not more than two lots divided off an original parcel shall have access to an existing County or state road. Additional lots shall have access to an internal subdivision road, unless a waiver is granted based upon findings that:
 - (1) The size, shape, topography, soil types or other physical conditions prevent internal access to all of the lots required to have such access; or,
 - (2) The additional lots having access to an existing road are at least 10 acres in size and have no development rights that would make future subdivision possible; or,
 - (3) No reasonable alternative is available other than access to an existing state or County road.

C. Right-of-way dedication

- (1) Right-of-way for road widening

If property undergoing subdivision is adjacent to an existing road right-of-way, the property owner shall provide an easement or dedication of one half the width necessary to bring the right-of-way up to the width required by Chapter 134, the Roads Ordinance.

- (2) New public road right-of-way

New public road rights-of-way shall be dedicated and deeded to the County or state as part of the final plat recordation.

- (3) New private road right-of-way

A private road right-of-way may be established through an easement or fee simple dedication as approved by the County approving authority.

D. Road design and layout for subdivisions

- (1) Subdivision layout shall minimize the number of access points to collector and arterial highways.
- (2) Neighborhood residential roads shall be laid out to discourage their use by traffic not having its destination within the neighborhood.
- (3) The road layout shall provide for the continuation or projection of existing roads into areas adjacent to the land being subdivided, unless such continuation or extension is deemed undesirable due to topographic constraints or design.
- (4) Layout of roads in residential areas shall discourage high traffic speeds.
- (5) Layout of roads shall minimize potential conflicts between pedestrians and vehicles.
- (6) The applicants shall provide easements, right-of-way and road improvements as required by the County Engineer in conformance with the Talbot County Roads Ordinance.
- (7) The applicant shall erect street signs and traffic control devices as required by the County Engineer.

§ 190-116. Location of sewage disposal areas

- A. For lots recorded after the effective date of this chapter, a sewage disposal area shall be located on the same lot as, and no further than 200 feet from, the use that it serves.
- B. A waiver may be granted by the approving authority for a subdivision or site plan or by the Planning Director for other development activities; to include building permits, to allow a distance greater than 200 feet, provided that:
 - (1) The waiver allows avoidance of disturbance to significant topographical features such as streams, wetlands, tidal waters or steep slopes;

- (2) The approving authority finds that the waiver results in a layout that better accomplishes the purposes of this chapter and the design guidelines for the zoning district;
- (3) All components of the sewage disposal system will be accessible without requiring permits for disturbance of wetlands;
- (4) All components of the sewage disposal system shall remain accessible for maintenance and repair; and
- (5) Access to the sewage disposal system is permanently guaranteed.

§ 190-117. Contiguous lots treated as one lot for zoning purposes

- A. Two contiguous lots in common ownership shall not be treated as a single lot to construct improvements across lot lines or in violation of setback requirements.
- B. Where structures were legally erected prior to the effective date of this chapter, contiguous lots shall be treated as one lot for purposes of this chapter and must remain under common ownership if any one of the following is true:
 - (1) A structure is built across a property line of contiguous lots in common ownership; or
 - (2) A structure is built within the building restriction area of a lot line shared with a contiguous lot in common ownership, without a variance from the Board of Appeals or other authorization as provided in this chapter; or,
 - (3) A primary structure is built on one lot and accessory structures or uses (e.g., garage, shed, pool, driveway, sewage disposal area) are located on a contiguous lot under common ownership without the granting of a special exception by the Board of Appeals.
- C. Parcels considered merged for zoning purposes shall be treated as separate lots again only if both lots, including all uses and structures on the lots, comply with current requirements of the Talbot County Code, including minimum lot size, minimum lot width and setback requirements. This shall include the following:
 - (1) Structures or portions of structures crossing the common boundary line shall be removed so that all structures meet required setbacks;
 - (2) Structures or portions of structures within the required building setback shall be removed; and/or
 - (3) Accessory structures and uses on the lot without a primary dwelling shall be removed.

§ 190-118. Accessory uses and structures

- A. Where permitted.

Except as allowed by this section, an accessory use or structure may be established only if a principal use or structure exists on the lot or parcel; or if construction of the principal

structure has begun to the point of putting in place footings and foundation members and is diligently pursued.

B. On lots without a principal use or structure.

- (1) An accessory structure is permitted on a lot without a principal use or structure as permitted by the Table of Land Uses under the following uses: “Storage building prior to principal structure,” and “Temporary Uses: Accessory building prior to construction of a principal structure”;
- (2) If a proposed subdivision would create a lot with an existing private pier but no primary use or structure, the pier may be retained subject to approval of a waiver. The waiver must be approved by the approving authority for the plat prior to or at the time of subdivision plan approval.

C. Setbacks for accessory structures

- (1) In all zoning districts, the minimum required side and rear setbacks may be reduced by half for accessory residential storage building with 300 square feet of gross floor area or less.
- (2) Accessory buildings shall be located a minimum distance of 10 feet from any other building.

D. Fences and walls

- (1) Fences shall be classified in the following categories:
 - (1) Open fences are fences that do not restrict visibility. Open fences include wire, post and rail, paddock, picket, and other fences in which more than 50 percent of the fence area is left open.
 - (2) Closed fences include chain link, board on board, privacy or stockade fences, or fences in which 50 percent or less of the fence area is open. Walls that serve the same purpose as a closed fence are considered closed fences.
 - (3) For determining whether a fence is open or closed, the fence area is defined as the surface area from the bottom to the top of the fence section, including stringers supporting the section but not the post area above or below the fence section.
- (2) The height of a fence shall be measured to the top of the stringers or horizontal members. Fence posts may exceed the allowed height by a maximum of six inches.
- (3) Fences and walls shall comply with structure setback requirements, except as provided in the Table V-2. The setback exemptions in the following chart:
 - (1) Do not allow construction of fences within the Shoreline Development Buffer.
 - (2) Do not apply to fences surrounding a tennis court or other game court. Game courts must comply with setbacks.

Table V-2. Exemptions from setbacks for certain fences

Fence type/ height	Land Use	Required setbacks
(a) Open fences 4 feet or less in height	All locations	Exempt from setback requirements.
(b) Open fences more than 4 feet and no more than 6 feet in height; or closed fences 6 feet or less in height	Accessory to residential uses	Exempt from side and rear setback requirements. Any part of the fence within 30 feet of an adjacent dwelling must comply with required setbacks if the primary entrance of the adjacent dwelling is on the side of the dwelling facing the fence. The 30-foot distance shall be measured along a line perpendicular to the side of the dwelling with the primary entrance. The owner of the adjacent dwelling may waive this limitation in writing.
(c) Open or closed fences more than 4 feet and no more than 10 feet in height	Accessory to commercial, industrial or agricultural use	Exempt from setback requirements. However, if the property adjacent to the fence is zoned RR, VC, or TR, the portion of the fence adjacent to the RR, VC, or TR district shall conform to required setbacks. The owner of the adjacent property(s) may waive this limitation in writing.
(d) Driveway entry features, limited to gates no more than 6 feet in height and supporting posts no more than 7 feet in height	Accessory to primary use	Exempt from setback requirements.

§ 190-119. Use of mobile homes and recreational vehicles.

- A. No mobile home structure or recreational vehicle shall be used as a principal permitted use or accessory use in any zoning district in Talbot County except where specifically allowed by the Table of Land Uses and in the MHD District.
- B. Mobile home units shall be placed on a permanent foundation, securely anchored and provided with skirting of a suitable material.
- C. No mobile home or recreational vehicle shall be parked overnight on any highway, road, street, public park or other public way or public landing except in an emergency.
- D. In all zoning districts it shall be permissible to store one recreational vehicle on a lot or parcel as an accessory use to the residential structure. Such vehicle may be parked on the lot or parcel for storage only and shall not be occupied nor lived in. Such vehicle shall be placed in the rear or side yards only, and shall be located at least eight feet from all property lines.
- E. Recreational vehicles may be used at special events pursuant to the temporary use provisions of §190-100. This use on any given site shall be limited to no more than 90 days within a calendar year and no more than 7 consecutive days.

§ 190-120. Sidewalks and streetlights

The applicant for a subdivision or site plan shall provide for installation of sidewalks and streetlights as required by this section.

- A. The decision to require sidewalks and streetlights shall be made by the Planning Director for minor subdivisions and minor site plans, or by the Planning Commission for major subdivisions and major site plans, with consideration of the County Engineer's recommendation.
- B. Sidewalks may be required for residential subdivisions with lot sizes averaging two acres or less, for commercial, industrial or institutional uses, or for other development where the approving authority finds that sidewalks will serve anticipated pedestrian traffic and provide for convenient and safe travel by pedestrians.
- C. Sidewalks shall be required for major retail development in accordance with the requirements for major retail uses in Article III.
- D. Streetlights may be required for residential subdivisions with lot sizes averaging two acres or less, for nonresidential development, and in any location where desirable to improve public safety.

§ 190-121. On-site circulation

Site plans for commercial, industrial and institutional uses shall incorporate safe and convenient on-site circulation, including:

- A. Sidewalks and walkways so that patrons and employees may walk from business to business or building to building within the site; and
- B. Vehicular and pedestrian connections to connect, wherever possible, walkways, travel lanes, and driveways with similar facilities in adjacent developments.

§ 190-122. Landscaping requirements for site plans

- A. All site plans shall include a landscaping plan to be approved by the approving authority.
- B. Landscaped areas
 - (1) Minimum landscaped area
 - (1) In the LC, GC and LI Districts, at least 25 percent of the site shown on a major site plan shall be landscaped area.
 - (2) Where a buffer yard is required for a specific zoning district, the buffer yard area may be included in the required landscaped area.
 - (3) If expansion of a use is proposed on a site that does not provide the minimum landscaped area, the required landscaped area shall be provided in proportion to the area of the site impacted by the expansion. The area

impacted by expansion includes the footprint of new or expanded buildings, parking areas, loading areas, driveways or infrastructure.

- (2) Design of landscaped areas
 - (1) Landscape buffering may be required along property lines to visually separate adjacent land uses and to lessen the potential negative impacts of noise, dust and odor.
 - (2) Ground cover in landscaped areas shall be of live plant material or decorative non-plant materials incorporated with live plant materials.
- (3) Landscaping in parking areas
 - (1) Landscaping within parking lots is required to lessen the visual impact of large expanses of paving and to contribute to efficient circulation of traffic.
 - (2) Parking areas shall have landscaped islands not less than eight feet in width dividing the parking lot into bays with a maximum of 10 spaces per bay.
 - (3) Deciduous shade trees with a crown at maturity of at least 50 feet shall be provided in surface parking areas with more than 10 spaces at a ratio of one tree for every 10 spaces.
 - (4) An unpaved planting area, protected by curbs or other devices, shall be provided for each tree at a ratio of at least 16 square feet per tree.
 - (5) Landscaped borders not less than ten feet in depth may be required at edges of parking lots. Existing natural vegetation, if adequate, can be applied towards this requirement.
 - (6) To the extent feasible, the landscaped areas within parking lots shall be used to provide stormwater management through the design and construction of rain gardens and similar bioretention areas.

C. Screening

- (1) Screening shall be provided in the LC, GC and LI Districts:
 - (1) Where a less intense zoning district adjoins a proposed development;
 - (2) Where surface parking areas adjoin a public right-of-way;
 - (3) To screen loading areas, dumpsters and outdoor storage areas from adjacent roads and properties; and,
 - (4) In other locations as required by the Planning Commission to separate incompatible land uses.
- (2) Screening shall comply with the following minimum standards:
 - (1) Screening shall be provided through planting strips at least ten feet wide, planted with shrubs or trees of a type and spaced at intervals which may be expected to form a year-round dense screen.

- (2) Screening shall be at least six feet high within three years of planting when screening a development from a less intense zoning district.
- (3) Screening shall be at least three feet high within three years of planting when screening a parking area from a public right-of-way.
- (4) Opaque, wooden or masonry fencing may be used to augment trees and shrubs, subject to approval of the Planning Commission.

D. Street trees

Street trees shall be provided for subdivisions or minor site plans where required by the Planning Commission or Planning Director, and for all major site plans, in accordance with the following:

- (1) Deciduous shade trees with a crown at maturity of at least 50 feet shall be provided along road rights-of-way at a ratio of one tree for every 50 feet of frontage. Such trees shall be located as close to the road as allowed by state and County road regulations.
- (2) An unpaved planting area, protected by curbs or other devices, shall be provided for each tree at a ratio of at least 16 square feet per tree.

E. Fencing

The approving authority may require adequate fencing around uses or structures which represent a safety hazard to the general public.

F. Installation and maintenance of landscaping, screening and fencing

- (1) Installation of required landscaping and maintenance through two growing seasons shall be guaranteed by a developer's agreement for the subdivision or development.
- (2) The owner, tenant, and their respective agents, if any, shall jointly and severally be responsible for the maintenance of required landscaping.
- (3) Required plantings shall be maintained in good growing condition and, when necessary, replaced with comparable new plant materials to ensure continued compliance with applicable regulations.
- (4) No plant material shall encroach on road rights-of-way so that sight distance is impeded.

G. Waivers

The requirements of this §190-122 may be the subject of a waiver application as provided in §190-186.

§ 190-123. Buffers – streams and non-tidal wetlands - Non-Critical Area

The following standards apply to all applications for development activity outside the Critical Area, including building permits, major and minor site plans and subdivision plans.

- A. A 100-foot buffer from all perennial streams and a fifty-foot buffer from intermittent streams shall be required for all development activity. The buffer shall be measured from the edge of the streambank.
- B. A buffer expansion shall be required, beyond the minimum 100-foot or 50-foot stream buffer, to include and extend beyond contiguous, sensitive areas, such as soils with slopes 15 percent or greater, hydric soils, or highly erodible soils, whose development or disturbance may impact streams, wetlands, or other aquatic environments.
 - (1) Where highly erodible soils or hydric soils are found to be contiguous with the stream buffer, the following criteria shall be used to determine the extent of the expanded buffer:
 - (1) Where it is demonstrated that no wetlands or other streams exist within 200 feet of the stream buffer, expansion is not required.
 - (2) Where it is demonstrated that wetlands or other streams exist within 200 feet of the stream buffer, and where the existing slope is between 5-10%, the buffer shall be expanded 50 feet beyond the edge of the standard stream buffer.
 - (3) Where it is demonstrated that wetlands or other streams exist within 200 feet of the stream buffer, and where the existing slope is between 10-15%, the buffer shall be expanded 100 feet beyond the edge of the standard stream buffer.
 - (2) The approving authority may reduce the extent of the expanded buffer for erodible soils or hydric soils when it is demonstrated that:
 - (1) Development and lot layout will minimize adverse impacts on water quality and natural habitats; and
 - (2) Impacted area for the development is minimized; and
 - (3) Disturbed area is mitigated 2:1 as shown on a planting plan approved by the Planning Office; and
 - (4) Clearing of natural vegetation on the property is restricted to less than 30% of the lot or parcel and a variance to exceed this restriction shall be prohibited in perpetuity through appropriate deed restrictions.
- C. A 25-foot buffer from nontidal wetlands shall be required for all development activity, measured from the edge of the wetland.
- D. Permanent or temporary stormwater management facilities shall not be permitted in the stream or wetland buffer unless no feasible alternative exists or the County Engineer finds that the facilities are consistent with Best Management Practices.
- E. Permanent or temporary sediment control devices shall not be permitted in the stream or wetland buffer unless no feasible alternative exists or the Soil Conservation District finds that the devices are consistent with Best Management Practices.
- F. Lots shall be designed to provide buildable area and useable yard area outside of required buffers.

- G. Existing structures located within the required stream buffer or wetland buffer as of June 22, 1991, may be altered, repaired, or expanded along the established setback from the edge of the stream or wetland, in accordance with the provisions of §190-169 for nonconforming structures. All new structures or improvements shall comply with the buffer requirements of this section.
- H. For lots existing prior to June 22, 1991, and having at least 50% of the lot area located within a required stream or wetland buffer, a waiver may be granted to allow structures within the buffer if the following standards are met:
 - (3) No practical or feasible alternative exists for locating such structures outside the buffer; and
 - (4) The disturbances proposed are the minimum necessary.
- I. The following uses or activities shall be permitted within the stream or wetland buffer:
 - (1) Agricultural practices, consistent with an approved soil conservation and water quality plan and/or nutrient management plan;
 - (2) Forestry or timber harvesting, subject to an approved Forest Management Plan;
 - (3) Practices or activities to maintain the health of individual trees; and,
 - (4) Water dependent facilities.
- J. The following additional uses or activities shall be permitted within the stream or wetland buffer, provided that no practical or feasible alternative exists for locating such improvements outside the buffer, and the disturbances proposed are the minimum necessary for such facilities:
 - (1) Transportation facilities (e.g., road crossings),
 - (2) Utility transmission lines,
 - (3) Sewer and water lines for community or public facilities, and
 - (4) Other public or community facilities.

§ 190-124. Threatened and endangered species habitat - Non-Critical Area

The following standards apply to major site plans and to all subdivision plans outside the Critical Area.

- A. A Habitat Protection Plan shall be required for major site plans and all subdivision plans if the plan:
 - (1) Is in a location identified by the Maryland Department of Natural Resources as habitat of threatened and endangered species; or
 - (2) Proposes development activities that will impact a nontidal wetland or the 25-foot nontidal wetland buffer.
- B. A Habitat Protection Plan will prohibit development activities and disturbances that would disrupt the nesting, breeding, stopover, and/or feeding activities of the threatened or endangered wildlife or plant species on the site.

- C. The plan shall be forwarded by the applicant to the Department of Natural Resources for review. The subdivision or site plan shall not be approved until comments are received from the Department of Natural Resources.
- D. The Planning Director shall review the comments of the Department of Natural Resources and require any recommended changes to the Habitat Protection Plan.
- E. The Planning Director or Planning Commission in approving the development application shall determine which recommended protection measures shall be made a condition of approval. Such measures may include, but shall not be limited to:
 - (1) Restrictions on location of structures;
 - (2) Establishment of undisturbed open space areas;
 - (3) Restrictive covenants; or
 - (4) Restrictions on noise levels and timing of construction activities.

§ 190-125. Noise standards

A. Method of measurement

- (1) Noise shall be measured with a sound-level meter meeting the most recently published standards of the American National Standards Institute (ANSI S1.4) "American Standards Specification for General Purpose Sound Level Meters." The instrument shall be set to the A-weighted response scale and the meter to the slow response.
- (2) Measurements shall be conducted in accord with ANSI S1.2, "American Standard Method for the Physical Measurements of Sound."
- (3) Measurements may be made at any point along a district boundary or lot line.

B. Exemptions

Noises of vehicles, starting of commercial boats, home appliances, and chainsaws in private use, occasionally used safety signals, warning signals, emergency pressure relief valves, agricultural operations, temporary construction operations, and hunting activities licensed by Maryland law shall be exempt from the requirements of this section.

C. Noise levels

- (1) Noise shall not exceed the following sound levels beyond the site boundary line.

Zoning District	Maximum Permitted Sound Level
AC, CP, WRC, RC, RR, TR, TC, VC	55 dba
LC, GC and LI	65 dba

- (2) In the LC, GC or LI Districts on lots abutting an AC, CP, WRC, RC, RR, TR TC or VC District the 55-dba standard shall apply.
- (3) The levels prescribed above for the LC, GC and LI Districts may be exceeded by 10 dba for a single period, not to exceed 15 minutes in any one day.

- (4) For the purposes of this section, impact noises are those noises whose peak values are more than six dba higher than the values indicated on the sound-level meter, and are of short duration, such as the noise of a forging hammer or punch press. For impact noises, the values prescribed in Subsection C, increased by 10 dba, shall govern in the LC, GC and LI districts.

§ 190-126. Outdoor lighting

- A. Outdoor lighting shall be installed so that direct or indirect illumination from the source does not cause excessive illumination beyond any lot line and does not cause a nuisance to surrounding properties due to glare.
- B. Flickering and intrinsically bright sources of illumination shall be controlled by shielding or aiming the light source away from roads and neighboring properties
- C. Outdoor lighting for nonresidential uses shall be shielded and directed away from adjacent properties, public rights-of-way and the night sky.
- D. Outdoor lighting fixtures for parking areas shall not exceed 20 feet in height.
- E. Lighting installed on piers, docks or wharves shall be shielded in such a way that the bulbs, lenses or light globes are not directly visible more than 75 feet away from the pier, dock or wharf at a height greater than six feet above pier decking.

§ 190-127. Subdivision design

- A. Plan to include all of parcel

A subdivision plan shall include all of the area within the parcel or lot being subdivided. Land being subdivided shall be designated as lots, rights-of-way, open space, agricultural parcels or remaining lands. Undesignated remnants of land shall not be created.

- B. Non-contiguous parcels

If a parcel is divided into two or more non-contiguous sections by a public road or a major watercourse, each section shall be considered a separate parcel for purposes of subdivision design and calculation of the number of development rights allowed under this chapter.

- C. General standards

- (1) Subdivision design shall be consistent with the purposes of this chapter, the purposes and design guidelines of the zoning district, and the policies of the Comprehensive Plan.
- (2) Subdivision design shall be based on comprehensive analysis of the site and consideration of the character of the surrounding land.
- (3) Lots shall be located to minimize the need for grading and altering topography and to avoid areas of environmental sensitivity.
- (4) The following resources shall be preserved to the extent possible, consistent with rational utilization of land and in accordance with applicable local, state and federal regulations.

- (1) Nontidal wetlands.
 - (2) Perennial and intermittent streams.
 - (3) One-hundred-year floodplains.
 - (4) Habitats of threatened and endangered species.
 - (5) Forests, woodlands and significant trees.
 - (6) Slopes in excess of 15% grade.
 - (7) Historically significant structures and sites as determined by available inventories.
- (5) To the maximum extent practical, and provided that the subdivision complies with standards for preservation of environmentally sensitive areas, the subdivision shall conserve agricultural lands through the following means:
- (1) Residential lots and associated subdivision roads should not dissect or break up contiguous agricultural fields.
 - (2) Where practical, residential lots should be clustered on the edges of fields and along woodland fringes.
 - (3) Adequate buffering or separation should be maintained or established between residential lots and working agricultural fields and operations in order to minimize conflicts between these often incompatible land uses.
- (6) The subdivision shall be designed to mitigate adverse effects of noise, dust, odor, traffic, drainage and utilities on neighboring properties.

D. Lot design

- (1) The area dedicated to a public or private road right-of-way shall not be included within the area of adjoining lots for purposes of compliance with lot size, width or setback requirements.
- (2) Where future subdivision is possible, the Planning Director or Planning Commission may require that lots be arranged to allow further subdivision.
- (3) In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan.
- (4) Dimensions of corner lots shall be large enough to allow for erection of buildings while observing the minimum front yard setback from both streets.
- (5) Depth and width of properties intended for business, commercial or industrial purposes shall be adequate to provide for off-street parking and loading facilities required for the type of use and development contemplated.

E. Pipe stem lots

Pipestem or flag lots may be permitted in residential districts, subject to the following requirements:

- (1) The minimum lot area shall not include the area of the pipestem.

- (2) The pipestem area of the lot shall be at least 25 feet wide.
- (3) No more than two pipestem lots shall have adjacent frontage on a road.
- (4) Lots with adjacent pipestem frontages shall share a single driveway entrance to the road. Access and maintenance easements for the shared access shall be recorded and referenced on the final plat.
- (5) Orientation and setbacks
 - (1) The front setback shall not apply to the pipestem area.
 - (2) For subdivisions with more than one pipestem lot, the lot layout shall pair pipestem lots whenever possible, so that the units share a driveway access and face each other across a common driveway.
- (6) New subdivisions and/or development activities whose development or dwelling units are located outside of the Critical Area shall not include a flag or pipestem connection through the Critical Area so as to create riparian access.

F. Private water bodies and watercourses.

If a tract being subdivided contains a private water body, such as a lake, pond or stream, or portion thereof:

- (1) Lot lines shall be drawn to assign ownership of the entire water body to an adjacent lot or to distribute ownership among the adjacent lots.
- (2) If ownership is distributed among the adjacent lots, covenants establishing responsibility for maintenance of the water body shall be required for all lots sharing ownership. The covenants shall be approved by the Planning Director and shall ensure that responsibility for safe maintenance of the water body will not become a County responsibility.
- (3) No more than 25% of the minimum required lot area shall be satisfied by land which is under water.

G. Drainage and utility easements

- (1) Lots shall be laid out to provide drainage away from buildings. Individual lot drainage shall be coordinated with the surface run-off pattern for the area to avoid drainage onto adjacent lots.
- (2) Drainage and utility easements as deemed necessary by the County Engineer shall be provided along lot lines and road frontages for the purpose of installing and maintaining utilities and drainageways.
- (3) The County Engineer may also require drainage easements on private property that connect to and impact drainageways along County roads.
- (4) Drainage and utility easements shall be noted on the plat and shall be at least 15 feet wide along a boundary contiguous to a road right-of-way, at least 15 feet wide if centered along a new line of division, at least 10 feet wide along an existing lot line, or as required by the County Engineer.

§ 190-128. Off-street parking

A. Application

- (1) Off-street parking and loading spaces shall be provided in accordance with this section for:
 - (1) New buildings or uses;
 - (2) Additions to or enlargement of existing buildings or uses; and
 - (3) Changes in the use of a building or site.
- (2) Requirements of this §190-128 may be the subject of a waiver application as provided in §190-186.

B. Determination of required off-street parking

- (1) Off-street parking spaces shall be provided in accordance with the chart in Subsection C below. For land uses not specifically covered by this section, the Planning Director shall determine the required parking using this section as a guide.
- (2) The required off-street parking area shall be provided in addition to areas used for:
 - (1) Parking of vehicles owned or used in a business,
 - (2) Display or storage of vehicles for sale or rent, or
 - (3) Vehicles being stored while awaiting repair.
- (3) Due to the particular circumstances of a given development, application of the parking standards may result in a development with inadequate parking area or parking area in excess of its needs. Therefore, a waiver to the number of parking spaces required by this section may be approved or required as follows:
 - (1) To reduce the required parking for a minor site plan, administrative site plan, building permit or use certificate, approval by the Planning Director is required. For major site plans, Planning Commission approval is required.
 - (2) An applicant proposing to reduce the parking standard for a particular use shall submit a justification which shall include:
 - (a) Estimated parking needs for the use,
 - (b) Explanation of the basis of the estimate, and
 - (c) Data used in calculating the estimate, such as parking generation studies or the applicant's previous experience with similar uses.
- (4) The parking requirements section of a site plan shall include the statement: "Should approved parking become inadequate, additional parking may be required by the Planning Director at a later date."
- (5) Corridors, malls, entranceways, restrooms, office space occupying up to 10% of a non-office structure, employee lounges, or similar areas in single-use structures shall be included in the gross floor area used to calculate parking for the primary use
- (6) For structures or sites containing multiple primary uses, parking requirements for each use shall be applied. The Planning Commission may approve a reduced parking

requirement based on the expected peak parking demand if the applicant demonstrates that the periods of peak parking demand associated with each activity inherently occur at different times. Examples of uses with different times for peak parking demand include offices (day use) and hotels (evening use) or offices (weekday use) and churches (weekend use).

- (7) Employee parking shall be calculated based on the number of employees on the largest shift.

C. Minimum parking requirements for specific uses

In Table V-3, GFA refers to gross floor area. If a fractional number results from application of these requirements, one parking space is required for a fraction of 1/2 or more, and no parking space is required for a fraction less than 1/2.

Table V-3. Off-Street Parking

Land Use	Parking Standard
Agricultural processing	1 space per 500 GFA
Agricultural production	No parking required
Agricultural research facilities (commercial)	1 space per 400 sq. ft. of GFA
Airports	1 space per 200 sq. ft. of GFA
Animal hospital, veterinary clinic and associated boarding of animals	1 space per 200 sq. ft. of GFA
Antenna tower for radio and television transmissions and other non-essential radio communications, including associated broadcasting studios	For broadcasting studios, 1 space per 500 sq. ft. of GFA
Aquaculture (retail)	1 space per employee plus one space per 200 sq. ft. of retail sales area
Aquaculture (wholesale)	1 space per 500 square feet GFA
Automobile, truck and recreational vehicle service, repair, washing, and fuel sales:	
Service and repair	3 spaces per service bay
Car washing	1 space per employee plus 3 spaces per bay
Fuel sales	1 space per employee plus 1 space per pumping nozzle
Bed-and-breakfast	1 space per guest bedroom in addition to the required spaces for the dwelling
Boat and marine equipment sales and assembly	1 space per 500 sq. ft. of GFA plus 1 space per 1,000 sq. ft. of outdoor display area

Land Use	Parking Standard
Building supply and lumber yards with outside storage	1 space per 300 sq. ft. of GFA
Cemeteries and mausoleums/columbarium, non-church-related, for humans and animals and family cemeteries	No parking required
Churches	1 space per 4 individual seats, or 8 linear feet of bench seating, or 30 sq. ft. of principal auditorium whichever is greater
Community and cultural facilities	1 space per 400 sq. ft. of GFA
Compounding industries (permanent)	1 space per employee
Conservation areas (public or private)	No parking required
Contracting and maintenance	1 space per 400 sq. ft. of GFA
Cottage industry	Apply requirement of most similar use in this table in addition to parking required for residential use
Day-care center, group, small group, or family	1 space per employee plus 1 space per 8 clients or fraction thereof, minimum of 2 spaces
Dwelling, accessory apartment	1 space per accessory apartment
Dwelling: agricultural employee dwelling, employee dwelling, guest house or mobile home accessory to agricultural use	2 spaces per dwelling unit
Dwelling, rehabilitation	1 space per employee plus 1 space per each 4 residents or fraction thereof, minimum of 2 spaces
Dwelling, single-family or multi-family	2 spaces per dwelling unit
Educational institutions, public or private, boarding and non-boarding	
Elementary and intermediate school	2 spaces per each 25 students allowed under maximum design capacity of the facility
High school	6 spaces per each 25 students allowed under maximum design capacity of the facility
College, vocational or other schools for adults	12 spaces per each 25 students allowed under maximum design capacity of the facility
Emergency services	1 space per 200 sq. ft. of GFA
Farm equipment service and repairs	1 space per 500 sq. ft. of GFA
Farm machinery and supplies sales	1 space per 300 sq. ft. of GFA
Farm market	1 space per 200 square feet of display and sales area
Fish and game hatcheries	1 space per 400 sq. ft. of GFA
Fisheries activities facilities	1 space per 400 sq. ft. of GFA of processing and wholesale sales area plus 1 space per 200 sq. ft. GFA of retail sales area
Flammable liquid storage, wholesale distribution,	1 space per employee or 1 space per 500 sq. ft. of GFA,

Land Use	Parking Standard
and resale	whichever is greater
Food packing and processing	1 space per 500 sq. ft. of GFA
Funeral home and crematorium	1 space per 100 sq. ft. of GFA
Golf courses and country clubs (public or private)	3 spaces per hole plus spaces required for restaurant, lounge or other commercial facilities
Grain processing, drying and storage (wholesale commercial)	2 spaces per employee
Greenhouse and plant nursery (retail)	1 space per 200 sq. ft. of GFA
Greenhouse and plant nursery (wholesale)	1 space per 400 sq. ft. of GFA
Group homes, large or small	1 space per employee plus 1 space for each 4 residents or fraction thereof, minimum of 2 spaces
Home occupation	Apply requirement of most similar use in this table in addition to parking required for residential use
Hospital	3 spaces per bed or 1 space per each 150 sq. ft. of GFA, whichever is greater
Hotel/motel	1 space per guest room (in a suite each bedroom shall constitute a guest room) plus 1 space per each 3 employees plus 1 space per 500 sq. ft. of accessory commercial space
Inn	1 space per guest room (in a suite each bedroom shall constitute a guest room) plus 1 space per 3 employees plus 1 space per 500 sq. ft. accessory commercial space
Kennel (commercial)	1 space per 200 sq. ft. of GFA
Laboratories for scientific research and experimentation	1 space per 500 sq. ft. of GFA
Livestock auction house	1 space per 1.5 patrons based on estimated maximum capacity, plus 1 space per employee
Manufacturing operations	1 space per employee or one space per 500 sq. ft. GFA, whichever is greater
Marine equipment service and repairs	1 space per 500 sq. ft. of GFA
Meeting halls and facilities for clubs, lodges and fraternal societies	1 space per 300 sq. ft. of GFA
Mineral extraction	1 space per employee
Monuments and memorial stones, production and sales	1 space per 200 sq. ft. of GFA
Nursing homes and assisted living facilities	1 space per 2 beds
Off-road outdoor recreation (public or private)	As determined by special exception approval
Office uses	1 space per 300 sq. ft. of GFA
Parks and playgrounds (public or private)	1 space per 10,000 sq. ft. of play field or other active recreation area, plus 1 space per acre of passive recreation area

Land Use	Parking Standard
Piers and marinas, commercial	1 space per 2 boat slips, plus 1 space per 400 sq. ft. of GFA
Piers and related boat facilities, community	1 space per 2 boat slips
Piers, wharfs, and docks, private	No parking required
Post offices	1 space per 300 sq. ft. of GFA
Poultry and hog houses, dairy barns, livestock feeding lots and agricultural lagoons	No parking required
Produce stands	1 space per 120 square feet of display and sales area
Pump stations for gas and oil pipelines	1 space
Recreation activities, general outdoor commercial:	
Ball courts or fields	1 space per 1.5 persons that the courts or fields were designed to accommodate
Miniature golf	2 spaces per hole
Driving or batting ranges	1 space per 10 linear feet of driving/batting line
Swimming pools	1 space per each 4 persons allowed by maximum design capacity
Recreation facilities, indoor (commercial or noncommercial):	
Ball courts	1 space per 1.5 persons that the courts or fields were designed to accommodate
Billiard/pool halls	2 spaces per table
Bowling alleys	5 spaces per alley
Health clubs	1 space per exercise station, 4 spaces per sauna or similar facility, 4 spaces per 1,000 sq. ft. of other activity area, unless otherwise specified in this section
Skating rinks	1 space per 50 sq. ft. of rink area
Swimming pools	1 space per each 4 persons allowed by maximum design capacity
Theaters and sports arenas	1 space per 3 seats or 1 space per 30 sq. ft. of floor for seating or 1 space per 6 linear feet of bench area whichever is greater
Recycling collection center	2 spaces per collection bin
Recycling, product (masonry and land clearing)	1 space per employee
Recycling processing center	1 space per employee or 1 space per 500 sq. ft. of GFA, whichever is greater
Restaurant with drive-through facilities	1 space per 75 sq. ft. of GFA plus 5 waiting spaces per drive-through window
Restaurants, bars and night clubs	1 space per 100 sq. ft. of GFA
Retail, general or major	1 space per 200 sq. ft. of GFA

Land Use	Parking Standard
Retail, incidental	1 space per 200 sq. ft. of GFA
Sawmills	1 space per employee
Scrap metal processing	1 space per employee or 1 space per 500 sq. ft. of GFA, whichever is greater.
Services, general	1 space per 300 sq. ft. of GFA
Services, professional:	
Medical services including chiropractic medicine, clinics (medical or veterinary), dentistry, medicine, veterinary medicine	1 space per 150 sq. ft. of GFA
Other professional services	1 space per 300 sq. ft. of GFA
Shooting range, indoor	2 spaces per shooting alley plus 1 space per employee
Stables, riding, trails and horse boarding (commercial)	1 space per 4 stalls plus 1 space per 2,000 sq. ft. of riding arena area(s)
Studios for instruction in art, music, dance, drama, crafts or physical education	1 space per employee plus 1 space per 300 sq. ft. GFA
Trucking terminals, storage yards and warehouses	1 space per 5,000 sq. ft. of freight storage area
Utility structures and services	No parking required
Vehicle and boat parking and storage (commercial)	1 space per 5,000 sq. ft. of storage area
Vehicle sales, including sale of automobiles, trucks and recreational vehicles	1 space per 400 sq. ft. GFA
Warehouse, self storage	1 space per 2,000 sq. ft. GFA.
Water treatment and storage facilities	1 space

D. Off-street parking areas shall include accessible parking spaces in accordance with ADA (the Americans with Disabilities Act) Standards for Accessible Design.

E. Design standards for off-street parking

- (1) The vehicle accommodation area shall be entirely within lot lines and shall not encroach on any road or other public right-of-way. No parked vehicle shall overhang a road or public right-of-way.
- (2) Except for parking facilities serving single-family residences and parking facilities accommodating three or fewer vehicles, off-street parking areas shall be designed so that it will not be necessary for vehicles to back into any road or public right-of-way.
- (3) Off-street parking spaces shall not be located in required bufferyard, landscaped areas or sewage disposal areas.
- (4) Vehicle accommodation areas shall be designed to provide access for sanitation, emergency, and other public service vehicles without backing unreasonable distances or making other hazardous turning movements.

- (5) Driveways and parking aisles shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

F. Design standards for facilities for five or more vehicles

Off-street parking and loading facilities required by this section for five or more vehicles shall be constructed and maintained in accord with the following standards.

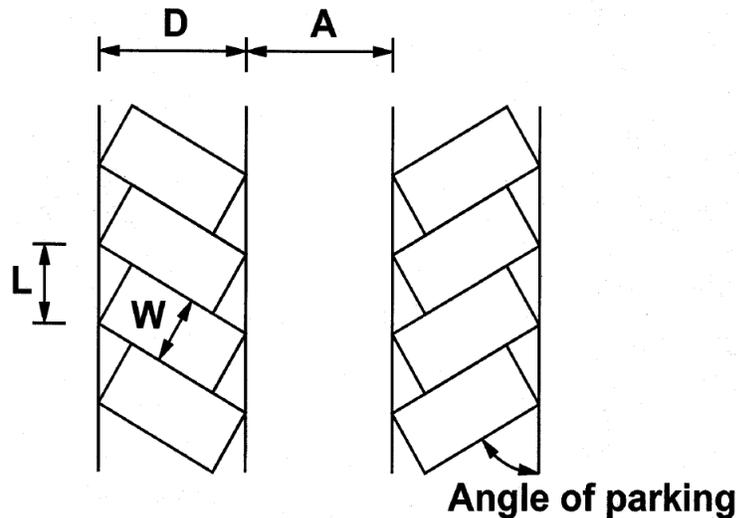
- (1) The minimum dimensions of paved, off-street parking facilities shall be as prescribed in the off-street parking dimension requirements below, except that:
 - (1) A parking space within a garage or carport shall not be less than 20 feet in length and 10 feet in width.
 - (2) Dimensions for unpaved parking facilities shall be increased by 10%.
- (2) Minimum driveway width in commercial or industrial districts:
 - (1) Posted one-way driveway: 15 feet for access from a state or federal highway; 10 feet for access from other roads.
 - (2) Two-way driveways: 20 feet.
 - (3) The driveway shall maintain the required width for a distance of not less than 50 feet back from the road right-of-way.
- (3) Each required parking space shall have access from an aisle or driveway connecting with a road without moving another vehicle.
- (4) Requirements for nonresidential vehicle accommodation areas:
 - (1) The surface shall be compacted and surfaced in conformity with County specifications to provide a durable surface;
 - (2) The area shall be graded and drained to dispose of surface water without damage to property or roads;
 - (3) The area shall conform to additional standards for drainage in Chapter 164, Stormwater Management, of the Code;
 - (4) The area shall be appropriately demarcated with painted lines or other markings; and,
 - (5) Intermittent, temporary or low intensity uses may use grass, gravel, pavers or similar surfaces with approval from the approving authority.
- (5) Vehicle accommodation areas shall be properly maintained, including but not limited to maintaining the surface in good condition (free from potholes, etc.), and keeping lines or markings clearly visible and distinct.
- (6) Off-street parking dimension requirements:

Table V-4. Parking Dimensions

See Figure V-1 below for illustration of width, length, depth and aisle width.

Type of Surface	Angle of Parking	W Stall Width	L Curb Length per Car	D Stall Depth	A Minimum Aisle Width
Paved surface	0 degrees	9 feet	23 feet	9 feet	12 feet *
Unpaved surface	0 degrees	10 feet	23 feet	10 feet	12 feet *
Paved surface	30 degrees	9 feet	18 feet	17 feet 4 inches	11 feet *
Unpaved surface	30 degrees	10 feet	20 feet	18 feet 3 inches	11 feet *
Paved surface	45 degrees	9 feet	12 feet 9 inches	19 feet 10 inches	13 feet *
Unpaved surface	45 degrees	10 feet	14 feet 2 inches	20 feet 6 inches	13 feet *
Paved surface	60 degrees	9 feet	10 feet 5 inches	21 feet	18 feet *
Unpaved surface	60 degrees	10 feet	11 feet 6 inches	21 feet 6 inches	18 feet *
Paved surface	90 degrees	9 feet	9 feet	19 feet	24 feet
Unpaved surface	90 degrees	10 feet	10 feet	19 feet	24 feet

Figure V-1.



G. Bicycle parking

Sites developed for commercial, industrial or institutional use shall provide bicycle parking facilities at a location convenient to the main building entrances and with safe and convenient pedestrian access to building entrances.

H. Loading areas

- (1) All site plans shall include off-street loading areas of sufficient size to accommodate the numbers and types of vehicles likely to use this area for delivery or shipment operations.

- (2) The following indicates the minimum number and size of off-street loading spaces required. The approving authority for the site plan may require more or less loading and unloading area if reasonably necessary to satisfy this requirement.
 - (1) Structures or parts thereof having a gross floor area of 10,000 square feet or more shall have at least one loading space.
 - (2) One additional space shall be provided for each additional 20,000 square feet of gross floor area or major fraction thereof.
 - (3) Each loading space shall be at least 12 feet wide, 45 feet long, and if enclosed or covered, 14 feet high.
- (3) Loading areas and access ways shall have adequate space to allow off-street turning and maneuvering as well as safe and convenient movement to and from a road. Access ways at least 10 feet and no more than 20 feet in width shall connect loading spaces to a road. Such access ways may coincide with driveways or aisles to parking facilities.
- (4) Loading areas shall not be used to satisfy off-street parking requirements, nor shall off-street parking areas be used to satisfy loading area requirements.
- (5) Loading areas shall be located on the same lot as the use served.
- (6) Loading areas shall be:
 - (1) Located to the side or rear of buildings; and,
 - (2) Screened from road rights-of-way and residential properties.

§ 190-129. Other requirements

In addition to the requirements established in this chapter, development activity shall comply with applicable local, state and federal plans and regulations, including but not limited to the following:

- A. Roads and Bridges (Chapter 134), Floodplain Management (Chapter 70), Stormwater Management (Chapter 164), Building Construction (Chapter 28), and other applicable laws of the County.
- B. Sediment and erosion control. The applicant shall construct sediment and erosion control structures and facilities as required by the Talbot County Soil Conservation District.
- C. Water and sewerage systems. The applicant shall construct water supply and sewage collection or disposal facilities as required by the state health regulations and/or the County Engineer.
- D. The County Comprehensive Plan, Comprehensive Water and Sewer Plan, and Capital program as adopted.
- E. State and federal regulations relating to the development of land.