

COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND

2014 Legislative Session, Legislative Day No. : January 28, 2014

Bill No.: 1259 *AS AMENDED*

Expiration Date: April 3, 2014

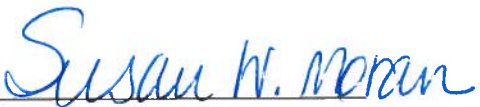
Introduced by: Mr. Hollis, Mr. Pack, Ms. Price

A BILL TO AMEND CHAPTER 190 OF THE *TALBOT COUNTY CODE* TO ALLOW COTTAGE INDUSTRY AS AN ACCESSORY, SECONDARY USE TO A RESIDENTIAL USE IN THE AC, CP, WRC, RC, TC, VC1, VC2, VC ZONING DISTRICTS AND TO REQUIRE MAJOR SITE PLAN APPROVAL AND BIENNIAL USE CERTIFICATES

By the Council: January 28, 2014

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, February 25, 2014 at 6:30 p.m. at the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By Order


Susan W. Moran, Secretary

A BILL TO AMEND CHAPTER 190 OF THE *TALBOT COUNTY CODE* TO ALLOW COTTAGE INDUSTRY AS AN ACCESSORY, SECONDARY USE TO A RESIDENTIAL USE IN THE AC, CP, WRC, RC TC, VC1, VC2, VC ZONING DISTRICTS AND TO REQUIRE MAJOR SITE PLAN APPROVAL AND BIENNIAL USE CERTIFICATES.

SECTION ONE: BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that Chapter 190 of the *Talbot County Code*, be amended as follows:

* * *

§190-39. *Cottage Industry*

See also Home Occupation

A. Uses appropriate as cottage industries

The following list indicates uses that would be appropriate as cottage industries.

- (1) Craftsman (cabinetmaker, furniture maker, saddler, etc.);
- (2) Excavation and landscaping contractors;
- (3) ***

B. Standards for cottage industries

- (1) Minimum lot size: five-acres.
- (2) The cottage industry shall not occupy more than 3,000 square feet in a single accessory structure or in a combination of accessory structures.
- (3) No more than one cottage industry per residence or lot is permitted. The use shall be incidental and secondary to the use of the residential dwelling.
- (4) Major site plan approval is required. See Article IX.
- (5) A use certificate is required for continued operation of all cottage industries. Cottage Industry use certificates shall be renewed every two years. The County shall conduct a site inspection to ensure compliance with the terms and conditions of the original approval, including any amendments, as a condition of renewal.
- (6) The property used for the cottage industry shall contain the primary residence of the proprietor.
- (7) If the proprietor is not the property owner, evidence of permission of the property owner to use the property for the cottage industry must be provided to the Planning Director.

- (8) Setbacks:
 - (a) From neighboring property lines: 150-feet
 - (b) From neighboring residences: 200-feet
 - (c) From tidally influenced waters: 100-feet for work, storage, and vehicle parking areas.
- (9) All outdoor storage associated with the cottage industry, equipment, and work areas shall be screened from adjacent properties and public ways. Equipment does not include properly licensed and tagged vehicles.
- (10) Any change, enlargement or alteration of a cottage industry use, or of the structure and facility occupied by the use, shall require site plan approval.
- (11) New accessory structures for cottage industries:
 - (a) Proprietors who desire to construct a new accessory structure for a cottage industry must own and reside on the property.
 - (b) Proprietors of a cottage industry operated on land owned by an immediate family member may be allowed to construct a new accessory structure.
 - (c) Proprietors who rent their primary residence on property that contains the cottage industry must operate the cottage industry using existing accessory structures only.
 - (d) New accessory structures shall be limited to a roof ridge height of not greater than 25 feet.
- (12) No more than five nonresident employees shall report to a cottage industry site.
- (13) In the VC district employees shall not report prior to 7:00 a.m. or leave after 9:00 p.m.
- (14) No use shall require internal or external construction features or the use of electrical, mechanical, or other equipment that would change the fire rating of the structure or in any way increase the fire danger to neighboring structures or residences.
- (15) Sale of any manufactured item related to a cottage industry shall occur off premises.
- (16) Cottage industries on lots less than five acres and approved prior to adoption of this chapter:
 - (a) All work associated with the cottage industry must be carried out in an accessory structure.
 - (b) All materials and equipment associated with the cottage industry shall be stored inside the accessory structure.

§ 190-182. Variances.

A. Authority.

- (1) The Board of Appeals or the Planning Director may authorize a variation or modification from the bulk requirements or numerical parking standards of this chapter subject to the standards given in this section.
- (2) The Planning Director shall make decisions on minor variances and administrative variance as described in this section. All other variances shall be heard and decided by the Board of Appeals.
- (3) A variance may not be granted to the following:
 - (a) Density, minimum lot width requirements and, except for cottage industries, minimum lot size.
 - (b) Provisions other than bulk requirements or numerical parking standards, such as number of employees and time of operation.
 - (c) Regulations or conditions under which a special exception may be or has been granted by the Board of Appeals.

* * *

§ 190-183. Use certificates.

C. Procedures.

- (3) The Planning Director shall issue the certificate if:
 - (a) The proposed use complies with all requirements of this chapter.
 - (b) The proposed use complies with Health Department requirements.
 - (c) The proposal does not require changes to site improvements such as structures, parking, access and buffering, and does not require site plan review in accordance with § 190-184. If a site plan is required, the site plan process shall be followed instead of the use certificate process for the initial approval.
 - (d) The proposed use received site plan approval and is required to obtain a use certificate for initiation and continuation of use.

D. Revocation. The Planning Director may revoke a use certificate if requirements of this chapter or conditions of approval are violated.

§ 190-184. Site plans.

C. Development not requiring site plan approval. Unless specified in Article III, Land Uses, a site plan shall not be required for the following:

§ 190-208. *Terms Defined.*

* * *

BULK REQUIREMENTS – Numerical regulations that govern the size or dimension of lots and the location or dimensions of uses or structures within a certain zoning district or for a certain land use. Bulk requirements include setback, height, area, lot coverage, lot width requirements, and, for cottage industries only, minimum lot size. Density requirements and regulations for specific land uses requiring a special exception are not bulk requirements.

* * *

ZONING, SUBDIVISION, AND LAND DEVELOPMENT

Land Use	Agricultural Conservation	Countryside Preservation	Western Rural Conservation	Rural Conservation	Rural Residential	Town Conservation	Town Residential	VC 1	VC 2	Village Center	Limited Commercial	General Commercial	Limited Industrial
Community and cultural facilities Includes public and quasi-public buildings and structures for recreation, conservation, cultural, museum, library and public service uses. See regulations for specific land uses in this article.	S	S	S	S	S	S	S	S	S	P	P	P	S
Compounding industries (permanent) Includes concrete and asphalt plants. See regulations for specific land uses in this Article. See temporary uses for temporary compounding of paving material.													S
Conservation areas (public or private) Includes arboretums, bird sanctuaries, demonstration forests, hunting preserves, reforestation areas, wildlife reservations and regulated hunting areas.	P	P	P	P	P	P	P	S	S	P	P	P	P
Contracting and maintenance Includes air conditioning, building, electrical, excavation, floor covering, glass repair, heating, landscaping, plumbing and tree trimming. See regulations for specific land uses in this article.											P	P	P
Cottage Industry See regulations for specific land uses in this article.	A	A	A	A		A		A	A	A			
Day-care center, group	S	S	S		S	S	S			S	P	P	P

SECTION TWO: BE IT FURTHER ENACTED, that the title and a summary of this Bill shall be published once on the first publication date after enactment of the Bill in accordance with County Charter § 213 (c). The title is not a substantive part of this Bill. If the Bill is amended, the title may be administratively revised if required to conform the title to the content of the Bill as finally enacted.

SECTION THREE: AND BE IT FURTHER ENACTED, that if any provision of this Bill or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of the Bill which can be given effect without the invalid provision or application, and for this purpose the provisions of this Bill are declared severable.

SECTION FOUR: AND BE IT FURTHER ENACTED, that the Publishers of the *Talbot County Code* or the Talbot County Office of Law, in consultation with and subject to the approval of the County Manager, may make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any internal or external reference or citation included in this Bill, as finally adopted, that are incorrect or obsolete, with no further action required by the County Council. All such corrections shall be adequately referenced and described in an editor's note following the section affected.

SECTION FIVE: AND BE IT FURTHER ENACTED, that this ordinance shall take effect sixty (60) days from the date of its passage.

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PUBLIC HEARING

Having been posted and Notice of time, date, and place of hearing, and Title of Bill No. 1259 having been published, a public hearing was held on Tuesday, February 25, 2014 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

BY THE COUNCIL

Read the third time.

ENACTED: **March 25, 2014 AS AMENDED**

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

Pack - Aye
Hollis - Aye
Bartlett - Aye
Price - Aye
Duncan - Aye

EFFECTIVE DATE: **May 24, 2014**