

1 **Draft Talbot County Code Revisions 4/21/06**

2
3 **Proposed Revisions to Zoning Regulations**

4 **Chapter 190 ZONING**

5 **ARTICLE I, General Provisions**

6 *§ 190-8. Relationship to Comprehensive Plan.*

7 It is the intention of the County Council that this chapter implement the policies and
8 recommendations adopted by the Council for the County, as reflected in the ~~1990~~ most
9 recently adopted Comprehensive Plan, ~~1989~~ the Chesapeake Bay Critical Area Plan, and
10 other planning documents. The Planning Commission and Planning Officer shall take into
11 consideration the goals and policies of the Comprehensive Plan and Critical Area Plan in
12 their review process in making land use decisions.

13 *§ 190-9. Territory not districted.*

14 In the event that any territory has not been specifically included within a zoning district or in
15 the event that territory which is contained within the zoning jurisdiction of the incorporated
16 towns becomes a part of the zoning jurisdiction of the County, such territory shall
17 automatically be classified in the RC Zoning District in the Critical Area and the ~~RAC~~
18 Agricultural Conservation Zoning District for all other areas of the County.

19 **ARTICLE II, Definitions and Word Usage**

20 *§ 190-14. Terms defined.*

21 As used in this chapter, the following terms shall have the meanings indicated:

22 PARCEL, RECEIVING – A parcel to which development rights are transferred, thus
23 permitting the parcel to be developed at a residential density higher than the base density for
24 the district, in accordance with the provisions of this chapter for transfer of development
25 rights.

Comment [JLH1]: Definitions of a receiving parcel and a sending parcel are proposed in association with clarification and expansion of the TDR regulations.

26 PARCEL, SENDING – A parcel from which some or all of the allowed residential density is
27 removed and transferred to a receiving parcel, in accordance with the provisions of this
28 chapter for transfer of development rights.

29 RECEIVING PARCEL – See definition of Parcel, Receiving.

30 RESERVATION OF DEVELOPMENT RIGHTS – A grant of rights by a property owner to

1 Talbot County, in the form of an agreement recorded in the County land records, restricting
2 development on an area of land delineated on a subdivision plat.

Comment [CRG2]: The County applies two different types of reservation of development rights agreements. The type required by the Zoning Regulations is permanent unless released by the County. A second type, used for a specific non-developmental type of subdivision is authorized by the Subdivision Regulations. Neither type is currently defined. Any differences between the two will be clarified in Phase II of the Code Update.

3 RESERVED LAND – Permanently protected open space, delineated on a subdivision plat,
4 that may not be developed for residential, commercial or industrial use. A reservation of
5 development rights agreement is required for all lands designated as reserved lands.

Comment [JLH3]: This definition is derived from the definition in the Subdivision Regulations. It is proposed that this term be used, in place of the more general term “open space,” to refer to areas of land subject to a Reservation of Development Rights agreement.

6 SENDING PARCEL – See definition of Parcel, Sending.

7 SETBACK PERIMETER -- the minimum distance that any structure within a new
8 subdivision can be located from an adjacent property outside the subdivision.

Comment [JLH4]: A perimeter setback is required in the current RAC and proposed AC, CP and WRC Districts. The term is currently defined in the text of Section 190.57.A(4).

10 **ARTICLE III, Zoning Districts and Zoning District Maps**

11 **§ 190-15. Zoning districts established.**

12 A. General.

13 The following zoning districts are hereby established to implement the land use policies of
14 Talbot County. The purpose of each of the districts is stated below with the density limits of
15 the residential districts included. The permitted uses, special exceptions, and accessory uses
16 for each zoning district are shown in § 190-19, General Table of Use Regulations by Zoning
17 District.

Comment [CRG5]: In Phase II these density limits may be moved from this section.

18 (1) ~~Rural Agricultural Conservation District~~ RAC Agricultural Conservation District –
19 AC (Non-Critical Area only).

20 (a) This district shall be characterized by low-density residential and rural
21 agricultural uses. The purpose of this district is to provide for a full range of
22 agricultural activities, to provide for the location of agri-business uses and allow
23 limited single-family residential development. ~~Furthermore, it is intended that in~~
24 ~~this district there shall be no basis. There is no basis, under this chapter, for~~
25 ~~recourse against the effect of any normal farming operations as permitted in this~~
26 ~~district, and conducted in accordance with best management practices. These~~
27 ~~effects may include but are not limited to noise, odor, vibration, fumes, dust or~~
28 ~~glare. The base density in the Rural Agricultural Conservation District – RAC is~~
29 ~~based upon the development option chosen and the size of development parcels.~~

Comment [CRG6]: This deletion is merely intended to simplify the language

30 ~~[1] Rural subdivision: one dwelling unit per 20 acres plus three dwelling units.~~

31 ~~[2] Cluster subdivision: one dwelling unit per 10 acres plus three dwelling units~~

32 ~~[3] Cluster/transfer development rights (TDR): Receiving parcels may be~~
33 ~~developed at one dwelling unit per five acres plus three dwelling units.~~

Comment [JLH7]: The term “base density” is important for the TDR concept. On the receiving parcel, development rights are added to the base density to determine the number of lots that can be created. The proposed definition of receiving parcel uses the term “base density.” The base density should refer to the density without any changes due to bonuses or TDR’s as proposed in this revised text.

34 The base density in the AC District is one dwelling unit per 20 acres plus three
35 dwelling units, as specified in Section 190-56.1.D for standard cluster

The development options are established in Sections 190-56.1. They do not need to be listed here.

1 subdivisions.

2 (b) Any development in this district shall:

3 [1] Maintain, and wherever possible, improve the quality of runoff that enters the
4 Chesapeake Bay or its tributary streams;

5 [2] Conserve and protect agricultural lands ~~in predominantly rural areas~~;

6 [3] Protect environmentally sensitive lands from nonagricultural forms of
7 development;

8 [4] Preserve the County's rural character through conservation of open space and
9 agricultural lands.

Comment [CRG8]: Staff feels that density is best expressed in "development rights" versus as opposed to units and proposes to explore revisions to that effect in Phase II of the Code update.

Comment [JLH9]: One editorial revision is proposed to these standards. When the zoning regulations are reorganized in Phase II, these standards should be combined with other development standards in the Zoning Regulations or Subdivision Regulations

Comment [CRG10]: Reserved lands may be a better term than "open space"; review in Phase II

10
11 (2) Countryside Preservation District – CP (Non-Critical Area only).

12 (a) This district shall be characterized by rural agricultural and low-density
13 residential uses. The CP District is established to protect the rural character of
14 land bordering and surrounding the growth areas of incorporated towns as shown
15 on the County's Comprehensive Plan. Farmland, forests, and open spaces are to
16 be protected to prevent sprawl and to provide a physical and visual boundary to
17 the growth areas. The County will target land within this district for protection
18 through County programs for creation of agricultural and conservation easements.
19 Agricultural activities shall be preserved, encouraged and protected. There is no
20 basis, under this chapter, for recourse against the effect of any normal farming
21 operations as permitted in this district and conducted in accordance with best
22 management practices. These effects may include but are not limited to noise,
23 odor, vibration, fumes, dust or glare.

Comment [CRG11]: This is the purpose statement for the new district

24 The base density in the CP District is one dwelling unit per 20 acres plus three
25 dwelling units, as specified in Section 190-56.1.D for standard cluster
26 subdivisions.

27 (b)Any development in this district shall:

28 [1] Maintain, and wherever possible, improve the quality of runoff that enters the
29 Chesapeake Bay or its tributary streams;

30 [2] Conserve and protect agricultural lands;

31 [3] Protect environmentally sensitive lands from nonagricultural forms of
32 development;

33 [4] Preserve the County's rural character through conservation of open space and
34 agricultural lands.

35
36 (3) Western Rural Conservation – WRC (Non-Critical Area only).

1 (a) This district shall be characterized by rural agricultural and low density residential
2 uses. The WRC district is established to protect the ecological, scenic and
3 economic value of the non-critical areas of rural western Talbot County. Because
4 this district contains a high proportion of sensitive natural areas, development is
5 limited to low-density residential uses with design guidelines intended to protect
6 natural resources. Agricultural activities shall be preserved, encouraged and
7 protected. There is no basis, under this chapter, for recourse against the effect of
8 any normal farming operations as permitted in this district and conducted in
9 accordance with best management practices. These effects may include but are
10 not limited to noise, odor, vibration, fumes, dust or glare.

Comment [JLH12]: This is the purpose statement for the new district.

Comment [JLH13]: The second and third sentences come from the Comprehensive Plan.

11 The base density in the WRC District is one dwelling unit per 20 acres plus three
12 dwelling units, as specified in Section 190-56.1.D for standard cluster
13 subdivisions.

14 (b) Any development in this district shall:

15 [1] Maintain, and wherever possible, improve the quality of runoff that enters the
16 Chesapeake Bay or its tributary streams;

17 [2] Conserve and protect agricultural lands;

18 [3] Protect environmentally sensitive lands from nonagricultural forms of
19 development;

20 [4] Preserve the County's rural character through conservation of open space and
21 agricultural lands.

22 (2) (4) Rural Conservation District - RC (Critical Area only).

23 (3) (5) Rural Residential District - RR (Critical Area only).

24 (4) (6) Village Center District - VC.

25 (7) Town Conservation District - ~~TC~~ Non-Critical Area only

26 (a) This district shall be characterized by agricultural and low-density residential
27 uses. The TC District is established to protect the rural character of land around
28 the incorporated towns and within the "Designated Growth Areas" of the
29 Comprehensive Plan. The TC District is intended to prevent sprawl development,
30 to preserve the character and identity of the towns, and to prevent intensive
31 development that would hinder the orderly growth of these areas in the future as
32 land is annexed by the towns. Resubdivision and redevelopment of developed
33 land in this district is likely when it is annexed by the towns. There is no basis,
34 under this chapter, for recourse against the effect of any normal farming
35 operations as permitted in this district, and conducted in accordance with best
36 management practices. These effects may include but are not limited to noise,
37 odor, vibration, fumes, dust or glare. The base density in the TC District is one
38 dwelling unit per 20 acres plus three dwelling units.

Comment [JLH14]: The undeveloped portions of "Designated Growth Areas" on the Comprehensive Plan will be proposed for rezoning to Town Conservation. This district implements the Plan's policies of discouraging premature urban and suburban growth in these areas before they are annexed into the towns. To provide appropriate uses in this area before annexation, the proposed TC District will allow rural and agricultural uses and low density residential development.

Comment [JLH15]: This is the purpose statement for the new district.

39 (b) Any development in this district shall:

1 [1] Maintain, and wherever possible, improve the quality of runoff that enters the
2 Chesapeake Bay or its tributary streams;

3 [2] Conserve and protect agricultural lands;

4 [3] Protect environmentally sensitive lands from nonagricultural forms of
5 development;

6 [4] Preserve the County's rural character through conservation of open space and
7 agricultural lands.

8 ~~(5)~~ (8) Town Residential District - **TR**.

9 (a) This district shall be characterized by existing moderate-intensity residential uses.
10 The purpose of this district is to ~~provide an opportunity for suburban residential~~
11 ~~development adjacent to the existing incorporated towns.~~ recognize the character
12 of established residential neighborhoods close to the incorporated towns, and to
13 allow infill development and redevelopment compatible with the development
14 that already exists. Any existing natural habitat shall be preserved wherever
15 possible. Public water and sewer service should be provided. The base density in
16 the Town Residential District - TR is:

17 [1] One dwelling unit per acre without sewer service (with approval from Health
18 Department); and

19 [2] Four dwelling units per one acre with sewer service (with approval from
20 Public Works Department).

21 ~~(6)~~ (9) Limited Commercial District - LC.

22 ~~(7)~~ (10) General Commercial District - GC.

23 ~~(8)~~ (11) Limited Industrial District - LI.

24 ~~(9)~~ (12) Critical Area designations.

25
26 B. Floating and overlay zoning districts. Floating and overlay zoning districts are
27 provided in this chapter to allow for needed flexibility in allowing certain types of uses to
28 occur and/or the application of special regulations. Floating zoning districts are used
29 where a particular type of activity is desired for a general area but the specific area has
30 not been located in the County. In this chapter floating zoning districts apply to
31 manufactured home developments and affordable housing developments. Overlay zoning
32 districts are used to apply additional regulations based upon the use of the property. In
33 this chapter overlay zones apply to the Easton Airport and Historic Districts. A brief
34 description of each of these zones follows:

35 (1) Manufactured Home Development Floating Zone.

36 (c) The Manufactured Home Development Floating Zone can only be applied in

Comment [JLH16]: Much of the land in the TR District would, under the Comprehensive Plan policies, be rezoned to the proposed TC District. The TR District will be retained for areas such as the Rio Vista neighborhood that are currently developed at suburban densities.

Comment [JLH17]: This zoning district can currently be applied to properties zoned RAC or TR. To provide opportunity for this floating zone, these revisions allow it in the AC, CP and TC Districts, which will replace much of the current RAC and TR Districts.

The WRC District is not listed as a possible location for the Manufactured Home Development zone because this would not be consistent with the Comprehensive Plan policy of strictly limiting development in the western rural conservation area.

These revisions delete the TR District as an allowed location for the Manufactured Home zone, since the TR District will be limited to land that is already developed and therefore is unlikely to provide potential locations.

1 the ~~Town Residential (TR) (Non-Critical Area) and Rural Agricultural~~
2 ~~Conservation (RAC), Agricultural Conservation (AC), Countryside~~
3 ~~Preservation (CP) and Town Conservation (TC)~~ districts.
4

5 **ARTICLE IV. Land Use Regulations by Zoning Districts**

6 **§ 190-20. Additional land use regulations.**

7 M. Wireless communications towers.

8 (4) Specific tower requirements (towers less than 75 feet high). The following
9 requirements are applicable to all wireless communications towers less than 75 feet
10 high:

11 (f) New construction of towers less than 75 feet is permitted in all zones except Rural
12 Residential (RR), Town Conservation (TC) and Town Residential (TR) if the
13 individual antennas meet the size criteria stated in the general requirements
14 section and all at-grade mechanical equipment meets all applicable zoning
15 requirements.

Comment [JLH18]: Most areas that will be proposed for rezoning to TC are currently zoned TR, in which wireless communication towers are not permitted. Because the TC District will in many cases be quite close to developed areas of the towns, it is proposed that the towers also not be permitted in TC.

16 (5) Specific tower requirements (towers from 75 feet to less than 100 feet high). The
17 following requirements are applicable to all wireless communications towers from 75
18 feet to less than 100 feet high.

19 (e) Construction is allowed in all zones except Rural Residential (RR), Town
20 Conservation (TC) and Town Residential (TR) if the individual antennas meet the
21 size criteria stated in the general requirements section and all at-grade mechanical
22 equipment meets all applicable zoning requirements.

23 (6) Specific tower requirements (towers 100 feet high or higher). The following
24 requirements are applicable to all wireless communications towers 100 feet high or
25 higher:

26 (h) Construction will be allowed in all zones by special exception except Rural
27 Residential (RR), Town Conservation (TC), Town Residential (TR) and Village
28 Center (VC) if the individual antennas meet the size criteria stated in the general
29 requirements section and all at-grade mechanical equipment meets all applicable
30 zoning requirements.

31 **ARTICLE VI. Manufactured Home Development Floating Zone**

32 **§ 190-27. Procedure for approval.**

33
34 B. A Manufactured Home Development Floating Zone may only be approved in areas
35 presently zoned ~~TR (Non-Critical Area) and RAC~~ AC, CP and TC.

Comment [JLH19]: See comment under §190-15.B (1) above on districts in which this zone may be approved.

1 **§ 190-28. Site plan and design standards for manufactured home rental communities.**

2 D. The minimum setback of any structure within the manufactured home rental
3 community from adjacent County or state roads shall be 50 feet. Minimum setbacks from
4 adjoining property lines shall be 50 feet whenever the community abuts an ~~RAC~~ or AC,
5 WRC, CP, RC, or TC Zone and 25 feet when the community abuts an LI, GC, LC, TR, VC,
6 or RR Zone. [Amended 9-26-1995 by Bill No. 598, effective 11-25-1998]

7

8 **ARTICLE X, Development Design Standards**

9 **§ 190-56.1 Standards for Rural Districts**

Comment [CRG20]: To avoid repetition this new section brings together the development options and requirements that apply to all rural districts. Standards that apply only in specific districts are in subsequent sections.

10 **A. Density calculations**

11 In the AC, CP, WRC and TC Districts, the number of lots allowed to be subdivided from a
12 parcel, lot or tract shall be based on the size of the original parcel, lot or tract as of June 22,
13 1991. If a lot is subdivided from an original parcel, that lot may not be further subdivided
14 unless additional enumerated subdivision rights are specifically granted to that lot by deed
15 and subdivision plat notation.

16 **B. Design Standards**

Comment [JLH21]: The standards are taken from the current text of the RAC District. They will apply in all of the rural districts: AC, CP, WRC and TC. The regulations for each district include standards specific to the purpose of that district.

17 Development in the AC, CP, WRC and TC Districts shall comply with the following design
18 standards:

- 19 (1) To the extent practical, locate residential lots and structures in the fringe edges of
20 woodlands and fields.
- 21 (2) Preserve the landscape in its natural state, insofar as practical, by minimizing tree and
22 soil removal. Give priority to topography, tree cover and natural drainageways as
23 fixed determinants of road, site and structure configuration rather than as elements
24 that can be changed to follow a preferred development plan.
- 25 (3) Areas of the site with environmental constraints shall not be disturbed by subdivision
26 development, insofar as practical, but may be included to calculate the allowable
27 density of the overall site.
- 28 (4) New lots shall be required to have right-to-farm covenants placed in property deeds.
29 These covenants shall notify the person purchasing the lot, and all subsequent owners
30 of the lot, that they are in an agricultural area, and they will have no legal recourse to
31 complain about normal farming practices which may occur around them.
- 32 (5) When a subdivision is proposed, the applicant shall submit a master plan (sketch
33 plan) for the entire parcel for review by the Planning Commission. This plan shall
34 tentatively show any future plans for continued development of the parcel. The plan is
35 nonbinding on both parties and merely represents an effort to think through options
36 for the property.

Comment [CRG22]: In Phase II, consideration will be given to adding a standard that pipestems to septic disposal areas not interfere with farmland or agricultural operations.

Comment [CRG23]: The current requirement in 190-57 to "retain at least 50% of the existing mature tree cover on any residential lot when the lot is improved" is deleted as this is covered through the Forest Conservation regulations.

1 (6) In any residential subdivision not more than two lots per parcel recorded after the
2 effective date of this chapter shall have direct access to an existing County or state
3 road. Any additional lots shall have access by an internal subdivision road, unless:

4 (a) The Planning Commission finds that the size, shape, topography, soil types or
5 other physical conditions prevent internal access to all of the lots required to have
6 such access; or

7 (b) The additional lots are at least 10 acres in area and have a frontage of at least 600
8 feet on a County or state road.

9 (7) Street frontage for each lot shall be 50 feet or greater. Street frontage may be reduced
10 to not less than 25 feet if the lot has joint access to a street with an adjacent lot.

Comment [CRG24]: Access provisions will be consolidated as part of Phase II of the Code update.

11
12 C. Development Options in the AC, CP and WRC Districts

13 Two types of residential development are allowed in the AC, CP and WRC Districts. These
14 options are intended to give the landowner flexibility in design while conserving farmland
15 and open space:

16 (1) Standard cluster subdivision. This alternative allows subdivisions in which most lots
17 are clustered together on a portion or portions of the site. To the extent possible, the
18 remaining land is to be consolidated in a manner suitable for farming.

19 (2) Cluster subdivision with transferable development rights (TDR). This alternative
20 allows a landowner to increase the number of lots above the base density by
21 transferring development rights to the subdivision from another parcel.

1 **D. Requirements for Standard Cluster Subdivision**
 2 The base density in the AC, CP and WRC Districts is one dwelling unit per 20 acres plus
 3 three additional dwelling units. The following chart lists the number of lots allowed in a
 4 standard cluster subdivision based on this density, and establishes clustering requirements for
 5 these lots.

Comment [JLH25]: The chart proposed here would require that most of the lots in standard cluster subdivisions be clustered using a limited amount of the available acreage. The zoning regulations currently define "cluster development" as development in which "dwelling units are concentrated in selected areas of the site so as to provide natural habitat, and preserve natural features or other open space uses on the remainder." (§190-14).

<u>Parcel Size (acres)</u>	<u>Maximum number of lots (including remainder of original parcel)</u>	<u>Minimum number of clustered lots</u>	<u>Maximum acreage included in the cluster lots</u>	<u>Number of lots not required to cluster</u>
<u>Less than 4 acres</u>	<u>1</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>
<u>At least 4 and less than 6</u>	<u>2</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>
<u>At least 6 and less than 10</u>	<u>3</u>	<u>2</u>	<u>n/a</u>	<u>1</u>
<u>At least 10 and less than 20</u>	<u>3</u>	<u>2</u>	<u>7</u>	<u>1</u>
<u>At least 20 and less than 40</u>	<u>4</u>	<u>3</u>	<u>11</u>	<u>1</u>
<u>At least 40 and less than 60</u>	<u>5</u>	<u>3</u>	<u>11</u>	<u>2</u>
<u>At least 60 and less than 80</u>	<u>6</u>	<u>4</u>	<u>14</u>	<u>2</u>
<u>At least 80 and less than 100</u>	<u>7</u>	<u>5</u>	<u>17</u>	<u>2</u>
<u>At least 100 and less than 120</u>	<u>8</u>	<u>5</u>	<u>18</u>	<u>3</u>
<u>At least 120 and less than 140</u>	<u>9</u>	<u>6</u>	<u>21</u>	<u>3</u>
<u>At least 140 and less than 160</u>	<u>10</u>	<u>6</u>	<u>22</u>	<u>4</u>
<u>160 or more</u>	<u>3 lots plus one lot per 20 acres</u>	<u>All except 4 lots</u>	<u>Acreage equal to 3.5 acres times the number of cluster lots</u>	<u>4</u>

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 8 **E. Requirements for Cluster Subdivision with Transferable Development Rights (TDRs)**
 9 (1) One additional lot above the base density shall be permitted for each development
 10 right transferred from a sending parcel.

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- (2) A cluster subdivision with TDRs shall have no more than 60 lots, not including reserved land.
- (3) In the AC District, a landowner who transfers development rights from his property has the option to transfer development rights back onto his property at a later date. Development rights may not be transferred back onto a sending parcel in the CP or WRC Districts.
- (4) Sending parcels may send development rights according to the chart in (5) below. In addition, a sending parcel has development rights for three dwelling units which may not be transferred.
- (5) Development rights shall be transferred only between a sending parcel and a receiving parcel within the same County election district and only in accordance with the following chart:

<u>In the AC District:</u>	<p><u>Development rights shall be transferred within the AC District. Receiving parcels may also receive development rights from land in the CP District.</u></p> <p><u>Sending parcel: A reservation of development rights shall be placed on 10 acres for each development right which is transferred.</u></p> <p><u>Receiving parcel: maximum density shall be one dwelling unit per 5 acres plus three dwelling units.</u></p>
<u>In the CP District:</u>	<p><u>Development rights shall be transferred within the CP District. Sending parcels may also transfer development rights to subdivisions in the AC District, or to incorporated towns if allowed by town regulations.</u></p> <p><u>Sending parcel: A reservation of development rights shall be placed on 20 acres per development right transferred to a CP-zoned parcel, and on 10 acres per development right transferred to an AC-zoned parcel.</u></p> <p><u>Receiving parcel: maximum density shall be one dwelling unit per 10 acres plus three dwelling units.</u></p>
<u>In the WRC District:</u>	<p><u>Development rights shall only be transferred within the WRC District.</u></p> <p><u>Sending parcel: a reservation of development rights shall be placed on 20 acres for each development right which is transferred.</u></p> <p><u>Receiving parcel: maximum density shall be one dwelling unit per 10 acres plus three dwelling units.</u></p>

Comment [JLH26]: This provision is intended to protect rural character and limit the creation of new "villages". Currently, according to information gathered by the Planning Commission from Maryland Department of the Environment, developers, and the Health Department, a minimum of about 60 lots is needed to make a shared sewer system financially feasible.

Comment [JLH27]: The Comprehensive Plan places emphasis on permanently preserving land and limiting development in the CP and WRC areas. Therefore, this proposed text would not allow development rights in these districts to be transferred back onto the sending parcels .

Comment [JLH28]: The 2nd sentence is clarification. Although it is not stated clearly in the current zoning regulations, the interpretation has been that a sending parcel also has the three "up front" lots.

Comment [JLH29]: The requirements for reserved land and density in AC are the same as the current requirements in RAC.

Comment [JLH30]: The Comprehensive Plan places priority on land preservation in the CP District. Therefore, an incentive is provided for transferring development rights out of the CP District, into the AC District. Transfers would still need to be within the same election district.

13

1 **F. Lot Size, Setbacks, Lot Width and Reserved Land**

2 **The following requirements apply in the AC, CP and WRC Districts:**

	<u>Standard Cluster Subdivision</u>	<u>Cluster Subdivision with TDR</u>
<u>Minimum lot size</u>	<u>1.0 acre</u>	<u>0.25 acres in AC; 1.0 acre in CP and WRC</u>
<u>Minimum Setbacks:</u>		
<u>Perimeter setback from adjacent properties</u>	<u>50 ft.</u>	<u>50 ft.</u>
<u>Lots 2 acres or larger:</u>		
<u>Front</u>	<u>50 ft.</u>	<u>50 ft.</u>
<u>Side</u>	<u>50 ft.</u>	<u>50 ft.</u>
<u>Rear</u>	<u>50 ft.</u>	<u>50 ft.</u>
<u>Lots at least 1 but less than 2 acres:</u>		
<u>Front</u>	<u>50 ft.</u>	<u>50 ft.</u>
<u>Side</u>	<u>15 ft.</u>	<u>15 ft.</u>
<u>Rear</u>	<u>25 ft.</u>	<u>25 ft.</u>
<u>Lots less than 1 acre:</u>		
<u>Front</u>	<u>25 ft.</u>	<u>25 ft.</u>
<u>Side</u>	<u>10 ft.</u>	<u>10 ft.</u>
<u>Rear</u>	<u>25 ft.</u>	<u>25 ft.</u>
<u>Minimum lot width:</u>		
<u>Lots 2 acres or larger:</u>	<u>200 ft.</u>	<u>200 ft.</u>
<u>Lots at least 1 but less than 2 acres:</u>	<u>100 ft.</u>	<u>100 ft.</u>
<u>Lots less than 1 acre</u>	<u>N.A.</u>	<u>75 ft.</u>
<u>Reserved land:</u>		
<u>The following minimum percentage of the parcel being subdivided shall be reserved land:</u>		
<u>Parcels 6 acres or less</u>	<u>N.A.</u>	<u>N.A.</u>
<u>Parcels larger than 6 and less than 20 acres</u>	<u>N.A.</u>	<u>25%</u>
<u>Parcels at least 20 and less than 30 acres</u>	<u>N.A.</u>	<u>50%</u>
<u>Parcels at least 30 and less than 40 acres</u>	<u>N.A.</u>	<u>60%</u>
<u>Parcels at least 40 and less than 60 acres</u>	<u>N.A.</u>	<u>65%</u>
<u>Parcels at least 60 and less than 100 acres</u>	<u>N.A.</u>	<u>70%</u>
<u>Parcels 100 or more acres+</u>	<u>N.A.</u>	<u>75%</u>

Comment [JLH31]: This table contains the requirements currently found in 190-57.A (4). The requirements for the proposed "standard cluster subdivision" are the same as the current requirements for Rural Subdivisions.

Comment [JLH32]: See proposed definition of "perimeter setback" in §190-14. The current text (190-57.a(4)) uses the term "perimeter buffer." These proposed amendments change the term to perimeter setback because "buffer" as defined in the regulations does not refer to a setback distance, but to vegetation

Comment [JLH33]: The open space requirements for cluster subdivisions with TDR have been revised to require the higher percentage open space at a lower acreage. This text proposes to use the more specific term "reserved land" instead of the more general "open space." Reserved land is defined in Talbot County's Subdivision Regulations to refer to land covered by a Reservation of Development Rights agreement. See proposed definition of Reserved Land in 190-14.

1 G. Agriculturally related commercial and industrial uses in the AC, CP and WRC districts.

2 (1) The Board of Appeals shall reserve the right to impose additional conditions on
3 agriculturally related commercial and industrial uses which are allowed as special
4 exceptions. These conditions shall relate to requirements for access, parking,
5 signage, setbacks, landscaping, screening and buffering, and other site design
6 features.

7 (2) The Planning Commission shall make recommendations to the Board of Appeals
8 regarding additional conditions.

9 (3) When making these additional site design recommendations and conditions, the
10 Planning Commission and Board of Appeals shall consider the following:

11 (a) Impact of the use or activity on the neighborhood;

12 (b) Compatibility of the use or activity with surrounding land uses; and

13 (c) The preservation of the rural character.

14 § 190-56.2 Reservation of Development Rights

15 A. Where Required

16 A reservation of development rights agreement shall be required on:

17 (1) The minimum reserved area of a cluster subdivision with transferable development
18 rights (TDRs); and,

19 (2) Property from which development rights are transferred (sending parcels) under the
20 TDR provisions.

21 B. Dwelling Allowed

22 A parcel with a reservation of development rights agreement may also include land
23 unencumbered by the agreement, in order to allow one primary single-family dwelling. This
24 developable land must be at least one acre in area and shall be included in the allowed
25 density for the subdivision.

26 C. Minimum Provisions

27 Reservation of development rights agreements shall include the following provisions:

28 (1) The agreement shall restrict future development of any residential, commercial or
29 industrial buildings, structures and uses.

30 (2) The agreement shall not restrict future development of agricultural buildings,
31 structures or uses.

32 (3) The reservation of development rights shall be granted to the County and shall run
33 with and bind the land.

Comment [JLH34]: This section is moved, with minor clarifications, from 190-57.D, where it applies only to the RAC District.

Comment [JLH35]: These requirements are currently within the RAC District. Moving this section here will allow them to apply in the AC, CP and WRC Districts.

Comment [CRG36]: This provision will allow an existing dwelling to be retained or a new dwelling built on parcels where most of the land is subject to a reservation of development rights. This will ensure that lands subject to reservation of development rights will have appropriate oversight and management in the future.

- 1 (4) The agreement shall not restrict future use of the property for public purposes.
- 2 (5) The grantor shall retain the right to petition the County Council for release (partial or
- 3 entire) of the reservation of development rights in the event the zoning classification
- 4 of the property is changed.
- 5 (6) If allowed by the standards for the specific zoning district, the grantor of reservation
- 6 of development rights for land which has transferred development rights to another
- 7 property shall retain the right to have the reservation released if development rights
- 8 are transferred back to the property at a later date.

9

10 ~~§ 190-57. Rural Agriculture Conservation—RAC Agricultural Conservation - AC.~~

11 Development in the AC District shall comply with §190-56.1 and the following design

12 standards:

13 A. ~~Subdivisions~~ shall be designed and the lots located in a way that preserves the agricultural

14 and open space integrity of the remainder of the property and is compatible with farming

15 operations in the area. This standard shall guide the location and design of all lots,

16 clustered or not clustered.

17 B. ~~Locate~~ lots and subdivision roads to avoid conflicts with existing farming operations

18 through separation and preservation of existing buffers such as hedgerows and other

19 vegetation.

Comment [JLH37]: Requirements for development in the RAC District have been moved to 190-56.1 and 190-56.2, to apply to the new zoning districts: AC, CP and WRC. Only the design standards specific to the AC District are found in this section.

Comment [JLH38]: The first sentence of this standard is the same as the standard currently used for the RAC District (§190-57.B.2). The second sentence clarifies that the standard applies to all new lots created in these districts.

Comment [JLH39]: This proposed new standard addresses more specifically the relationship between farm operations and new subdivisions.

20 ~~A. Development types:~~

21 ~~Three types of residential development are allowed in the RAC District. These development~~

22 ~~options are intended to give the landowner flexibility in design and density while still~~

23 ~~conserving farmland and open space.~~

24 ~~(1) Rural subdivision. This alternative offers the lowest overall density but has no~~

25 ~~mandatory requirements for open space. This option is intended to accommodate the~~

26 ~~landowner who wishes to subdivide on a small scale or create larger residential lots.~~

27 ~~(2) Cluster subdivision. This alternative allows a higher overall density but requires that~~

28 ~~residential lots be clustered together on a portion or portions of the site with the~~

29 ~~remaining area of the site to be retained as open space through reservation of~~

30 ~~development rights agreements which prohibit future residential, commercial or~~

31 ~~industrial development. The minimum parcel size for a cluster subdivision is 6.1~~

32 ~~acres.~~

33 ~~(3) Cluster subdivision with transferable development rights (TDR). This alternative~~

34 ~~allows for the landowner to potentially almost double the density of a cluster~~

35 ~~subdivision by transferring additional development rights to the subdivision from~~

36 ~~another RAC District property within the same County Election District. The property~~

37 ~~from which the additional development rights are transferred must place a reservation~~

38 ~~of development rights on 10 acres for every one development right which is~~

1 transferred. A landowner who transfers development rights from his property has the
2 option to transfer development rights back onto his property at a later date. In order to
3 maximize allowable density within a cluster subdivision with TDR's, the landowner
4 will most likely have to utilize shared facilities for sewer and water.

5 ~~(4) Density, setback, buffer and open space requirements.~~ [Amended 9-10-1991 by Bill No.
6 459, effective 11-9-1991; 6-28-1994 by Bill No. 537, effective 8-27-1994]

7 ~~(a) Residential density calculations for a parcel, lot or tract shall be based on the size of~~
8 ~~the original parcel, lot or tract as of June 22, 1991. If a lot is subdivided from an~~
9 ~~original parcel, that lot may not be further subdivided unless additional enumerated~~
10 ~~subdivision rights are specifically granted to that lot by deed and subdivision plat~~
11 ~~notation.~~

Comment [JLH40]: Moved to 190-56.1.

12 ~~(b) The perimeter buffer is the minimum distance that any structure within a new~~
13 ~~subdivision can be located from an adjacent RAC District property.~~

Comment [JLH41]: This requirement is replaced by a proposed definition of "perimeter setback" in §190-14. The revised text requires the perimeter setback from all adjacent properties, rather than from properties in the same zoning district.

14 ~~(c) Street frontage shall be 50 feet or greater. Street frontage may be reduced to not less~~
15 ~~than 25 feet if the lot has joint access to a street with an adjacent lot.~~

16 ~~(d) The minimum open space area is the minimum percentage of the total site of a cluster~~
17 ~~subdivision which must be retained as open space and restricted from future~~
18 ~~residential, commercial or industrial development through a reservation of~~
19 ~~development rights agreement.~~

Comment [e42]: Access provisions will be consolidated as part of Phase II of the Code update. In this Phase I package, this requirement is proposed to be moved to Section 190-56.1

Comment [JLH43]: This requirement is replaced by a proposed definition of "reserved land" in Section 190-14.

Subdivision Types

Comment [JLH44]: This table, with some revisions, is proposed to be moved to Section 190-56.1, to apply to the AC, CP and WRC Districts.

	Rural	Cluster	Cluster W/TDR
Maximum density:			
—6 acres or less	1 DU/2 ac.	N.A.	N.A.
—Over 6 acres	3 DUs plus 1 DU/20 ac.	3 DUs plus 1 DU/10 ac.	3 DUs plus 1 DU/5 ac.
Minimum lot size			
—	1.0 ac.	.25 ac.	.25 ac.
Setbacks:			
—Perimeter buffer	50 ft.	50 ft.	50 ft.
—Lots 2 acres or larger:			
—Front	50 ft.	50 ft.	50 ft.
—Side	50 ft.	50 ft.	50 ft.
—Rear	50 ft.	50 ft.	50 ft.
—Lots 1–1.9 acres:			
—Front	50 ft.	50 ft.	50 ft.
—Side	15 ft.	15 ft.	15 ft.
—Rear	25 ft.	25 ft.	25 ft.
—Lots less than 1 acre:			
—Front	25 ft.	25 ft.	25 ft.
—Side	10 ft.	10 ft.	10 ft.
—Rear	25 ft.	25 ft.	25 ft.
Minimum lot width:			
—Lots 2 acres or larger:	200 ft.	200 ft.	200 ft.
—Lots 1–1.99 acres:	100 ft.	100 ft.	100 ft.
—Lots less than 1 acre	N.A.	N.A.	75 ft.
Minimum open space area:			
—6 acres or less	N.A.	N.A.	N.A.
—6.1–19.9 acres	N.A.	25%	25%
—20–29.9 acres	N.A.	50%	50%
—30–39.9 acres	N.A.	60%	60%
—40–69.9 acres	N.A.	65%	65%
—70–159.9 acres	N.A.	70%	70%
—160 acres+	N.A.	75%	75%

1
2 B. RAC District design standards:

3 ~~(1) In any residential subdivision in the RAC District not more than two lots per parcel~~
4 ~~recorded after the effective date of this chapter shall have direct access to an existing~~
5 ~~County or state road. Any additional lots shall have access by an internal subdivision~~
6 ~~road, unless:~~

Comment [JLH45]: Standards currently numbered (1) and (3) through (7) are moved to proposed Section 190-56.1 so they can be applied in the AC, CP, WRC and TC Districts.

7 ~~(a) The Planning Commission finds that the size, shape, topography, soil types or~~
8 ~~other physical conditions prevent internal access to all of the lots required to have~~
9 ~~such access; or~~

10 ~~(b) In a rural subdivision, the additional lots are at least 10 acres in area and have a~~
11 ~~frontage of at least 600 feet on a County or state road.~~

12 ~~(2) Subdivisions shall be designed and the lots located in a way that preserves the~~
13 ~~agricultural and open space integrity of the remainder of the property and is~~
14 ~~compatible with existing farming operations in the area.~~

15 ~~(3) To the extent practical residential lots and structures shall be located at the fringe~~
16 ~~edges of woodlands and fields. Retain at least 50% of the existing mature tree cover~~
17 ~~on any residential lot shall be retained when the lot is improved.~~

18 ~~(4) In creating a subdivision in the RAC District, the landscape shall be preserved in its~~
19 ~~natural state, insofar as practical, by minimizing tree and soil removal. Topography,~~
20 ~~tree cover and natural drainageways shall receive priority as fixed determinants of~~
21 ~~road, site and structure configuration rather than as elements that can be changed to~~
22 ~~follow a preferred development plan.~~

23 ~~(5) Areas of the site with environmental constraints shall not be disturbed by~~
24 ~~subdivision development, insofar as practical, but may be included to calculate the~~
25 ~~allowable density of the overall site.~~

26 ~~(6) New residential lots in the RAC District shall be required to have right to farm~~
27 ~~covenants placed in property deeds. These covenants shall notify the person~~
28 ~~purchasing the residential lot, and all subsequent owners of the lot, that they are in an~~
29 ~~agricultural area, and they will have no legal recourse to complain about normal~~
30 ~~farming practices which may occur around them.~~

31 ~~(7) When a subdivision is proposed within the RAC District, the applicant shall submit a~~
32 ~~master plan (sketch plan) for the entire parcel. This plan shall tentatively show any~~
33 ~~future plans for continued development of the parcel. The plan is nonbinding and~~
34 ~~merely represents an effort to think through options for the property.~~

35 ~~(8) Developers of an RAC District subdivision are encouraged to set back and/or buffer~~
36 ~~residential lots and structures from existing County or state roads and agricultural~~
37 ~~operations.~~

38 ~~(9) All structures within the RAC District shall maintain a minimum fifty-foot setback~~
39 ~~from the property lines of the original parcel, lot or tract.~~

Comment [JLH46]: This requirement is included in the setback requirements (see chart, proposed Section 190-56.1). It does not need to be repeated here.

1 ~~C. Reservation of development rights agreements.~~

Comment [JLH47]: Moved to Section 190.56.2.

- 2 (1) ~~Reservation of development rights agreements shall be required for the minimum~~
3 ~~open space area of a cluster subdivision or cluster subdivision with TDRs.~~
- 4 (2) ~~Reservation of development rights agreements shall be required on property from~~
5 ~~which development rights are transferred.~~
- 6 (3) ~~Reservation of development rights agreements shall restrict future development of~~
7 ~~any residential, commercial or industrial buildings/structures and uses.~~
- 8 (4) ~~Reservation of development rights agreements shall not restrict future development of~~
9 ~~any agricultural buildings or structures.~~
- 10 (5) ~~Reservation of development rights shall be granted to the County and shall run with~~
11 ~~and bind the land.~~
- 12 (6) ~~The grantor shall retain the right to petition the County Council for release (partial or~~
13 ~~entire) of the reservation of development rights in the event the zoning of the property~~
14 ~~is changed.~~
- 15 (7) ~~Reservation of development rights agreements shall not restrict future use of the~~
16 ~~property for public purposes.~~
- 17 (8) ~~The grantor of reservation of development rights for land which has transferred~~
18 ~~development rights to another property shall retain the right to have the reservation~~
19 ~~released if development rights are transferred back to the property at a later date~~

20 ~~D. Agriculturally related commercial and industrial uses in the RAC District.~~

Comment [CRG48]: Moved to 190-56.1 with a language clarification: moving subsection (3) together with (1.

- 21 (1) ~~The Board of Appeals shall reserve the right to impose additional conditions on~~
22 ~~agriculturally related commercial and industrial uses which are allowed as special~~
23 ~~exceptions in the RAC District.~~
- 24 (2) ~~The Planning Commission shall make recommendations to the Board of Appeals~~
25 ~~regarding additional conditions.~~
- 26 (3) ~~These recommendations and conditions shall relate to requirements for access,~~
27 ~~parking, signage, setbacks, landscaping, screening and buffering, and other site~~
28 ~~design features.~~
- 29 (4) ~~When making these additional site design recommendations and conditions, the~~
30 ~~Planning Commission and Board of Appeals shall consider the following:~~
- 31 (a) ~~Impact of the use or activity on the neighborhood;~~
- 32 (b) ~~Compatibility of the use or activity with surrounding land uses; and~~
- 33 (c) ~~The preservation of the rural character which is predominant in the RAC District.~~

34 §190-57.1. Countryside Preservation – CP

35 Development in the CP District shall comply with §190-56.1 and the following design

1 standards:

2 A. Subdivisions shall be designed and the lots located in a way that preserves the agricultural
3 and open space integrity of the remainder of the property and is compatible with farming
4 operations in the area. This standard shall guide the location and design of all lots,
5 clustered or not clustered.

6 B. Locate lots and subdivision roads to avoid conflicts with existing farming operations
7 through separation and preservation of existing buffers such as hedgerows and other
8 vegetation.

9 C. Use vegetative buffers, setbacks, and other techniques, where appropriate, to preserve the
10 rural quality of the landscape as viewed from County or state roads when new residential
11 lots are created.

Comment [JLH49]: This standard is proposed only in the CP District. It addresses the Comprehensive Plan policies that emphasize the importance in the CP District of retaining the rural landscape as viewed from roads.

12 **§190-57.2. Western Rural Conservation– WRC**

13 Development in the WRC District shall comply with §190-56.1 and the following design
14 standards:

15 (1) Subdivisions shall be designed and the lots located in a way that preserves the
16 agricultural and open space integrity of the remainder of the property and preserves
17 environmentally sensitive land. This standard shall guide the location and design of
18 all lots, clustered or not clustered.

Comment [JLH50]: This standard is modified from the standard currently used in RAC and proposed in AC and CP. In the WRC, special emphasis is placed on preservation of environmentally sensitive land.

19 (2) Locate lots and subdivision roads to avoid conflicts with existing farming operations
20 through separation and preservation of existing buffers such as hedgerows and other
21 vegetation.

22 (3) Impervious Surface Coverage. Man-made impervious surfaces shall be limited to the
23 following area of a parcel or lot:

Comment [JLH51]: The Comprehensive Plan recommends that additional environmental standards be applied in the WRC District, including standards similar to Critical Areas requirements. An impervious surface requirement is proposed. No stream buffer requirement is suggested, because currently the 100-foot stream buffer required in the Critical Area is also required throughout the County by Section 190-87. The Planning Commission considered a forest clearing standard, but determined that the requirements of the forest conservation regulations (Code Chapter 73) were adequate.

24 (a) For lots ½ acre or less in size which existed prior to the effective date of these
25 revisions, no more than 25%.

26 (b) For lots larger than ½ acre but less than one acre which existed prior to the
27 effective date of these revisions, no more than 20%.

28 (c) For all other lots or parcels, no more than 15%.

29 **§ 190-59.1. Town Conservation – TC**

30 A. Maximum density

Comment [JLH52]: From Critical Area requirements, 190-93.E(6)(c)[1][a]

31 (1) 6 acres or less: 1 dwelling unit per 2 acres

32 (2) Over 6 acres: 3 dwelling units plus 1 dwelling unit per 20 acres

Comment [JLH53]: The proposed Town Conservation District is to be inserted here between the Rural Residential District (190-59) and the Town Residential District (190-60). No changes are proposed to these districts.

1 B. Minimum lot size: 1.0 acre

2 C. Setbacks

3 (1) Lots 2 acres or larger:

4 Front 50 feet

5 Side 50 feet

6 Rear 50 feet

7 (2) Lots less than 2 acres

8 Front 50 feet

9 Side 25 feet

10 Rear 25 feet

Comment [JLH54]: Same as RC. In RAC (and proposed AC) the side is only 15 ft.

11 D. Minimum lot width

12 (1) Lots 2 acres or larger: 200 feet

13 (2) Lots less than 2 acres: 100 feet

14 (3) Street frontage shall be 50 feet or greater. Street frontage may be reduced to not less
15 than 25 feet if the lot has joint access to a street with an adjacent lot.

16 E. Development standards

17 Development in the TC District shall comply with the standards of Section 190-56.1.B and
18 the following standards:

19 1. All subdivision plans shall be sent to the Planning Commission of the nearest town,
20 requesting review and comments regarding any impact the proposed development
21 would have on town plans for future growth and development including road or
22 utility extensions if the property is annexed in the future.

23 2. Final subdivision plats in the TC District shall include the following language:

24 “This subdivision is in the future growth area of an incorporated town. In the event of
25 annexation, the subdivision may be re-subdivided and/or redeveloped consistent with
26 the town’s plans.

27

28 ***§ 190-65. Special setbacks from state highway.*** [Added 9-10-1991 by Bill No. 459,
29 effective 11-9-1991]

30 All setbacks from major state highways (Routes 50, 404, 333, 322, 33, 328, and 331) shall be
31 increased to 150 feet in the ~~RAC AC, CP, WRC,~~ RC, ~~and RR~~ and TC Districts, and shall be
32 increased to 50 feet in the VC, TR and LI Districts. Setbacks from all other state highways

1 shall be increased to 100 feet in the ~~RAC~~ AC, CP, WRC, RC, ~~and RR~~ and TC Districts and
2 shall be increased to 50 feet in the VC, TR, and LI Districts.

3

4 **§ 190-66. Special front yard setbacks.** [Amended 9-10-1991 by Bill No. 459, effective 11-
5 9-1991]

6 In the ~~RAC~~, AC, CP, WRC, RC, RR, TC, TR and VC Districts the front yard setback for a
7 new principal residential structure on an infill lot may be reduced to the average front yard
8 setback of all existing principal residential structures located on the same side of the street on
9 both sides of the lot for a distance of 100 feet.

10

11 **§ 190-67. Special side yard and rear yard setbacks.**

12 Side yard setbacks shall be doubled for structures on lots created after the effective date of
13 this chapter in the VC or TR Districts that are adjacent to parcels or lots in the ~~RAC~~, AC, CP,
14 WRC, TC, RC, or RR Districts that are two acres or larger. In all zoning districts side and
15 rear yard setbacks may be reduced by half for accessory residential storage structures that are
16 300 square feet or smaller.

Comment [JLH55]: All the requirements in this section will be reviewed for possible revision or deletion in Phase II of the Code update.

17

18 **§ 190-72. Lot access.**

Comment [CRG56]: Access provisions will be consolidated as part of Phase II of the Code update.

19 Lots in the RC, RR, TC, and TR Districts that are five acres or smaller and that are created
20 through subdivisions (of more than two lots) approved after the effective date of this chapter
21 shall not use any adjacent state highways for access. Access shall be achieved through use of
22 County roads or private roads. The Planning Officer may agree to access to a state highway if
23 no other reasonable alternative is available.

24

25 **§ 190-76. Clear-vision area on corner lots.**

26 A clear-vision area shall be maintained on the corners of all property at the intersection of
27 two streets or a street and a railroad.

28 C. The following measurements shall establish clear-vision areas:

29 (1) In ~~RAC~~, AC, CP, WRC, RC, RR, TC, TR, and VC Districts, the minimum distance
30 shall be 25 feet or, at intersections including an alley, 10 feet.

31 (2) In LC, GC and LI Districts where yards are required, the minimum distance shall be
32 15 feet or, at intersections including an alley, 10 feet, except that when the angle of
33 intersection between streets, other than an alley, is less than 30°, the distance shall be
34 25 feet.

35 **§ 190-81. Signs.**

36 B. Signs excluded from regulation. The following signs are exempt from regulation under

1 this chapter:

2 (10) Political signs in any zoning district, provided that they are in compliance with the
3 following standards: [Added 2-25-1992 by Bill No. 478, effective 4-25-1992]

4 (c) The size of political signs erected in the ~~Rural Conservation, Rural Agricultural~~
5 ~~Conservation, Rural Residential and Town Residential Zoning Districts~~ AC, CP,
6 WRC, RC, RR, TC and TR Districts shall not exceed six square feet in single side
7 surface area per sign.

8 F. Wall sign surface area.

9 (2) In the Village Center or Limited Commercial Zoning Districts, the maximum wall
10 sign surface area on any lot fronting on one street shall be 75 square feet for lots with
11 less than 200 lineal feet of street frontage; 100 square feet for lots with at least 200
12 lineal feet of street frontage but less than 600 lineal feet, and 200 square feet for lots
13 with 600 or more lineal feet of street frontage. For commercial or industrial uses in
14 the ~~RAC District~~ AC, CP and WRC Districts, the maximum wall sign surface area
15 shall not exceed 75 square feet for lots fronting one street. The maximum wall sign
16 surface area for nonconforming commercial or industrial uses in the TR, TC, RR, RC
17 ~~and RAC, AC, CP and WRC~~ Zoning Districts shall not exceed 50 square feet for lots
18 fronting one street. [Amended 9-10-1991 by Bill No. 459, effective 11-9-1991; 4-14-
19 1992 by Bill No. 479, effective 6-13-1992; 4-11-1995 by Bill No. 571, effective 6-10-
20 1995]

21 G. Freestanding sign surface area.

22 (2) In a Village Center or Limited Commercial Zoning Districts or for commercial and
23 industrial uses in the ~~RAC~~ AC, CP or WRC Zoning District, a single side of a
24 freestanding sign shall not exceed 50 square feet in surface area if the lot on which
25 the sign is located has less than 200 feet of frontage on the street toward which that
26 sign is primarily oriented and 75 square feet on lots with 200 or more feet of frontage.
27 For nonconforming commercial or industrial uses in the TR, RR, RC ~~and RAC, TC,~~
28 AC, CP and WRC Zoning Districts, a single side of a freestanding sign shall not
29 exceed 50 square feet in surface area. [Amended 9-10-1991 by Bill No. 459, effective
30 11-9-1991; 4-14-1992 by Bill No. 479, effective 6-13-1992]

31 H. Number of freestanding signs.

32 (1) In the Village Center and Limited Commercial Zoning Districts or for commercial
33 and industrial uses in the TR, RR, RC ~~and RAC, TC, AC, CP and WRC~~ Zoning
34 Districts, no development may have more than one freestanding sign. [Amended 9-
35 10-1991 by Bill No. 459, effective 11-9-1991; 4-14-1992 by Bill No. 479, effective 6-
36 13-1992]

37 J. Location and height requirements.

38 (5) Signs in the Village Center, Limited Commercial, General Commercial and Limited
39 Industrial Zoning Districts or for nonconforming commercial or industrial uses in the

1 ~~AC, CP, WRC, and RC Rural Conservation and Rural Agricultural Conservation~~
2 Zoning Districts may be located in the required setback area for the affected yard in
3 the zone in which the sign is to be located. [Amended 9-10-1991 by Bill No. 459,
4 effective 11-9-1991; 11-23-1993 by Bill No. 518, effective 1-22-1994]

5
6 **§ 190-82. Noise standards.**

7 C. Noises shall not exceed the maximum sound levels prescribed in the following table
8 beyond the site boundary lines except that in LC, GC or LI Districts abutting an ~~RAC~~ AC,
9 CP, WRC, RC, RR, TC, TR or VC District the 55-dba standard shall apply.

10 D. All uses shall conform to the following standards:

11 **NOISE LEVEL RESTRICTIONS**

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

12
13 E. The levels prescribed above may be exceeded by 10 dba for a single period, not to
14 exceed 15 minutes in any one day, except in ~~RAC, AC, CP, WRC, RC, RR, TC,~~ TR or VC
15 Districts. For the purposes of this section, impact noises are those noises whose peak values
16 are more than six dba higher than the values indicated on the sound-level meter, and are of
17 short duration, such as the noise of a forging hammer or punch press. For impact noises, the
18 values prescribed in Subsection D, increased by 10 dba, shall govern except in ~~RAC, AC,~~
19 CP, WRC, RC, RR, TC, TR or VC districts. [Amended 8-24-2001 by Bill No. 837, effective
20 10-23-2001]

1 **§ 190-19 General Table of Land Use Regulations**

2 **Key:**

P = Permitted	RC = Rural Conservation District
S = Special exception use	RR = Rural Residential District
A = Accessory use	<u>TC</u> = <u>Town Conservation District</u>
RAC = Rural/Agricultural Conservation District	TR = Town Residential District
<u>AC</u> = <u>Agricultural Conservation</u>	VC = Village Center District
<u>CP</u> = <u>Countryside Preservation District</u>	LC = Limited Commercial District
<u>WRC</u> = <u>Western Rural Preservation District</u>	GC = General Commercial District
	LI = Limited Industrial District

3 _____

4

Comment [JLH57]: This chart adds the new CP, WRC and TC Districts. Uses allowed in RAC are proposed to be allowed in the AC District. With only one exception (off-road recreation), the same uses are proposed to be allowed in CP and WRC. Land that is rezoned from TR to the proposed TC District will change from a suburban to a rural district. Although the rural zoning designation is not intended to be permanent, it is the most appropriate use for the land at this time. The draft amendments allow a few uses in the TC District that are typically permitted in rural rather than suburban districts, such as grain processing and animal hospitals. Generally, however, because of the proximity of the proposed TC Districts to the towns, the same uses will be allowed in TC as are currently allowed in the TR District.

Land Use Classification	<u>RAC</u> <u>AC</u>	<u>CP</u>	<u>WRC</u>	RC	RR	<u>TC</u>	TR	VC	LC	GC
AGRICULTURE										
Accessory Agriculture Uses And Structures	A	<u>A</u>	<u>A</u>	A	A	<u>A</u>	A	A		
* Includes farm buildings, barns, cribs, sheds, tool rooms, workshops, tanks, and silos										
* Open or enclosed storage of farm materials, products, equipment or vehicles										
* Petroleum storage, not for resale, subject to County, state, and federal regulations										
* Grain flow and field blending and packaging including milling drying and storing										
* Structures for animal manure, composting and similar purposes, minimum 200-foot setback required except for poultry house waste storage structures associated with existing poultry operations										
* Poultry house waste storage structures for existing poultry operations may be located no closer to the nearest property line than the existing poultry house, provided the poultry house waste storage structure shall be located in an unobtrusive and environmentally sensitive manner as possible, and is located as far away from the nearest property line as practical. Affected										

Land Use Classification	<u>RAC</u> <u>AC</u>	<u>CP</u>	<u>WRC</u>	RC	RR	<u>TC</u>	TR	VC	LC	GC	LI
adjoining property owners shall be afforded an opportunity to provide comments to the Planning Officer prior to issuance of a zoning permit.											
Agricultural Migrant Employee Housing	S	<u>S</u>	<u>S</u>	S							
* 200-foot setback from property lines											
* 20-acre minimum lot size											
* Not more than 15 units with 6 persons per unit											
Agricultural Processing	S	<u>S</u>	<u>S</u>			<u>S</u>					
* Includes raw product packaging, freezing and canning											
* 200-foot setback from property lines											
Agricultural Production	P	<u>P</u>	<u>P</u>	P	P	<u>P</u>	P	P	P	P	P
* Includes growing field crops, grazing, livestock and supplemental feeding, hay production, orchards, vegetable growing, sod farming, vineyards and Christmas tree growing											
Agricultural Research Facilities (commercial)	S	<u>S</u>	<u>S</u>	S		<u>S</u>					
* See additional land use regulations §190-20A.											
Grain processing, drying and storage (wholesale commercial)	P	<u>P</u>	<u>P</u>	P		<u>S</u>		S	S	S	S
* In the RC Zone (wholesale only), limited to an accessory use to a farm operation existing as of the date of this ordinance											
* 200-foot setback from property lines											
Greenhouse and Plant Nursery (wholesale)	P	<u>P</u>	<u>P</u>	P		<u>S</u>	S	S	S	P	S
* In the RC Zone, limited to establishments for the growing and holding of trees, shrubs, plants and flowers (i.e., native, ornamental and hydrophytic species) for the purpose of sale											
Greenhouse and Plant Nursery (retail)	S	<u>S</u>	<u>S</u>	S		<u>S</u>	S	S	P	P	P
* In the RC Zone, limited to establishments for the growing and holding of trees, shrubs, plants and flowers (i.e., native, ornamental and hydrophytic											

Comment [CRG58]: As part of Phase II a definition of this use will be proposed as there are a number of similar uses.

Land Use Classification	<u>RAC</u> <u>AC</u>	<u>CP</u>	<u>WRC</u>	RC	RR	<u>TC</u>	TR	VC	LC	GC	LI
species) and associated planting supplies, including fertilizer, peat moss, planting soil, etc. for the purpose of sale											
* In RAC AC, CP, WRC, and RC and TC Zones, areas devoted to growing of plants of trees shall be set back 20 feet from all property boundaries											
* In RAC AC, CP, WRC, and RC and TC Zones, parking and sales areas shall be set back 200 feet from rear and side property lines											
* In RAC AC, CP, WRC, and RC and TC Zones, parking and sales structures shall be set back 100 feet from the front property line											
Livestock Auction House	S	<u>S</u>	<u>S</u>								
* 10-acre minimum lot size											
* 200-foot setback for buildings and structures											
* 50-foot setback for parking areas											
Poultry and Hog Houses, Dairy Barns, Livestock Feeding Lots and Agricultural Lagoons	P	<u>P</u>	<u>P</u>	P							
* 200-foot setback from property lines											
* 20-acre minimum lot size for poultry and hog houses larger than 1,000 square feet											
Poultry and Hog Houses Larger Than 1,500 Square Feet on Parcels Smaller Than 20 Acres	S	<u>S</u>	<u>S</u>	S							
* 200-foot setback from property lines											
Poultry Houses of any size on any size parcel located outside of the Chesapeake Bay Critical Area								S			
Produce Stands	A	<u>A</u>	<u>A</u>	A		<u>A</u>		P	P	P	
* See supplemental regulations § 190-20B.											
Timber Harvesting (commercial)	P	<u>P</u>	<u>P</u>	P	P	<u>P</u>	P	P	P	P	P
* Includes parcels 10 acres or larger in Critical Area RR, TR, VC, and LC											
Timber Harvesting (commercial)					S		S	S	S		
* Includes parcels smaller than 10 acres in Critical Area RR, TR, VC, and LC											

Land Use Classification	<u>RAC</u> <u>AC</u>	<u>CP</u>	<u>WRC</u>	RC	RR	<u>TC</u>	TR	VC	LC	GC	LI
Aquaculture (retail)	S	<u>S</u>	<u>S</u>	S				S	P	P	S
* See additional land use regulations § 190-20E.											
Aquaculture (wholesale)	P	<u>P</u>	<u>P</u>	P				S	P	P	P
*Seafood on-premises for wholesale sales											
* Excludes on-premises processing of aquaculture products											
* 200-foot setback for related ponds, in <u>RAC AC</u> , <u>CP</u> , <u>WRC</u> , RC, and VC											
Fish and Game Hatcheries	P	<u>P</u>	<u>P</u>	P							
RESIDENTIAL											
Accessory Residential Uses	A	<u>A</u>	<u>A</u>	A	A	<u>A</u>	A	A	A	A	A
* Includes structures not for human occupation											
* Includes detached carports and garages, game courts, greenhouses, satellite dishes, storage sheds, swimming pools and pool houses											
* Includes horse stables in RAC, RC, RR, TR and VC Zones with minimum lot size of 2 acres for 1 horse and 1 additional acre for each additional horse											
* The minimum setback from property lines for horse stables and related manure storage areas is 100 feet.											
* Includes an apartment in conjunction with a single-family detached dwelling unit in the VC Zone provided the single-family dwelling retains the appearance of a single-family home. When the apartment is located in the residence, the owner of the property must reside in either the principal residence or apartment. An apartment within or attached to the principal residence is limited to a minimum of 300 square feet and a maximum of no more than 35% of the gross floor area of the principal residence, and an apartment in a detached accessory residential structure is limited to 500 square feet and not more than 2 bedrooms.											
* A private satellite dish shall only be permitted in the rear or side yard, shall not have an antenna exceeding 12 feet in diameter or 15 feet in height above ground level, shall be permanently ground mounted, shall not be installed on a portable or movable structure, shall be											

Land Use Classification	<u>RAC</u> <u>AC</u>	<u>CP</u>	<u>WRC</u>	<u>RC</u>	<u>RR</u>	<u>TC</u>	<u>TR</u>	<u>VC</u>	<u>LC</u>	<u>GC</u>	<u>LI</u>
totally screened along the nonreceptive window axis and shall have low level ornamental landscaping along the base of the receptive window axis (screening may consist of fencing or plantings).											
* The home-based office shall not employ more than 1 nonresident employee. Equipment used in the home-based office shall be limited to computers, fax machines, telephones, adding machines, calculators, filing cabinets, desks, and other supplies typical of administrative or clerical functions. The home-based office shall comply with § 190-20C(3)(d) for home-based occupation.											
Employee Residence	A	<u>A</u>	<u>A</u>	A	A	<u>A</u>	A	A	A	A	A
* In all Zones, except RAC <u>AC</u> , <u>CP</u> , <u>WRC</u> , and <u>RC</u> and <u>TC</u> where parcels are 20 acres or larger, an employee residence shall not exceed 1,500 square feet.											
* At least one-half of the household income of the employee residence shall be obtained from the property owner.											
* An employee residence shall not be a manufactured home or mobile home unless it is an employee residence accessory to agriculture (See supplemental regulations § 190-23B.)											
Guest Residence (noncommercial)	A	<u>A</u>	<u>A</u>	A	A	<u>A</u>	A	A			
* 2-acre minimum parcel size											
* 1 guest residence per parcel											
* Excludes manufactured homes and mobile homes											
* Shall not be occupied by the same individual for longer than 6 months											
* An individual occupying a guest residence for more than 3 months shall not reoccupy the residence for 1 month after ceasing occupancy											
* May be indefinitely occupied by an individual related by blood or marriage to the property owner											
* In all Zones, except RAC and <u>AC</u> , <u>CP</u> , <u>WRC</u> , <u>RC</u> and <u>TC</u> where parcels are 20 acres or larger, no guest residence shall exceed 1,500 square feet.											
* No guesthouse shall be rented or sold separately from the principal residence.											
Single-Family Residence (detached)	P	<u>P</u>	<u>P</u>	P	P	<u>P</u>	P	P	A	A	A

Land Use Classification	<u>RAC</u> <u>AC</u>	<u>CP</u>	<u>WRC</u>	RC	RR	<u>TC</u>	TR	VC	LC	GC	LI
* Includes modular homes and doublewide manufactured homes, subject to the provisions of § 190-20N											
* Excludes single-wide manufactured homes and mobile homes											
* Limited to one single-family primary residence per parcel or lot											
Single-Family Residence (duplex)	P	<u>P</u>	<u>P</u>	P	P	<u>P</u>	P	P	A	A	A
* Includes 2 attached single-family dwelling units constructed on site or modular dwelling units manufactured off site											
* Each unit of a duplex must be located on a separate lot, and the side yard setback where the units are attached is waived.											
* Excludes manufactured homes and mobile homes											
* Shall only be allowed on individual lots smaller than 2 acres											
Short-Term Rental	P	<u>P</u>	<u>P</u>	P	P	<u>P</u>	P	P			
*Permitted, subject to registration and licensure, in all zoning districts except Limited Industrial, Limited Commercial, and General Commercial.											
RECREATION											
Conservation Areas (public or private)	P	<u>P</u>	<u>P</u>	P	P	<u>P</u>	P	P	P	P	P
* Includes arboretums, bird sanctuaries, demonstration forests, hunting preserves, reforestation areas, wildlife reservations and regulated hunting areas											
Drive-In Theater										S	
* Display screen shall not be visible from a public road											
* Screen structures shall be at least 100 feet from public roads											
Exposition Center or Fairgrounds	S	<u>S</u>	<u>S</u>							S	S
General Outdoor Commercial Recreation Activities										S	S

Land Use Classification	<u>RAC</u> <u>AC</u>	<u>CP</u>	<u>WRC</u>	RC	RR	<u>TC</u>	TR	VC	LC	GC	LI
* Includes miniature golf, driving ranges and commercial ballfields											
Golf Courses and Country Clubs (public or private)	P	<u>P</u>	<u>P</u>		S	<u>S</u>	S				
* Courses shall not be lighted for night play.											
* Excludes miniature golf courses											
* Excludes driving ranges not primarily associated with the golf course											
Hunting Blinds	P	<u>P</u>	<u>P</u>	P	P	<u>P</u>	P	P			
* See Maryland state law for regulations on hunting blinds.											
Indoor Recreation Facilities (commercial or noncommercial)								S	P	P	P
* Includes billiard/pool halls, bowling alleys, health clubs, indoor ball courts, skating rinks, theaters with fewer than 500 seats, and sports arenas with fewer than 500 seats											
* 100-foot setback from property lines											
* In the VC Zone, uses must be located within 1/4 mile of a state highway.											
Indoor Shooting Range	S	<u>S</u>	<u>S</u>						S	S	S
Off-Road Outdoor Recreation (Public or Private)	S	<u>S</u>									
Motorized and nonmotorized vehicle race and other recreation courses, excluding automobiles and trucks											
*Minimum of 50 acres											
*No areas for retail sales of merchandise exceeding 400 square feet											
*Facility shall post rules and regulations regarding the use of safety equipment											
*Trained first aid personnel shall be on site during operating hours											
*Adequate off-site parking shall be provided											
*Entire course must be laid out so that vehicles shall not be driven on the courses above natural prevailing grade of surrounding land											

Land Use Classification	<u>RAC</u> <u>AC</u>	<u>CP</u>	<u>WRC</u>	RC	RR	<u>TC</u>	TR	VC	LC	GC	LI
*200-foot setback from property lines, of which 100 feet shall be vegetative buffer of at least 10 feet in height											
*1,000-foot setback from existing inhabited dwellings											
*Activity must meet noise standards of this chapter											
*Course shall not be lit for nighttime operation											
*Hours of operation may not exceed 9:00 a.m. to 7:00 p.m.											
*No overnight camping or campgrounds											
*Recreation area to be fenced with at least a six-foot-high fence and locked during nonoperating hours											
*No paid spectator tickets shall be permitted											
*Access to site shall be by arterial or collector road											
Parks and Playgrounds (public or private)	P	<u>P</u>	<u>P</u>	P	P	<u>P</u>	P	P			
* In the RC Zone, commercial and public pools are not permitted except where growth allocation is approved subject to § 190-109D(21)											
* Limited to passive recreation											
Riding Stables and Trails and Horse Boarding (commercial)	S	<u>S</u>	<u>S</u>	S		<u>S</u>	<u>S</u>				
* 200-foot setback for related structures											
* Minimum lot size shall be 10 acres or 1 acre per horse, whichever is greater											
*In the TR Zone, minimum lot size shall be 10 acres or one acre per horse, whichever is greater											
* Feeding and watering stations shall be set back 50 feet from any body of water, including tributary streams and tidal wetlands.											
RETAIL SALES											
Automobile, Truck and Recreational Vehicle Sales										P	P

Comment [CRG59]: No longer appropriate in TR since TR areas are all essentially developed.

Comment [CRG60]: Unnecessary duplication of preceding line.

Land Use Classification	<u>RAC</u> <u>AC</u>	<u>CP</u>	<u>WRC</u>	RC	RR	<u>TC</u>	TR	VC	LC	GC	LI
Building Supply and Lumber Yards with Outside Storage								S	S	P	P
* No structure shall exceed 65,000 square feet in gross floor area. For the purposes of this subsection, the term “gross floor area” shall include indoor and outdoor space utilized for retail display and sale of goods. No combination of structures, or structures and outside retail display and sales areas on the same or on contiguous lots or parcels, shall exceed 65,000 square feet in gross floor area for a single or commonly controlled retail business operation.											
* Includes home and garden supplies and equipment											
Farm Machinery and Supplies	S	<u>S</u>	<u>S</u>						S	P	P
* Includes agricultural vehicles and implements											
* Includes agricultural supplies											
* Includes home and garden supplies and equipment, except in the RAC Zone											
* In the <u>RAC Zone AC</u> , <u>CP</u> , <u>WRC</u> and <u>TC Districts</u> , 200-foot setback for structures used for milling of grain and feed, and chemical and fertilizer storage											
General Retail								S	P	P	
* Includes sales of antiques, books, baked goods, clothing, crafts, drugs, dry goods, furniture, gifts, groceries, hardware, household items, liquor, plants (flowers, shrubs, and trees), seafood, sports equipment, and items generally found in department stores, general stores or variety stores											
* No structure shall exceed 65,000 square feet in gross floor area. For the purposes of this subsection, the term “gross floor area” shall include indoor and outdoor space utilized for retail display and sale of goods. No combination of structures, or structures and outside retail display and sales areas on the same or on contiguous lots or parcels, shall exceed 65,000 square feet in gross floor area for a single or commonly controlled retail business operation.											
* In the VC Zone general retail uses shall be within 300 feet of a general retail use or post office existing as of the effective date of this chapter, shall not exceed 2,000 square feet of gross floor area.											
Monuments and Memorial Stones										P	P
* 100-foot setback for stone cutting activities											

Land Use Classification	<u>RAC</u> <u>AC</u>	<u>CP</u>	<u>WRC</u>	RC	RR	<u>TC</u>	TR	VC	LC	GC	LI
SERVICES											
Animal Hospital, Veterinary Clinic and Associated Boarding of Animals	S	<u>S</u>	<u>S</u>	S	S	<u>S</u>		P	P	P	P
* 50-foot setback from all property lines											
* No outside animal pens and overnight boarding in the VC and TC Zones											
* In the RC Zone, must be accessory to a farm use and impervious surfaces are limited to 15% of the site or 20,000 square feet, whichever is less											
* In the RC Zone, where there is a 20,000 square foot limitation, impervious coverage may be increased through the use of growth allocation subject to § 190-109D(21)											
Automobile Service, Repair, Washing, and Fuel Sales								P	P	P	P
* Includes trucks and recreational vehicles											
* Access driveways shall be at least 50 feet from RAC, RC, RR, and TR Zones.											
* In the VC Zone the use shall be within 300 feet of a general retail use or post office existing as of the effective date of this chapter and shall not exceed 2,000 square feet of gross floor area											
Bed-and-Breakfast	A	<u>A</u>	<u>A</u>	A	S	<u>A</u>	A	A			
* See § 190-20K											
* In the RC Zone, rental of non-motorized water craft shall be accessory to bed-and-breakfast use											
* Limited to the rental of non-motorized water craft											
* Rental of non-motorized watercraft shall be limited to guest(s) of the bed-and-breakfast											
* No retail sales											
* Two-acre minimum lot size											
* Only structures existing on the date of this amendment (11-25-2003, effective 1-24-2004) shall be used for the rental and storage associated with the non-motorized water craft											

Land Use Classification	<u>RAC</u> <u>AC</u>	<u>CP</u>	<u>WRC</u>	RC	RR	<u>TC</u>	TR	VC	LC	GC	LI
* One parking place per two non-motorized water craft											
* Shall have direct access from a state highway											
* Limited to a maximum number of 12 non-motorized water craft											
Boat and Marine Equipment Sales and Assembly									S	P	P
*Includes outdoor commercial storage and sales											
*In an LI Zone sale of boats limited to boats fully assembled on site											
Building and Landscape Contracting and Maintenance									P	P	P
* Includes contracting for air conditioning, excavation, floor covering, glass repair, heating, landscaping, plumbing, and tree trimming											
* No exterior storage in the LC Zone											
Funeral Home and Crematorium									P	P	P
Farm Equipment Service and Repairs	S	<u>S</u>	<u>S</u>					S	P	P	P
* 150-foot setback in the RAC <u>AC</u> , <u>CP</u> , <u>WRC</u> and VC Zone											
General Services								S	P	P	P
* Includes beauty parlor, barbershop, blacksmith, dry cleaning, equipment rental, laundromats/laundry, locksmith, outdoor power equipment repair, photo processing, shoe repair, tailor shop, signs, sheet metal, printing/publishing, appliance repair, upholstery, taxidermy, woodworker/ carpenter and welding											
* In the VC Zone general service uses shall be within 300 feet of a general retail use or post office existing as of the effective date of this chapter, and shall not exceed 2,000 square feet of gross floor area.											
* In the LC Zone a general services use shall not exceed 2,500 square feet of gross floor area.											

Land Use Classification	<u>RAC</u> <u>AC</u>	<u>CP</u>	<u>WRC</u>	RC	RR	<u>TC</u>	TR	VC	LC	GC	LI
Home-Based Occupation	A	<u>A</u>	<u>A</u>	A		<u>A</u>	A	A			
* See additional regulations											
§ 190-20C											
Hotel/Motel									S	P	
Inn								S	P	P	
* In the VC Zone the inn shall be within 300 feet of a general retail use or post office existing as of the effective date of this chapter											
Kennel (commercial)	S	<u>S</u>	<u>S</u>						S	S	
* 200 foot setback in RAC Zone <u>AC, CP and WRC Districts</u>											
* Outside pens must be sight obscured											
Marine Equipment Service and Repairs								S	P	P	P
Mini Warehouse								S	P	P	P
* In the VC Zone minimum property size shall be 1 acre, shall have perimeter security fencing, perimeter landscaping, minimum 50 foot setback from all property lines, lighting internal to the site and building height one story and not to exceed 20 feet for new construction											
Professional Services								P	P	P	P
* Includes accounting, architecture, chiropractic medicine, medical clinics (medical or veterinary), dentistry, financial institutions, insurance, land planning, law, medicine, real estate, veterinary medicine											
* In the VC Zone uses shall be within 300 feet of a general retail use or post office existing as of the effective date of this chapter, shall not exceed 2,000 square feet of gross floor area, and shall not include drive-through facilities											
* In the LC Zone uses shall not exceed 2,500 sq. ft. of gross floor area, and shall not include drive-through facilities											
Restaurants, Bars and Night Clubs								S	P	P	

Land Use Classification	<u>RAC</u> <u>AC</u>	<u>CP</u>	<u>WRC</u>	RC	RR	<u>TC</u>	TR	VC	LC	GC	LI
* Excludes drive-through facilities											
* In the VC Zone uses shall be within 300 feet of a general retail use or post office existing as of the effective date of this chapter, seating limited to 40 persons, excludes bars and night clubs except liquor sales associated with a restaurant.											
Restaurant with Drive-Through Facilities										S	
Temporary Office for On-Site Construction Personnel	P	<u>P</u>	<u>P</u>	P	P	<u>P</u>	P	P	P	P	P
* After 6 months of operation, Planning Officer must authorize continued use for each subsequent 6-month period.											
Vehicle and Boat Parking and Storage (commercial)	P	<u>P</u>	<u>P</u>	P				P	P	P	P
* Excludes any vehicle repairs and maintenance in the RAC and AC , CP, WRC and RC Zones											
* Limited to indoor storage in structures existing as of August 13, 1989, in the RC Zone and June 22, 1991, for the RAC, AC , CP, WRC, VC, and LC Zones											
*Outside boat parking and storage allowed by special exception in the LC Zone (See "Boat and Marine Equipment Sales and Assembly")											
INSTITUTIONAL											
Cemeteries and Mausoleums/Columbarium, Non-Church-Related, for Humans and Animals and Family Cemeteries	P	<u>P</u>	<u>P</u>	P							
* 20-acre minimum lot size for cemeteries											
* 5-acre minimum lot size for pet cemeteries											
* 2-acre minimum lot size when limited to use of property owner and owner's family members and their pets											
* Non-church-related cemeteries are prohibited in the RC Zone, excepting family cemeteries, provided impervious surfaces are limited to 15% of the site or 20,000 square feet, whichever is less											
* In the RC Zone, where there is a 20,000 square foot limitation, impervious coverage may be increased through the use of growth allocation subject to § 190-109D(21)											
Cemeteries Related to Churches or Temples	S	<u>S</u>	<u>S</u>	S	S	<u>S</u>	S	P	P	P	

Land Use Classification	<u>RAC</u> <u>AC</u>	<u>CP</u>	<u>WRC</u>	RC	RR	<u>TC</u>	TR	VC	LC	GC	LI
* In the RC Zone, church-related cemeteries are allowed, provided church was in existence prior to August 13, 1989, and provided impervious surfaces are limited to 15% of the site or 20,000 square feet, whichever is less											
* In an RC Zone, includes columbarium associated with a church, provided impervious surfaces are limited to 15% of the site or 20,000 square feet, whichever is less											
* In the RC Zone, where there is a 20,000 square foot limitation, impervious coverage may be increased through the use of growth allocation subject to § 190-109D(21)											
Community and Cultural Facilities	S	<u>S</u>	<u>S</u>	S	S	<u>S</u>	S	P	P	P	
* Includes public and quasi-public buildings and structures for recreation, conservation, cultural, museum, library and public service uses											
* In the VC Zone, uses shall be within 300 feet of a general retail use or post office existing as of the effective date of this chapter, and shall not exceed 2,000 square feet of gross floor area											
* In the RC Zone, uses that are non-governmental are allowed, provided impervious surfaces are limited to 15% of the site or 20,000 square feet, whichever is less											
* Structures existing in the RC Zone prior to August 13, 1989, may be expanded, provided impervious surfaces are limited to 15% of the site or 20,000 square feet, whichever is less											
* In the RC Zone, where there is a 20,000 square foot limitation, impervious coverage may be increased through the use of growth allocation subject to § 190-109D(21)											
Day-Care Facility; Family	P	<u>P</u>	<u>P</u>	P	P	<u>P</u>	P	P	P	P	P
* 8 or fewer clients, including any relatives of the care provider											
* Includes children and adults											
* In the RC Zone, shall be located in a structure existing prior to August 13, 1989, expansion shall be allowed, provided impervious surfaces are limited to 15% of the site or 20,000 square feet, whichever is less											
* In the RC Zone, where there is a 20,000 square foot limitation, impervious coverage may be increased through the use of growth allocation subject to § 190-109D(21)											
Day-Care Center; Small Group	S	<u>S</u>	<u>S</u>		S	<u>S</u>	S	S	P	P	P

Land Use Classification	<u>RAC</u> <u>AC</u>	<u>CP</u>	<u>WRC</u>	RC	RR	<u>TC</u>	TR	VC	LC	GC	LI
* 9-12 clients including any relatives of the care provider											
* Includes children and adults											
Day Care Center; Group	S	<u>S</u>	<u>S</u>		S	<u>S</u>	S	S	P	P	A
* More than 12 clients including any relatives of the care provider											
* Includes children and adults											
Educational Institutions, Public or Private, Boarding and Non-Boarding	S	<u>S</u>	<u>S</u>	S		<u>S</u>	S	S	S	S	S
* In RC and TR Zones, limited to nursery schools and schools with Grades K through 8											
* In the RC Zone, public allowed, in accordance with 27.02.02; private allowed subject to impervious limitation of 15% of the site or 20,000 square feet, whichever is less											
* Private institutions existing in the RC Zone prior to August 13, 1989, may be expanded, provided impervious surfaces are limited to 15% of the site or 20,000 square feet, whichever is less											
* In the RC Zone, where there is a 20,000 square foot limitation, impervious coverage may be increased through the use of growth allocation subject to § 190-109D(21)											
Emergency Services	P	<u>P</u>	<u>P</u>	P		<u>P</u>	P	P	P	P	P
* Includes fire, police, rescue and ambulance uses											
* Shall be within 1/4 mile of a state highway in the RAC and AC , CP , WRC and RC zones											
* In the RC Zone, public and quasi-public allowed; private allowed, provided impervious surfaces are limited to 15% of the site or 20,000 square feet, whichever is less											
* Existing privately owned and operated services in the RC Zone in operation prior to August 13, 1989, may be expanded, provided impervious surfaces are limited to 15% of the site or 20,000 square feet, whichever is less											
* In the RC Zone, where there is 20,000 square foot limitation, impervious coverage may be increased through the use of growth allocation subject to § 190-109D(21)											
Government Offices								P	P	P	P

Land Use Classification	<u>RAC</u> <u>AC</u>	<u>CP</u>	<u>WRC</u>	RC	RR	<u>TC</u>	TR	VC	LC	GC	LI
* Limited to offices offering agricultural, technical, investigative, or community outreach and support services in the LI Zone											
Group Homes, Large	S	<u>S</u>	<u>S</u>	S	S	<u>S</u>	S	S	S	S	
* For more than 8 residents unable to live independently because of mental or physical disorders											
Group Homes, Small	P	<u>P</u>	<u>P</u>	P	P	<u>P</u>	P	P			
* For not more than 8 residents unable to live independently because of mental or physical disorders											
Hospital										S	
* 200-foot setback for utility or service structures											
* 10-acre minimum lot size											
Meeting Halls and Facilities for Clubs, Lodges and Fraternal Societies	S	<u>S</u>	<u>S</u>	S		<u>S</u>		S	P	P	
* Excludes gun and firearm shooting clubs											
* In the RC Zone, limited to service organizations and non-profit charitable organizations and institutions											
* In the RC Zone, subject to impervious limitation of 15% of the site or 20,000 square feet, whichever is less											
* In the RC Zone, structures existing prior to August 13, 1989, may be expanded, provided impervious surfaces are limited to 15% of the site or 20,000 square feet, whichever is less											
* In the RC Zone, where there is a 20,000 square foot limitation, impervious coverage may be increased through the use of growth allocation subject to § 190-109D(21)											
Nursing Home and Assisted Living Facility (existing structure)	S	<u>S</u>	<u>S</u>	S	S	<u>S</u>	S	S			
* Shall be located in a structure existing at the effective date of this chapter											
* In Critical Area, shall be located in a structure existing prior to August 13, 1989											
* In the RC Zone, may be expanded, provided impervious surfaces are limited to 15% of the site or 20,000 square feet, whichever is less											
* In the RC Zone, where there is a 20,000 square foot limitation, impervious coverage may be increased through the use of growth allocation subject to § 190-											

Land Use Classification	<u>RAC</u> <u>AC</u>	<u>CP</u>	<u>WRC</u>	RC	RR	<u>TC</u>	TR	VC	LC	GC	LI
109D(21)											
* In the RC Zone, limited to eight patients											
* See additional land use regulations (§ 190-20G).											
Post Office								P	P	P	
Rehabilitation Residence	S	<u>S</u>	<u>S</u>	S		<u>S</u>		S			
* See additional regulations § 190-20D4.											
Studios For Instruction in Art, Music, Dance, Drama, Crafts or Physical Education						P	P	P	P	P	P
* In the VC Zone uses shall be within 300 feet of a general retail use or post office existing as of the effective date of this chapter, and shall not exceed 2,000 square feet of gross floor area.											
INDUSTRIAL											
Private Airports, Landing Strips, Heliports/Helistops	S	<u>S</u>	<u>S</u>								
* 40-acre minimum lot size for private landing strips and airports											
* 200-foot setback for private landing strips and airports											
* 20-acre minimum lot size for heliports/helistops											
* 1,000-foot setback from existing residences for heliports/helistops unless consent to reduce the setback is received from all residence owners within the 1,000-foot setback. Minimum setback 200 feet from property lines											
Compounding Industries (permanent)											S
* Includes concrete and asphalt plants											
* 1,000-foot setback from existing residences unless consent to reduce the setback is received from all residence owners within 1,000-foot setback											
* Shall not be allowed in the Chesapeake Bay Critical Area											

Land Use Classification	<u>RAC</u> <u>AC</u>	<u>CP</u>	<u>WRC</u>	RC	RR	<u>TC</u>	TR	VC	LC	GC	LI
* Shall have direct access to an approved county or state road											
Compounding, Temporary Paving Material	S	<u>S</u>	<u>S</u>								P
* Includes any asphalt and concrete processing											
* 1,000-foot setback from any structure intended for human occupancy unless the owner of the structure consents to a lesser setback, no less than 200 feet											
* Shall be associated with a major public road or facility construction project											
* Shall not be operational for more than 1 year without the consent of the Planning Officer											
Cottage Industry	S	<u>S</u>	<u>S</u>	S		<u>S</u>		S			
*See additional regulations § 190-20C.											
Flammable Liquid Storage and Wholesale Distribution									S	S	S
* Setbacks subject to the BOCA National Fire Prevention Code/1993 as amended and Article X of this chapter, whichever is more restrictive											
Food Packing and Processing										P	P
Laboratories for Scientific Research and Experimentation											P
Manufacturing Operations								S	S	S	P
* Includes any uses involved in assembling, processing or packaging operations that do not create a public nuisance because of noise, vibration, dust, smoke, odor, glare, or environmental pollution											
* Not allowed in the Critical Area											
* In VC, LC and GC shall be located in a structure existing as of June 22, 1991, the effective date of this chapter											
* In the Village Center Zone uses shall be within 300 feet of a general retail use or post office existing as of June 22, 1991, the effective date of this chapter.											
Mineral Extraction Activities	S	<u>S</u>	<u>S</u>	S							
* Includes sand and gravel operations											

Land Use Classification	<u>RAC</u> <u>AC</u>	<u>CP</u>	<u>WRC</u>	RC	RR	<u>TC</u>	TR	VC	LC	GC	LI
* See additional regulations § 19020H.											
Product Recycling	S	<u>S</u>	<u>S</u>	S							
* Masonry products (including concrete, asphalt, brick, block and stone) and material products (including trees, stumps, branches, leaves, grass trimmings and soil)											
* See additional regulations § 190-20J.											
Recycling Processing Center											P
* Must be located in an opaque-fenced yard or enclosed structure											
* Shall not be used for a permanent storage or disposal site of recyclable materials											
Sawmills	P	<u>P</u>	<u>P</u>	P				S	S	P	P
* 200-foot setback in all zones except VC, LC, GC, and LI											
* Setback reduced to 50 feet for existing sawmills at the effective date of this chapter											
* In the RC Zone, temporary noncommercial sawmills are allowed when associated with on-site timber harvests											
Scrap Metal Processing											P
* Not allowed in Critical Area											
Storage of Flammable Liquids for Resale									S	S	S
*Does not affect storage of flammable liquids connected with nonessential utility services which have been approved by a special exception											
* Setbacks subject to the BOCA National Fire Prevention Code/1993, as amended, and Article X of this chapter, whichever is more restrictive											
Trucking and Freight Stations with Terminals and Storage Yards											P
* Not allowed in Critical Area											

Land Use Classification	<u>RAC</u> <u>AC</u>	<u>CP</u>	<u>WRC</u>	RC	RR	<u>TC</u>	TR	VC	LC	GC	LI
WATER-DEPENDENT FACILITIES											
Community Piers and Related Boat Facilities				S	S		S	S			
* See Critical Area special provisions § 190-91.											
Commercial Marinas and Piers				S				S	S	S	S
* See Critical Area special provisions § 190-91A(3).											
* Includes piers, wharves, berthing and boat docking facilities, launching ramps, wet and dry storage facilities for seaworthy craft in operable condition, yacht clubs, retail sale of maritime related items (fishing equipment, bait, ice, etc.) minor repair of watercraft, watercraft sales, rental and charter, marine equipment sales, watercraft fuel sales, fishing facilities (crab sheds, fish off-loading docks, shellfish culture operations, and fishery activities), guestroom rental (no more than 10 rooms)											
* In the RC Zone uses are limited to expansion of commercial marinas and piers.											
Ports and Related Industry											
* Not allowed in Critical Area											
Private Bridge Which Crosses Tidal Waters Useable By Marine Craft	S	<u>S</u>	<u>S</u>	S	S	<u>S</u>	S	S	S	S	S
* The private bridge shall be necessary to provide driveway access to a property for a residential or water-dependent use.											
* The private bridge shall be approved and a permit issued by County, state, and federal agencies having jurisdiction.											
* Setbacks for the private bridge shall be the same as for other structures unless the bridge directly abuts an existing public road; then setbacks are waived.											
Other Private Bridges	A	<u>A</u>	<u>A</u>	A	A	<u>A</u>	A	A	A	A	A
* The private bridge shall be approved and a permit issued by County, state, and federal agencies having jurisdiction											
Water-Oriented Public Recreation, Education, Research Areas				S			S	S	S	S	
* See Critical Area special provisions § 190-91A(4).											

Land Use Classification	<u>RAC</u> <u>AC</u>	<u>CP</u>	<u>WRC</u>	<u>RC</u>	<u>RR</u>	<u>TC</u>	<u>TR</u>	<u>VC</u>	<u>LC</u>	<u>GC</u>	<u>LI</u>
In TR Zone, 2 acre minimum lot size, limited to public schools and organizations holding federal tax exempt status under 501(c)(3) of the Internal Revenue Code, and excluding use or rental of motorized watercraft (except boats used in connection with and during crewing or scolling.)											
Waterfront Structures				A	A		A	A	A	A	A
* See Critical Area special provisions § 190-91A.											
* Includes private piers, bulkheads, riprap, docks and wharfs, which shall be approved and a permit issued by County, state and/or federal agencies having jurisdiction											
* Excludes boathouses											
UTILITIES											
Antenna Tower For Essential Communications	S	<u>S</u>	<u>S</u>	S	S	<u>S</u>	S	S	P	P	P
* Includes towers for essential telecommunications and emergency service radio communications antennas											
* New antenna towers shall not be located within a 3-mile radius of any existing antenna towers in the unincorporated area of the County.											
Antenna Tower for Radio and Television Transmissions and Other Nonessential Radio Communications	S	<u>S</u>	<u>S</u>	S					P	P	P
* Includes towers for public and commercial radio and television antennas, business band radio antennas and necessary transmission facilities											
* Includes associated broadcasting studios in the LC, GC, and LI Zones											
* New antenna towers shall not be located within a 3-mile radius of any existing antenna towers in the unincorporated area of the County.											
Pump Stations for Gas and Oil Pipelines	S	<u>S</u>	<u>S</u>	S	S	<u>S</u>	S	S	S	S	S
Recycling Collection Center	P	<u>P</u>	<u>P</u>	P	P	<u>P</u>	P	P	P	P	P
* Sites must be approved by the Talbot County Recycling Committee.											
Treated Septage Land Application	P	<u>P</u>	<u>P</u>	P							

Comment [CRG61]: This use will be deleted in Phase II of the zoning regulations update. In 1994 a septage treatment facility was created in the TC district and Chapter 145 was established to provide septage management regulations. With the creation of this facility the land application of treated septage was no longer permitted.

Land Use Classification	<u>RAC</u> <u>AC</u>	<u>CP</u>	<u>WRC</u>	RC	RR	<u>TC</u>	TR	VC	LC	GC	LI
* Shall comply with all County and state regulations											
* Shall not include storage of septage											
* No land application shall take place within 200 feet from mean high water, the edge of tidal wetlands or tributary streams. This provision is not subject to a variance.											
Septic Systems	A	<u>A</u>	<u>A</u>	A	A	<u>A</u>	A	A	A	A	A
* Limited to on-site systems serving a single residence or commercial/industrial establishment											
* 15-foot setback from all property lines except for contiguous sewage reserve area parcels											
* Shall meet all County and state regulations											
* No septic system shall be placed in the Critical Area 100-foot Shoreline Development Buffer											
* In the RC Zone, septic systems shall not serve development outside of the RC Zone or Critical Area											
* For BIPs see additional land use regulations (§ 190-20I)											
Community Sewage Treatment Plant	S	<u>S</u>	<u>S</u>	S	S	<u>S</u>	S	S	S	S	S
* Shall comply with all County, state and federal regulations											
* No treatment plant shall be placed within 200 feet from mean high water, the edge of tidal wetlands or tributary streams. This provision is not subject to a variance.											
Septage Treatment Facilities	S	<u>S</u>	<u>S</u>								S
* Shall comply with all state and federal regulations											
* Shall require issuance of license from the County											
* 300-foot setback for all treatment facilities											
* 1,000-foot setback from existing residences											
Shared Facilities for Sewage Collection, Treatment and Disposal	P	<u>P</u>	<u>P</u>	P	P	<u>P</u>	P	P	P	P	P

Comment [JLH62]: This term is not defined in the Zoning Regulations. As used in Chapter 152 of the Talbot Code, Shared Sanitary Facilities, it refers to treatment plants that are part of County-owned sewerage systems. A definition consistent with Chapter 152 will be proposed in Phase II.

Comment [JLH63]: This term is not defined in the Zoning Regulations. As used in Chapter 152 of the Talbot Code, Shared Sanitary Facilities, it refers to facilities that would serve a particular subdivision and be owned by the property owners or developer. A definition consistent with Chapter 152 will be proposed in Phase II.

Land Use Classification	<u>RAC</u> <u>AC</u>	<u>CP</u>	<u>WRC</u>	RC	RR	<u>TC</u>	TR	VC	LC	GC	LI
* 50-foot setback for all aboveground facilities											
* Shall meet all County and state regulations											
* Shall not include treatment or disposal of septage											
* For BIPs see additional land use regulations § 190-20I.											
* Shared facilities for development outside the Critical Area may not be located within the Critical Area.											
Sludge Application for Agricultural and Horticultural Purposes	P	<u>P</u>	<u>P</u>	P		<u>P</u>	P	P			P
* Shall comply with all County and state regulations											
* No sludge application shall take place within 200 feet from mean high water, the edge of tidal wetlands or tributary streams. This provision is not subject to a variance.											
* See additional land use regulations (§ 190-20F)											
Sludge Storage Facility	S	<u>S</u>	<u>S</u>								
* Limited to storage of sludge generated at local (within Talbot County) sewage treatment plants											
* Shall comply with all state regulations											
* Storage of sludge for land application shall be limited to 5 days.											
* 200-foot setback for sludge storage areas and facilities											
Solid Waste Disposal Facility											
* Shall require approval from the County Council											
* Includes rubble fills											
Solid Waste Transfer Stations	S	<u>S</u>	<u>S</u>			<u>S</u>	S	S	S	S	S
* 100-foot setback from property lines											
* Shall be screened from view on all sides by plantings											

Land Use Classification	<u>RAC</u> <u>AC</u>	<u>CP</u>	<u>WRC</u>	RC	RR	<u>TC</u>	TR	VC	LC	GC	LI
* Shall be fenced											
* Not permitted within the Critical Area											
Utility Services, Essential	P	<u>P</u>	<u>P</u>	P	P	<u>P</u>	P	P	P	P	P
Utility Facilities, Nonessential	S	<u>S</u>	<u>S</u>	S	S	<u>S</u>	S	S	S	S	S
* Excludes essential utility services											
* In the RC Zone, excludes generation of electricity											
* Includes utility transmission facilities											
* In the RC Zone, must meet the definition of a local government agency action in accordance with COMAR 27.02											
Utility Structures and Services	S	<u>S</u>	<u>S</u>	S	S	<u>S</u>	S	S	S	S	S
* Excludes essential utility services											
Water Treatment and Storage Facilities	S	<u>S</u>	<u>S</u>	S	S	<u>S</u>	S	S	S	S	S
* Shall comply with all state and federal regulations											
Wireless Communication Towers Less Than 100 feet	P	<u>P</u>	<u>P</u>	P				P	P	P	P
*See additional land use regulations, Article IV, § 190-20M											
*Private ham radio towers less than 75 feet are exempt from the requirements of this section.											
Wireless Communication Towers 100 Feet or Higher	S	<u>S</u>	<u>S</u>	S					S	S	S
See additional land use regulations, Article IV, § 190-20M											

Comment [JLH64]: These towers would not be allowed in TC, due to proximity to towns.

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Proposed Revisions to Forest Conservation Regulations

Comment [CRG65]: In Phase II of the code update, the Planning Commission will review the effects of the Forest Conservation regulations on agricultural activities.

Chapter 73: FOREST CONSERVATION

§ 73-2. Definitions

~~AGRICULTURAL AND RESOURCE AREAS — Undeveloped areas zoned for densities of less than one dwelling unit per five acres and corresponding to Talbot County zoning classification, Rural Agricultural Conservation District (RAC).~~

Comment [CRG66]: This term is only used once, in Chapter in 73-10. The revisions proposed below make the term unnecessary.

§ 73-10. Afforestation and retention.

A. Afforestation requirement. A person making application after the effective date of this chapter for site plan, subdivision or project plan approval, a building permit, or a sediment and erosion control permit for an area of land 40,000 square feet or greater, not exempt from this chapter, shall:

(1) Conduct afforestation in accordance with the following:

Comment [CRG67]: Afforestation is establishing a forest on an area on which forest cover is absent.

(a) Net tract areas having less than 20% forest cover shall be afforested up to at least 20% in the following zoning districts:

~~[1] Rural Agricultural Conservation (RAC) District, which is an agricultural and resource area, including those on which net tract area is based on the clustering option; Agricultural Conservation (AC), Western Rural Conservation (WRC), Countryside Preservation (CP), Town Conservation (TC); and~~

Comment [CRG68]: In these new districts afforestation would be required to the same extent as in the RAC district.

~~[2] Rural Residential (RR) which is a medium density residential area; and~~

Comment [JLH69]: Forest Conservation ordinance applies only to non-critical areas. Rural Residential should not be referenced.

~~[3] Town Residential District (TR) without sewerage service and Village Center (VC) without sewerage service, which are medium density residential areas;~~

§ 73-11. Forest conservation threshold.

A. There is a forest conservation threshold established for all land use categories, as provided in Subsection B below. The forest conservation threshold means the percentage of the net tract area at which the reforestation requirement changes from a ratio of 1/4 acre planted for each acre removed above the threshold to a ratio of two acres planted for each acre removed below the threshold.

B. After reasonable efforts to minimize the cutting or clearing of trees and other woody plants have been exhausted in the development of a site plan, subdivision or project plan, building permit, sediment and erosion control permit, and implementation of the forest conservation plan, the forest conservation plan shall provide for reforestation, or payment into the Forest Conservation Fund, according to the formula set forth in § 73-14 and consistent with the following forest conservation thresholds for the applicable zoning

1 classifications:

Zoning Classifications	Threshold Percentage	
Rural Agricultural Conservation (RAC) Agricultural Conservation (AC), Countryside Preservation (CP), Western Rural Conservation (WRC), Town Conservation (TC)		Comment [JLH70]: The new low density districts need to be listed here in lieu of the RAC District, which will no longer exist.
Traditional approach, u Unclustered	50% of net tract area	
Clustered	50% of proposed net tract area	
Rural Residential (RR)	25%	Comment [JLH71]: The Forest Conservation ordinance applies only to non-critical areas. RR is a critical area zoning district.
Town Residential (TR)		
Without sewer	25%	
With sewer	20%	
Village Center (VC)		
Without sewer	25%	
With sewer	20%	
Manufactured Home Development (MHD)	20%	
Affordable Housing (AH)	20%	
Limited Industrial (LI)	15%	
Limited Commercial (LC)	15%	
General Commercial (GC)	15%	
Institutional Uses (any zone)	15%	

Proposed Revisions to Subdivision Regulations

Chapter 168, SUBDIVISION REGULATIONS

ARTICLE II, Definitions and Word Usage

§ 168-15. Words and terms defined

RESERVED **LAND** – ~~A specific designation of land on a subdivision plat which indicates a specifically delineated area included as part of the subdivision. Reserved land is permanently protected open space which may not be developed for residential, commercial or industrial development. A reservation of development rights agreement must be approved by the County for all lands designated as reserved lands. Permanently protected open space, delineated on a subdivision plat, that may not be developed for residential, commercial or industrial use. A reservation of development rights agreement is required for all lands designated as reserved lands.~~

Comment [JLH72]: The revisions to this definition are intended for clarification. The Phase I revisions propose using this term be used in the Zoning Regulations, in place of the more general term “open space,” to refer to areas of land subject to a Reservation of Development Rights agreement.

ARTICLE V, Requirements for Improvements and Design

§ 168-27. Improvements

G. Curbs and sidewalks. The applicant shall install all curbs and sidewalks as required by the Planning Officer. Sidewalks may be required for higher density subdivisions with smaller lot sizes as may be found in Village Center (VC), and Town Residential (TR) and Rural and Agricultural Conservation (RAC Cluster Subdivision) zoning districts, and for cluster subdivisions with transfer of development rights in the Agricultural Conservation (AC) zoning district.

I. Streetlights. The applicant shall erect all streetlights as required by the Planning Officer. Sidewalks may be required for high-density subdivisions with smaller lot sizes such as may be found in Village Center (VC), and Town Residential (TR) and Rural and Agricultural Conservation (RAC Cluster Subdivision) zoning districts, and for cluster subdivisions with transfer of development rights in the Agricultural Conservation (AC) zoning district.

§ 168-28. Design.

K. The following standards shall apply to the design of roads:
(11) Layout of roads shall minimize potential pedestrian/vehicle conflict points. In

1 subdivisions of 30 lots or greater such as may be found in Town Residential (TR),
2 Village Center (VC), and ~~Rural and Agricultural Conservation (RAC—cluster~~
3 ~~subdivisions)~~ Agricultural Conservation (AC) zoning districts; curbs, sidewalks and
4 streetlighting may be required by the Planning Officer whenever it is determined that
5 such improvements are necessary for reasons of public safety.

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THREE UP-FRONT LOTS VARIATIONS

VARIATION 1

This variation reduces the additional dwelling units allowed in addition to the one per 20 acres in the WRC district. In WRC, the following text allows 2 extra dwelling units for lots at least 4 and less than 40 acres, 1 extra dwelling unit for parcels at least 40 but less than 100 acres, and no extra dwelling units for parcels 100 or more acres. In the AC and CP Districts, 3 additional dwelling units would be permitted for parcels of at least 6 acres.

§ 190-15. Zoning districts established.

190-15.A.(3)(a)

The base density in the WRC District is one dwelling unit per 20 acres plus up to two additional units, as specified in Section 190-56.1.D.(2) for standard cluster.

§ 190-56.1 Standards for Rural Districts

D. Requirements for Standard Cluster Subdivision

(1) AC and CP District

The base density in the AC and CP Districts is one dwelling unit per 20 acres plus three dwelling units. The following chart lists the number of lots allowed in a standard cluster subdivision based on this density, and establishes clustering requirements for these lots.

<u>Parcel Size (acres)</u>	<u>Maximum number of lots (including remainder of original parcel)</u>	<u>Minimum number of clustered lots</u>	<u>Maximum acreage included in the cluster lots</u>	<u>Number of lots not required to cluster</u>
<u>Less than 4</u>	<u>1</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>
<u>At least 4 and less than 6</u>	<u>2</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>
<u>At least 6 and less than 10</u>	<u>3</u>	<u>2</u>	<u>n/a</u>	<u>1</u>
<u>At least 10 and less than 20</u>	<u>3</u>	<u>2</u>	<u>7</u>	<u>1</u>
<u>At least 20 and less than 40</u>	<u>4</u>	<u>3</u>	<u>11</u>	<u>1</u>

<u>Parcel Size (acres)</u>	<u>Maximum number of lots (including remainder of original parcel)</u>	<u>Minimum number of clustered lots</u>	<u>Maximum acreage included in the cluster lots</u>	<u>Number of lots not required to cluster</u>
<u>At least 40 and less than 60</u>	<u>5</u>	<u>3</u>	<u>11</u>	<u>2</u>
<u>At least 60 and less than 80</u>	<u>6</u>	<u>4</u>	<u>14</u>	<u>2</u>
<u>At least 80 and less than 100</u>	<u>7</u>	<u>5</u>	<u>17</u>	<u>2</u>
<u>At least 100 and less than 120</u>	<u>8</u>	<u>5</u>	<u>18</u>	<u>3</u>
<u>At least 120 and less than 140</u>	<u>9</u>	<u>6</u>	<u>21</u>	<u>3</u>
<u>At least 140 and less than 160</u>	<u>10</u>	<u>6</u>	<u>22</u>	<u>4</u>
<u>160 or more</u>	<u>3 lots plus one lot per 20 acres</u>	<u>All except 4 lots</u>	<u>Acreage equal to 3.5 acres times the number of cluster lots</u>	<u>4</u>

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(2) The base density in the WRC District is one dwelling unit per 20 acres plus additional units as follows:

- (a) Parcels at least 4 and less than 40 acres: 2 additional dwelling units
- (b) Parcels at least 40 and less than 100 acres: 1 additional dwelling unit
- (c) Parcels 100 or more acres: no additional dwelling units.

(3) The following chart lists the number of lots allowed in a standard cluster subdivision in the WRC District based on the allowed density, and establishes clustering requirements for these lots.

<u>Parcel Size (acres)</u>	<u>Maximum number of lots (including remainder of original parcel)</u>	<u>Minimum number of clustered lots</u>	<u>Maximum acreage included in the cluster lots</u>	<u>Number of lots not required to cluster</u>
<u>Less than 4</u>	<u>1</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>

<u>Parcel Size (acres)</u>	<u>Maximum number of lots (including remainder of original parcel)</u>	<u>Minimum number of clustered lots</u>	<u>Maximum acreage included in the cluster lots</u>	<u>Number of lots not required to cluster</u>
<u>At least 4 and less than 20</u>	<u>2</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>
<u>At least 20 and less than 60</u>	<u>3</u>	<u>2</u>	<u>7</u>	<u>1</u>
<u>At least 60 and less than 80</u>	<u>4</u>	<u>3</u>	<u>11</u>	<u>1</u>
<u>At least 80 and less than 120</u>	<u>5</u>	<u>3</u>	<u>11</u>	<u>2</u>
<u>At least 120 and less than 140</u>	<u>6</u>	<u>4</u>	<u>14</u>	<u>2</u>
<u>At least 140 and less than 160</u>	<u>7</u>	<u>5</u>	<u>17</u>	<u>2</u>
<u>160 or more</u>	<u>one lot per 20 acres</u>	<u>All except 3 lots</u>	<u>Acreage equal to 3.5 acres times the number of cluster lots</u>	<u>3</u>

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2 E. Requirements for Cluster Subdivision with Transferable Development Rights (TDRs)

3 (1) One additional lot above the base density shall be permitted for each development
4 right transferred from a sending parcel.

5 (2) A cluster subdivision with TDRs shall have no more than 60 lots, not including
6 reserved land.

7 (3) In the AC District, a landowner who transfers development rights from his property
8 has the option to transfer development rights back onto his property at a later date.
9 Development rights may not be transferred back onto a sending parcel in the CP or
10 WRC Districts.

11 (4) Sending parcels may send development rights according to the chart in (5) below.
12 Any additional dwelling units allowed for the sending parcel, above one dwelling unit
13 per 20 acres, may be used on the sending parcel but may not be transferred.

Comment [JLH73]: The 2nd sentence is clarification. A sending parcel could use the additional lots allowed but these could not be transferred.

14 (5) Development rights shall be transferred only between a sending parcel and a
15 receiving parcel within the same County election district and only in accordance with
16 the following chart:

<p><u>In the AC District:</u></p>	<p><u>Development rights shall be transferred within the AC District. Receiving parcels may also receive development rights from land in the CP District.</u></p> <p><u>Sending parcel: A reservation of development rights shall be placed on 10 acres for each development right which is transferred.</u></p> <p><u>Receiving parcel: maximum density shall be one dwelling unit per five acres plus three dwelling units.</u></p>
<p><u>In the CP District:</u></p>	<p><u>Development rights shall be transferred within the CP District. Sending parcels may also transfer development rights to subdivisions in the AC District, or to incorporated towns if allowed by town regulations.</u></p> <p><u>Sending parcel: A reservation of development rights shall be placed on 20 acres per development right transferred to a CP-zoned parcel, and on 10 acres per development right transferred to an AC-zoned parcel.</u></p> <p><u>Receiving parcel: maximum density shall be one dwelling unit per 10 acres plus three dwelling units.</u></p>
<p><u>In the WRC District:</u></p>	<p><u>Development rights shall only be transferred within the WRC District.</u></p> <p><u>Sending parcel: a reservation of development rights shall be placed on 20 acres for each development right which is transferred.</u></p> <p><u>Receiving parcel: maximum density shall be one dwelling unit per 10 acres plus the number of additional dwelling units specified in Section 196-56.1.D.(2).</u></p>

VARIATION 2

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This variation reduces the 3 additional dwelling units in AC, CP and WRC. Instead, the following text would allow 2 extra dwelling units for lots at least 4 and less than 40 acres, 1 extra dwelling unit for parcels at least 40 but less than 100 acres, and no extra dwelling units for parcels 100 or more acres.

§ 190-15. Zoning districts established.

190-15.A.(1)(a)

The base density in the AC District is one dwelling unit per 20 acres plus up to two additional units, as specified in Section 190-56.1.D.(2) for standard cluster.

190-15.A.(2)(a)

The base density in the WRC District is one dwelling unit per 20 acres plus up to two additional units, as specified in Section 190-56.1.D.(2) for standard cluster.

190-15.A.(3)(a)

The base density in the WRC District is one dwelling unit per 20 acres plus up to two additional units, as specified in Section 190-56.1.D. (2) for standard cluster.

§ 190-56.1 Standards for Rural Districts

D. Requirements for Standard Cluster Subdivision

(1) The base density in the AC, CP and WRC Districts is one dwelling unit per 20 acres plus additional units as follows:

(a) Parcels at least 4 and less than 40 acres: 2 additional dwelling units

(b) Parcels at least 40 and less than 100 acres: 1 additional dwelling unit

(c) Parcels 100 or more acres: no additional dwelling units.

(2) The following chart lists the number of lots allowed in a standard cluster subdivision based on the allowed density, and establishes clustering requirements for these lots.

<u>Parcel Size (acres)</u>	<u>Maximum number of lots (including remainder of original parcel)</u>	<u>Minimum number of clustered lots</u>	<u>Maximum acreage included in the cluster lots</u>	<u>Number of lots not required to cluster</u>
<u>Less than 4 acres</u>	<u>1</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>
<u>At least 4 and less than 20</u>	<u>2</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>
<u>At least 20 and less than 60</u>	<u>3</u>	<u>2</u>	<u>7</u>	<u>1</u>

<u>Parcel Size (acres)</u>	<u>Maximum number of lots (including remainder of original parcel)</u>	<u>Minimum number of clustered lots</u>	<u>Maximum acreage included in the cluster lots</u>	<u>Number of lots not required to cluster</u>
<u>At least 60 and less than 80</u>	<u>4</u>	<u>3</u>	<u>11</u>	<u>1</u>
<u>At least 80 and less than 120</u>	<u>5</u>	<u>3</u>	<u>11</u>	<u>2</u>
<u>At least 120 and less than 140</u>	<u>6</u>	<u>4</u>	<u>14</u>	<u>2</u>
<u>At least 140 and less than 160</u>	<u>7</u>	<u>5</u>	<u>17</u>	<u>2</u>
<u>160 or more</u>	<u>one lot per 20 acres</u>	<u>All except 3 lots</u>	<u>Acreage equal to 3.5 acres times the number of cluster lots</u>	<u>3</u>

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4 right transferred from a sending parcel.

5 (2) A cluster subdivision with TDRs shall have no more than 60 lots, not including
6 reserved land.

7 (3) In the AC District, a landowner who transfers development rights from his property
8 has the option to transfer development rights back onto his property at a later date.
9 Development rights may not be transferred back onto a sending parcel in the CP or
10 WRC Districts.

11 (4) Sending parcels may send development rights according to the chart in (5) below.
12 Any additional dwelling units allowed for the sending parcel, above one dwelling unit
13 per 20 acres, may be used on the sending parcel but may not be transferred.

14 (5) Development rights shall be transferred only between a sending parcel and a
15 receiving parcel within the same County election district and only in accordance with
16 the following chart:

Comment [JLH74]: The 2nd sentence is clarification. A sending parcel could use the additional lots allowed but these could not be transferred.

<p><u>In the AC District:</u></p>	<p><u>Development rights shall be transferred within the AC District. Receiving parcels may also receive development rights from land in the CP District.</u></p> <p><u>Sending parcel: A reservation of development rights shall be placed on 10 acres for each development right which is transferred.</u></p> <p><u>Receiving parcel: maximum density shall be one dwelling unit per five acres plus the number of additional dwelling units specified in Section 196-56.1.D.(2).</u></p>
<p><u>In the CP District:</u></p>	<p><u>Development rights shall be transferred within the CP District. Sending parcels may also transfer development rights to subdivisions in the AC District, or to incorporated towns if allowed by town regulations.</u></p> <p><u>Sending parcel: A reservation of development rights shall be placed on 20 acres per development right transferred to a CP-zoned parcel, and on 10 acres per development right transferred to an AC-zoned parcel.</u></p> <p><u>Receiving parcel: maximum density shall be one dwelling unit per 10 acres plus the number of additional dwelling units specified in Section 196-56.1.D.(2).</u></p>
<p><u>In the WRC District:</u></p>	<p><u>Development rights shall only be transferred within the WRC District.</u></p> <p><u>Sending parcel: a reservation of development rights shall be placed on 20 acres for each development right which is transferred.</u></p> <p><u>Receiving parcel: maximum density shall be one dwelling unit per 10 acres plus the number of additional dwelling units specified in Section 196-56.1.D.(2).</u></p>