

Amendment No. 2 to Bill 1401

Proposed by: Mr. Callahan

Introduced by: Mr. Callahan, Ms. Price, Ms. Williams

Date: August 14, 2018

A BILL TO REPEAL AND REPLACE TALBOT COUNTY CODE CHAPTER 190, ENTITLED “ZONING, SUBDIVISION, AND LAND USE DEVELOPMENT”, IN ITS ENTIRETY, AND TO ENACT AN ENTIRE NEW CHAPTER 190 OF THE TALBOT COUNTY CODE TO IMPLEMENT ZONING CONTROLS AND REGULATIONS CONSISTENT WITH AND PURSUANT TO THE 2016 TALBOT COUNTY COMPREHENSIVE PLAN

KEY

Boldface.....Heading or defined term

Underlining.....Added by amendment

~~Strikethrough~~.....Deleted by amendment

* * * Existing Bill unaffected

Proposed Amendments: The amendments proposed to the text of Exhibit “A” to the Bill are as follows:

* * *

12.1. STRUCTURE HEIGHT LIMITATIONS

Structures shall comply with the following height limits.

**TABLE II-12
STRUCTURE HEIGHT**

TYPE OF STRUCTURE	MAXIMUM HEIGHT (FEET)	ADDITIONAL REQUIREMENTS
Dwellings and agricultural structures; includes ornamental towers and other design features	40	
Primary commercial, industrial or institutional structures	40, except 35 in the Gateway Overlay District	
Chimneys, church belfries or spires, conveyers, and private radio and television antennas	75	Minimum base zoning setback plus 1 additional foot in setback for each foot in height over 40 feet.
Fire towers, silos, hospitals and public monuments	100	Minimum base zoning setback plus 1 additional foot in setback for each foot in height over 40 feet.
Grain elevators	200	Minimum base zoning setback plus 1 additional foot in setback for each foot in height over 40 feet. Minimum setbacks for new grain elevators on parcels with an existing grain processing, drying and storage use shall be 100 feet.
<u>Grain processing, drying and storage structures (wholesale commercial)</u>	<u>100</u>	<u>Minimum base zoning setback plus 1 additional foot in setback for each foot in height over 40 feet, except for new or expanded structures in the VM or VH Districts, where the minimum setback for such structures shall be in accordance with §26.13.C.</u>
Antenna towers for essential communications; for radio and television broadcasting facilities and other nonessential communication; and for wireless communication (See Article IV)	200	Minimum required setback is 10 feet greater than the height of the tower, except that, for concealed towers the minimum setback shall be base zoning setback plus one additional foot in setback for each foot in structure height over 40 feet. The height of a concealed tower shall not be greater than the distance from the base of the tower to the primary structure on an adjacent property.
Residential accessory buildings on lots of 2 acres or less.	25	Observation towers, spires and other ornamental or design features that are higher than the primary roof of an accessory building and do not cover more than 25 percent of the roof area may exceed the 25-foot height limit by no more than 5 feet.
Residential accessory buildings on lots larger than 2 acres.	30	Observation towers, spires and other ornamental or design features that are higher than the primary roof of an accessory building and do not cover more than 25 percent of the roof area may exceed the 30-foot height limit by no more than 5 feet.

* * *

Purpose: This new language is intended to clarify the height limit and setbacks for certain grain facilities.

Amendment not substantive: An amended ordinance cannot be deemed to be a new or different one unless it enlarges or narrows the scope of the original ordinance to such an extent that the ordinance as enacted can be said to be misleading in a substantial manner in its final form. Amendments that do not defeat the original purpose of the ordinance are not so substantial as to become a new ordinance. *Ajamian v. Montgomery County*, 99 Md. App. 665, 684-685 (1994). This amendment does not meet the test and therefore is non-substantive.