

Amendment No. 5 to Bill 1401

Proposed by: Staff

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

Date: September 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:

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Section 190-38 NOISE

A. ~~METHOD OF MEASUREMENT, LEVELS AND STANDARDS~~

Noise shall be measured and comply with the decibel levels and standards defined in Chapter 92, Noise Ordinance. ~~with a sound level meter meeting the most recently published standards of the American National Standards Institute (ANSI S1.4) American Standards Specification for General Purpose Sound Level Meters. The instrument shall be set to the A-weighted response scale and the meter to the slow response.~~

- ~~1. Measurements shall be conducted in accord with ANSI S1.2, American Standard Method for the Physical Measurements of Sound.~~
- ~~2. Measurements may be made at any point along a district boundary or lot line.~~

B. EXEMPTIONS

Exemptions and prohibited noise acts are listed in Chapter 92, §§ 92-5 and 92-6. Noises of vehicles, starting of commercial boats, home appliances, and chainsaws in private use, occasionally used safety signals, warning signals, emergency pressure relief valves, agricultural operations, temporary construction operations, and hunting activities licensed by Maryland law shall be exempt from the requirements of this Section.

~~C. NOISE LEVELS~~

~~1. Noise shall not exceed the following sound levels beyond the site boundary line:~~

ZONING DISTRICT	MAXIMUM PERMITTED SOUND LEVEL (dBA)
AC, CP, WRC, RC, RR, TR, TC, VM, VII, VR	55
LC, GC and LI	65

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

~~3. For the purposes of this Section, impact noises are those noises whose peak values are more than six dBA higher than the values indicated on the sound level meter, and are of short duration, such as the noise of a forging hammer or punch press. For impact noises, the values prescribed in Subsection C, increased by 10 dBA, shall govern in the LC, GC and LI Districts.~~

~~D.C. SITE PLAN REFERENCE TO NOISE STANDARDS~~

For development requiring a site plan and having an outdoor use area, the site plan shall indicate the applicable noise limit at the property line, based on Talbot County's noise standards within Chapter 92 and the zoning or land use of adjoining properties, and indicate that the use shall comply with the noise limit. Mitigation measures, as applicable to a site, shall be installed and maintained in accordance with §92-7.E.

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Section 190-43 OTHER DEVELOPMENT STANDARDS

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

- A. Roads and Bridges (Chapter 134), Floodplain Management (Chapter 70), Stormwater Management (Chapter 164), Building Construction (Chapter 28), Noise Ordinance (Chapter 92), and other applicable laws of the County.
- B. Sediment and erosion control. The applicant shall construct sediment and erosion control structures and facilities as required by the Talbot County Soil Conservation District.
- C. Water and sewerage systems. The applicant shall construct water supply and sewage collection or disposal facilities as required by the state health regulations and/or the County Engineer.
- D. The County Comprehensive Plan, Comprehensive Water and Sewer Plan, and Capital Program as adopted.
- E. State and federal regulations relating to the development of land.

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Section 190-76 OTHER REQUIREMENTS

76.1. APPLICABLE PLANS AND REGULATIONS

- A. In addition to the requirements established in this chapter, subdivision plans shall comply with all applicable local, state and federal plans and regulations, including the following:
 1. Roads and Bridges (Chapter 134), Floodplain Management (Chapter 70), Stormwater Management (Chapter 164), Building Construction (Chapter 28), Noise Ordinance (Chapter 92), and other applicable laws of the County.
 2. The County Comprehensive Plan, Comprehensive Water and Sewer Plan, and Capital Program as adopted.
 3. State and federal regulations relating to the development of land.
- B. Plat approval may be withheld if a subdivision is not in conformity with the above plans and regulations or this chapter.

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Purpose: This new language is intended to recognize that noise regulations are being shifted to a separate section of the Talbot County Code (Chapter 92).

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.