

Amendment No. 6 to Bill 1401

Proposed by: Staff

Introduced by: Mr. Callahan, Mr. Pack, 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:

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15.11 SHORELINE DEVELOPMENT BUFFER (ALSO REFERRED TO AS THE BUFFER)

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F. PLANTING REQUIREMENTS FOR BUFFER ESTABLISHMENT AND MITIGATION

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TABLE III-8. BUFFER ESTABLISHMENT PLANTING REQUIREMENTS	
TOTAL ESTABLISHMENT REQUIREMENT	OPTIONS
Less than 1/4 acre	Landscaping stock according to Table III-9 8 for the entire area
1/4 acre to 1 acre	At least 25 percent landscaping stock (Table III-9) with the remainder a combination of small nursery stock (Table III-10) or natural regeneration (§190-15.12.G below)
Greater than 1 acre	At least 10 percent landscaping stock (Table III-9) with the remainder a combination of small nursery stock (Table III-10) or natural regeneration (§190-15.12.G below).

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18.2. DESIGNATION OF HISTORIC OVERLAY DISTRICTS

F. The County Council may establish, modify, and define the boundaries of Historic Overlay Districts to include historic sites, structures or districts that are of local, state or national historic, archeological, architectural or cultural significance. At least one of the following criteria must be met to support the establishment of a District:

1. The District consists of or contains a landmark or structure, or a grouping of such sites, listed in the Maryland Inventory of Historic Properties or the National Register of Historic Places.
2. The District contains sites, structures or landmarks associated with persons, events, or activities that have made a significant contribution to local, regional or national history;
3. The District contains sites, structures, or archeological resources that exemplify distinctive characteristics of one or more historic periods or types or whose exterior design or features exemplify distinctive historic architecture, materials or craftsmanship.

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30.3. PROPERTY MAINTENANCE AND LANDSCAPE CONTRACTING

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10. With specific approval of the Board of Appeals, the use may include composting of yard waste generated by the business, subject to the following:
 - a. Minimum lot size: 15 acres.
 - b. Maximum composting area (in addition to the area allowed above of the contracting use): one acre.
 - c. Minimum setbacks for composting area:

- i. From lot lines: 150 feet.
- ii. From existing residences: 300 feet.
- d. Type C landscape yard ~~Screening as required by F.3 above~~ shall be required.
- e. Composting facility machinery operating hours shall be restricted to 7:00 a.m. and 7:00 p.m., Monday through Friday.

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33.20. SHORT-TERM RENTAL

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- 9. The short-term rental property shall comply with the International Residential Building Code adopted by Talbot County, as amended, with respect to emergency escape and rescue openings, exits and smoke alarms. The property shall be equipped with fire extinguishers in the kitchen and any other area in which flammable or combustible materials are kept or stored. A short-term rental license shall not be issued until the inspections are completed by a certified building inspector and determined that the short-term rental property complies with the requirements in this Subsection. All inspection reports shall be submitted to the Talbot County Department of Planning and Zoning on a form prepared and approved by the Planning Director. A third party certified building inspector may complete the form, or requests for County inspections must be accompanied by a \$40 inspection fee. This fee may be reset and changed from time to time by the County Council through the fee schedule during the annual budget process.

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41.2 DETERMINATION OF REQUIRED OFF-STREET PARKING

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- E. Corridors, malls, entranceways, restrooms, office space occupying up to 10% of a non-office structure, employee lounges, or similar areas in single-use structures shall not be included in the gross floor area used to calculate parking for the principal use.

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49.3 RESIDENTIAL DENSITY IN CRITICAL AREA

- A. Development on any lot within the Critical Area that does not comply with Critical Area density requirements is subject to the following as required by COMAR 27.01.02.07.B.
- B. Except as otherwise provided, the County shall permit a single lot or parcel of land that was legally of record on August 13, 1989, to be developed with a single-family dwelling if a dwelling is not already placed there (notwithstanding that such development may be inconsistent with the density provisions of this ~~amendment~~Chapter), provided that:

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DAY-CARE CENTER, LARGE GROUP

Any arrangement that provides day care for children or adults on a regular basis, with 13 or more clients, including any relatives of the care provider.

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Purpose: This new language is intended to make various minor non-substantive changes to the ordinance for clarity, consistency, and form.

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.