

**COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND**

2007 Legislative Session, Legislative Day No. : August 28, 2007

Bill No.: 1105 *AS AMENDED*

Expiration Date: November 1, 2007

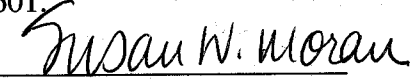
Introduced by: Mr. Bartlett and Mr. Duncan

A BILL TO AMEND, ADOPT, AND REPEAL AND REENACT CERTAIN SECTIONS OF CHAPTER 190, "ZONING," CERTAIN SECTIONS OF CHAPTER 73, "FOREST CONSERVATION," AND CERTAIN SECTIONS OF CHAPTER 168, "SUBDIVISION REGULATIONS," TALBOT COUNTY CODE, IN CONNECTION WITH THE FIRST PHASE OF A COMPREHENSIVE REZONING OF TALBOT COUNTY FOLLOWING ADOPTION OF A COUNTY-WIDE COMPREHENSIVE PLAN; TO ESTABLISH ZONING REGULATIONS FOR NEW LAND-USE CLASSIFICATIONS AND ZONING DISTRICTS AS FOLLOWS: THE AGRICULTURAL CONSERVATION DISTRICT, THE COUNTRYSIDE PRESERVATION DISTRICT, THE WESTERN RURAL CONSERVATION DISTRICT, AND THE TOWN CONSERVATION DISTRICT; TO REPEAL THE RURAL/AGRICULTURAL CONSERVATION DISTRICT AND LAND USE ORDINANCES AND REGULATIONS GOVERNING THE RURAL/AGRICULTURAL CONSERVATION DISTRICT; TO AMEND, ADOPT, REPEAL AND REENACT ORDINANCES AND REGULATIONS TO GOVERN LAND USE, SUBDIVISION, DENSITY, DEVELOPMENT, PERMITTED USES, SPECIAL EXCEPTION USES, ACCESSORY USES, AND NON-PERMITTED USES IN EXISTING AND NEWLY CREATED ZONING CLASSIFICATIONS; RESERVATION OF DEVELOPMENT RIGHTS, AND REGULATIONS FOR CLUSTERING; TO ADOPT DESIGN STANDARDS FOR REVIEW AND APPROVAL OF SUBDIVISIONS; TO ADOPT ORDINANCES AND STANDARDS FOR PRESERVATION OF OPEN SPACE AND PROTECTION OF THE RURAL CHARACTER OF THE COUNTY, AND GENERALLY RELATING TO ZONING, LAND-USE, SUBDIVISION, DEVELOPMENT, CONSERVATION, AND PRESERVATION TO PROMOTE THE PUBLIC'S HEALTH, SAFETY, AND WELFARE

By the Council: August 28, 2007

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, September 25, 2007 at 2:00 p.m. at the Bradley Meeting Room, Talbot County Court House, South Wing, 11 North Washington Street, Easton, Maryland 21601.

By Order


Susan W. Moran, Secretary

A BILL TO AMEND, ADOPT, AND REPEAL AND REENACT CERTAIN SECTIONS OF CHAPTER 190, "ZONING," CERTAIN SECTIONS OF CHAPTER 73, "FOREST CONSERVATION," AND CERTAIN SECTIONS OF CHAPTER 168, "SUBDIVISION REGULATIONS," TALBOT COUNTY CODE, IN CONNECTION WITH THE FIRST PHASE OF A COMPREHENSIVE REZONING OF TALBOT COUNTY FOLLOWING ADOPTION OF A COUNTY-WIDE COMPREHENSIVE PLAN; TO ESTABLISH ZONING REGULATIONS FOR NEW LAND-USE CLASSIFICATIONS AND ZONING DISTRICTS AS FOLLOWS: THE AGRICULTURAL CONSERVATION DISTRICT, THE COUNTRYSIDE PRESERVATION DISTRICT, THE WESTERN RURAL CONSERVATION DISTRICT, AND THE TOWN CONSERVATION DISTRICT; TO REPEAL THE RURAL/AGRICULTURAL CONSERVATION DISTRICT AND LAND USE ORDINANCES AND REGULATIONS GOVERNING THE RURAL/AGRICULTURAL CONSERVATION DISTRICT; TO AMEND, ADOPT, REPEAL AND REENACT ORDINANCES AND REGULATIONS TO GOVERN LAND USE, SUBDIVISION, DENSITY, DEVELOPMENT, PERMITTED USES, SPECIAL EXCEPTION USES, ACCESSORY USES, AND NON-PERMITTED USES IN EXISTING AND NEWLY CREATED ZONING CLASSIFICATIONS; RESERVATION OF DEVELOPMENT RIGHTS, AND REGULATIONS FOR CLUSTERING; TO ADOPT DESIGN STANDARDS FOR REVIEW AND APPROVAL OF SUBDIVISIONS; TO ADOPT ORDINANCES AND STANDARDS FOR PRESERVATION OF OPEN SPACE AND PROTECTION OF THE RURAL CHARACTER OF THE COUNTY, AND GENERALLY RELATING TO ZONING, LAND-USE, SUBDIVISION, DEVELOPMENT, CONSERVATION, AND PRESERVATION TO PROMOTE THE PUBLIC'S HEALTH, SAFETY, AND WELFARE

SECTION ONE: BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that certain sections of Chapter 190, Talbot County Code, "Zoning" shall be and are hereby amended, adopted, and repealed as set forth herein; certain sections of Chapter 73, Talbot County Code, "Forest Conservation" shall be in our hereby amended, adopted, and repealed as set forth herein; and certain sections of Chapter 168, Talbot County Code, "Subdivision Regulations", shall be and are hereby amended, adopted, and repealed as set forth herein.

KEY

Boldface.....Heading or defined term.

UnderliningAdded to bill by amendment.

~~Strikethrough~~.....Deleted from bill by amendment.

* * *Existing law or bill unaffected.

1 * * *

2 **§ 190-8. Relationship to Comprehensive Plan.**

3 This chapter implements the County's Comprehensive Plan and Chesapeake Bay Critical
4 Area Plan. The Planning Commission and Planning Officer shall apply the Comprehensive
5 Plan and Chesapeake Bay Critical Area Plan when making land use decisions.

6 **§ 190-9. Territory not districted.**

7 Any land not classified within any zoning district by the Official Zoning Maps shall
8 automatically be classified in the Resource Conservation District if it is in the Critical Area
9 and in the Agricultural Conservation District for all other areas.

10 **§190-9.1 Agricultural Activities**

11 Neighboring property owners have no recourse against the inherent effects of agricultural
12 operations as permitted in this chapter and conducted in accordance with best management
13 practices. These effects may include, but are not limited to, noise, odor, vibration, fumes,
14 dust or glare. Chapter 128, Talbot County Code, "Right to Farm" protects agricultural
15 operations on all agricultural land in the County.

16 * * *

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

18 * * *

19 **§ 190-14. Terms defined.**

20 In this chapter the following definitions apply:

21 * * *

22 DEVELOPMENT RIGHT -- A right to create a lot or parcel. The number of development
23 rights for a particular lot, parcel or tract is equal to the number of dwelling units permitted by
24 the applicable density requirements of this chapter.

25 * * *

26 PERIMETER SETBACK -- The minimum distance permitted from a structure to an exterior
27 property line of the subdivision in which the structure is located.

28 * * *

29 RESERVATION OF DEVELOPMENT RIGHTS AGREEMENT ("RDR") -- A grant to the

30 County, recorded among the land and plat records by valid instrument approved by the
31 County, that restricts land development within a defined area.

32 * * *

33 RESERVED LAND – Permanently protected open space, identified in a Reserved Land
34 Agreement recorded among the land and plat records, that may not be developed for
35 residential, commercial or industrial use except as permitted by §190-56.2.

36 RESERVED LAND AGREEMENT (“RLA”) – A grant to the County, recorded among the
37 land and plat records by valid instrument approved by the County, that perpetually restricts
38 land development within a defined area.

39 * * *

40 SETBACK, PERIMETER – See definition of perimeter setback.

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

42 § 190-15. *Zoning districts established.*

43 A. General.

44 The following zoning districts are hereby established. The permitted uses, special exceptions,
45 and accessory uses for each zoning district are shown in § 190-19, General Table of Use
46 Regulations by Zoning District.

47 (1) Agricultural Conservation District – AC (Non-Critical Area only).

48 (a) The AC district is characterized by low-density residential and rural
49 agricultural uses. This district provides a full range of agricultural
50 activities, forestry, agri-business uses and limited single-family
51 residential development. The density in the AC District is one
52 dwelling unit per 20 acres plus three additional dwelling units.

53 (b) Development in this district shall:

54 [1] Maintain and, wherever possible, improve the quality of runoff
55 that enters the Chesapeake Bay or its tributary streams;

56 [2] Conserve and protect agricultural lands and uses;

57 [3] Protect environmentally sensitive lands from nonagricultural
58 forms of development;

59 [4] Preserve the County's rural character through conservation of
60 open space and agricultural lands.

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

62 (a) The CP district is characterized by rural agricultural and low-density

residential uses. This District protects the rural character of land bordering the growth areas of incorporated towns; protects farmland, forests, and open spaces, prevents sprawl and provides physical and visual boundaries to growth areas. Land within this District should be targeted for permanent protection by creation of agricultural and conservation easements; agricultural activities shall be preserved, encouraged and protected. Density in the CP District is one dwelling unit per 20 acres plus three additional dwelling units.

(b) Development in this district shall:

- [1] Maintain and, wherever possible, improve the quality of runoff that enters the Chesapeake Bay or its tributary streams;
- [2] Conserve and protect agricultural lands and uses;
- [3] Protect environmentally sensitive lands from nonagricultural forms of development;
- [4] Preserve the County's rural character through conservation of open space and agricultural lands.

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

- (a) The WRC district is characterized by rural agricultural and low density residential uses. This District protects the ecological, scenic and economic value of rural areas in the western part of the County. Because this district contains a high proportion of sensitive natural areas, development is limited to low-density residential uses with design guidelines to protect natural resources and limited highway access. Agricultural activities shall be preserved, encouraged and protected. The base density in the WRC District is one dwelling unit per 20 acres plus three additional dwelling units.

(b) Development in this district shall:

- [1] Maintain and, wherever possible, improve the quality of runoff that enters the Chesapeake Bay or its tributary streams;
- [2] Conserve and protect agricultural lands and uses;
- [3] Protect environmentally sensitive lands from nonagricultural forms of development;
- [4] Preserve the County's rural character through conservation of open space and agricultural lands.

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

* * *

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

- 100 * * *
- 101 (6) Village Center District - VC.
- 102 * * *
- 103 (7) Town Conservation District - TC (Non-Critical Area only)
- 104 (a) The TC district shall be characterized by agricultural and low-density
105 residential uses. This District protects the rural character of land within
106 designated growth areas around incorporated towns, prevents sprawl,
107 preserves the character and identity of towns, and preserves the
108 opportunity for orderly, well-planned, future growth of these areas
109 through re-subdivision and re-development after annexation into the
110 towns. The base density in the TC District is one dwelling unit per 20
111 acres plus three additional dwelling units.
- 112 (b) Development in this district shall:
- 113 [1] Maintain and, wherever possible, improve the quality of runoff
114 that enters the Chesapeake Bay or its tributary streams;
- 115 [2] Conserve and protect agricultural lands and uses;
- 116 [3] Protect environmentally sensitive lands from nonagricultural
117 forms of development;
- 118 [4] Preserve the County's rural character through conservation of
119 open space and agricultural lands.
- 120 (8) Town Residential District - TR.
- 121 (a) The TR district is characterized by existing moderate-intensity
122 residential uses. This district recognizes existing residential
123 neighborhoods near incorporated towns, and allows compatible infill
124 development while preserving any existing natural habitat wherever
125 possible. Public water and sewer service should be provided. The base
126 density in the TR District is:
- 127 [1] One dwelling unit per acre without sewer service; and
- 128 [2] Four dwelling units per acre with sewer service.
- 129 * * *
- 130 (9) Limited Commercial District - LC.
- 131 * * *
- 132 (10) General Commercial District - GC.
- 133 * * *

134 (11) Limited Industrial District - LI.

135 * * *

136 (12) Critical Area designations.

137 * * *

138 B. Floating and overlay zoning districts.

139 * * *

140 (1) Manufactured Home Development Floating Zone.

141 * * *

142 (c) Manufactured Home Development Floating Zones may be approved
143 only in areas zoned Agricultural Conservation (AC), Countryside
144 Preservation (CP) and Town Conservation (TC)

145 * * *

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

147 * * *

148 **§ 190-20. Additional land use regulations.**

149 * * *

150 M. Wireless communications towers.

151 * * *

152 (4) The following requirements apply to towers less than 75 feet high:

153 * * *

154 (f) Permitted in all zones except Rural Residential (RR), Town
155 Conservation (TC) and Town Residential (TR) provided the individual
156 antennas meet the size criteria under the general requirements and all
157 at-grade mechanical equipment meets applicable zoning requirements.

158 * * *

159 (5) The following requirements apply to towers that are 75 feet to less than 100
160 feet high.

161 * * *

162 (e) Permitted in all zones except Rural Residential (RR), Town
163 Conservation (TC) and Town Residential (TR) provided the individual

164 antennas meet the size criteria under the general requirements section
165 and all at-grade mechanical equipment meets applicable zoning
166 requirements.

167 * * *

168 (6) The following requirements apply to towers 100 feet high or higher:

169 * * *

170 (h) Permitted by special exception in all zones except Rural Residential
171 (RR), Town Conservation (TC), Town Residential (TR) and Village
172 Center (VC) provided the individual antennas meet the size criteria
173 under the general requirements and all at-grade mechanical equipment
174 meets applicable zoning requirements.

175 * * *

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

177 ***§ 190-27. Procedure for approval.***

178 * * *

179 B. Manufactured Home Development Floating Zones may be approved only in areas
180 zoned AC, CP and TC.

181 * * *

182 ***§ 190-28. Site plan and design standards for manufactured home rental communities.***

183 * * *

184 D. The minimum setback of any structure within the manufactured home rental
185 community from adjacent County or State roads shall be 50 feet. Minimum setbacks
186 from adjoining property lines shall be 50 feet whenever the community abuts an AC,
187 WRC, CP, RC, or TC Zone and 25 feet when the community abuts an LI, GC, LC,
188 TR, VC, or RR Zone.

189 * * *

190 **ARTICLE X, Development Design Standards**

191 ***§ 190-56.1 Standards for Rural Districts***

192 A. Density calculations

193 (1) In the AC, CP, WRC and TC Districts, the number of lots allowed to be
194 subdivided from a parcel, lot or tract shall be based on the size of the original

- 195 parcel, lot or tract as of June 22, 1991.
- 196 (2) Further subdivision may be permitted for lots or parcels that have been, or
197 are, subdivided from an original parcel, or that are resubdivided, if:
- 198 (a) Additional development rights are available based on the size of the
199 original parcel and the density standards of this chapter and the lot has
200 additional development rights specifically enumerated on a recorded
201 subdivision plat; and,
- 202 (b) The total number of development rights permitted, using current
203 density standards and the original parcel size as of June 22, 1991, shall
204 not be exceeded, except that lots or parcels currently having
205 development rights shall retain at least one (1) development right.

206 B. Design Standards

207 The following design standards apply to development in the AC, CP, WRC and TC
208 Districts.

- 209 (1) Residential lots and structures shall be located in the fringe edges of
210 woodlands and fields to the fullest practical extent.
- 211 (2) Landscapes shall be preserved in their natural state to the fullest practical
212 extent. Tree and soil removal shall be minimized. Topography, drainageways,
213 tree cover and other natural features shall be given priority as fixed design
214 determinants rather than elements to be changed to follow a preferred
215 development plan.
- 216 (3) Areas with environmental constraints may be included to calculate density,
217 but development shall minimize disturbance of these areas to the fullest
218 practical extent.
- 219 (4) Subdivision plats shall contain plat notes to notify all lot owners that (a) they
220 have no recourse against the inherent effects of agricultural operations
221 conducted in accordance with best management practices; (b) these effects
222 may include, but are not limited to, noise, odor, vibration, fumes, dust or
223 glare; and (c) Chapter 128, Talbot County Code, "Right to Farm" protects
224 agricultural operations on all agricultural land in the County.
- 225 (5) Proposed subdivisions shall include a concept plan for the entire parcel or
226 project showing conceptual proposals for future development. The concept
227 plan is nonbinding.
- 228 (6) For any residential subdivision of an original parcel in existence as of June 22,
229 1991, not more than two lots shall have direct access to an existing County or
230 State road. Any additional lots, or any lots created through resubdivision, shall
231 have access only by an internal subdivision road unless:
- 232 (a) The Planning Commission finds that unusual physical conditions

- 233 prevent internal access to all lots; or
- 234 (b) The additional access is from a lot that has a minimum size of 10 acres
235 and frontage of at least 600 feet on a County or State road.
- 236 (7) Street frontage for each lot shall be at least 50 feet; frontage may be reduced
237 to not less than 25 feet for adjacent lots with a common joint access.
- 238 C. Requirements for subdivision in the AC, CP and WRC Districts
- 239 (1) Subdivision in the AC, CP and WRC Districts shall use the cluster form of
240 development, in which most lots are clustered together on a portion(s) of the
241 site and reserved land is consolidated suitable for farming to the fullest
242 practical extent.
- 243 (2) The density in the AC, CP and WRC Districts is one dwelling unit per 20
244 acres, based on original parcel size as of June 22, 1991, plus additional units
245 as follows:
- 246 (a) 6 acres or less: 1 dwelling unit per 2 acres
- 247 (b) Over 6 acres: 3 dwelling units plus 1 dwelling unit per 20 acres
- 248
- 249
- 250 (3) Subdivisions in the AC, CP and WRC Districts shall include reserved land as
251 follows:
- 252 (a) For each development right utilized or allocated from an original
253 parcel, reserved land shall be established such that the lot plus the
254 reserved land totals at least the acreage of the original parcel divided
255 by the total number of development rights available upon enactment of
256 this section.
- 257 (b) A Reserved Land Agreement shall be recorded for each area or parcel
258 of reserved land created.
- 259 (4) The clustering requirements and number of development rights in the AC, CP
260 and WRC district are:

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

At least 20 and less than 40	4	2	7	2
At least 40 and less than 60	5	3	11	2
At least 60 and less than 80	6	3	11	3
At least 80 and less than 100	7	4	14	3
100 or more	3 + One lot per 20 acres	All except 3 lots	Acreage equal to 3.5 acres times the number of cluster lots	3

261

262 D. Lot Size, Setbacks, Lot Width and Reserved Land

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

Minimum lot size 1.0 acre

Minimum Setbacks:

Perimeter setback 50 ft.

Lots 2 acres or larger:

Front 50 ft.

Side 50 ft.

Rear 50 ft.

Lots at least 1 but less than 2 acres:

Front 50 ft.

Side 15 ft.

Rear 25 ft.

Minimum lot width:

Lots 2 acres or larger: 200 ft.

Lots at least 1 but less than 2 acres: 100 ft.

264 E. Agriculturally related commercial and industrial uses in the AC, CP and WRC
265 districts.

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

- 271 (2) The Planning Commission shall make recommendations to the Board of
272 Appeals regarding additional conditions.
- 273 (3) When making these additional site design recommendations and conditions,
274 the Planning Commission and Board of Appeals shall consider the following:
- 275 (a) Impact of the use or activity on the neighborhood;
- 276 (b) Compatibility of the use or activity with surrounding land uses; and
- 277 (c) The preservation of the rural character.

278 **§ 190-56.2 Reserved Land Agreements**

279 A. Reserved Land Agreements shall:

- 280 (1) Restrict future development of any residential, commercial or industrial
281 structures and uses, except as permitted by this Section;
- 282 (2) Be granted to, inure to the benefit of, and be enforceable by the County; run
283 with and bind the land, the grantor, and the grantor's successors; and,
- 284 (3) Be recorded among the Land Records at the expense of the applicant before
285 issuance of any permit or plat approval.

286 B. RLA's shall not:

- 287 (1) Restrict agricultural or agriculturally-related commercial or industrial uses or
288 structures;
- 289 (2) Restrict future use of the property for public purposes; or,
- 290 (3) Prohibit subdivision of the reserved land area or parcel for purposes of
291 creating intra-family lots(s) as allocated on a plat recorded in the County land
292 records.

293 C. Release.

294 A grantor or his successors may petition the Council for partial or complete release of
295 an RLA if the parcel's zoning map classification changes.

296 D. Relocation.

297 In accordance with Section 168-22 A(1)(a)[2] a Major Revision Plat shall be
298 submitted for the relocation or adjustment of Reserved Land acreage. The relocation
299 shall be of an equal area basis and shall be within the boundaries of the original
300 parcel.

301 **§ 190-57. Agricultural Conservation - AC.**

302 Development in the AC District shall comply with §190-56 and the following design
303 standards:

304 A. Subdivisions shall be designed and the lots located in a way that preserves the
305 agricultural and open space integrity of the remainder of the property and is
306 compatible with farming operations in the area. This standard governs location and
307 design of all lots, whether clustered or not.

308 B. Development shall locate lots and subdivision roads to avoid conflicts with existing
309 farming operations through separation and preservation of existing natural buffers.

310 ***§190-57.1. Countryside Preservation – CP***

311 Development in the CP District shall comply with §190-56 and the following design
312 standards:

313 A. Subdivisions shall be designed and the lots located in a way that preserves the
314 agricultural and open space integrity of the remainder of the property and is
315 compatible with farming operations in the area. This standard governs location and
316 design of all lots, whether clustered or not.

317 B. Development shall locate lots and subdivision roads to avoid conflicts with existing
318 farming operations through separation and preservation of existing natural buffers.

319 C. Development shall be appropriately sited to preserve the rural landscape views from
320 County and State roads.

321 ***§190-57.2. Western Rural Conservation– WRC***

322 Development in the WRC District shall comply with §190-56 and the following design
323 standards:

324 A. Subdivisions shall be designed and the lots located in a way that preserves the
325 agricultural and open space integrity of the remainder of the property and preserves
326 environmentally sensitive land. This standard governs location and design of all lots,
327 whether clustered or not.

328 B. Development shall locate lots and subdivision roads to avoid conflicts with existing
329 farming operations through separation and preservation of existing natural buffers.

330 C. Impervious Surface Coverage. Man-made impervious surfaces shall not exceed:

331 (1) For existing lots of record as of June 22, 1991 that are ½ acre or less, no more
332 than 25 percent of the lot area.

333 (2) For existing lots of record as of June 22, 1991 larger than ½ acre but less than
334 one acre, no more than 20 percent of the lot area.

335 (3) For all other lots or parcels, no more than 15 percent of the lot area.

336 * * *

337 § 190-59.1. *Town Conservation – TC*

338 A. Maximum density

339 (1) 6 acres or less: 1 dwelling unit per 2 acres

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

341 B. Minimum lot size: 1.0 acre

342 C. Setbacks

343 (1) Lots 2 acres or larger:

344 Front 50 feet

345 Side 50 feet

346 Rear 50 feet

347 (2) Lots less than 2 acres:

348 Front 50 feet

349 Side 25 feet

350 Rear 25 feet

351 D. Minimum lot width

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

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

354 (3) Street frontage for each lot shall be at least 50 feet; frontage may be reduced
355 to not less than 25 feet for adjacent lots with a common joint access.

356 E. Development standards

357 Development in the TC District shall comply with the standards of Section 190-56.1.A and B
358 and the following standards:

359 (1) All subdivision plans shall be sent to the Planning Commission of the nearest
360 town for review, comments and recommendations regarding impacts on town
361 plans for future growth and development, including road or utility extensions,
362 if the property is annexed.

363 (2) Final subdivision plats in the TC District shall include the following language:
364 “This subdivision is in the future growth area of an incorporated town. In the
365 event of annexation, the subdivision may be re-subdivided or redeveloped
366 consistent with the town’s plans.”

367 * * *

368 **§ 190-65. Special setbacks from state highway.**

369 All setbacks from major state highways (Routes 50, 404, 333, 322, 33, 328, and 331) shall be
370 increased to 150 feet in the AC, CP, WRC, RC, RR and TC Districts, and shall be increased
371 to 50 feet in the VC, TR and LI Districts. Setbacks from all other state highways shall be
372 increased to 100 feet in the AC, CP, WRC, RC, RR and TC Districts and shall be increased
373 to 50 feet in the VC, TR, and LI Districts.

374 **§ 190-66. Special front yard setbacks.**

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

379 **§ 190-67. Special side yard and rear yard setbacks.**

380 Side yard setbacks shall be doubled for structures on lots created after the effective date of
381 this chapter in the VC or TR Districts that are adjacent to parcels or lots in the AC, CP,
382 WRC, TC, RC, or RR Districts that are two acres or larger. In all zoning districts side and
383 rear yard setbacks may be reduced by half for accessory residential storage structures that are
384 300 square feet or smaller.

385 * * *

386 **§ 190-72. Lot access.**

387 Lots five acres or less in the RC, RR, TC, and TR Districts created through subdivisions of
388 more than two lots shall use only County or private roads for access to State highways. The
389 Planning Officer may waive this requirement if no other reasonable alternative is available.

390 * * *

391 **§ 190-76. Clear-vision area on corner lots.**

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

394 * * *

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

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

398 (2) In LC, GC and LI Districts where yards are required, the minimum distance
399 shall be 15 feet or, at intersections including an alley, 10 feet, except that
400 when the angle of intersection between streets, other than an alley, is less than
401 30°, the distance shall be 25 feet.

402 * * *

403 § 190-81. Signs.

404 * * *

405 B. Signs excluded from regulation. The following signs are exempt from regulation
406 under this chapter:

407 * * *

408 (10) Political signs in any zoning district, provided that they are in compliance
409 with the following standards:

410 * * *

411 (c) The size of political signs erected in the AC, CP, WRC, RC, RR, TC
412 and TR Districts shall not exceed six square feet in single side surface
413 area per sign.

414 * * *

415 F. Wall sign surface area.

416 * * *

417 (2) In the Village Center or Limited Commercial Zoning Districts, the maximum
418 wall sign surface area on any lot fronting on one street shall be 75 square feet
419 for lots with less than 200 lineal feet of street frontage; 100 square feet for lots
420 with at least 200 lineal feet of street frontage but less than 600 lineal feet, and
421 200 square feet for lots with 600 or more lineal feet of street frontage. For
422 commercial or industrial uses in the AC, CP and WRC Districts, the
423 maximum wall sign surface area shall not exceed 75 square feet for lots
424 fronting one street. The maximum wall sign surface area for nonconforming
425 commercial or industrial uses in the TR, TC, RR, RC, AC, CP and WRC
426 Zoning Districts shall not exceed 50 square feet for lots fronting one street.

427 * * *

428 G. Freestanding sign surface area.

429 * * *

430 (2) In a Village Center or Limited Commercial Zoning Districts or for
431 commercial and industrial uses in the AC, CP or WRC Zoning District, a
432 single side of a freestanding sign shall not exceed 50 square feet in surface
433 area if the lot on which the sign is located has less than 200 feet of frontage on
434 the street toward which that sign is primarily oriented and 75 square feet on
435 lots with 200 or more feet of frontage. For nonconforming commercial or
436 industrial uses in the TR, RR, RC, TC, AC, CP and WRC Zoning Districts, a
437 single side of a freestanding sign shall not exceed 50 square feet in surface
438 area.

439 * * *

440 H. Number of freestanding signs.

441 (1) In the Village Center and Limited Commercial Zoning Districts or for
442 commercial and industrial uses in the TR, RR, RC, TC, AC, CP and WRC
443 Zoning Districts, no development may have more than one freestanding sign.

444 * * *

445 J. Location and height requirements.

446 * * *

447 (5) Signs in the Village Center, Limited Commercial, General Commercial and
448 Limited Industrial Zoning Districts or for nonconforming commercial or
449 industrial uses in the AC, CP, WRC and RC Zoning Districts may be located
450 in the required setback area for the affected yard in the zone in which the sign
451 is to be located.

452 * * *

453 § 190-82. Noise standards.

454 * * *

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

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

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

459

460 E. The levels prescribed above may be exceeded by 10 dba for a single period, not to
461 exceed 15 minutes in any one day, except in AC, CP, WRC, RC, RR, TC, TR or VC
462 Districts. For the purposes of this section, impact noises are those noises whose peak
463 values are more than six dba higher than the values indicated on the sound-level
464 meter, and are of short duration, such as the noise of a forging hammer or punch
465 press. For impact noises, the values prescribed in Subsection D, increased by 10 dba,
466 shall govern except in AC, CP, WRC, RC, RR, TC, TR or VC districts.

467 * * *

468 § 190-19 General Table of Land Use Regulations

469

Key

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

470

471

Land Use Classification	AC	CP	WRC	RC	RR	TC	TR	VC	LC	GC	LI
AGRICULTURE											
Accessory Agriculture Uses And Structures	A	A	A	A	A	A	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 adjoining property owners shall be afforded an opportunity to provide comments to the Planning Officer prior to issuance of a zoning permit.											

Land Use Classification	AC	CP	WRC	RC	RR	TC	TR	VC	LC	GC	LI
Agricultural Migrant Employee Housing	S	S	S	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	S	S			S					P
* Includes raw product packaging, freezing and canning											
* 200-foot setback from property lines											
Agricultural Production	P	P	P	P	P	P	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	S	S	S		S					
* See additional land use regulations §190-20A.											
Grain processing, drying and storage (wholesale commercial)	P	P	P	P		S		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	P	P	P		S	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	S	S	S		S	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 species) and associated planting supplies, including fertilizer, peat moss, planting soil, etc. for the purpose of sale											

Land Use Classification	AC	CP	WRC	RC	RR	TC	TR	VC	LC	GC	LI
* In AC, CP, WRC, RC and TC Zones, areas devoted to growing of plants of trees shall be set back 20 feet from all property boundaries											
* In AC, CP, WRC, RC and TC Zones, parking and sales areas shall be set back 200 feet from rear and side property lines											
* In AC, CP, WRC, RC and TC Zones, parking and sales structures shall be set back 100 feet from the front property line											
Livestock Auction House	S	S	S								
* 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	P	P	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	S	S	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	A	A	A		A		P	P	P	
* See supplemental regulations § 190-20B.											
Timber Harvesting (commercial)	P	P	P	P	P	P	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											
Aquaculture (retail)	S	S	S	S				S	P	P	S

Land Use Classification	AC	CP	WRC	RC	RR	TC	TR	VC	LC	GC	LI
* See additional land use regulations § 190-20E.											
Aquaculture (wholesale)	P	P	P	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 AC, CP, WRC, RC, and VC											
Fish and Game Hatcheries	P	P	P	P							
RESIDENTIAL											
Accessory Residential Uses	A	A	A	A	A	A	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 AC, CP, WRC, 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 totally screened along the nonreceptive window axis and shall have low level ornamental landscaping along the base of the receptive window axis (screening may											

Land Use Classification	AC	CP	WRC	RC	RR	TC	TR	VC	LC	GC	LI
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	A	A	A	A	A	A	A	A	A	A
* In all Zones, except AC, CP, WRC, RC and TC 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	A	A	A	A	A	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 AC, CP, WRC, RC and TC 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	P	P	P	P	P	P	P	A	A	A
* Includes modular homes and doublewide manufactured homes, subject to the provisions of § 190-20N											

Land Use Classification	AC	CP	WRC	RC	RR	TC	TR	VC	LC	GC	LI
* Excludes single-wide manufactured homes and mobile homes											
* Limited to one single-family primary residence per parcel or lot											
Single-Family Residence (duplex)	P	P	P	P	P	P	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	P	P	P	P	P	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	P	P	P	P	P	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	S	S							S	S
General Outdoor Commercial Recreation Activities										S	S
* Includes miniature golf, driving ranges and commercial ballfields											
Golf Courses and Country Clubs (public or private)	P	P	P		S	S	S				

Land Use Classification	AC	CP	WRC	RC	RR	TC	TR	VC	LC	GC	LI
* 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	P	P	P	P	P	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	S	S						S	S	S
Off-Road Outdoor Recreation(Public or Private)	S	S									
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											
*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											

Land Use Classification	AC	CP	WRC	RC	RR	TC	TR	VC	LC	GC	LI
*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	P	P	P	P	P	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	S	S	S		S	S				
* 200-foot setback for related structures											
* Minimum lot size shall be 10 acres or 1 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
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											

Land Use Classification	AC	CP	WRC	RC	RR	TC	TR	VC	LC	GC	LI
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	S	S						S	P	P
* Includes agricultural vehicles and implements											
* Includes agricultural supplies											
* Includes home and garden supplies and equipment, except in the AC, CP, and WRC Districts											
* In the AC, CP, and WRC Districts, 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											
SERVICES											
Animal Hospital, Veterinary Clinic and Associated Boarding of Animals	S	S	S	S	S	S		P	P	P	P

Land Use Classification	AC	CP	WRC	RC	RR	TC	TR	VC	LC	GC	LI
* 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 AC, CP, WRC, 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	A	A	A	S	A	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											
* 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											

Land Use Classification	AC	CP	WRC	RC	RR	TC	TR	VC	LC	GC	LI
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	S	S					S	P	P	P
* 150-foot setback in the AC, CP, WRC 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.											
Home-Based Occupation	A	A	A	A		A	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											

Land Use Classification	AC	CP	WRC	RC	RR	TC	TR	VC	LC	GC	LI
Kennel (commercial)	S	S	S						S	S	
* 200 foot setback in AC, CP and WRC Districts											
* 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	
* 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	P	P	P	P	P	P	P	P	P	P
* After 6 months of operation, Planning Officer must authorize continued use for each subsequent 6-month period.											

Land Use Classification	AC	CP	WRC	RC	RR	TC	TR	VC	LC	GC	LI
Vehicle and Boat Parking and Storage (commercial)	P	P	P	P				P	P	P	P
* Excludes any vehicle repairs and maintenance in the 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 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	P	P	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	S	S	S	S	S	S	P	P	P	
* 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)											

Land Use Classification	AC	CP	WRC	RC	RR	TC	TR	VC	LC	GC	LI
Community and Cultural Facilities	S	S	S	S	S	S	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	P	P	P	P	P	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	S	S		S	S	S	S	P	P	P
* 9-12 clients including any relatives of the care provider											
* Includes children and adults											
Day Care Center; Group	S	S	S		S	S	S	S	P	P	A
* More than 12 clients including any relatives of the care provider											
* Includes children and adults											

Land Use Classification	AC	CP	WRC	RC	RR	TC	TR	VC	LC	GC	LI
Educational Institutions, Public or Private, Boarding and Non-Boarding	S	S	S	S		S	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	P	P	P		P	P	P	P	P	P
* Includes fire, police, rescue and ambulance uses											
* Shall be within 1/4 mile of a state highway in the 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
* Limited to offices offering agricultural, technical, investigative, or community outreach and support services in the LI Zone											
Group Homes, Large	S	S	S	S	S	S	S	S	S	S	
* For more than 8 residents unable to live independently because of mental or physical disorders											
Group Homes, Small	P	P	P	P	P	P	P	P			
* For not more than 8 residents unable to live independently because of mental or physical disorders											

Land Use Classification	AC	CP	WRC	RC	RR	TC	TR	VC	LC	GC	LI
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	S	S	S		S		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	S	S	S	S	S	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 § 190-109D(21)											
* In the RC Zone, limited to eight patients											
* See additional land use regulations (§ 190-20G).											
Post Office								P	P	P	
Rehabilitation Residence	S	S	S	S		S		S			
* See additional regulations § 190-20D4.											

Land Use Classification	AC	CP	WRC	RC	RR	TC	TR	VC	LC	GC	LI
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	S	S								
* 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											
* Shall have direct access to an approved county or state road											
Compounding, Temporary Paving Material	S	S	S								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											

Land Use Classification	AC	CP	WRC	RC	RR	TC	TR	VC	LC	GC	LI
Cottage Industry	S	S	S	S		S		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	S	S	S							
* Includes sand and gravel operations											
* See additional regulations § 19020H.											
Product Recycling	S	S	S	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											

Land Use Classification	AC	CP	WRC	RC	RR	TC	TR	VC	LC	GC	LI
* Shall not be used for a permanent storage or disposal site of recyclable materials											
Sawmills	P	P	P	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											
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											

Land Use Classification	AC	CP	WRC	RC	RR	TC	TR	VC	LC	GC	LI
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	S	S	S	S	S	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	A	A	A	A	A	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).											
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											

Land Use Classification	AC	CP	WRC	RC	RR	TC	TR	VC	LC	GC	LI
UTILITIES											
Antenna Tower For Essential Communications	S	S	S	S	S	S	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	S	S	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	S	S	S	S	S	S	S	S	S	S
Recycling Collection Center	P	P	P	P	P	P	P	P	P	P	P
* Sites must be approved by the Talbot County Recycling Committee.											
Treated Septage Land Application	P	P	P	P							
* 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	A	A	A	A	A	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											

Land Use Classification	AC	CP	WRC	RC	RR	TC	TR	VC	LC	GC	LI
* 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	S	S	S	S	S	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	S	S								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	P	P	P	P	P	P	P	P	P	P
* 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	P	P	P		P	P	P			P
* Shall comply with all County and state regulations											

Land Use Classification	AC	CP	WRC	RC	RR	TC	TR	VC	LC	GC	LI
* 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	S	S								
* 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	S	S			S	S	S	S	S	S
* 100-foot setback from property lines											
* Shall be screened from view on all sides by plantings											
* Shall be fenced											
* Not permitted within the Critical Area											
Utility Services, Essential	P	P	P	P	P	P	P	P	P	P	P
Utility Facilities, Nonessential	S	S	S	S	S	S	S	S	S	S	S
* Excludes essential utility services											
* In the RC Zone, excludes generation of electricity											
* Includes utility transmission facilities											

Land Use Classification	AC	CP	WRC	RC	RR	TC	TR	VC	LC	GC	LI
* 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	S	S	S	S	S	S	S	S	S	S
* Excludes essential utility services											
Water Treatment and Storage Facilities	S	S	S	S	S	S	S	S	S	S	S
* Shall comply with all state and federal regulations											
Wireless Communication Towers Less Than 100 feet	P	P	P	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	S	S	S					S	S	S
See additional land use regulations, Article IV, § 190-20M											

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473

Chapter 73: FOREST CONSERVATION

§ 73-2. Definitions

The following definition is repealed: "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)."

§ 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:

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

[1] Agricultural Conservation (AC), Western Rural Conservation (WRC), Countryside Preservation (CP), Town Conservation (TC) ; and

[2] Town Residential District (TR) without sewerage service and Village Center (VC) without sewerage service;

§ 73-11. Forest conservation threshold.

Zoning Classifications	Threshold Percentage
Agricultural Conservation (AC), Countryside Preservation (CP), Western Rural Conservation (WRC), Town Conservation (TC)	
Unclustered	50% of net tract area
Clustered	50% of proposed net tract area

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%

499

500 * * *

501 **Chapter 168, SUBDIVISION REGULATIONS**

502 * * *

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

504 * * *

505

506 ***§ 168-15. Words and terms defined***

507 * * *

508 **RESERVED LAND** - Permanently protected open space, identified in a Reserved Land
509 Agreement recorded among the land and plat records, that may not be developed for
510 residential, commercial or industrial use except as permitted by §190-56.2 of the Zoning
511 Regulations.

512 * * *

513 **ARTICLE V, Requirements for Improvements and Design**

514 * * *

515 **§ 168-27. Improvements**

516 * * *

517 G. Curbs and sidewalks. The applicant shall install all curbs and sidewalks as required
518 by the Planning Officer. Sidewalks may be required for higher density subdivisions
519 with smaller lot sizes as may be found in Village Center (VC), and Town Residential
520 (TR) zoning districts.

521 * * *

522 I. Streetlights. The applicant shall erect all streetlights as required by the Planning
523 Officer. Sidewalks may be required for high-density subdivisions with smaller lot
524 sizes such as may be found in Village Center (VC), and Town Residential (TR)
525 zoning districts.

526 * * *

527 **§ 168-28. Design.**

528 * * *

529 K. The following standards shall apply to the design of roads:

530 * * *

531 (11) Layout of roads shall minimize potential pedestrian/vehicle conflict points. In
532 subdivisions of 30 lots or greater such as may be found in Town Residential
533 (TR) and Village Center (VC) curbs, sidewalks and streetlighting may be
534 required by the Planning Officer whenever it is determined that such
535 improvements are necessary for reasons of public safety.

536 * * *

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

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

PUBLIC HEARING

Having been posted and Notice of time, date, and place of hearing, and Title of Bill No. 1105 having been published, a public hearing was held on Tuesday, September 25, 2007 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

BY THE COUNCIL

Read the third time.

ENACTED: October 9, 2007 * AS AMENDED*

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

Duncan - Aye

Foster - Aye

Bartlett - Aye

Harrison - Aye