

COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND

2012 Legislative Session, Legislative Day No.: February 28, 2012
Bill No.: 1216 *AS AMENDED
Expiration Date: May 3, 2012

Introduced by: Mr. Hollis, Mr. Pack, Ms. Price

A BILL TO AMEND THE TALBOT COUNTY CODE, CHAPTER 190, “ZONING, SUBDIVISION AND LAND DEVELOPMENT”, ARTICLE III, LAND USES, §190-16, §190-39, AND ARTICLE XI, §190-208 AND ADDING §190.38.1 TO DEFINE THE “LANDSCAPE CONTRACTOR” USE, AND TO PERMIT THE SAME SUBJECT TO AMENDED REGULATIONS

By the Council: February 28, 2012

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, March 27, 2012 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 N. Washington St., Easton, Maryland 21601.

By Order 
Secretary

SECTION ONE: BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that § 190 of the Talbot County Code entitled “Zoning, Subdivision and Land Development” is amended as set forth herein.

| KEY | |
|---------------------------------|---|
| <u>Underlining</u> | Added to existing law by original bill. |
| Strikethrough | Deleted from existing law by original bill. |
| <u>Double underlining</u> | Added to bill by amendment. |
| * * *..... | Existing law unaffected. |

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7 **Article III Land Uses**

8 Table III-1. General Table of Land Uses

9 * * *

| | AC | CP | WRC | RC | RR | TC | TR | VC | <u>VC-1</u> | <u>VC-2</u> | LC | GC | LI |
|--|----------|----------|----------|----------|----------|----------|----------|----------|-------------|-------------|----------|----------|----------|
| Contracting and Maintenance Includes air conditioning, building, electrical, excavation, floor covering, glass repair, heating, landscaping, plumbing and tree trimming. See regulations for specific land uses in this Article | | | | | | | | | | | P | P | P |
| <u>Contractor, Landscape</u> <u>See regulations for specific land uses in this Article</u> | <u>A</u> | <u>A</u> | <u>A</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>P</u> | <u>P</u> | <u>P</u> |

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6 **§ 190.38.1. Contractor, Landscape**

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8 A. Standards for landscape contractors in the LC, GC and LI zoning districts.

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10 (1) Subject to §190-38, Contracting and Maintenance.

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12 B. Standards for landscape contractors in the remaining zoning districts (AC, CP, WRC, RC,
13 RR, TC, TR, VC, VC-1, VC-2).

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15 (1) Minimum lot size: two (2) acres.

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17 (2) The landscape contractor use shall not occupy more than 750 square feet per acre
18 in a single accessory structure or in a combination of accessory structures for a
19 total amount of storage in accessory structures on site not to exceed 3,000 square
20 feet.

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22 (3) Minor site plan approval is required. See §190-184.

23
24 (4) If the landscaping contractor use is accessory to a residential use:

25
26 (a) A recommendation from the Planning Commission is required.

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28 (b) The landscaping contractor use must be conducted within a residence and or
29 accessory structure on the same lot as the residence.

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31 (c) The property used for the landscape contractor use shall contain the primary
32 residence of the proprietor; and, if the proprietor is not the property owner,
33 evidence of permission of the property owner to use the property for the
34 landscape contractor use must be provided to the Planning Director.

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36 (d) The landscape contractor use shall not change the character of the residential
37 use or adversely affect the uses permitted in the residential district of which it
38 is a part.

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40 (e) The landscape contractor use shall be conducted in such a manner as to
41 minimize the production of noise, dust, vibration, glare, smoke or smell,
42 electrical interference, fire hazard, traffic, or any other nuisance not typically
43 experienced in the zoning district where property is located.
44

- (f) No landscape contractor use shall require internal or external construction features or the use of electrical, mechanical, or other equipment that would change the fire rating of the structure or in any way increase the fire danger to neighboring structures or residences.
- (g) All outdoor storage associated with the landscape contractor use (equipment, stockpiling and work areas) is limited to maximum site coverage of 5,000 square feet. The Planning Director in his discretion may allow for additional outdoor storage if such storage will not adversely affect neighboring properties.
- (h) All outdoor storage associated with the landscape contractor use (equipment, stock piling and work areas) shall be setback from the neighboring residential property lines a minimum distance of fifty (50) feet. The Planning Director in his discretion may require a greater setback if necessary to preserve the character of the residential use or prevent the use from adversely affecting the uses permitted in the residential district of which it is a part.
- (i) All outdoor storage associated with the landscape contractor use (equipment, stockpiling and work areas) shall be screened from adjacent properties and public ways as deemed appropriate by the County.
- (j) No more than five (5) nonresident full time equivalent employees shall report to a landscape contractor use site.
- (k) Landscape contractor use employees shall not report to the site prior to 7:00 a.m. or leave after 7:00 p.m.
- (l) Employee vehicle parking associated with the landscape contractor use shall occur on-site.
- (m) Deliveries of materials, parts, and supplies shall occur between 7:00 a.m. and 5:00 p.m., Monday through Friday.
- (n) Customer, client visitation to the property shall be scheduled to prevent an increase in vehicle trips.
- (o) Sale of any materials related to the landscape contractor use shall occur off-premises.

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Article XI Definitions

§190-208. Definitions

1 * * *
2 CONTRACTOR, LANDSCAPE – A business principally engaged in the decorative and
3 functional alteration, planting, and maintenance of grounds. Such a business may engage in the
4 installation and construction of underground improvements but only to the extent that such
5 improvements (e.g., drainage facilities) are accessory to the principal business and are necessary
6 to support or sustain the landscaped surface of the ground.
7 * * *

Article III Land Uses

§190-39. Cottage Industry

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- 10 A. Uses appropriate as cottage industries. The following list indicates uses that would be
11 appropriate as cottage industries.
12 (2) Excavator and landscaping contractors.

13 * * *

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

PUBLIC HEARING

Having been posted and Notice of time and place of hearing and Title of Bill No. 1216 having been published, a public hearing was held on Tuesday, March 27, 2012 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

BY THE COUNCIL

Read the third time.

ENACTED: ***FAILED***

By Order 
Secretary

Pack - Nay
Hollis - Nay (via absentee ballot)
Bartlett - Nay
Price - Nay
Duncan - Nay