

**COUNTY COUNCIL  
OF  
TALBOT COUNTY, MARYLAND**

2016 Legislative Session, Legislative Day No. : August 9, 2016

Bill No.: 1349

Expiration Date: October 13, 2016

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

**A BILL TO AMEND CHAPTER 190 OF THE *TALBOT COUNTY CODE* TO ALLOW NO MORE THAN 20 PERCENT EXPANSION FOR GOLF COURSES THAT EXISTED AS OF AUGUST 13, 1989 IN THE RURAL CONSERVATION (RC) ZONING DISTRICT**

By the Council: August 9, 2016

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, September 13, 2016 at 6:30 p.m. at the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

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

**A BILL TO AMEND CHAPTER 190 OF THE *TALBOT COUNTY CODE* TO ALLOW NO MORE THAN 20 PERCENT EXPANSION FOR GOLF COURSES THAT EXISTED AS OF AUGUST 13, 1989 IN THE RURAL CONSERVATION (RC) ZONING DISTRICT**

**KEY**

- Boldface**.....Heading or defined term.
- Underlining .....Added to existing law by original bill.
- ~~Strikethrough~~.....Deleted from existing law by original bill.
- Double underlining .....Added to bill by amendment.
- ~~Double strikethrough~~ .....Deleted from existing law or bill by amendment.
- \* \* \* .....Existing law or bill unaffected.

SECTION ONE: BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that Chapter 190 of the *Talbot County Code*, be amended as follows:

\* \* \*

**Article III. Land Uses**

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**§ 190-55. Golf courses and country clubs (public or private).**

A. Courses shall not be lighted for night play.

B. In the RC District, golf courses that legally existed as of August 13, 1989 may be expanded in accordance with §190-167D(5).

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**Article VIII. Nonconforming Lots, Structures and Uses**

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**§ 190-167. Nonconforming uses.**

- A. Change of use. A nonconforming use shall not be changed to any use other than a use currently permitted in the zoning district in which it is located.
- B. Relocation or reconstruction of structure occupied by a nonconforming use. A structure utilized for a nonconforming use shall not be moved, or razed and rebuilt, unless the use is changed to a permitted use or unless approved by the Planning Director as an in-kind replacement.
- C. Minor modification with Planning Director approval. The Planning Director shall have authority to approve the following minor modifications of nonconforming uses:
- (1) Minor alterations that do not increase or relocate the area devoted to a nonconforming use. These include installment of fencing or landscaping for buffering, driveway or access improvements, handicapped access ramps, and other minor site or building features.
  - (2) Replacement of a nonconforming mobile or manufactured home with another mobile or manufactured home, provided that the replacement home:
    - (a) Is in the same general location;
    - (b) If larger, is no more than 20% larger in gross floor area than the home being replaced;  
and
    - (c) Complies with the setback requirements for the zoning district unless a variance is granted.
- D. Expansion and major modification of nonconforming uses. Expansion of a nonconforming use, or modifications to site improvements deemed major by the Planning Director, shall be permitted only if approved by the Board of Appeals and shall be subject to the following restrictions and criteria:
- (1) Applications shall be subject to the procedures and requirements of Article IX for Board of Appeals applications.
  - (2) Expansion of structures utilized for nonconforming uses shall be limited to no more than 20% of the gross floor area of the nonconforming use, or 1,000 square feet of additional gross floor area, whichever is less.
  - (3) Expansion of areas of a nonconforming use not involving structures, such as outdoor parking and storage, shall be limited to no more than 10% of the site area existing on the date the use became nonconforming.

(4) The Board of Appeals shall evaluate applications for expansion or modification of a nonconforming use applying the standards for special exceptions in § 190-180. The Board of Appeals shall consider the recommendation of the Planning Commission on proposed expansions and alterations of nonconforming uses.

(5) Expansion of a golf course in the RC District shall be permitted if the new “in play” expansion area is:

- a. Limited to no more than 20% of the total “in play” area of the course located within the RC District as of August 13, 1989;
- b. Setback a minimum of 300 feet from tidal water or tidal wetlands;
- c. Setback a minimum of 150 feet from edge of tributary streams; and
- d. If accessed by cart paths, the cart paths shall be designed to minimize environmental impacts, including the number, location, configuration and construction of the crossings.

E. Reconstruction if destroyed.

(1) A nonconforming use that is destroyed by fire or natural cause may be restored or reconstructed at the same location, provided that:

(a) A building permit for restoration/reconstruction shall be issued only to the person(s) who owned the property at the time of the destruction.

(b) Restoration must be started within one year of the destruction and completed in accordance with the building permit.

(c) The Planning Director may grant a single extension of this time limit, for a period not to exceed one year, only to the same property owner.

(2) The restored use shall not increase the extent of the nonconformity.

(3) A restored or rebuilt structure that is to be occupied by the nonconforming use must be an in-kind replacement of the destroyed structure.

(4) If the use is not replaced or restored within the required time period, any future use on the site shall comply with the current zoning requirements.

F. Abandonment. If a nonconforming use is discontinued or abandoned for 12 consecutive months, the land or structure shall not thereafter be used except in conformity with the regulations of the district in which it is located. Cessation of the use for the purpose of

repairing or remodeling the building or other site improvements shall not constitute discontinuance or abandonment.

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SECTION TWO: BE IT FURTHER ENACTED, that the title and a summary of this Bill shall be published once on the first publication date after enactment of the Bill in accordance with County Charter § 213 (c). The title is not a substantive part of this Bill. If the Bill is amended, the title may be administratively revised if required to conform the title to the content of the Bill as finally enacted.

SECTION THREE: AND BE IT FURTHER ENACTED, that if any provision of this Bill 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 the Bill which can be given effect without the invalid provision or application, and for this purpose the provisions of this Bill are declared severable.

SECTION FOUR: AND BE IT FURTHER ENACTED, that the Publishers of the *Talbot County Code* or the Talbot County Office of Law, in consultation with and subject to the approval of the County Manager, may make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any internal or external reference or citation included in this Bill, as finally adopted, that are incorrect or obsolete, with no further action required by the County Council. All such corrections shall be adequately referenced and described in an editor's note following the section affected.

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

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PUBLIC HEARING

Having been posted and Notice of time, date, and place of hearing, and Title of Bill No. 1349 having been published, a public hearing was held on Tuesday, September 13, 2016 at 6:30 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: September 13, 2016

By Order   
Susan W. Moran, Secretary

Pack	- Aye
Williams	- Aye
Bartlett	- Aye
Price	- Aye (via absentee ballot)
Callahan	- Aye

EFFECTIVE DATE: November 12, 2016