

COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND

2019 Legislative Session, Legislative Day No. : May 14, 2019

Bill No.: 1415*AS AMENDED*

Expiration Date: July 18, 2019

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

A BILL TO AMEND CHAPTER 190 OF THE TALBOT COUNTY CODE (ZONING, SUBDIVISION AND LAND DEVELOPMENT) TO AUTHORIZE VERTICAL EXPANSION OF NONCONFORMING BUILDINGS AS TO SETBACKS ~~WITHOUT A MINOR VARIANCE AND AS TO LOT COVERAGE~~ WHERE CERTAIN CRITERIA ARE MET, INCLUDING THAT FOR A BUILDING WITHIN A SETBACK IT IS NO CLOSER TO THE PROPERTY LINE THAN THE EXISTING WALLS

By the Council: May 14, 2019

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, June 11, 2019 at 6:30 p.m. and Tuesday, July 9, 2019 at 6:30 p.m. in 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 (ZONING, SUBDIVISION AND LAND DEVELOPMENT) TO AUTHORIZE VERTICAL EXPANSION OF NONCONFORMING BUILDINGS AS TO SETBACKS WITHOUT A MINOR VARIANCE ~~AND AS TO LOT COVERAGE~~ WHERE CERTAIN CRITERIA ARE MET, INCLUDING THAT FOR A BUILDING WITHIN A SETBACK IT IS NO CLOSER TO THE PROPERTY LINE THAN THE EXISTING WALLS

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

KEY	
Boldface	Heading or defined term
<u>Underlining</u>	Added by Bill
Strikethrough	Deleted from law by Bill
<u>Underlining</u>	Added by amendment
Strikethrough	Deleted by amendment
* * *	Existing law unaffected

* * *

190-50.1 Expansion that does not increase nonconformity.

- A. Expansion of a nonconforming structure is permitted if the proposed area of expansion complies with bulk requirements (setback, lot coverage and height).
- B. Vertical expansion of nonconforming buildings is permitted without a variance for buildings within the Shoreline Development Buffer; ~~for buildings within front, side or rear lot line setbacks;~~ and ~~for~~ buildings nonconforming ~~as~~ to lot coverage requirements, if the expansion:
 - 1. Does not increase lot coverage;
 - 2. For a building within the Shoreline Development Buffer, is no closer to mean high water than the existing walls;
 - ~~3. For a building within a setback, is no closer to the property line than the existing walls;~~ and
 - ~~4.~~3. Complies with all other requirements of this chapter.

* * *

§190-58 Variances.

* * *

58.2 Minor variances.

A. Authority and limitations. A minor variance may be granted by the Planning Director for:

1. Vertical expansion of nonconforming buildings within the front, side or rear lot line setbacks, if the expansion:
 - a. Does not increase lot coverage within the setback;
 - b. Is no closer to the property line than the existing walls; and
 - c. Complies with all other requirements of this chapter.
2. A request to vary any bulk requirement in an amount not to exceed 15% of the stated requirement; and
3. A minor expansion of a nonconforming structure, provided the proposed expansion complies with the limits established in § 190-50.3.C.

* * *

SECTION TWO: 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.

SECTION THREE: The Publishers of the Talbot County Code, the Talbot County Office of Law, or the Talbot County Department of Planning and Zoning, in consultation with and subject to the approval of the County Manager, shall be authorized to make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any internal or external reference or citation to the Code that is 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 FOUR: This Ordinance shall take effect sixty (60) days from the date of its passage.

PUBLIC HEARING

Having been posted and Notice of time, date, and place of hearing, and Title of Bill No. 1415 having been published, a public hearing was held on Tuesday, June 11, 2019 at 6:30 p.m. and on Tuesday, July 9, 2019 at 6:30 p.m. in the Bradley Meeting Room, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

BY THE COUNCIL

Read the third time.

ENACTED: July 9, 2019 *AS AMENDED*

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

Pack	-	Aye
Divilio	-	Aye
Callahan	-	Aye
Price	-	Aye
Leshner	-	Aye

EFFECTIVE DATE: September 7, 2019