COUNTY COUNCIL

OF

TALBOT COUNTY, MARYLAND

2019 Legislative Session, Legislative Day No. : November 19, 2019

Bill No.: 1437

Expiration Date: January 23, 2020

Introduced by: Mr. Callahan, Mr. Divilio, Mr. Lesher, Mr. Pack, Ms. Price

A BILL TO AMEND CHAPTER 190 OF THE TALBOT COUNTY CODE (ZONING, SUBDIVISION AND LAND DEVELOPMENT) TO ALTER THE SETBACK AND ROAD ACCESS REQUIREMENTS FOR PRODUCT RECYCLING WHEN SUCH USE IS ESTABLISHED WITHIN AN ACTIVE MINERAL EXTRACTION SITE AND TO REQUIRE AN OPERATION PLAN AS PART OF THE PROCESS FOR APPROVING A PRODUCT RECYCLING USE IN SUCH LOCATION

By the Council: November 19, 2019

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, December 10, 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 ALTER THE SETBACK AND ROAD ACCESS REQUIREMENTS FOR PRODUCT RECYCLING WHEN SUCH USE IS ESTABLISHED WITHIN AN ACTIVE MINERAL EXTRACTION SITE AND TO REQUIRE AN OPERATION PLAN AS PART OF THE PROCESS FOR APPROVING A PRODUCT RECYCLING USE IN SUCH LOCATION

WHEREAS, Chapter 190 of the Talbot County Code ("Chapter 190") authorizes mineral extraction in the AC, CP, WRC and RC zoning districts subject to obtaining a special exception and provided the operation complies with the requirements of Code § 190-30.8, including a minimum 200' setback from property lines; and,

WHEREAS, Chapter 190 authorized product recycling in the same zoning districts where mineral extraction is permitted, as described above, subject to obtaining a special exception and provided the operation complies with the requirements of Code § 190-30.12, which include a minimum 500' setback from property lines and that the property have direct access to a major collector or arterial highway; and,

WHEREAS, a text amendment application was submitted to the County Council in accordance with Code § 190-55, seeking a modification to the recycling product requirements in Code § 190-30.12 so that approved mineral extraction operations wishing to establish a product recycling use on the same premises could utilize existing mineral extraction setbacks and waive the direct access to a highway requirement; and,

WHEREAS, the Planning Director prepared a staff report and recommendation on the proposed text amendment for the Planning Commission; and,

WHEREAS, on September 4, 2019, and November 6, 2019, the Planning Commission discussed the proposed text amendment and recommended that the proposed text amendment be adopted with certain changes; and,

WHEREAS, an overarching land use policy in the 2016 Talbot County Comprehensive Plan is to preserve the rural character of Talbot County; and,

WHEREAS, the County Council finds that facilitating product recycling at active mineral extraction sites through reduced setbacks and waiving the requirement for direct access to certain highways will lessen the incentive to convert agricultural or forested land to industrial use and encourage recycling on land already devoted to and impacted by similar industrial uses.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, as follows:

SECTION ONE: That Chapter 190 of the *Talbot County Code* is hereby amended as follows:

KEY

Boldface.....Heading or defined term

Underlining .....Added by Bill

~~Strikethrough~~.....Deleted from law by Bill

* * * ..... Existing law unaffected

* * *

190-30.12 Recycling, product

A. Includes masonry products (including concrete, asphalt, brick, block and stone) and material products (including trees, stumps, branches, leaves, grass trimmings and soil).
B. Minimum property size: 75 acres.
C. Maximum storage and operation area: 15 acres.
D. Minimum equipment and storage setbacks from property lines: 500 feet.
E. Minimum setback from existing residences of 1,000 feet for equipment and storage facilities unless consent to reduce the setback is received from all residence owners within the one-thousand-foot setback. In no case shall the setback be reduced to less than 500 feet.
F. The property shall have direct access to a major collector or arterial highway.
G. Access drive(s) shall be gated and dust-proofed from storage/processing area to the highway.
H. The Board of Appeals may require fencing where necessary for safety purposes.
I. The Board of Appeals may require visual screening where necessary to mitigate aesthetic impacts on the surrounding neighborhood.
J. Operating hours shall be restricted to between sunrise and 7:00 p.m., Monday through Friday. Material may be received and sold on Saturday between 7:00 a.m. and 12:00 Noon, but no processing shall be permitted.
K. If the operator is not the property owner, evidence of permission of the property owner to use the property for the use must be provided.
L. A product recycling use established within a site that has an active, approved mineral extraction use prior to [insert the effective date of this amendment] shall not be subject to Subsections D. or F. above. The minimum equipment and storage setbacks from property lines shall be the setbacks under the approved mineral extraction plan or 200 feet, whichever is greater.

M. An application for product recycling use shall include an operation plan that addresses the projected type and number of vehicle trips; type of materials to be recycled and nature of recycling or processing activities; location of equipment and storage including exterior stockpiles; mitigation measures for use impacts and hazard and emergency response preparedness.

* * *

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. 1437 having been published, a public hearing was held on Tuesday, December 10, 2019 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: **December 10, 2019**

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

Pack	-	Aye
Divilio	-	Aye
Callahan	-	Aye
Price	-	Aye
Lesher	-	Aye

EFFECTIVE DATE: **February 8, 2020**