COUNTY COUNCIL

OF

TALBOT COUNTY, MARYLAND

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

Bill No.: 1438

Expiration Date: January 23, 2020

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

A BILL TO AMEND THE CRITICAL AREA OVERLAY DISTRICT ON THE OFFICIAL ZONING MAPS OF TALBOT COUNTY TO ESTABLISH A NEW MODIFIED BUFFER AREA, IDENTIFIED AS "COMMUNITY #39", ON CERTAIN LOTS OR PARCELS OF LAND IN THE VILLAGE OF BELLEVUE, TALBOT COUNTY, MARYLAND, DESCRIBED AS TAX MAP 46, PARCEL 141 (LOT 4), PARCEL 115, AND A CERTAIN PORTION OF PARCEL 148

By the Council: November 19, 2019

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, December 17, 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

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WHEREAS, Chapter 190 of the Talbot County Code ("Chapter 190") authorizes establishment of Modified Buffer Areas subject to the findings and standards under Code § 190-15.H.; and,

WHEREAS, a map amendment application was submitted to the County Council in accordance with Code § 190-55, seeking amendment to the critical area overlay maps of Talbot County for the establishment of a new Modified Buffer Area (MBA), identified as "Community #39" in the Village of Bellevue, Talbot County, Maryland; and,

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

WHEREAS, on November 6, 2019, the Planning Commission discussed the proposed map amendment and recommended that the proposed amendment be adopted with certain conditions as set forth herein; and,

WHEREAS, the County Council has reviewed the proposed map amendment in accordance with Code §§ 190-15 and 190-55 and approves such amendment as set forth herein.

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

SECTION ONE: In accordance with Talbot County Code § 190-15.11 H. 3., the Talbot County Council hereby makes certain findings with the respect to the establishment of the new Modified Buffer Area proposed hereby as set forth in Exhibit "A", which is attached hereto and incorporated by reference herein.

SECTION TWO: That the Critical Area Overlay District on Official Zoning Maps of Talbot County shall be and is hereby amended to establish a new Modified Buffer Area, identified as "Community #39", on certain lots or parcels of land in the Village of Bellevue, Talbot County, Maryland, described as Tax Map 46, Parcel 141 (Lot 4), Parcel 115, and a portion of Parcel 148 (the "Properties"), as shown on a drawing entitled "Modified Buffer Area, Community No. 32, 33, & 39, Vicinity of Bellevue and Avonvue, Tax Maps 46 & 47," prepared by the Talbot County Department of Public Works, dated November 12, 2019, which drawing is attached hereto as Exhibit "B" and incorporated by reference herein.

SECTION THREE: That the Properties are hereby reclassified from (VH-CAO) Village Hamlet Zoning District with Critical Area Overlay to (VH-CAO-MBA #39) Village Hamlet—Critical Area Overlay Zone, Modified Buffer Area Community #39. All other parcels on the Official Zoning Maps shall remain in their respective existing zoning designations.

SECTION FOUR: 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 FIVE: 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. _____ having been published, a public hearing was held on _____ at ____ 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: _____

By Order _____
Susan W. Moran, Secretary

Pack -

Divilio -

Callahan -

Price -

Lesher -

EFFECTIVE DATE: _____

EXHIBIT "A"
TO TALBOT COUNTY BILL NO. 1438

The Talbot County Council hereby makes the following findings in accordance with Talbot County Code § 190-15.11 H. 3:

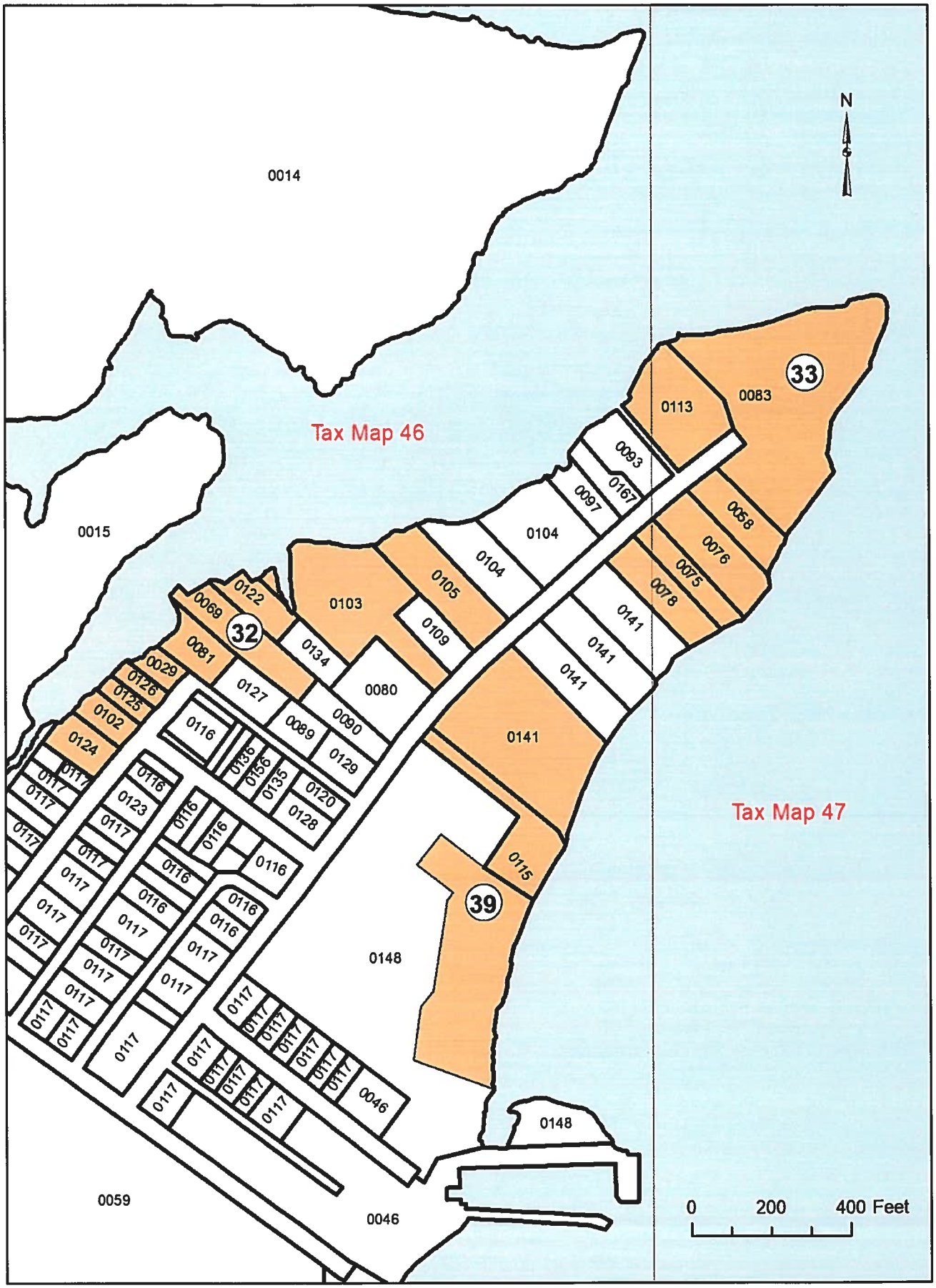
a. *That existing patterns of residential, commercial, industrial and institutional development prevent the Shoreline Development Buffer from fulfilling its functions for water quality protection and conservation of wildlife habitat.* The proposed new Modified Buffer Area is based on the pattern of development existing on December 1, 1985. The Buffers along Parcel 141 (Lot 4), Parcel 115, and a portion of Parcel 148 are already impacted with development that prevents the Buffer from fulfilling its function. A portion of Parcel 148, however is undeveloped, has a natural shoreline and contains significant wetlands that provide habitat and water quality benefits and has been excluded from the MBA.

b. *That the lots in the proposed Modified Buffer Area were created prior to August 13, 1989.* All lots were originally created prior to August 13, 1989. The reconfigured lots of Parcel 148 do not count as "new" lots for the purposes of the MBA.

c. *That the primary structures in the proposed Modified Buffer Area are located within the Shoreline Development Buffer.* Each of the three improved lots within the proposed MBA have an existing residential dwelling located in the 100' SDB.

d. *That other development activities (i.e., accessory structures, access roads, septic systems, riprap and bulkheading, etc.) impact the Shoreline Development Buffer*. Properties, or portions thereof, within the Modified Buffer Area contain driveways, parking areas, retaining walls and/or bulkheading.

e. *That the Shoreline Development Buffer does not contain forest cover.* There is no existing forest cover within the buffer area of the lots within the proposed MBA.



Modified Buffer Area, Community No. 32, 33, & 39
Vicinity of Bellevue and Avonvue
Tax Maps 46 & 47

Talbot County Public Works
November 12, 2019