

**COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND**

2021 Legislative Session, Legislative Day No. : January 12, 2021

Bill No.: 1468

Expiration Date: March 18, 2021

Introduced by: Mr. Callahan, Mr. Leshner, Ms. Price

A BILL TO AMEND CHAPTER 190 OF THE TALBOT COUNTY CODE (ZONING, SUBDIVISION AND LAND DEVELOPMENT) TO PROVIDE A PROCESS FOR CONSTRUCTION OF A PRIVATE PIER AS AN ACCESSORY RESIDENTIAL STRUCTURE ON A LOT WITHOUT A PRINCIPAL USE, UNDER CERTAIN CONDITIONS

By the Council: January 12, 2021

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, February 9, 2021 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, Secretary

A BILL TO AMEND CHAPTER 190 OF THE TALBOT COUNTY CODE (ZONING, SUBDIVISION AND LAND DEVELOPMENT) TO PROVIDE A PROCESS FOR CONSTRUCTION OF A PRIVATE PIER AS AN ACCESSORY RESIDENTIAL STRUCTURE ON A LOT WITHOUT A PRINCIPAL USE, UNDER CERTAIN CONDITIONS

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

KEY

Boldface.....Heading or defined term

UnderliningAdded by Bill

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

* * * Existing law unaffected

* * *

31.2 Piers and related facilities (community and private).

* * *

A. Number of piers, community piers, private piers, compensation.

* * *

4. Private piers are permitted as an accessory use, subject to the following:

- a. They shall not be permitted on a lot served by a community pier.
- b. Primary dwelling footing and foundation members shall be in place and construction shall be diligently pursued on at least one lot prior to issuance of a permit for a private pier.

c. A private pier may be approved as an accessory structure on a parcel without a principal residential structure as listed in § 190-33.1.B.4.

* * *

33.1 Accessory uses, general requirements.

B. On lots without a principal use or structure.

1. An accessory storage structure may be approved as a special exception on a lot without a principal use or structure, as listed in the Table of Land Uses (Table IV-1) and § 190-33.24 below under "Storage building prior to construction of a primary structure."
2. An accessory storage structure is also permitted as a temporary use during construction, as provided in § 190-34.2.A, "Accessory building prior to construction of a primary structure."
3. If a proposed subdivision would create a lot with an existing private pier but no principal use or primary structure, the pier may be retained subject to approval of a waiver. The waiver must be approved by the approving authority for the plat prior to or at the time of subdivision plan approval.
4. An accessory residential private pier may be approved as a special exception on a lot without a principal residential structure, provided that:
 - a. The two noncontiguous lands are in common ownership, described in a single deed as of August 13, 1989, and divided by a road only; and,
 - b. The riparian lot is a legally existing nonconforming lot that does not meet current lot size or width requirements; and,
 - c. The nonriparian lot shall contain a principal dwelling; and,
 - d. The property otherwise meets the requirements for a private pier as provided in § 31.2.; and,
 - e. Until the pier is removed or the riparian parcel becomes a legal conforming lot, the lots shall remain in common ownership and shall be considered merged for zoning purpose for construction of the accessory residential pier only.

* * *

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. 1468 having been published, a public hearing was held on Tuesday, February 9, 2021 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: **February 9, 2021**

By Order 
Susan W. Moran, Secretary

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

EFFECTIVE DATE: **April 10, 2021**