

COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND

2014 Legislative Session, Legislative Day No. : June 17, 2014

Bill No.: 1287

Expiration Date: August 21, 2014

Introduced by: Mr. Bartlett, Ms. Price

A BILL TO AMEND CHAPTER 190 OF THE *TALBOT COUNTY CODE* TO DEFINE PIER WIDTH, LENGTH AND CUMULATIVE AREA TOTALS FOR PLATFORMS, FLOATING DOCKS, FINGER PIERS, CATWALKS AND BOATLIFTS; AND RAISED WALKWAY WIDTHS OVER NONTIDAL WETLANDS

By the Council: June 17, 2014

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, July 8, 2014 at 2:00 p.m. at the Bradley Meeting Room, Talbot County Court House, South Wing, 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 DEFINE PIER WIDTH, LENGTH AND CUMULATIVE AREA TOTALS FOR PLATFORMS, FLOATING DOCKS, FINGER PIERS, CATWALKS AND BOATLIFTS; AND RAISED WALKWAY WIDTHS OVER NONTIDAL WETLANDS

KEY	
Boldface	Heading or defined term
<u>Underlining</u>	Added to existing law by original bill
Strikethrough	Deleted from existing lay by original bill
<u>Double Underlining</u>	Added after Planning Commission recommendation on December 10, 2013
Double Strikethrough	Deleted after Planning Commission recommendation on December 10, 2013
* * *	Existing law unaffected

SECTION ONE: BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that Chapter 190 of the *Talbot County Code* § 190-75. Piers and related boat facilities (community and private), be amended as follows:

* * *

§ 190-75. Piers and related boat facilities (community and private).

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

(1) Parcels and lots shall be limited to one pier. Private piers shall be limited to six outboard mooring piles, and a cumulative total of four watercraft ~~boat~~ lifts. The four watercraft lifts may include no more than ~~one~~ two jet-ski lifts. Lifts with a fixed or floating platform, or covered lifts will be counted in the cumulative total platform area limit.

(2) The owner(s) of a pier shall not be permitted to receive compensation for the use of their pier.

(3) Community piers are permitted as a special exception use, subject to the following:

- (a) A community pier shall serve at least two lots.
- (b) Two or more community piers may be permitted by the Planning Commission to serve a riparian subdivision.
- (c) The right of access to a community pier shall be adequately provided for in a properly recorded set of covenants that incorporate maintenance agreements.
- (d) Primary dwelling footings 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 community pier.

(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.

B. Setbacks. Except for a community pier located on a joint property line, piers may not be constructed closer to a side property line than the required side yard setback for the zoning district in which they are located.

C. Water area for location.

- (1) The water area within which a pier may be located is defined by the harbor lines and lateral lines and shall be determined in accordance with § 190-147, Supplemental findings and requirements for water-dependent facilities.
- (2) All piers shall be located a minimum distance of 25 feet from the lateral lines. This setback may be reduced to no less than five feet if a letter of no objection is obtained from the adjacent property owner.

D. Extension, width, length, impedance of natural channel, repair or replacement piers.

- (1) ~~No new piers, or any portion thereof, including outboard pilings, finger piers, catwalks, boat lifts, platform areas or floating docks shall extend or expansion of existing piers shall extend into any body of water a distance greater than 150 feet or less in length measured from the mean high-water line or the landward edge of tidal wetlands, whichever is most restrictive.~~ Notwithstanding any other section of this chapter, this limitation shall not be subject to modification by either a special exception or a variance.

- (2) The maximum width of a pier shall be six feet. Finger piers shall be limited to two for private piers and to the number of slips permitted in Subsection F(4) below for community piers and shall not exceed three feet in width nor be longer than fifty percent of the slip length.
- (3) Platform areas, including but not limited to, floating or fixed docks, launching facilities, or boat lift platforms attached to or associated with a pier shall not exceed a cumulative total area of:
 - (a) 200 square feet for private or community piers located along a joint property line shared by two adjacent lots. Additional area at the end of the pier or along the projecting from a pier, including finger piers, and catwalks, and boat lifts, shall be no greater than three feet wide. Finger piers, catwalks and platform areas associated with boat lifts as described in Subsection A.(1) above, shall not exceed a cumulative total of sixty square feet for private piers and sixty square feet per side for a community pier serving two adjacent lots.
 - (b) 350 square feet for community piers serving three or more lots, excluding finger piers, catwalks and platform areas associated with boatlifts as described in Subsection A.(1) above. ~~platform areas and floating docks associated with a pier, shall not exceed a cumulative total area of 200 square feet.~~
- (4) In no case shall any parts of a pier exceed 1/2 of the distance from the mean high-water line to the center line of the body of water, said line herein established as the tributary harbor line.
- (5) In no case shall any parts of a pier impede the natural channel of the waterway.
- (6) When measuring the width of creeks or rivers with a total width of less than 500 feet, small and shallow coves along the shoreline shall not be used in determining the width of the waterway.
- (7) Replacement or extension of existing piers. The following requirements apply to piers completed prior to February 14, 2004.
 - (a) A functional pier, meeting the state standard of performing at least 85% of the designed purpose, may be replaced in kind, even if it exceeds the maximum allowed width, the one-hundred-fifty-foot extension into a body of water or the two-hundred-square-foot limit on additional area.
 - (b) Piers may be widened or lengthened and ~~F~~finger piers, platform areas, ~~and~~ floating docks, and boat lifts may be added, only if the additional areas are in compliance with the requirements in Subsection D(1) through (6) above.
- (8) Functional piers, meeting the state standard of performing at least 85% of the designed purpose prior to any damage sustained by a storm event or other natural

cause, may be repaired or restored, provided there is no increase in the original length, width, or channelward encroachment. Nonconforming piers must be replaced within twelve months of the event.

E. Mooring pilings, floating docks and platforms. All detached mooring pilings, floating docks and platforms associated with a land-based pier shall be considered a part of the land-based structure and shall comply with the applicable setback, pier length and platform area requirements contained in this chapter.

F. Additional requirements for community piers. The following requirements apply to community piers, in addition to the supplemental requirements for the use in § 190-147 of Article VI, Critical Area:

- (1) The facilities shall not offer food, fuel, or other goods and services for sale.
- (2) The facilities shall be community owned and established and operated for the benefit of the residents of a platted and recorded riparian subdivision.
- (3) Disturbance to the shoreline development buffer shall be the minimum necessary to provide a single point of access through the buffer to the facilities.

(4) Per COMAR finger piers shall be limited to one per boat slip at a maximum of three feet wide and not exceeding 50 percent of the proposed slip length.

(45) The number of slips shall be the lesser of Subsection F(45)(a) or (b) below:

(a) One slip for each 300 feet of shoreline in the subdivision in the Rural Conservation District or for each 50 feet of shoreline in the subdivision in a rural residential, village center, or town residential district; or

(b) A ratio of slips to platted lots or dwellings within the subdivision in the Critical Area according to the following schedule:

Number of Lots or Dwellings	Number of Slips
Up to 15	1 for each lot
16 to 40	15 or 75% of total lots, whichever is greater
41 to 100	30 or 50% of total lots, whichever is greater
101 to 300	50 or 25% of total lots, whichever is greater
Over 300	75 or 15% of total lots, whichever is greater

G. Walkway, raised, over nontidal wetlands.

(1) A raised walkway may be installed, subject to required permits, to provide access to a pier.

(2) Maximum length over a nontidal wetland: 100 feet.

(3) Maximum width of walkway: ~~five~~-six feet.

H. Boathouses and floating residences are prohibited.

I. One boat ramp per lot shall be permitted, subject to the required side yard setbacks.

* * *

Article XI Definitions

§190-208. Definitions

BOAT LIFT - A mechanism used for raising and lowering boats vertically from one level to another.

PLATFORM AREAS - Fixed or floating horizontal surfaces along a pier used primarily for getting into and out of boats, lifting boats, including docks and launching platforms.

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. _____ having been published, a public hearing was held on _____ at _____ 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: _____

By Order _____
Susan W. Moran, Secretary

Bartlett _____
Hollis _____
Pack _____
Price _____
Duncan _____

Effective date: _____