

**Comprehensive Zoning Ordinance Rewrite - Phase II - Text Amendment
Revisions Approved by Talbot County Planning Commission
December 03, 2008**

§ 190-9. Zoning districts

The following zoning districts are hereby established:

A. Base districts (see Article II)

Rural Cluster Districts

- (1) Agricultural Conservation District (AC)
- (2) Countryside Preservation District (CP)
- (3) Western Rural Conservation District (WRC)

~~*Other Rural and Residential Districts*~~ *Residential, Village Center and other Rural Districts*

- (4) Rural Conservation District (RC)
- (5) Rural Residential District (RR)
- (6) Town Conservation District (TC)
- (7) Town Residential District (TR)

Village Districts

- (8) Village Center District (VC)

Commercial and Industrial Districts

- (9) Limited Commercial District (LC)
- (10) General Commercial District (GC)
- (11) Limited Industrial District (LI)

B. Floating and Overlay Districts (see Article IV)

- (1) Manufactured Home Development Floating District (MHD)

**Note: Only Excerpts with revisions are included.
All changes shown in ~~strikethrough~~ and underline with **yellow highlighting**.**

- (2) Affordable Housing Floating District (AH)
- (3) Historic District Overlay District (HD)
- (4) Historic Rehabilitation Overlay District (HR)
- (5) Gateway Overlay District (GD)
- (6) Easton Airport Overlay District (EA)
- (7) Buffer Management Area Overlay District (BMA)

§ 190-12. Decision-making bodies and officials

C. Planning Commission

- ~~(11) Make recommendations to the Board of Appeals on applications for reasonable accommodations for the benefit of disabled citizens. (See Article IX.)~~
- (12) (11) Make recommendations to the County Council on proposed amendments to the text of this chapter. (See Article IX.)
- (13) (12) Make recommendations to the County Council on proposed amendments to the official zoning maps. (See Article IX.)
- (14) (13) Make recommendations to the County Council on applications to amend growth allocation district boundaries in the Critical Area. (See Article IX.)
- (15) (14) Make recommendations to the County Council on requests for growth allocation to expand specific uses in the RC District. (See Article IX.)
- (16) (15) Make recommendations to the County Council on requests for supplemental growth allocation by incorporated municipalities. (See Article IX.)
- (17) (16) Make recommendations to the County Council on applications for solid waste disposal sites. (See Article IX.)

**Note: Only Excerpts with revisions are included.
All changes shown in ~~strikethrough~~ and underline with **yellow highlighting**.**

Table I-1. Summary of Review, Recommendation, and Decision-Making Authority

Type of Decision	Planning Director	Planning Commission	Historic Preservation Commission	Technical Advisory Committee	Board of Appeals	County Council	Circuit Court
Planning Director							
Minor variance – not for expansion of nonconforming <u>use structure</u>	Decision	Recommendation			Appeal		
Minor variance for expansion of nonconforming <u>use structure</u>	Decision	Recommendation if nonconforming to Critical Area requirement, or on request of Planning Director			Appeal		
Board of Appeals							
Accommodations for the disabled	Review	<u>Recommendation</u>			Decision		Appeal

Note: Only Excerpts with revisions are included.

All changes shown in ~~strikethrough~~ and underline with yellow highlighting.

§ 190-14. Residential, Village Center and other Rural Districts

B. Density and Bulk Requirements for the RC, RR, TC, TR and VC Districts

Table II-3. RC, RR, TC, TR and VC Districts

	RC District	RR District	TC District	TR District	VC District
Minimum setbacks: lots smaller than one acre					
Front	N.A. 50 feet	25 feet	25 feet	25 feet	25 feet
Rear	N.A. 25 feet	25 feet	25 feet	25 feet	25 feet
Side	N.A. 25 feet	10 feet	10 feet	10 feet	10 feet

C. Setback measured from right-of-way

If a lot ~~line extends to the centerline of~~ includes a street or road, the setback shall be measured from the ~~nearest~~ edge of the road right-of-way or road easement. For structures nonconforming to required setbacks, see nonconforming structure provisions of Article VIII.

G. Lot size requirements

(1) Rural Conservation District - RC (Critical Area only)

- (b) The required lot sizes noted above may be decreased or increased through a waiver petition approved by the Planning Commission, if the Planning Commission finds that a ~~different average lot size for the particular subdivision~~ between 5 and 20 acres will result in a better design for the particular subdivision or is necessary due to the physical constraints of the tract of land.

Note: Only Excerpts with revisions are included.

All changes shown in ~~strikethrough~~ and underline with **yellow highlighting.**

Article III Land Uses

§ 190-16. General Table of Land Uses

Table III-1. General Table of Land Uses

Table	P = permitted use; S = special exception; A = accessory use										
Land Use	Agricultural Conservation	Countryside Preservation	Western Rural Conservation	Rural Conservation	Rural Residential	Town Conservation	Town Residential	Village Center	Limited Commercial	General Commercial	Limited Industrial
<p>Compounding Industries (permanent) Includes concrete and asphalt plants See regulations for specific land uses in this Article. See Temporary uses for temporary compounding <u>of</u> paving material.</p>											S
<p>Contracting and Maintenance Includes air conditioning, building, <u>electrical</u>, excavation, floor covering, glass repair, heating, landscaping, plumbing, shoreline stabilization and tree trimming. See regulations for specific land uses in this Article.</p>									P	P	P
<p>Marine Contracting Includes businesses that install or repair pilings, piers and similar structures located in or over water <u>to include shoreline stabilization</u>.</p>								S	S	S	P

**Note: Only Excerpts with revisions are included.
All changes shown in ~~strike through~~ and underline with **yellow highlighting**.**

§ 190-30. Bed-and-Breakfast

- H. Guest ~~bedroom~~ parking shall be provided in a side or rear yard.

§ 190-42. Dwelling, Accessory, in the RC District

A single accessory dwelling is permitted in the RC District subject to the following requirements.

- A. Maximum ~~gross floor area per dwelling~~: 900 square feet gross floor area per dwelling including porches and decks.

§ 190-45. Dwelling, Employee

- A. Maximum employee dwelling size: 1,500 square feet, including the gross floor area of the dwelling plus the area of porches and decks, except on parcels 20 acres or larger in the AC, CP, WRC or TC districts.

§ 190-83. Retail, Major

- D. Detail features
- (4) Expression of architectural or structural bay through a change in plane no less than 12 inches in width, such as an offset, ~~reveal~~ reveal?, or projecting rib.
- F. Materials and colors
- (4) Predominant exterior building materials shall not include the following:
- (b) Tilt up ~~of~~ concrete panels.
- G. Entryways
- (2) Entrance

All sides of a principal building that directly face an abutting public street shall feature at least one customer entrance. Where a principal building directly faces more than two abutting public streets, this requirement shall apply only to two sides of the building, including the side of the building facing the primary street, and another side of the building facing a ~~second~~ secondary street.

**Note: Only Excerpts with revisions are included.
All changes shown in ~~strikethrough~~ and underline with **yellow highlighting**.**

K. Pedestrian flows and bicycle traffic

- (4) Internal pedestrian walkways provided in conformance with Subsection ~~(12)(b)~~ (K)(2) above shall provide weather protection features such as awnings or arcades within 30 feet of all customer entrances.

Article IV Floating and Overlay Zoning Districts

§ 190-106. Manufactured Home Development Floating District – MHD

D. Concept plan

- 2) The final site plan or final subdivision plat may be ~~approval~~ approved once the rezoning is approved. Final plans and plats shall be based on the concept plan or plat submitted with the rezoning application.

H. Site plan and design standards for manufactured home rental communities

I. Design standards for manufactured home subdivisions

- (18) Manufactured homes may not be used exclusively for storage purposes.

Every manufactured home shall have a canopied or covered entranceway/porch at least 64 square feet in size. A waiver of this requirement may be granted in accordance with §190-186 if the Planning Commission ~~if it~~ finds that the standardized design of the unit already incorporates a covered porch or entryway.

§ 190-107. Affordable Housing Floating District - AH

C. Districts permitted

An affordable housing floating district may only be approved in areas zoned TR and TC outside Chesapeake Bay Critical Area.

Note: Only Excerpts with revisions are included.

All changes shown in ~~strike through~~ and underline with yellow highlighting.

D. Concept Plan

A concept plan shall be submitted with the rezoning application. The plans or plat shall be of sufficient detail to determine if the development generally complies with the site plan and ~~design standards~~ design standards for an affordable housing floating district.

§ 190-109. Historic Rehabilitation Overlay District - HRO

F. Review and approval

(3) Historic Preservation Commission and the Planning Commission Review

(f) The recommendation of the Planning Commission shall be forwarded to the County Council within 15 days of the Planning Commission ~~recommendation~~ hearing. The 60-day requirement in Article IX §190-~~174.D~~ 173.D. for transmittal of the Planning Commission recommendation to the County Council does not apply.

(4) The Historic Preservation Commission shall use the following criteria:

(c) The standards otherwise applicable for a Historic District Overlay District in §190-108. The proposed rehabilitation incentive(s) will not impair the aesthetic, architectural, or historic integrity of the historic resource, or portions thereof, or the aesthetic, architectural, or historic integrity of the Historic District Overlay District;

(5) Planning Commission review

(b) The Planning Commission may ~~approve~~ recommend approval of the application only upon a showing by the applicant that the proposed rehabilitation incentive(s) would not significantly impair the integrity or character of the surrounding area.

Note: Only Excerpts with revisions are included.

All changes shown in ~~strike through~~ and underline with yellow highlighting.

Article V Development Standards

§ 190-113. Structure height

Structures shall comply with the following height limits.

Table V-1. Structure height

Type of structure	Maximum height	Additional requirements
A. Dwellings and agricultural structures. Includes ornamental towers and other design features.	40 feet	<i>None</i>

§ 190-114. Supplemental setbacks

B. Setbacks from major highways

- (2) Setbacks from all other state highways shall be 100 feet in the AC, CP, WRC, RC, RR and TC Districts and ~~to~~ 50 feet in the VC, TR, and LI Districts.

§ 190-118. Accessory uses and structures

- (3) Fences and walls shall comply with structure setback requirements, except as provided in the Table V-2. The setback exemptions in the following chart:
- (a) Do not allow construction of fences within the Shoreline Development Buffer; ~~or,~~

§ 190-122. Landscaping requirements for site plans

B. Landscaped areas

- (3) Landscaping in parking areas
- (b) Parking ~~spaces~~ areas shall have landscaped islands not less than eight feet in width dividing the parking lot into bays with a maximum of 10 spaces per bay.

Note: Only Excerpts with revisions are included.

All changes shown in ~~strikethrough~~ and underline with **yellow highlighting.**

§ 190-125. Noise standards

B. Exemptions

- B. Noises of vehicles, starting of commercial boats, home appliances, and chainsaws in private use, occasionally used safety signals, warning signals, emergency pressure relief valves, agricultural operations, temporary construction operations, and hunting activities licensed by Maryland law shall be exempt from the requirements of this section.

§ 190-127. Subdivision design

G. Drainage and utility easements

- (4) Drainage and utility easements shall be noted on the plat and shall be at least 15 feet wide along a boundary contiguous to a road right-of-way, at least 15 feet wide if centered along a new line of division, at least 10 feet wide along an existing lot line, or as required by the County Engineer.

Article VI Critical Area

§ 190-133. Agricultural uses

B. Agricultural uses

The following requirements shall be met for agricultural uses:

A. Vegetated filter strip

- (c) The 25-foot ~~and the 60-foot vegetated~~ filter strips shall be maintained until such time as the landowner is implementing, under an approved Soil Conservation and Water Quality Plan, a program of best management practices for the specific purposes of improving water quality and protecting plant and wildlife habitat; and provided that the portion of the Soil Conservation and Water Quality Plan being implemented achieves the water quality and habitat protection objectives of the 25-foot ~~or the 60-foot~~ foot vegetated filter strip.

Note: Only Excerpts with revisions are included.

All changes shown in ~~strikethrough~~ and underline with yellow highlighting.

§ 190-136. Lot Coverage

B. For parcels or lots existing on or before December 1, 1985

(4) The following table summarizes the limits set forth in paragraph (3) above:

Table VI-3. Maximum increase in lot coverage for lots existing December 1, 1985

Lot/Parcel size (square feet)	Maximum lot coverage with increase approvable by Planning Director
0 – 8,000	Area equal to 25% of parcel plus 500 square feet

§ 190-144. Shoreline Stabilization Measures

A. Plan required

- (1) A shore erosion protection works plan shall be prepared when measures are proposed to protect eroding and rapidly eroding portions of the shoreline. Improvements to protect property against erosion shall consist of nonstructural shoreline stabilization measures that preserve the natural environment, such as Marsh Creation, except in areas:
- (a) Designated by Maryland Department of the Environment (MDE) maps as appropriate for structural shoreline stabilization measures; or
 - (b) Where Maryland Department of the Environment (MDE) **determined** **determines** that nonstructural measures are not feasible, including areas of excessive erosion, areas subject to heavy tides, and areas too narrow for effective use of nonstructural shoreline stabilization measures.

**Note: Only Excerpts with revisions are included.
All changes shown in ~~strike through~~ and underline with **yellow highlighting**.**

Article VIII Nonconforming Lots, Structures and Uses

§ 190-169. Nonconforming structures

- D. Administrative variance for expansion of a nonconforming structure
 - (1) An administrative variance application is an application to expand ~~or relocate~~ a nonconforming structure that is located within the Critical Area and within the Shoreline Development Buffer. The decision on an administrative variance application shall be made by the Planning Director. A proposed expansion ~~or relocation~~ of a nonconforming structure within the Shoreline Development Buffer may be submitted as an administrative variance application if the application meets the following limits.
- E. Expansion of nonconforming structures in the Critical Area Shoreline Development Buffer
 - (4) The expansion shall be reviewed for compliance with the stormwater quality goals of Chapter 164, Stormwater Management, of the Charles Talbot County Code.

Article IX Administration

§ 190-170. General application and review procedures

- C. Notification of Critical Area Commission
 - (1) If an application for a zoning map amendment, special exception, variance, site plan or subdivision plan involves development located wholly or partially within the Critical Area:
 - (b) The Planning Director shall notify the Critical Area of the decision to approve or deny the application within 30 days of the decision.

**Note: Only Excerpts with revisions are included.
All changes shown in ~~strike through~~ and underline with **yellow highlighting**.**

§ 190-175. Text amendments to Critical Area provisions

A. Procedures

Applications to amend the text of the Critical Area provisions of this chapter shall be submitted and processed in accordance with the requirements of this Article for County Council applications.

§ 190-182. Variances

A. Authority

(2) The Planning ~~Officer~~ Director shall make decisions on minor variances and administrative variances as described in this section. All other variances shall be heard and decided by the Board of Appeals.

B. Minor variances

(3) The Planning Officer-Director may request a recommendation from the Planning Commission for minor variance applications other than those listed in (2) above.

D. The Planning ~~Officer~~ Director shall approve or deny a minor variance or administrative variance pursuant to the standards for variances provided below. The Planning ~~Officer's~~ Director's decision may be appealed to the Board of Appeals.

§ 190-183. Site Plans

E. Development requiring a minor site plan

(2) Minor site plans submitted after the effective date of this revision chapter add a cumulative total of no more than 300 square feet to the primary structure(s) or no more than 300 square feet in accessory structures

§ 190-185. Developer Agreements

A. Purpose

**Note: Only Excerpts with revisions are included.
All changes shown in ~~strikethrough~~ and underline with yellow highlighting.**

Developer agreements shall be used when a developer is required to install public or private improvements or plantings as a condition of approval of a site plan, subdivision plan or other development approval. A developer agreement ~~may is~~ not be required if a public works agreement administered by the Department of Public Works is required for the improvement.

Article X Procedures for Subdivision of Land

§ 190-196. Revision plats.

B. Determination of major and minor revision plats

(2) Minor revisions may include, but are not limited to:

(e) Recordation of a plat to establish a ~~lot~~ parcel as a buildable lot.

§ 190-202. Conformance to applicable rules and regulations

In addition to the requirements established in this chapter, subdivision plans shall comply with all applicable local, state and federal plans and regulations, including the following:

D. Plat approval may be withheld if a subdivision is not in conformity with the above plans and regulations ~~as well with or~~ this Chapter.

Article XI Definitions

§ 190-205. Rules of construction

~~A. The word person includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.~~

A. Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular unless the natural construction of the wording indicates otherwise.

§ 190-208. Definitions

Note: Only Excerpts with revisions are included.

All changes shown in ~~strike through~~ and underline with **yellow highlighting.**

COMMUNITY FACILITY – A noncommercial use established to serve the local population, including to community centers, libraries, recreation centers, educational or interpretive facilities, parks, playgrounds, museums and related uses.

HEIGHT, BUILDING OR STRUCTURE – The vertical distance from the lowest finished grade elevation to the highest point of the roof, parapet wall, or uppermost part of the building or structure. See §190-113 for exceptions height requirements.



Illustration: Maximum Height measured from Lowest Finished Grade Elevation (LFGE)

NOTICE TO PROCEED – A notice issued by the Planning Director informing the applicant that approval of a subdivision plan or plat submitted is in compliance with these regulations and that the applicant may proceed to the next step in the subdivision review/approval process. Specific conditions may be attached to the notice to proceed.

PLANNING DIRECTOR/PLANNING OFFICER – The governmental official of Talbot County charged with administering the Talbot County planning program.

PROGRAM AMENDMENT (CA) – Any change or proposed change to an adopted Critical Area program that is not determined by the chairman of the Critical Area Commission to be a program refinement.

SETBACK – The minimum distance that a structure or use shall be located from lot lines. Setbacks are measured from lot lines to the foundation or wall of the building, or to the nearest part of the structure or use. If any part of the structure extends outward from the foundation more than two feet, the setback is measured from the point of the structure nearest the lot line, excluding uncovered steps and chimneys. If a lot line extends to the centerline of includes a street or road, the setback shall be measured from the nearest edge of the road right-of-way or road easement.

Note: Only Excerpts with revisions are included.
All changes shown in ~~strike through~~ and underline with yellow highlighting.

STABLE – A structure covered by the “Right to Farm” legislation and used for the shelter or care of horses or similar animals. A stable may include an indoor riding area or other amenities directly associated with the care of horses or similar animals. ~~A structure that is used for the shelter or care of horses or similar animals.~~

Note: Only Excerpts with revisions are included.
All changes shown in ~~strikethrough~~ and underline with **yellow highlighting.**