

Chapter 190 Zoning, Subdivision, and Land Development

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Article I General Provisions

§ 190-1. Title

This chapter shall be known and may be cited as the "Talbot County Zoning, Subdivision, and Land Development Ordinance".

§ 190-2. Authority

- A. Talbot County is organized pursuant to Art. XI-A of the Maryland Constitution and derives its authority for planning, zoning, and subdivision from Article 25A §5, Maryland Annotated Code and certain provisions of Article 66B, Maryland Annotated Code.
- B. The County's local Critical Area Program is adopted pursuant to Natural Resources Article §8-1801, et. seq., Maryland Annotated Code. The Code of Maryland Regulations, (COMAR) Title 27 "Critical Area Commission for the Chesapeake and Atlantic Coastal Bays," also applies to the Critical Area.

§ 190-3. Purpose

- A. Land use decisions

The Planning Commission and Planning Director shall consider and advance the purposes of this chapter when making land use and subdivision decisions.

- B. General

The general purposes of this chapter are to:

- (1) Protect and promote public health, safety, and welfare;
- (2) Implement zoning and subdivision controls that govern land use, growth, and development in accordance with the duly adopted County Comprehensive Plan and Critical Area Plan;
- (3) Preserve the County's existing rural character and quality of life;
- (4) Protect the County's economic stability and local economy;
- (5) Avoid undue concentration of population;
- (6) Provide for adequate light, air, and privacy, and to secure safety from fire, flood and other danger;
- (7) Protect and conserve the value of land, buildings, and improvements, and minimize conflicts among their differing uses;
- (8) Secure the most beneficial relationship between uses of land and buildings and circulation of traffic, avoid congestion in the streets and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines;

- (9) Encourage orderly and beneficial development through appropriate growth management, including timing and sequencing of development and in-fill in areas with adequate public facilities;
- (10) Provide adequate and efficient roads, water, sewerage, drainage, schools, parks, playgrounds, recreation, and other public infrastructure and facilities;
- (11) Ensure that public infrastructure, facilities, and services are adequately planned, sized, and made available concurrently with new development;
- (12) Ensure that developers will bear the cost of providing the necessary infrastructure, facilities, and services caused by their development through exactions, fees, dedication, and mitigation of the effects of the development;
- (13) Conserve and encourage wise use and management of natural resources, safeguard groundwater, and prevent air and water pollution;
- (14) Protect environmentally sensitive areas;
- (15) Preserve agricultural lands;
- (16) Preserve the natural beauty and topography of the County and to ensure appropriate development with regard to these natural features;
- (17) Establish reasonable design standards and procedures for subdivision and property line revisions, and to ensure proper legal descriptions and monumenting of subdivided land;
- (18) Provide for open space and working lands through clustering development and efficient design and layout of subdivisions;
- (19) Prevent and resolve problems from inappropriately subdivided lands, including premature subdivision, excess subdivision, partial or incomplete subdivision, and scattered and poorly designed subdivision;
- (20) Minimize conflicts between incompatible land uses by requiring separation and adequate buffers and screening;
- (21) Protect and conserve historically and archaeologically significant sites and structures.

C. Chesapeake Bay Critical Area

- (1) The purposes of this chapter for the Chesapeake Bay Critical Area are to:
 - (a) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or run off from surrounding lands;
 - (b) Conserve fish, wildlife, and plant habitats;
 - (c) Establish land use policies for development in the Critical Area which accommodate growth as well as address the environmental impacts that the number, movement, and activities of people may have on the area.
 - (d) Promote the most environmentally sensitive plans and practices for development activities in shoreline areas;

- (e) Conserve wetlands as natural marine nurseries, filters, and flood and for erosion control; and
 - (f) Restore, protect, and cultivate submerged aquatic vegetation beds.
- (2) The purposes of this chapter for areas designated as Resource Conservation Areas are to:
- (a) Conserve, protect, and enhance the overall ecological values of the Critical Area, its biological productivity and its diversity;
 - (b) Provide adequate breeding, feeding, and wintering habitats for those wildlife populations that require the Chesapeake Bay, its tributaries, or coastal habitats in order to sustain populations of those species;
 - (c) Conserve the land and water resource base that is necessary to maintain and support land uses such as agriculture, forestry, fisheries activities, and aquaculture; and
 - (d) Conserve existing developed woodlands and forest for the water quality benefits that they provide.
- (3) The purposes of this chapter for areas designated as Limited Development Areas are to:
- (a) Maintain or, if possible, improve the quality of runoff and groundwater entering the Chesapeake Bay and its tributaries;
 - (b) Maintain, to the extent practical, existing areas of natural habitat; and
 - (c) Accommodate additional low- or moderate-intensity development if the development conforms to the water quality and habitat protection criteria.
- (4) The purposes of this chapter for areas designated as Intensely Developed Areas are to:
- (a) Improve the quality of runoff from developed areas that enters the Chesapeake Bay or its tributary streams;
 - (b) Accommodate additional development, provided that the water quality is not impaired;
 - (c) Minimize the expansion of Intensely Developed Areas into portions of the Critical Area designated as Habitat Protection Areas and Resource Conservation Areas by the Critical Area program.
 - (d) Conserve and enhance fish, wildlife, and plant habitats to the extent possible; and
 - (e) Encourage the use of retrofitting measures to address existing stormwater management problems.

§ 190-4. Applicability

A. Jurisdiction

This chapter applies to all lands, submerged lands, waters, and islands within the unincorporated areas of Talbot County.

B. Prior ordinances

All previously enacted zoning ordinances and subdivision ordinances are hereby repealed.

C. Minimum requirements

This chapter establishes minimum requirements that apply in addition to conditions, restrictions, or limitations imposed by the Planning Director, Planning Commission, or Board of Appeals on any approval, plat, or permit, and in addition to other requirements of this Code, or other laws, rules, or regulations.

§ 190-5. Other laws

A. Conflicts

- (1) Whenever any provision of this chapter conflicts with any other provision of law, rule, or regulation covering the same subject matter, whether set forth in this chapter or elsewhere, that provision which is more restrictive or imposes the higher standard or requirement shall govern.
- (2) If the provisions of this chapter are more restrictive or impose higher standards than an easement, covenant or other private agreement, the requirements of this chapter shall govern. If the provisions of an easement, covenant or other private agreement are more restrictive or impose higher standards than this chapter, the private agreement shall govern. The County will not be responsible for enforcing a private agreement.

B. Amendments

Whenever this chapter refers to a law, rule, or regulation that is later amended, re-enacted, or superseded, such reference shall be deemed to refer to the amended or re-enacted provision, or the one that most nearly corresponds to the superseded provision.

C. Right to Farm law

There is no recourse against the inherent effects of agricultural operations as permitted in this chapter and conducted in accordance with best management practices. These effects may include, but are not limited to, noise, odor, vibration, fumes, dust or glare. Chapter 128, Talbot County Code, "Right to Farm" protects agricultural operations on all agricultural land in the County.

§ 190-6. Compliance required

- A. New lots, parcels, uses, or structures that fail to comply with all requirements of this chapter are prohibited. No lot, parcel, use, or structure may be subdivided, revised, designed, constructed, created, altered, moved, approved, used, developed, or permitted without compliance with this chapter.

- B. A use not specifically allowed in this chapter is prohibited unless the Planning Director makes an interpretation that it is permitted pursuant to §190-16.
- C. No land may be subdivided through the use of any legal description other than a plat approved and recorded in the Talbot County land records in accordance with this chapter.
- D. No part of any lot or parcel shall be sold or transferred unless the part to be sold or transferred is first divided in accordance with this chapter.

§ 190-7. Permits issued in error

If a building or structure was constructed or reconstructed under a permit that is otherwise valid except for the failure to comply with the setback requirements, the County may not initiate an action or proceeding that arises out of a failure of the building or structure to comply with a setback requirement more than three years after the date on which the violation first occurred. For purposes of this subsection, the date on which the violation first occurred shall be deemed to be the date on which the final building inspection was approved.

§ 190-8. Existing special exceptions and variances

- A. General

Special exceptions and variances approved by the Planning Director, Planning Commission, or Board of Appeals prior to adoption or amendment of this chapter may continue, subject to the terms, conditions or restrictions imposed on the approval and subject to the provisions of this chapter as enacted or amended.

- B. Conforming special exception uses and conferred special exceptions

“Conforming special exception use(s)” and “conferred special exceptions” as those terms were used in the Talbot County Zoning Ordinance adopted November 24, 1974 are abolished. All such structures and uses, including those formerly classified as a “conforming special exception use” or a “conferred special exception” shall be classified under and governed by the provisions of this chapter as adopted or amended.

§ 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)

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)
- (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)
- (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)

§ 190-10. Chesapeake Bay Critical Area

A. Establishment

The Critical Area comprises lands and waters defined in § 8-1807 of the Natural Resources Article, Annotated Code of Maryland. It includes:

- (1) All waters of, and lands under, the Chesapeake Bay and its tributaries to the head of tide as indicated on the state wetlands maps and all state and private tidal wetlands designated under Title 9 of the Natural Resources Article, Annotated Code of Maryland; and
- (2) All land and water areas within 1,000 feet of the landward boundaries of state or private tidal wetlands and the heads of tides designated under Title 9 of the Natural Resources Article, Annotated Code of Maryland.
- (3) Modifications to these areas through inclusions or exclusions proposed by local jurisdictions and approved by the Critical Area Commission as specified in §8-1807 of the Natural Resources Article, Annotated Code of Maryland.

B. Critical Area land designations

- (1) In order to accommodate existing land uses and growth while conserving habitat and protecting water quality, the County has identified three land use management designations in the Critical Area: Resource Conservation Area (RCA), Limited Development Area (LDA), or Intensely Developed Area (IDA). The County determined, based on land uses and development in existence on December 1,

1985, which land areas fall within these land use management designations and applied appropriate zoning based on this determination.

(2) The following list shows how the County's zoning districts within the Critical Area relate to these Critical Area designations. The acreage standards in the list shall mean the number of acres that are either contiguous or separated only by a road.

(3) Critical Area designation by zoning district

Resource Conservation Area (RCA):

Rural Conservation (RC)

Limited Development Area (LDA):

Town Residential (TR)

Village Center (VC)

Rural Residential (RR)

Limited Commercial (LC) less than 20 acres

General Commercial (GC) less than 20 acres

Limited Industrial (LI) less than 20 acres

Intensely Developed Area (IDA):

Limited Commercial (LC) 20 acres or more

General Commercial (GC) 20 acres or more

Limited Industrial (LI) 20 acres or more

(4) The general purposes of these designations are:

- (a) Intense development should be directed outside of the Critical Area. However, intense development activities when proposed in the Critical Area shall be directed towards the Intensely Developed Areas.
- (b) Additional low intensity development may be permitted in the Limited Development Areas, but shall be subject to strict regulation to prevent adverse impacts on habitat and water quality.
- (c) Development shall be limited in the Resource Conservation Area, which shall be chiefly designated for agriculture, forestry, fisheries activities, and other resource utilization activities and for habitat protection.

§ 190-11. Zoning maps

A. Establishment

- (1) The boundaries of zoning districts are shown on the Official Zoning Maps of Talbot County, which are hereby made a part of this chapter.
- (2) The Official Zoning Maps, together with amendments thereto, shall be kept by the Planning Director.

B. Determination by Planning Director

Upon written request from a property owner, the Planning Director shall issue a determination on the location of a zoning district boundary in accordance with the provisions of subsection C. below.

C. Interpretation of district boundaries

Where uncertainty exists as to the boundaries of districts shown on the Official Zoning Maps, the following rules shall apply:

- (1) Boundaries indicated as approximately following the center lines of existing or proposed streets, highways, alleys, or waterways shall be construed as following such center lines.
- (2) Boundaries indicated as approximately following property lines or Election District boundary lines shall be construed as following such property lines or Election District boundary lines.
- (3) Boundaries indicated as following approximately the incorporated limits of municipalities shall be construed as following such incorporated limits.
- (4) Boundaries indicated as approximately following County boundary lines shall be construed as following such County boundary lines.
- (5) Wherever a district adjoins a river or other body of water, the zone boundary line shall be deemed to extend to the center line of such body of water.
- (6) Boundaries indicated as parallel to or extensions of features indicated in Subsections (1) through (5) above shall be so construed.
- (7) Where a boundary line is indicated as obviously not coinciding with property lines, center lines, municipal incorporation limits or other features as indicated in Subsections (1) through (6) above, the boundary shall be scaled from the Official Zoning Map.
- (8) For other circumstances not covered above, the Planning Director shall determine the zoning district boundary after considering the recommendation of the Planning Commission.

D. Parcels divided by district lines

- (1) Parcels that are divided by the Critical Area boundary and are partially in the Rural Conservation or Rural Residential zoning districts:
 - (a) If a smaller portion of a divided property is less than two acres in area, it is subject to the same zoning district as the larger portion.
 - (b) If the smaller portion is two acres or larger, the parcel is subject to two zoning districts, the zoning district for the portion outside the Critical Area and the zoning district for the portion inside the Critical Area.
- (2) Parcels that are divided by the Critical Area boundary and are partially in any other district:

- (a) If a smaller portion of a divided property is less than one acre in area, it is subject to the same zoning district as the larger portion.
- (b) If the smaller portion is one acre or larger, the parcel is subject to two zoning districts, the zoning district for the portion outside the Critical Area and the zoning district for the portion inside the Critical Area.

§ 190-12. Decision-making bodies and officials

This section lists the decision making bodies and officials that have responsibility for implementing, administering and enforcing this chapter.

The table at the end of this Article summarizes the responsibilities of the various decision-making bodies and officials.

A. County Council

The County Council shall have the following powers and duties:

- (1) Adopt and amend the Talbot County Zoning, Subdivision and Land Development Ordinance. (See Article IX.)
- (2) Adopt and amend the official zoning maps. (See Article IX.)
- (3) Decide amendments to growth allocation district boundaries in the Critical Area. (See Article IX.)
- (4) Decide requests for growth allocation to expand specific uses in the RC District. (See Article IX.)
- (5) Decide requests for supplemental growth allocation by any incorporated municipality. (See Article IX.)
- (6) Decide applications for solid waste disposal sites and facilities. (See Article IX.)
- (7) Designate Historic Districts. (See Article IV.)

B. Board of Appeals

The Board of Appeals shall have the following powers and duties:

- (1) Decide applications for special exceptions. (See Article IX.)
- (2) Decide applications for variances from bulk requirements subject to variances. (See Article IX.)
- (3) Decide administrative appeals from a final order or decision as authorized in Chapter 20 of the Code. (See Article IX.)
- (4) Decide applications for variances to expand a nonconforming structure. (Article VII.)
- (5) Decide applications for expansion of nonconforming uses. (Article VII.)
- (6) Decide applications for reasonable accommodations for the benefit of disabled citizens. (See Article IX.)

C. Planning Commission

The Planning Commission shall have the following powers and duties:

- (1) Make recommendations to the Planning Director and the County Council relating to this chapter.
- (2) Make recommendations to the Planning Director, at his request, on interpretations of this chapter as they apply to specific cases or as necessary to establish general staff policy.
- (3) Decide applications for major site plans. (See Article IX.)
- (4) Decide applications for major subdivisions. (See Article X.)
- (5) Decide applications for waivers and extensions to certain subdivision or site plan requirements. (See Article IX.)
- (6) Make recommendations to the Planning Director on minor subdivisions and minor site plans upon the request of the Planning Director. (See Articles IX and X.)
- (7) Make recommendations to the Planning Director on certain minor variances and administrative variances. (See Article IX)
- (8) Make recommendations to the Planning Director on certain minor variances and administrative variances for expansion of nonconforming structures. (See Article VIII.)
- (9) Make recommendations to the Board of Appeals on expansion of nonconforming uses. (See Article VIII.)
- (10) Make recommendations to the Board of Appeals on special exceptions. (See Article IX.)
- (11) Make recommendations to the County Council on proposed amendments to the text of this chapter. (See Article IX.)
- (12) Make recommendations to the County Council on proposed amendments to the official zoning maps. (See Article IX.)
- (13) Make recommendations to the County Council on applications to amend growth allocation district boundaries in the Critical Area. (See Article IX.)
- (14) Make recommendations to the County Council on requests for growth allocation to expand specific uses in the RC District. (See Article IX.)
- (15) Make recommendations to the County Council on requests for supplemental growth allocation by incorporated municipalities. (See Article IX.)
- (16) Make recommendations to the County Council on applications for solid waste disposal sites. (See Article IX.)

D. Historic Preservation Commission

The Historic Preservation Commission shall have the following powers and duties:

- (1) Decide applications for the construction, alteration, reconstruction, moving or demolition of any structure within a designated historic district. (See Article IV.)

- (2) Make recommendations to the County Council on the establishment of Historic District Overlay Districts and Historic Rehabilitation Overlay Districts. (See Article IV.)
- (3) Provide comments to the Planning Director on site plans and subdivision plans affecting a historic resource identified in the Comprehensive Plan. (See Articles IV, IX, and X.)
- (4) Provide comments to the Planning Director on certain applications for wireless communication towers (See Article III.)

E. Planning Director

The Planning Director shall have the following powers and duties:

- (1) Administration
 - (a) Publish applications and checklists containing submission requirements for each type of approval.
 - (b) Decide the completeness of applications.
 - (c) Process applications to decision-making bodies for approvals required under this chapter.
 - (d) Establish meeting schedules and agendas for the Technical Advisory Committee, Planning Commission, Board of Appeals and other boards or commissions as necessary.
 - (e) Maintain permanent and current records made under this chapter, including, but not limited to maps, amendments, special exceptions, variances, nonconforming uses, appeals, site plans, subdivision plans, certificates, permits, licenses, and applications.
- (2) Prepare revisions from time to time of this chapter.
- (3) Decide whether amendments to plans approved by other decision making bodies are minor or require new applications.
- (4) Delegate duties and responsibilities as he determines appropriate.
- (5) Take appropriate enforcement action with regard to alleged violations of this chapter. (See Article IX.)
- (6) Conduct inspections of buildings, structures and use of land to determine compliance with the terms of this chapter. (See Article IX.)
- (7) Decide interpretations of this chapter as they apply to specific cases. The Planning Director may request a recommendation from the Planning Commission on specific cases.
- (8) Decide applications for administrative variances and minor variances. (See Article IX.)
- (9) Decide applications for administrative and minor site plans. (See Article IX.)
- (10) Decide applications for minor subdivisions. (See Article X.)

- (11) Decide applications for waivers and extensions to certain subdivision or site plan requirements. (See Article IX.)
- (12) Nonconforming lots, structures and uses (see Article VIII):
 - (a) Confirm the legal existence of nonconforming lots, structures and uses.
 - (b) Approve minor modifications of nonconforming uses.
 - (c) Decide administrative variances and minor variances for minor expansions of nonconforming structures.
- (13) Provide public information and notice related to this chapter. Require community input meetings, if warranted, on site plans and subdivision plans. (See Article IX.)
- (14) Serve as secretary to the Short-Term Rental Review Board and decide disputes over short-term rentals that are not resolved by the Board. (See Article IX.)
- (15) Issue use certificates, licenses, permits, and time extensions for various land uses and plan approvals including temporary structures and uses, forest preservation plans, property maintenance permits, short-term rentals, bed and breakfast establishments, farm produce stands, roadside vendors, and other uses.
- (16) Review building permits and zoning certificates for consistency with this chapter.
- (17) The Planning Director shall have the right to enter upon open land to perform his duties under the terms of this chapter.

F. Short-Term Rental Review Board

The Short-Term Rental Review Board mediates and makes recommendations to involved parties to resolve disputes over short-term rentals. (See Article IX.)

G. Agricultural Resolution Board

Established by the Right to Farm ordinance, the Agricultural Resolution Board arbitrates and mediates disputes between agricultural land owners or farmers and their neighbors concerning alleged agricultural nuisances.

H. Technical Advisory Committee (TAC)

The Technical Advisory Committee is made up of government departments and agencies having review authority over development. The TAC coordinates staff level review of all subdivision and site plan applications. (See Articles IX and X.)

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
County Council							
Growth allocation district boundary amendment	Review	Recommendation				Decision	Appeal
Growth allocation for uses in the RC District	Review	Recommendation				Decision	Appeal
Solid waste disposal site development	Review	Recommendation				Decision	Appeal
Supplemental growth allocation request	Review	Recommendation				Decision	Appeal
Zoning map amendment	Review	Recommendation				Decision	Appeal
Zoning map amendment – Historic District Overlay District	Review		Recommendation			Decision	Appeal
Zoning map amendment – Historic Rehabilitation Overlay District	Review	Recommendation	Recommendation			Decision	Appeal
Zoning text amendment	Review	Recommendation				Decision	Appeal
Planning Commission							
Major site plan	Recommendation	Decision	Review	Review	Appeal		
Major subdivision	Recommendation	Decision	Review	Review	Appeal		
Waiver and extension	Recommendation	Decision			Appeal		
Historic Preservation Commission							
Certificate of approval	Review		Decision		Appeal		
Planning Director							
Interpretation of zoning district boundary	Decision	Recommendation					
Amendments to applications	Decision				Appeal		
Enforcement	Decision				Appeal		
Interpretation	Decision	Recommendation, on request of Planning Director			Appeal		

Administrative site plan	Decision	Recommendation, on request of Planning Director			Appeal		
Minor site plan	Decision	Recommendation, on request of Planning Director		Review	Appeal		
Minor subdivision	Decision	Recommendation, on request of Planning Director		Review	Appeal		
Administrative variance	Decision	Recommendation			Appeal		
Minor variance – not for expansion of nonconforming structure	Decision	Recommendation			Appeal		
Minor variance for expansion of nonconforming structure	Decision	Recommendation if nonconforming to Critical Area requirement, or on request of Planning Director			Appeal		
Confirm existence of nonconforming structures and uses	Decision				Appeal		
Minor modification of nonconforming use	Decision				Appeal		
Short-term rental dispute	Decision				Appeal		
Waiver and extension	Decision				Appeal		
Board of Appeals							
Accommodations for the disabled	Review				Decision		Appeal
Administrative appeal	Review				Decision		Decision
Expansion of nonconforming structure	Review				Decision		Appeal
Expansion of nonconforming use	Review	Recommendation			Decision		Appeal
Special Exception	Review	Recommendation			Decision		Appeal
Variance	Review				Decision		Appeal

Article II Base Zoning Districts

§ 190-13. Rural Cluster Districts

A. Purpose

- (1) Agricultural Conservation District – AC (Non-Critical Area only)

The AC district is characterized by rural agricultural and low-density residential uses. This district provides a full range of agricultural activities, forestry, agri-business uses and limited single-family residential development.

- (2) Countryside Preservation District – CP (Non-Critical Area only)

The CP District is characterized by rural agricultural and low-density residential uses. This District protects the rural character of land bordering the growth areas of incorporated towns; protects farmland, forests, and open spaces, prevents sprawl and provides physical and visual boundaries to growth areas. Land within this District should be targeted for permanent protection by creation of agricultural and conservation easements; agricultural activities shall be preserved, encouraged and protected.

- (3) Western Rural Conservation – WRC (Non-Critical Area only)

The WRC District is characterized by rural agricultural and low density residential uses. This District protects the ecological, scenic and economic value of rural area in the western part of the County. Because this district contains a high proportion of sensitive natural areas, development is limited to low-density residential uses with design guidelines to protect natural resources and limited highway access. Agricultural activities shall be preserved, encourage and protected.

- (4) Development in these districts shall:

- (a) Maintain and, wherever possible, improve the quality of runoff that enters the Chesapeake Bay and its tributary streams;
- (b) Conserve and protect agricultural lands and uses;
- (c) Protect environmentally sensitive lands; and,
- (d) Preserve rural character through conservation of open space and agricultural lands.

B. Design standards for rural cluster districts

The following design standards apply to development in the AC, CP and WRC Districts:

- (1) Subdivisions shall be designed and the lots located in a way that preserves the agricultural and open space integrity of the remainder of the property. This standard governs location and design of all lots, whether clustered or not.

- (2) Development shall locate lots and subdivision roads to avoid conflicts with existing farming operations through separation and preservation of existing natural buffers.
- (3) Particularly in the CP District, development should be sited to preserve the rural landscape views from County and State roads.
- (4) Residential lots and structures shall be located in the fringe edges of woodlands and fields to the fullest extent possible.
- (5) Landscapes shall be preserved in their natural state to the fullest practical extent. Tree and soil removal shall be minimized. Topography, drainageways, tree cover and other natural features shall be given priority as fixed design determinants rather than elements to be changed to follow a preferred development plan.
- (6) Areas with environmental constraints may be included to calculate density, but development shall minimize disturbance of these areas to the fullest practical extent.
- (7) Subdivision plats shall contain plat notes to notify all lot owners that:
 - (a) They have no recourse against the inherent effects of agricultural operations conducted in accordance with best management practices;
 - (b) These effects may include, but are not limited to, noise, odor, vibration, fumes, dust or glare; and
 - (c) Chapter 128, Talbot County Code, "Right to Farm" protects agricultural operations on all agricultural land in the County.
- (8) Proposed subdivisions shall include a master plan for the entire parcel or project showing conceptual proposals for future development. The master plan is nonbinding.

C. Density calculations for rural cluster districts

(1) Density

The density in the AC, CP and WRC Districts is one dwelling unit per 20 acres, based on original parcel size as of June 22, 1991, plus additional units as follows:

- (a) 6 acres or less: one dwelling unit per two acres
- (b) Over 6 acres: three dwelling units

(2) Original Parcel

The number of lots allowed to be subdivided from a parcel, lot or tract shall be based on the size of the original parcel, lot or tract as of June 22, 1991.

(3) Density calculations for subdivision of lots created after June 22, 1991

- (a) Any lot or parcel that has been, or is, subdivided from an original parcel, may be further subdivided only if the lot has additional enumerated development rights specifically granted to it by subdivision plat notation.

- (b) If the subdivision that created the lot or parcel was based on an allowed density greater than the current density, the development rights that were specifically granted to the lot by the plat shall be adjusted to reflect current density requirements through the following calculation:
 - (i) Calculate the development rights for the original parcel based on the current density requirements of this Article and the acreage of the original parcel on June 22, 1991.
 - (ii) Calculate the development rights for the original parcel based on the density standard used for the prior recorded subdivision and the acreage of the original parcel on June 22, 1991.
 - (iii) Divide the development rights based on current density by the development rights based on the June 22, 1991 regulations to obtain the Development Rights Factor.
 - (iv) Multiply the enumerated development rights granted on the plat by the Development Rights Factor. This product equals the number of available development rights for the lot.
 - (v) No lot, parcel or tract shall be allocated less than one development right. Development rights shall be allocated in whole numbers, with fractional development rights greater than 0.50 being rounded up to the nearest whole number.
- (c) The total number of development rights permitted for the original parcel, using current density standards and the original parcel size as of June 22, 1991, shall not be exceeded through further subdivision, except as necessary to allocate at least one development right to each lot or parcel currently having development rights and to round up fractional development rights greater than 0.50.

D. Cluster subdivision requirements for the AC, CP and WRC Districts

- (1) Subdivision shall use the cluster form of development, in which most lots are clustered together on a portion or portions of the site and reserved land is consolidated suitable for farming to the fullest practical extent.
- (2) Subdivisions shall include reserved land as follows:
 - (a) For each development right utilized or allocated from an original parcel, reserved land shall be established such that the lot plus the reserved land totals at least the acreage of the original parcel divided by the total number of development rights available upon enactment of this section.
 - (b) A Reserved Land Agreement as described in Article X shall be recorded for each area or parcel of reserved land created.
- (3) The clustering requirements and number of development rights in the AC, CP and WRC Districts are:

Table II-1. Cluster requirements

Parcel size (acres)	Maximum number of lots, including remainder of original parcel	Minimum number of clustered lots	Maximum acreage included in the cluster lots	Number of lots not required to cluster
Less than 4 acres	1	n/a	n/a	n/a
At least 4 and less than 6	2	n/a	n/a	n/a
At least 6 and less than 20	3	2	7	1
At least 20 and less than 40	4	2	7	2
At least 40 and less than 60	5	3	11	2
At least 60 and less than 80	6	3	11	3
At least 80 and less than 100	7	4	14	3
100 or more	3 plus one lot per 20 acres	All except 3 lots	Acreage equal to 3.5 acres times the number of cluster lots	3

E. Lot Size, Setbacks and Lot Width

The following requirements apply in the AC, CP and WRC Districts:

- (1) Minimum lot size 1.0 acre
- (2) Minimum setbacks
 - (a) Lots 2 acres or larger:
 - Front 50 feet
 - Side 50 feet
 - Rear 50 feet
 - (b) Lots at least 1 but less than 2 acres
 - Front 50 feet
 - Side 15 feet
 - Rear 25 feet
 - (c) Lots less than 1 acre
 - Front 25 feet
 - Side 10 feet

Rear 25 feet

- (d) See §190-114 for supplemental setback requirements.
- (e) If a lot line extends to the centerline of 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.

(3) Minimum lot width

- (a) Lots 2 acres or larger: 200 feet
- (b) Lots at least 1 but less than 2 acres 100 feet

F. Lot coverage

- (1) In the WRC District, lot coverage shall not exceed the following:

Table II-2. Lot Coverage in WRC

Date of lot creation	Lot Size	Maximum lot coverage
Lots created on or before June 22, 1991	½ acre or less	25 percent of lot area
	Larger than ½ acre and less than one acre	20 percent of lot area
	One acre or larger	15 percent of lot area
Lots created after June 22, 1991	All lots	15 percent of lot area

- (2) Lots with documentation that lot coverage greater than these limits existed on or prior to June 22, 1991, may maintain the coverage that existed as of June 22, 1991. If lot coverage is reduced, the lower percentage shall be retained.

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

A. Purpose

- (1) Rural Conservation District – RC (Critical Area only)
 - (a) The RC district is characterized by natural environments (wetlands, forests, or abandoned fields) and resource development activities (agriculture, forestry, fisheries, or aquaculture). This district conserves the irreplaceable agricultural, forested, and natural environmental character of the County. Agricultural activities shall be preserved, encouraged and protected. Development activities are to be in the form of large lots or clustered lots outside of habitat protection areas, without public water or sewer service.
 - (b) Development in this district shall:

- (i) Maintain and, wherever possible, improve the quality of runoff that enters the Chesapeake Bay and its tributary streams;
 - (ii) Conserve and protect agricultural lands and uses;
 - (iii) Protect environmentally sensitive lands;
 - (iv) Preserve rural character through conservation of open space and agricultural lands.
- (2) Rural Residential District – RR
 - (a) This district shall be characterized by low-intensity residential uses. The purpose of this district is to protect the environment and preserve natural resources in the rural areas of the County while allowing a limited degree of residential development. Development is to be in the form of large lots or clustered lots outside of habitat protection areas, generally without public water or sewer service.
 - (b) Development in this district shall:
 - (i) Maintain and, whenever possible, improve the quality of runoff that enters the Chesapeake Bay and its tributary streams;
 - (ii) Maintain, to the extent practical, existing areas of natural habitat; and
 - (iii) Accommodate low-intensity residential development that conforms to the water quality and habitat protection criteria in this chapter.
- (3) Town Conservation District - TC
 - (a) The TC District shall be characterized by agricultural and low-density residential uses. This district protects the rural character of land within designated growth areas around incorporated towns, prevents sprawl, preserves the character and identity of towns, and preserves the opportunity for orderly, well-planned, future growth of these areas through re-subdivision and re-development after annexation into the towns.
 - (b) Development in this district shall:
 - (i) Maintain and, whenever possible, improve the quality of runoff that enters the Chesapeake Bay and its tributary streams;
 - (ii) Conserve and protect agricultural lands and uses; and
 - (iii) Protect environmentally sensitive lands from nonagricultural forms of development.
- (4) Town Residential District - TR
 - (a) The TR District is characterized by existing moderate-intensity residential uses. This district recognizes existing residential neighborhoods near incorporated towns, and allows compatible infill development while preserving existing natural habitat wherever possible. Public water and sewer service should be provided.

- (b) Development in this district shall:
 - (i) Maintain, and, whenever possible, improve the quality of runoff that enters the Chesapeake Bay and its tributary streams;
 - (ii) Accommodate additional residential development, provided that water quality is not impaired;
 - (iii) Conserve and enhance fish, wildlife, and plant habitats to the extent possible; and
 - (iv) Encourage retrofitting to address existing stormwater management problems.

- (5) Village Center District - VC
 - (a) The VC District is characterized by low- or moderate-intensity residential and commercial uses. This district is intended to provide opportunity for a mixture of residential, commercial, and maritime/agricultural service uses at existing centers of development in rural areas of the County. These commercial uses shall be oriented toward serving the residents of the village and its vicinity. Development is directed to this district, so that the environment and the natural resources in the rural areas of the County are protected and preserved. These districts may have public water and/or sewer service.

 - (b) Development in this district shall:
 - (i) Maintain, and, whenever possible, improve the quality of runoff and groundwater entering the Chesapeake Bay and its tributaries;
 - (ii) Maintain, to the extent practical, existing areas of natural habitat; and
 - (iii) Accommodate additional low- or moderate-intensity residential and commercial development if such development conforms to the water quality and habitat protection criteria in this chapter.

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
Maximum density (based on size of original parcel)					
Without sewer service	1 du/20 acres; 1 du/5 acres for receiving areas in joint subdivision	1 du/5 acres	One du/ 20 acres, plus additional units as follows: 6 acres or less: one du/two acres Over 6 acres: three du's	1 du/acre	1 du/acre
With public or shared sewer service	N.A.	N.A.	N.A.	4 du/acre	4 du/acre
Minimum lot size					
Without sewer service	2 acres	2 acres	1 acre	1 acre	1 acre
With public or shared sewer service	N.A.	N.A.	N.A.	10,000 square feet	10,000 square feet
Minimum lot width					
Lots two acres or larger	200 feet	200 feet	200 feet	100 feet	100 feet
Lots at least one acre and less than 2 acres	200 feet	200 feet	100 feet	100 feet	100 feet
Lots smaller than one acre	N.A.	200 feet	100 feet	75 feet	75 feet
Minimum setbacks: lots 2 acres or larger					
Front	50 feet	50 feet	50 feet	50 feet	50 feet
Rear	50 feet	50 feet	50 feet	25 feet	25 feet
Side	50 feet	50 feet	50 feet	15 feet	15 feet
Minimum setbacks: lots at least one acre and smaller than 2 acres					
Front	50 feet	50 feet	50 feet	50 feet	50 feet
Rear	25 feet	25 feet	25 feet	25 feet	25 feet
Side	25 feet	25 feet	25 feet	15 feet	15 feet
Minimum setbacks: lots smaller than one acre					
Front	50 feet	25 feet	25 feet	25 feet	25 feet
Rear	25 feet	25 feet	25 feet	25 feet	25 feet
Side	25 feet	10 feet	10 feet	10 feet	10 feet

C. Setback measured from right-of-way

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

D. Other setback requirements

See §190-114 for supplemental setback requirements. See §190-139 for the Shoreline Development Buffer requirements in the Critical Area.

E. Density calculations for the RC District

(1) Density

The density in the RC District is one dwelling unit per 20 acres.

(2) Original Parcel

In the RC District the number of lots allowed to be subdivided from a parcel, lot or tract shall be based on the size of the original parcel, lot or tract as of August 13, 1989.

(3) Density calculations for subdivision of lots created after August 13, 1989.

(a) Any lot or parcel that has been, or is, subdivided from an original parcel may be further subdivided only if the lot has additional enumerated development rights specifically granted to it by subdivision plat notation.

(b) The total number of development rights permitted for the original parcel, using current density standards and the original parcel size as of August 13, 1989, shall not be exceeded through further subdivision, except as necessary to allocate at least one development right to each lot or parcel currently having development rights.

(4) Any revision approved after August 13, 1989 to the acreage of any parcel, lot or tract may not be used to calculate or result in an increase in density.

F. Design standards and density calculations for the Town Conservation District

(1) Design standards

The standards for development in the AC, CP and WRC District, as stated in §190-13.B, apply to development in the TC District.

(2) Original Parcel

The number of lots allowed to be subdivided from a parcel, lot or tract shall be based on the size of the original parcel, lot or tract as of June 22, 1991.

(3) Density calculations for further subdivision of lots created after June 22, 1991

(a) Any lot or parcel that has been, or is, subdivided from an original parcel, may be further subdivided only if the lot has additional enumerated development rights specifically granted to it by deed and subdivision plat notation.

- (b) If the subdivision that created the lot or parcel was based on an allowed density greater than the density currently allowed, the development rights granted to the lot by the plat shall be adjusted to reflect current density requirements using the method of calculation established in §190-13.C(3) for the AC, CP and WRC Districts.

G. Lot size requirements

- (1) Rural Conservation District - RC (Critical Area only)
 - (a) Subdivisions in the RC District shall consist of lots that are either:
 - (i) Five acres or smaller, or,
 - (ii) 20 acres or larger.
 - (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 lot size between 5 and 20 acres will result in a better design for the particular subdivision, revision or is necessary due to the physical constraints of the tract of land.
- (2) Rural Residential District - RR (Critical Area only).

Subdivisions in the RR District shall have a maximum average lot size of 5 acres.
- (3) Town Residential District - TR
 - (a) Subdivisions in the TR District shall have a maximum average lot size of 2 acres.
 - (b) The average lot size may be increased through a waiver petition approved by the Planning Commission, if the Planning Commission finds that a larger average lot size for the particular subdivision meets the criteria defined in §190-186 and will result in a better design or is necessary due to the physical constraints of the tract of land.
- (4) Village Center District - VC
 - (a) Subdivisions in the VC District shall have a maximum average lot size of 2 acres.
 - (b) The average lot size may be increased through a waiver petition approved by the Planning Commission, if the Planning Commission finds that a larger average lot size for the particular subdivision meets the criteria defined in §190-186 and will result in a better design or is necessary due to the physical constraints of the tract of land.

H. Clustering requirements for Critical Area subdivisions

The following standards apply to subdivisions within the Critical Area in the RC, RR and TR Districts.

- (1) Lots that are five acres or smaller shall be clustered.

- (2) In clustering lots, the following priorities shall be observed:
 - (a) Minimize alteration to habitat protection areas described in the project's Habitat Protection Plan;
 - (b) Minimize development activities on land that has been used for agricultural purposes within the two years prior to the subdivision request.

I. Joint subdivisions and intrafamily transfers in the RC District

- (1) RC District density transfer (joint subdivision)
 - (a) A joint subdivision shall permit the transfer of development rights from a sending parcel in the RC District to a receiving parcel also in the RC District.
 - (b) Joint subdivisions shall be processed and approved in the same manner as other subdivisions.
 - (c) The sending area must be located within one of the following areas, excluding portions of these areas that are within 500 feet (measured landward) of shoreline with an erosion rate of at least two feet per year and adjacent shoreline within 100 feet on both sides:
 - (i) Plant and wildlife habitat areas,
 - (ii) Drainage basins of anadromous fish propagation waters, or
 - (iii) Natural park or recreation open space sites.
 - (d) The receiving area must be located within 500 feet (measured landward) of shoreline with an erosion rate of at least two feet per year, including adjacent shoreline within 100 feet on both sides.
 - (e) The maximum density on the receiving parcel, including both preexisting development rights and transferred development rights, is one dwelling unit per five acres. The total area of the receiving parcel(s) is used for calculating the one-dwelling-unit-per-five-acre density.
 - (f) Dwelling units erected on the receiving parcel(s) by reason of the transferred development rights must be placed within 500 feet, measured landward, from the shoreline with an erosion rate of at least two feet per year, including adjacent shoreline within 100 feet on both sides.
 - (g) The joint subdivision approval shall be conditioned upon satisfactory arrangements for the protection of the eroding shoreline on the receiving parcel, and permanent protection of at least 20 acres of property in the sending area for each development right transferred to receiving parcel(s).
 - (h) The protection from future development of acreage in the sending area shall be accomplished through recordation of a Reserved Land Agreement or Reservation of Development Rights as deemed appropriate by the Planning Director.

- (2) Intrafamily transfers in the RC District.

Notwithstanding the density limits established in this section, the owner of a lot as of March 1, 1989, located in the RC District may subdivide the lot by means of a bona fide intrafamily transfer subject to the following limits:

- (a) A parcel that is at least seven acres and less than 12 acres may be subdivided into not more than two lots, with the newly created lot subject to the intrafamily transfer restrictions established in this section.
- (b) A parcel that is at least 12 acres and less than 40 acres in size may be subdivided into not more than three lots, with the two newly created lots subject to the intrafamily transfer restrictions established in this section. The lots may be created at different times.
- (c) A lot created by means of an intrafamily transfer may be transferred only to a member of the owner's immediate family for the purpose of establishing a residence for that family member. For the purposes of this section, "immediate family" means a father, mother, son, daughter, grandfather, grandmother, grandson, or granddaughter who has attained the age of 21 years.
- (d) Only the recipient of a lot created through an intrafamily transfer may request a building permit for a structure on a lot created through this process. The building permit application for a primary residential structure must be filed with the final subdivision plat creating the lot. The residential structure must be completed within 18 months of the permit approval. A single extension of this time period, not to exceed 18 months, may be granted by the Planning Commission.
- (e) A lot created through intrafamily transfer shall not be rented or leased to any party except for a member of the owner's immediate family; shall not be further subdivided; and is not eligible for joint subdivision.
- (f) A lot created through intrafamily transfer shall not be conveyed subsequently to any person other than a member of the owner's immediate family (except for a conveyance to a third party as security for a mortgage or deed of trust and except for a conveyance resulting from Court proceedings, including bankruptcy, divorce, mental competency, probate, foreclosure, etc., or from the disposition of a will). A variance from this limitation may be obtained from the Board of Appeals with the applicant showing that:
 - (i) The lot was created as part of a bona fide intrafamily transfer and not with the intent of subdividing the original parcel for the purpose of ultimate commercial sale; and
 - (ii) A change in circumstances has occurred since the original transfer was made that is not inconsistent with this section and warrants an exception. Changes in circumstances include situations where the intrafamily transfer recipient has not resided in the County for five years prior to application for a variance or suffers significant financial hardship. The Board may define such hardship as being unable to meet all financial obligations for the preceding six months.

- (g) Any deed for a lot created by intrafamily transfer shall contain a covenant stating that the lot is created subject to the provisions of this section.
- (h) The restrictions in paragraphs (c) through (g) above apply only to the lots created pursuant to the intra-family transfer provisions and not to the remaining land or to lots not created through intra-family transfer.
- (i) The remaining portion of the original parcel shall not be conveyed to a different owner until the primary residential structures on lots created through intra-family transfer have been completed and occupied.

§ 190-15. Commercial and Industrial Districts

A. Purpose

(1) Limited Commercial District - LC

- (a) This district shall be characterized by low-intensity commercial uses. The LC District provides opportunity for commercial and office development serving local clients.
- (b) Development in this district shall accommodate additional commercial development, if:
 - (i) This development conforms to water quality and habitat protection criteria; and,
 - (ii) The overall intensity of development within the LC District is not increased beyond the level established in a particular area so as to change its prevailing character as identified by current densities and land uses.

(2) General Commercial District - GC.

This district shall be characterized by moderate-intensity commercial uses. The GC district provides opportunity for a broad range of commercial activities including retail, wholesale, storage, and contracting activities.

(3) Limited Industrial District - LI.

This district shall be characterized by low-intensity manufacturing uses. The LI District provides opportunity for light industrial/office-research uses that provide employment and services to local residents and businesses. Development in this district shall not create nuisances due to odor, dust, fumes, heat, fire, glare, vibrations, noise, air or water pollution or other hazardous conditions.

(4) Development in these districts shall:

- (a) Maintain and, if possible, improve the quality of runoff that enters the Chesapeake Bay or its tributary streams;
- (b) Accommodate additional development, provided that water quality is not impaired;
- (c) Conserve and enhance fish, wildlife, and plant habitats to the extent possible;

- (d) Encourage retrofitting to address existing stormwater management problems; and
- (e) Not create nuisances due to odor, dust, fumes, heat, fire, glare, vibrations, noise, other hazardous conditions, or air or water pollution.

B. Bulk standards for commercial and industrial districts

Table II-4. Commercial and Industrial Districts

	LC District	GC District	LI District
(1) Minimum lot size	20,000 square feet	20,000 square feet	1 acre
(2) Minimum setbacks:			
(a) From front lot line	50 feet	50 feet	25 feet
(b) From side lot line	10 feet from LC, GC and LI districts 25 feet from all other zoning districts	10 feet from LC, GC and LI districts 25 feet from all other zoning districts	10 feet from LC, GC and LI districts 25 feet from all other zoning districts
(c) From rear lot line	10 feet from LC, GC and LI districts 25 feet from all other zoning districts	10 feet from LC, GC and LI districts 25 feet from all other zoning districts	10 feet from LC, GC and LI districts 25 feet from all other zoning districts
(3) Maximum site coverage for all buildings and uses, not including parking areas and access drives:			
(a) Outside Critical Area	25 percent	25 percent	25 percent
(b) Within Critical Area	See Critical Area lot coverage limits	See Critical Area lot coverage limits	See Critical Area lot coverage limits

C. Setback measured from right-of-way

If a lot line extends to the centerline of 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.

D. Other setback requirements

See §190-114 for supplemental setback requirements. See §190-139 for the Shoreline Development Buffer requirements in the Critical Area.

Article III Land Uses

§ 190-16. General Table of Land Uses

- A. The following table establishes permitted uses, special exception uses and accessory uses in the zoning districts set forth in this Article.
- B. All uses not listed in the Table are prohibited except as provided below in paragraph C.
- C. The uses listed under the major use headings may be interpreted by the Planning Director, after a recommendation from the Planning Commission, to include other uses that have similar impacts to listed uses. The listed uses within the Table which are subject to interpretation are those which are not in bold type.
- D. This section shall not be interpreted to allow a use in one zoning district when the use in question is more closely related to another listed use that is allowed in other zoning districts.

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>Agricultural Processing</p> <p>Includes raw product packaging, freezing and canning See regulations for specific land uses in this Article.</p>	S	S	S								P
<p>Agricultural Production</p> <p>Includes growing field crops, grazing, livestock and supplemental feeding, hay production, orchards, vegetable growing, sod farming, vineyards and Christmas tree growing</p>	P	P	P	P	P	P	P	P	P	P	P
<p>Agricultural Research Facilities (commercial)</p> <p>Includes facilities involved in agricultural study, research, or experimentation for which a significant fee or other significant remuneration will be paid. See regulations for specific land uses in this Article.</p>	S	S	S	S							

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>Agricultural Uses And Structures, Accessory</p> <p>Includes farm buildings, barns, dairy barns, cribs, sheds, stables, tool rooms, workshops, farm-related offices, tanks, and silos; open or enclosed storage of farm materials, products, equipment or vehicles; petroleum storage, not for resale, subject to County, state, and federal regulations; and grain flow and field blending and packaging including milling, drying and storing.</p> <p>Includes value-added uses such as pick-your-own produce operations, corn mazes, cut-your-own Christmas trees farms and flower operations, sales of decorative plant materials, farm tours for fee, and petting zoos.</p> <p>Includes value-added processing. See regulations for specific land uses in this Article.</p>	A	A	A	A	A	A	A	A			
<p>Agricultural Uses and Structures - Poultry and Hog Houses Larger Than 1,500 Square Feet on Parcels Smaller Than 20 Acres</p> <p>See regulations for specific land uses in this Article.</p>	S	S	S	S							
<p>Agricultural Uses and Structures - Poultry and Hog Houses, Livestock Feeding Lots and Agricultural Lagoons</p> <p>See regulations for specific land uses in this Article.</p> <p>In the VC District, limited to poultry houses.</p>	P	P	P	P				S			

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
Animal Hospital, Veterinary Clinic and Associated Boarding of Animals See regulations for specific land uses in this Article.	S	S	S	S	S	S		P	P	P	
Antenna Tower for Essential Communications Includes towers for essential telecommunications and emergency service radio communications antennae. See regulations for specific land uses in this Article.	S	S	S	S	S	S	S	S	P	P	P
Antenna Tower for Radio and Television Transmissions and Other Non-essential Radio Communications Includes towers for public and commercial radio and television antennas, business band radio antennas and necessary transmission facilities. Includes associated broadcasting studios in the LC, GC, and LI Districts. See regulations for specific land uses in this Article.	S	S	S	S					P	P	P
Aquaculture (retail) See regulations for specific land uses in this Article.	S	S	S	S				S	P	P	S
Aquaculture (wholesale) Excludes on-premises processing of aquaculture products See regulations for specific land uses in this Article.	P	P	P	P				S	P	P	P
Auction House See regulations for specific land uses in this Article	S										

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
Automobile Service, Repair, Washing, and Fuel Sales Includes trucks and recreational vehicles. See regulations for specific land uses in this Article.								P	P	P	P
Bed-and-Breakfast See regulations for specific land uses in this Article.	A	A	A	A	S	A	A	A			
Bridges, Private Which Cross Tidal Waters See regulations for specific land uses in this Article.	S	S	S	S	S	S	S	S	S	S	S
Bridges, Other Private	A	A	A	A	A	A	A	A	A	A	A
Building Supply and Lumber Yards with Outside Storage Includes home and garden supplies and equipment. See regulations for specific land uses in this Article.								S	S	P	P
Cemeteries and Mausoleums/Columbarium, Non-Church-Related, for Humans and Animals and Family Cemeteries See regulations for specific land uses in this Article.	P	P	P	P							
Churches and Related Cemeteries See regulations for specific land uses in this Article.	S	S	S	S	S	S	S	P	P	P	
Community and Cultural Facilities Includes public and quasi-public buildings and structures for recreation, conservation, cultural, museum, library and public service uses. See regulations for specific land uses in this Article.	S	S	S	S	S	S	S	P	P	P	S

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
Compounding Industries (permanent) Includes concrete and asphalt plants See regulations for specific land uses in this Article. See Temporary uses for temporary compounding of paving material.											S
Conservation Areas (public or private) Includes arboretums, bird sanctuaries, demonstration forests, hunting preserves, reforestation areas, wildlife reservations and regulated hunting areas.	P	P	P	P	P	P	P	P	P	P	P
Contracting and Maintenance Includes air conditioning, building, electrical, excavation, floor covering, glass repair, heating, landscaping, plumbing and tree trimming. See regulations for specific land uses in this Article.									P	P	P
Cottage Industry See regulations for specific land uses in this Article.	S	S	S	S		S		S			
Day-Care Center, Group	S	S	S		S	S	S	S	P	P	P
Day-Care Center, Small Group	S	S	S		S	S	S	S	P	P	P
Day-Care Center, Family See regulations for specific land uses in this Article.	P	P	P	P	P	P	P	P	P	P	P
Dwelling, Accessory Apartment See regulations for specific land uses in this Article.								A			
Dwelling, Accessory, in the RC District See regulations for specific land uses in this Article.				A							

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
Dwelling, Accessory to Agricultural Use - Mobile home: 1 or 2 dwellings See regulations for specific land uses in this Article.	A	A	A		A	A	A	A	A	A	A
Dwelling, Accessory to Agricultural Use - Mobile home: 3 or 4 dwellings See regulations for specific land uses in this Article.	S	S	S		S	S	S	S	S	S	S
Dwelling, Accessory to Agricultural Use - Dwelling other than a mobile home See regulations for specific land uses in this Article.	A	A	A		A	A	A	A	A	A	A
Dwelling, Accessory to Commercial Use Commercial use must remain in operation.									A	A	A
Dwelling, Seasonal Agricultural Employee See regulations for specific land uses in this Article.	S	S	S								
Dwelling, Employee See regulations for specific land uses in this Article.	A	A	A		A	A	A	A	A	A	A
Dwelling, Guest House See regulations for specific land uses in this Article.	A	A	A		A	A	A	A			
Dwelling, Rehabilitation See regulations for specific land uses in this Article.	S	S	S	S		S		S			
Dwelling, Single-Family (detached) Includes modular homes and doublewide manufactured homes. Excludes single-wide manufactured homes and mobile homes. See regulations for specific land uses in this Article.	P	P	P	P	P	P	P	P	A	A	A

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
Dwelling, Single-Family (duplex) Includes two attached single-family dwellings constructed on site or modular dwellings manufactured off site. Excludes manufactured homes and mobile homes. See regulations for specific land uses in this Article.	P	P	P	P	P	P	P	P	A	A	A
Educational Institutions, Public or Private, Boarding and Non-Boarding See regulations for specific land uses in this Article.	S	S	S	S		S	S	S	S	S	S
Emergency Services Includes fire, police, rescue and ambulance uses. See regulations for specific land uses in this Article.	P	P	P	P		P	P	P	P	P	P
Exposition Center Includes fairgrounds.	S	S	S								S
Farm Equipment Service and Repairs See regulations for specific land uses in this Article.	S	S	S					S	P	P	P
Farm Machinery and Supplies Sales Includes agricultural vehicles and implements, and agricultural supplies. Includes home and garden supplies and equipment, except in the AC, CP, and WRC districts. See regulations for specific land uses in this Article.	S	S	S						S	P	P
Farm Market See regulations for specific land uses in this Article.	P	P	S	S				S			
Fish and Game Hatcheries	P	P	P	P							
Fisheries Activities Facilities				S				S			S

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
Flammable Liquid Storage, Wholesale Distribution, and Resale See regulations for specific land uses in this Article.									S	S	S
Food Packing and Processing										P	P
Funeral Home and Crematorium									P	P	P
Golf Courses and Country Clubs (public or private) Excludes miniature golf courses Excludes driving ranges not primarily associated with the golf course. See regulations for specific land uses in this Article.	P	P	P		S	S	S				
Grain processing, drying and storage (wholesale commercial) See regulations for specific land uses in this Article.	P	P	P	P		S		S	S	S	S
Greenhouse and Plant Nursery (retail) See regulations for specific land uses in this Article.	S	S	S	S		S	S	S	P	P	P
Greenhouse and Plant Nursery (wholesale) See regulations for specific land uses in this Article.	P	P	P	P		S	S	S	S	P	S
Group Homes, Large	S	S	S	S	S	S	S	S	S	S	
Group Homes, Small	P	P	P	P	P	P	P	P			
Home Occupation - See regulations for specific land uses in this Article.	A	A	A	A	A	A	A	A			
Hospital See regulations for specific land uses in this Article.										S	
Hotel/Motel See regulations for specific land uses in this Article.								S	S	P	
Inn See regulations for specific land uses in this Article.								S	P	P	

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
Junkyard See regulations for specific land uses in this Article.											S
Kennel, accessory residential	A	A	A	A	A	A	A				
Kennel, commercial See regulations for specific land uses in this Article.	S	S	S						S	S	
Laboratories for Scientific Research and Experimentation											P
Landing Strips See regulations for specific land uses in this Article.	S										
Livestock Auction House See regulations for specific land uses in this Article.	S	S	S								
Manufacturing Operations Includes any uses involved in assembling, processing or packaging operations. See regulations for specific land uses in this Article.								S	S	S	P
Marinas Includes piers, wharves, berthing and boat docking facilities, launching ramps, wet and dry storage facilities for seaworthy craft in operable condition, yacht clubs, retail sale of maritime-related items (fishing equipment, bait, ice, etc.), minor repair of watercraft, watercraft sales, rental and charter, marine equipment sales, watercraft fuel sales, fishing facilities (crab sheds, fish off-loading docks, shellfish culture operations, and fishery activities), guestroom rental (no more than 10 rooms), cafes. See regulations for specific land uses in this Article.				S				S	S	S	S

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
Marine and Boat Equipment Sales and Assembly Includes outdoor commercial storage and sales. See regulations for specific land uses in this Article.									S	P	P
Marine Contracting Includes businesses that install or repair pilings, piers and similar structures located in or over water to include shoreline stabilization.								S	S	S	P
Marine Equipment Service and Repairs								S	P	P	P
Meeting Halls and Facilities for Clubs, Lodges and Fraternal Societies Excludes gun and firearm shooting clubs See regulations for specific land uses in this Article.	S	S	S	S		S		S	P	P	
Mineral Extraction Includes sand and gravel operations. See regulations for specific land uses in this Article.	S	S	S	S							
Monuments and Memorial Stones, Production and Sales - See regulations for specific land uses in this Article.										P	P
Nursing Homes and Assisted Living Facilities See regulations for specific land uses in this Article.	S	S	S	S	S	S	S	S			
Off-Road Outdoor Recreation (Public or Private) Includes motorized and non-motorized vehicle race and other recreation courses, excluding automobiles and trucks See regulations for specific land uses in this Article.	S	S									
Offices, General								P	P	P	P

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
Offices, Government In the LI District limited to offices offering agricultural, technical, investigative, or community outreach and support services.								P	P	P	P
Parks and Playgrounds (public or private) See regulations for specific land uses in this Article.	P	P	P	P	P	P	P	P			
Piers and Related Boat Facilities - Includes community piers, private piers, boat ramps and raised walkways. See regulations for specific land uses in this Article.											
Piers, Community				S	S		S	S			
Piers, Private				A	A		A	A	A	A	A
Boat Ramp				A	A		A	A	A	A	A
Raised walkway				A	A		A	A	A	A	A
Ports and Related Industry											P
Post Offices								P	P	P	
Produce Stands See regulations for specific land uses in this Article.	A	A	A	A		A		P	P	P	
Pump Stations for Gas and Oil Pipelines	S	S	S	S	S	S	S	S	S	S	S
Recreation Activities, General Outdoor Commercial Includes miniature golf, driving ranges and commercial ball fields										S	S
Recreation Facilities, Indoor (commercial or noncommercial) Includes billiard/pool halls, bowling alleys, health clubs, indoor ball courts, skating rinks, theaters with fewer than 500 seats, and sports arenas with fewer than 500 seats See regulations for specific land uses in this Article.								S	P	P	P

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
Recycling Collection Center	P	P	P	P	P	P	P	P	P	P	P
Recycling, Product Includes masonry products (including concrete, asphalt, brick, block and stone) and material products (including trees, stumps, branches, leaves, grass trimmings and soil) See regulations for specific land uses in this Article.	S	S	S	S							
Recycling Processing Center See regulations for specific land uses in this Article.											P
Residential Structures and Uses, Accessory Includes detached carports and garages, game courts, greenhouses, storage sheds, swimming pools and pool houses, and other structures not for human occupation. See also §190-118 for specific requirements.	A	A	A	A	A	A	A	A	A	A	A
Restaurant with Drive-Through Facilities										S	
Restaurants, Bars and Night Clubs Excludes uses with drive-through facilities See regulations for specific land uses in this Article.								S	P	P	
Restoration of Boats, Vehicles and Furniture Limited to repair and restoration of antique furniture and antique or classic vehicles. See regulations for specific land uses in this Article.	S							S	P	P	P

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
Retail, General Includes sales of antiques, books, baked goods, clothing, crafts, drugs, dry goods, furniture, gifts, groceries, hardware, household items, liquor, plants (flowers, shrubs, and trees), seafood, sports equipment, and items generally found in department stores, general stores or variety stores. See regulations for specific land uses in this Article.								S	P	P	
Retail, Incidental See regulations for specific land uses in this Article.											A
Retail, Major See regulations for specific land uses in this Article.								S	P	P	
Roadside Vendor									A	A	A
Satellite dishes See regulations for specific land uses in this Article.	A	A	A	A	A	A	A	A	A	A	A
Sawmills Includes temporary noncommercial sawmills when associated with on-site timber harvests. See regulations for specific land uses in this Article.	P	P	P	P				S	S	P	P
Scrap Metal Processing See regulations for specific land uses in this Article.											P
Septage Treatment Facilities See regulations for specific land uses in this Article.	S	S	S								S
Septic Systems See regulations for specific land uses in this Article.	A	A	A	A	A	A	A	A	A	A	A

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
Services, General Includes beauty parlor, barbershop, blacksmith, dry cleaning, equipment rental, laundromats/laundry, locksmith, outdoor power equipment repair, photo processing, shoe repair, tailor shop, signs, sheet metal, printing/publishing, appliance repair, upholstery, taxidermy, woodworker/ carpenter and welding. See regulations for specific land uses in this Article.								S	P	P	P
Services, Professional Includes accounting, architecture, chiropractic medicine, medical clinics (medical or veterinary), dentistry, financial institutions, insurance, land planning, law, medicine, real estate, veterinary medicine See regulations for specific land uses in this Article.								P	P	P	P
Shooting Range, Indoor	S	S	S					S	S	S	S
Shoreline Stabilization Measures Includes bulkheads, riprap and other shoreline protection measures.				P	P		P	P	P	P	P
Short Term Rental See regulations for specific land uses in this Article.	P	P	P	P	P	P	P	P			
Solid Waste Disposal Facilities These uses may be permitted in any zoning district but require approval from the County Council. See Article IX and regulations for specific land uses in this Article.											
Solid Waste Transfer Stations See regulations for specific land uses in this Article.	S	S	S			S	S	S	S	S	S

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
Stables, Accessory to Residential Uses See regulations for specific land uses in this Article.	A	A	A	A	A	A	A	A			
Stables, Riding, Trails and Horse Boarding (commercial) See regulations for specific land uses in this Article.	S	S	S	S		S					
Storage, accessory to commercial and industrial uses Requires a simplified site plan								A	A	A	A
Storage building prior to construction of principal structure This use allows a storage building where it would not be permitted as an accessory use because there is no principal use established for the lot.	S	S	S	S	S	S	S	S			
Storage of inoperable or unregistered motor vehicles accessory to a dwelling See regulations for specific land uses in this Article.	A	A	A	A	A	A	A	A			
Studios For Instruction in Art, Music, Dance, Drama, Crafts or Physical Education See regulations for specific land uses in this Article.						P	P	P	P	P	S
Temporary Uses See regulations for specific land uses in this Article. This use includes the following::	P	P	P	P	P	P	P	P	P	P	P
Accessory building prior to a principal structure											
Paving Material Compounding											
Portable storage units											

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
Timber Harvesting (commercial) Includes parcels 10 acres or larger in Critical Area RR, TR, VC, and LC.	P	P	P	P	P	P	P	P	P	P	P
Timber Harvesting (commercial) Includes parcels smaller than 10 acres in Critical Area RR, TR, VC, and LC.					S		S	S	S		
Trucking Terminals, Warehouses, and Storage Yards Not allowed in Critical Area.											P
Utility Services, Nonessential Excludes essential utility services. Includes utility transmission facilities. In the RC District, excludes generation of electricity. See regulations for specific land uses in this Article.	S	S	S	S	S	S	S	S	S	S	S
Utility Services, Essential	P	P	P	P	P	P	P	P	P	P	P
Utility Structures Excludes essential utility services.	S	S	S	S	S	S	S	S	S	S	S
Vehicle and Boat Parking and Storage (commercial) Excludes any vehicle repairs and maintenance in the AC, CP, WRC and RC Districts. See regulations for specific land uses in this Article.	P	P	P	P				P	P	P	P
Vehicle Sales, Automobile, Truck and Recreational										P	P
Warehouse, self storage See regulations for specific land uses in this Article.								S	P	P	P
Wastewater Treatment Plant	S	S	S	S	S	S	S	S	S	S	S
Water Treatment and Storage Facilities	S	S	S	S	S	S	S	S	S	S	S
Water-Oriented Public Recreation, Education, Research Areas See regulations for specific land uses in this Article.				S			S	S	S	S	

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
Wireless Communication Towers 100 Feet or Higher See regulations for specific land uses in this Article	S	S	S	S					S	S	S
Wireless Communication Towers Less Than 100 feet See regulations for specific land uses in this Article	P	P	P	P				P	P	P	P

§ 190-17. Regulations for specific land uses

- A. The following sections list the regulations for uses identified in the Table of Land Uses. The requirements in this section are in addition to other requirements of this Chapter.
- B. The requirements below apply to the listed uses regardless of whether the use is a permitted, special exception, accessory or nonconforming use.

§ 190-18. Agricultural Processing

200-foot setback from property lines.

§ 190-19. Agricultural Research Facilities (commercial)

- A. The operation shall be conducted on a site of at least 25 acres.
- B. Livestock, wildlife and crops shall not be offered for commercial resale;
- C. Any structure, including feeder lots and barns, and research plots and ponds, shall be constructed at least 200 feet from any property lines, residential structures, tributary streams, drainage swales or ditches with landscape buffering as necessary.
- D. Maximum site coverage for all principal and accessory buildings: 10%;
- E. A fence shall be constructed around all structures, research plots and ponds within the research facility;
- F. An incinerator shall be constructed on the premises for the disposal of all non-liquid waste generated on the site;
- G. Any research involving fish or marine life shall be conducted in aboveground facilities, except that agriculturally related products registered with the United States Environmental Protection Agency may be applied to in-ground ponds, provided that the amount applied does not exceed the maximum recommended label rate of application for such products on

crops or land. Ponds for such research shall be constructed in a manner which shall preclude leaching of any liquid from the facility or pond.

§ 190-20. Agricultural Uses and Structures: Poultry and Hog Houses Larger than 1,500 Square Feet on Parcels Smaller Than 20 Acres

Minimum setback from property lines: 200 feet.

§ 190-21. Agricultural Uses and Structures: Poultry and Hog Houses, Livestock Feeding Lots and Agricultural Lagoons

- A. Minimum setback from property lines in the AC, CP, WRC and RC Districts: 200 feet.
- B. Minimum lot size for poultry and hog houses larger than 1,500 square feet in the AC, CP, WRC and RC Districts: 20 acres. In the VC District, must be located outside the Chesapeake Bay Critical Area.

§ 190-22. Agriculture Uses and Structures, Accessory

- A. Minimum setback for structures for animal manure, composting and similar purposes: 200-feet.
- B. Minimum setback for stables and dairy barns: 100 feet.
- C. For uses including pick-your-own produce operations, corn mazes, cut-your-own Christmas tree or flower operations, farm tours for fee, petting zoos or similar uses:
 - (1) Site plan approval is required.
 - (2) Hours of operation shall be established as part of the site plan.
 - (3) Minimum use setback: 30 feet from property lines and 100 feet from any off-site residence.
- D. For value-added uses and associated processing:
 - (1) Site plan approval is required.
 - (2) The primary product being processed shall be grown on or produced by the farm business doing the processing.
 - (3) The processing use shall be subordinate to and will support the agricultural use of the property.
 - (4) Includes cheese making and wineries.

§ 190-23. Animal Hospital, Veterinary Clinic and Associated Boarding of Animals

- A. Minimum 50-foot setback from all property lines.
- B. No outside animal pens in a VC district.
- C. In the RC district, must be accessory to a farm use and lot coverage is limited to 15% of the site or 20,000 square feet, whichever is less, except that lot coverage may be increased through the use of growth allocation subject to §190-176.

§ 190-24. Antenna Tower for Essential Communications

- A. New antenna towers shall not be located within a three-mile radius of any existing antenna towers in the unincorporated area of the County.
- B. See Wireless Communications Towers for regulations for other types of towers.

§ 190-25. Antenna Tower for Radio and Television Transmissions and Other Non-essential Radio Communications

- A. New antenna towers shall not be located within a three-mile radius of any existing antenna towers in the unincorporated area of the County.
- B. See Wireless Communications Towers for regulations for other types of towers.

§ 190-26. Aquaculture (retail)

- A. Fifty-foot front setback and 200-foot setback from all other property boundaries.
- B. Ten-acre minimum lot size.
- C. No on-site processing allowed.
- D. All aquaculture products must be raised on site.

§ 190-27. Aquaculture (wholesale)

200-foot setback for related ponds, in AC, CP, WRC, RC, and VC districts.

§ 190-28. Auction House

- A. Minimum lot size: 5 acres.
- B. Minimum setbacks for parking and display areas: 20 feet from road right-of-way and 50 feet from other property boundaries.

§ 190-29. Automobile Service, Repair, Washing, and Fuel Sales

- A. Access driveways shall be at least 50 feet from any AC, CP, WRC, TC, RC, RR, and TR district.
- B. In a VC district the use shall be within 300 feet of the primary structure associated with a general retail use or post office existing on June 22, 1991 and shall not exceed 2,000 square feet of gross floor area.

§ 190-30. Bed-and-Breakfast

- A. A use certificate is required.
- B. The use certificate shall be renewed annually. Renewal may require a site inspection.

- C. In the Chesapeake Bay Critical Area, a bed-and-breakfast shall only be permitted in a principal dwelling existing as of August 13, 1989. Enlargement of the principal dwelling may not exceed 50 percent of the gross floor area which existed as of August 13, 1989.
- D. Minimum lot size in an RC (Rural Conservation) or RR (Rural Residential) Zoning District: two acres.
- E. Bed-and-breakfast uses shall be a minimum of 500 feet apart. For purposes of this subsection the measurement shall not be taken over navigable water and shall be taken between structures used for the bed-and-breakfast use and not between property lines.
- F. A bed-and-breakfast enterprise shall have no more than six guest bedrooms, accommodating no more than 12 guests at any one time. No paying guest shall stay on any one visit for more than 30 days.
- G. Guestrooms shall have no primary outside entrance.
- H. Guest parking shall be provided in a side or rear yard.
- I. Meal service is limited to one daily meal between 4:00 a.m. and 11:00 a.m. per paying overnight guest. Meal service is subject to State Health Department approval of food preparation areas;
- J. Bed-and-breakfast accommodations shall be operated by the property owner who must occupy the residence. Any new owner of a residence in which a bed-and-breakfast is operated must apply for a new use certificate.
- K. Bed-and-breakfast enterprises shall pay the Talbot County Accommodations Tax for each guest bedroom. Should such accommodation tax not be paid for a two-year period, the use certificate will be revoked.
- L. A bed-and-breakfast may be used for weddings, receptions and similar events provided that:
 - (1) All areas used for such events shall be at least 500 feet from a primary residential structure on a neighboring property;
 - (2) Each event shall be limited to no more than 100 guests;
 - (3) No outdoor music shall be permitted after 10:00 p.m.;
 - (4) No more than six such events shall be permitted within a calendar year; and,
 - (5) The operator of the bed-and-breakfast must apply for a use certificate at least 30 days prior to the event.
- M. In the RC district rental of non-motorized water craft may be permitted as a special exception, accessory to the bed-and-breakfast use, subject to the following:
 - (1) Rental shall be limited to guest(s) of the bed-and-breakfast.
 - (2) Only structures existing on November 25, 2003, may be used for the rental and storage associated with the use.
 - (3) Access to the structure shall be from a collector or arterial highway.
 - (4) Maximum number of craft: 12.

§ 190-31. Boat and Marine Equipment Sales and Assembly

In an LI district sale of boats is limited to boats fully assembled on site.

§ 190-32. Bridges, Private, Which Cross Tidal Waters

- A. A private bridge should be necessary to provide access to a property for a residential or water-dependent use.
- B. Setbacks for the private bridge shall be the same as for other structures unless the bridge directly abuts an existing public road; then setbacks are waived.

§ 190-33. Building Supply and Lumber Yards with Outside Storage

- A. No structure shall exceed 65,000 square feet in gross floor area.
For the purposes of this subsection, the term “gross floor area” shall include indoor and outdoor space utilized for retail display and sale of goods. No combination of structures, or structures and outside retail display and sales areas on the same or on contiguous lots or parcels, shall exceed 65,000 square feet in gross floor area for a single or commonly controlled retail business operation.
- B. A building supply and lumber yard in a single or multiple building(s), occupying more than 25,000 square feet of gross floor area shall follow the standards for “Retail, Major” uses in §190-83 of this Article.

§ 190-34. Cemeteries and Mausoleums/Columbarium, Non-Church-Related, for Humans and Animals and Family Cemeteries

- A. 20-acre minimum lot size for cemeteries.
- B. 5-acre minimum lot size for pet cemeteries.
- C. 2-acre minimum lot size when limited to use of property owner and owner's family members and their pets.
- D. Non-church-related cemeteries are prohibited in the RC district, excepting family cemeteries. For family cemeteries lot coverage is limited to 15% of the site or 20,000 square feet, whichever is less, except that lot coverage may be increased through the use of growth allocation subject to § 190-176).
- E. A minor site plan shall be required.

§ 190-35. Churches and Related Cemeteries

The following regulations apply in an RC district:

- A. Church-related cemeteries are allowed, provided the church was in existence prior to August 13, 1989, and lot coverage is limited to 15% of the site or 20,000 square feet, whichever is less.
- B. In an RC district, includes columbarium associated with a church, provided lot coverage is limited to 15% of the site or 20,000 square feet, whichever is less.

- C. Notwithstanding the 20,000 square foot limitation in A and B, the lot coverage may be increased through the use of growth allocation subject to § 190-176.

§ 190-36. Community and Cultural Facilities

- A. In the VC district, uses shall be within 300 feet of the primary structure associated with a general retail use or post office existing on June 22, 1991, and shall not exceed 2,000 square feet of gross floor area.
- B. In the RC district, lot coverage shall be limited to 15% of the site or 20,000 square feet, whichever is less.
- C. Structures existing in the RC district prior to August 13, 1989, may be expanded, provided lot coverage is limited to 15% of the site or 20,000 square feet, whichever is less, except that lot coverage may be increased through the use of growth allocation subject to 190-176.

§ 190-37. Compounding Industries (permanent)

- A. 1,000-foot setback from existing residences unless consent to reduce the setback is received from all residence owners within 1,000-foot setback.
- B. The use is not permitted in the Chesapeake Bay Critical Area.
- C. Shall have direct access to a major collector highway or higher designation road.

§ 190-38. Contracting and Maintenance

No exterior storage is permitted in the LC district.

§ 190-39. Cottage Industry

See also Home Occupation

- A. Uses appropriate as cottage industries
The following list indicates uses that would be appropriate as cottage industries.
 - (1) Craftsman (cabinetmaker, furniture maker, saddler, etc.);
 - (2) Excavator and landscaping contractors;
 - (3) Farm equipment services and repairs;
 - (4) Firewood harvesting and sales;
 - (5) Home improvement contractors (plumber, heating/air-conditioning technician, carpenter, mason, electrician, roofer, glazier, painter, etc.);
 - (6) Septic, sewer or drain service.
 - (7) Vehicle and boat repair, detailing or painting conducted exclusively inside an accessory structure.
 - (8) Wholesale seafood distribution without operation of truck refrigeration units on the property.

B. Standards for cottage industries

- (1) Minimum lot size: five-acres.
- (2) The cottage industry shall not occupy more than 3,000 square feet in a single accessory structure or in a combination of accessory structures.
- (3) No more than one cottage industry per residence or lot is permitted.
- (4) Site plan approval is required. See Article IX.
- (5) The property used for the cottage industry shall contain the primary residence of the proprietor.
- (6) If the proprietor is not the property owner, evidence of permission of the property owner to use the property for the cottage industry must be provided to the Planning Director.
- (7) Setbacks:
 - (a) From neighboring property lines: 150-feet
 - (b) From neighboring residences: 200-feet
 - (c) From tidally influenced waters: 100-feet for work, storage, and vehicle parking areas.
- (8) All outdoor storage associated with the cottage industry, equipment, and work areas shall be screened from adjacent properties and public ways. Equipment does not include properly licensed and tagged vehicles.
- (9) Any change, enlargement or alteration of a cottage industry use, or of the structure and facility occupied by the use, shall require special exception approval.
- (10) New accessory structures for cottage industries:
 - (a) Proprietors who desire to construct a new accessory structure for a cottage industry must own and reside on the property.
 - (b) Proprietors of a cottage industry operated on land owned by an immediate family member may be allowed to construct a new accessory structure.
 - (c) Proprietors who rent their primary residence on property that contains the cottage industry must operate the cottage industry using existing accessory structures only.
 - (d) New accessory structures shall be limited to a roof ridge height of not greater than 25 feet.
- (11) No more than five nonresident employees shall report to a cottage industry site.
- (12) In the VC district employees shall not report prior to 7:00 a.m. or leave after 9:00 p.m.
- (13) No use shall require internal or external construction features or the use of electrical, mechanical, or other equipment that would change the fire rating of the structure or in any way increase the fire danger to neighboring structures or residences.

- (14) Sale of any manufactured item related to a cottage industry shall occur off premises.
- (15) Cottage industries on lots less than five acres and approved prior to adoption of this chapter:
 - (a) All work associated with the cottage industry must be carried out in an accessory structure.
 - (b) All materials and equipment associated with the cottage industry shall be stored inside the accessory structure.

§ 190-40. Day-Care Center, Family

In the RC District the following regulations apply:

- A. The use shall be located in a structure existing prior to August 13, 1989.
- B. Expansion is permitted, provided lot coverage is limited to 15% of the site or 20,000 square feet, whichever is less, except that lot coverage may be increased through the use of growth allocation subject to § 190-176.

§ 190-41. Dwelling, Accessory Apartment

- A. Permitted only in conjunction with a single-family detached dwelling unit.
- B. The dwelling retains the appearance of a single-family home.
- C. When the apartment is located in the residence, the owner of the property must reside in either the principal residence or in the apartment.
- D. An apartment within or attached to the principal residence is limited to a minimum of 300 square feet and a maximum of no more than 35% of the gross floor area of the principal residence.
- E. An apartment in a detached accessory residential structure is limited to 900 square feet, including gross floor area plus the area of porches and decks, and not more than two bedrooms.
- F. An accessory apartment in a detached accessory structure shall not be subdivided or sold separately from the principal residence unless each lot meets current density standards and each dwelling unit meets current design standards from existing and proposed property lines. Subdivision shall not create or result in a nonconforming lot or structure.

§ 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 900 square feet of gross floor area including porch and decks.
- B. The entire perimeter of the accessory dwelling must be located within 100 feet of the primary dwelling unit.
- C. Housing shall be served by the same sewage disposal system as the primary dwelling unit.

- D. The additional dwelling unit, meeting the criteria of A through C above, may not be subdivided or conveyed separately from the primary dwelling unit.
- E. The County shall maintain records of all building permits issued under this section for additional dwelling units considered part of a primary dwelling unit, and shall provide this information on a quarterly basis to the Critical Area Commission.

§ 190-43. Dwelling, Accessory to Agricultural Use

A. Mobile homes

Mobile homes accessory to agricultural uses are permitted for full-time tenant labor or members of the immediate family of the owner of the farm subject to the following conditions:

- (1) Required minimum acreage in active farm production: 50 acres.
- (2) The mobile home(s) shall be located in the immediate vicinity of and be an integral part of the complex composed of other major farm buildings and shall be located no more than 300 feet from the complex.
- (3) Minimum setbacks from property lines: 200 feet.
- (4) Maximum number of homes without a special exception: two.
- (5) Maximum number of homes with a special exception: four. An additional 50 acres of farm property in active production is required for each additional home above two.
- (6) The mobile home shall not be rented, sold separately or subdivided from the principal residence unless each lot meets current density standards and each dwelling unit meets current design standards from existing and proposed property lines. Subdivision shall not create or result in a nonconforming lot or structure.

B. Farm tenant dwelling units other than mobile homes

The following non-mobile home dwellings for full-time tenant labor shall be permitted:

- (1) For a farm with more than 150 contiguous acres in active production, one additional dwelling unit.
- (2) For each additional 100 acres in excess of 150 acres, one additional dwelling unit.
- (3) A farm with the additional tenant dwelling units shall not exceed the maximum density allowed under this chapter.
- (4) A dwelling accessory to agricultural use shall not be rented, sold separately, or subdivided from the principal residence unless each lot meets current density standards and each dwelling unit meets current design standards from existing and proposed property lines. Subdivision shall not create or result in a nonconforming lot or structure. .

§ 190-44. Dwelling, Seasonal Agricultural Employee

A. 20-acre minimum lot size.

- B. 200-foot setback from property lines.
- C. Not more than 15 units with six persons per unit.
- D. A seasonal agricultural employee dwelling shall not be rented, sold separately, or subdivided from the principal residence unless each lot meets current density standards and each dwelling unit meets current design standards from existing and proposed property lines. Subdivision shall not create or result in a nonconforming lot or structure.

§ 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.
- B. At least one-half of the household income of the employee dwelling shall be obtained from the property owner.
- C. An employee dwelling shall not be a manufactured home or mobile home unless it is accessory to agriculture. (See “Dwelling, accessory to agricultural uses and activities.”)
- D. An employee dwelling shall not be rented or sold separately from the principal residence unless each lot meets current density standards and each dwelling unit meets current design standards from existing and proposed property lines. Subdivision shall not create or result in a nonconforming lot or structure.

§ 190-46. Dwelling, Guest House

- A. Minimum parcel size: two acres
- B. No more than one guest house per parcel is permitted.
- C. Mobile homes may not be used as guest houses. A manufactured dwelling may be used provided it meets the standards of §190-48.B.
- D. Maximum guest house 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.
- E. A guest house shall not be occupied by the same individual for longer than six months.
- F. An individual occupying a guest house for more than three months shall not reoccupy the residence for one month after ceasing occupancy.
- G. A guest house may be indefinitely occupied by an individual related by blood or marriage to the property owner.
- H. A guest house shall not be rented or sold separately from the principal residence unless each lot meets current density standards and each dwelling unit meets current design standards from existing and proposed property lines. Subdivision shall not create or result in a nonconforming lot or structure.

§ 190-47. Dwelling, Rehabilitation

- A. Minimum lot area: 2 acres per dwelling unit.
- B. Adequate supervision and professional services shall be provided.
- C. The dwelling shall be of sufficient size to accommodate the proposed number of residents and staff.
- D. The site shall provide adequate outdoor space free from hazard and appropriately equipped for the age and number of persons residing.

§ 190-48. Dwelling, Single-Family (detached)

- A. Limited to one single-family principal residence per parcel or lot.
- B. The following standards apply for the placement of double-wide manufactured homes permitted as single-family residences on individual lots or parcels:
 - (1) The home must be manufactured after January 1, 2001, and be in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended.
 - (2) The base width of the home for any front, side and rear elevation must be 22 feet wide and it must have eaves on each side with a minimum of one-foot overhang beyond the base width, such that the total width from eave to eave shall be at least 24 feet.
 - (3) The home must have a minimum 4/12 roof pitch.
 - (4) The roof must be finished with shingles or other conventional roofing materials common to residential construction, and the exterior siding must be similar in appearance to common residential construction.
 - (5) The home must have a County-approved permanent continuous masonry foundation, unpierced except for required ventilation and utilities access installed under the home. The permanent masonry or brick foundation shall be left exposed or skirted with other masonry or brick.
 - (6) Permanent landing and steps with handrails are required at each exterior doorway.
 - (7) The tongue, axles, transporting lights and removable towing apparatus must be removed after placement on the lot and before occupancy.
 - (8) Standards (1) through (7) above are not applicable to the following:
 - (a) Manufactured homes located in a manufactured home rental community,
 - (b) Manufactured home subdivision located in a Manufactured Home Development Floating Zone, or
 - (c) Manufactured or mobile homes accessory to agricultural uses and activities.

§ 190-49. Dwelling, Single-Family (duplex)

- A. Each dwelling unit must be located on a separate lot, and the side yard setback where the dwelling units are attached is waived.

B. The use is allowed only on individual lots smaller than two acres.

§ 190-50. Educational Institutions, Public or Private, Boarding and Non-Boarding

A. In RC and TR districts, limited to nursery schools and schools with Grades K through 8.

B. In the RC district:

(1) Public allowed, in accordance with COMAR 27.02.02 (State and Local Agency Actions Resulting in Development Of Local Significance on Private Lands or Lands Owned by Local Jurisdictions), and

(2) Private allowed, subject lot coverage limitation of 15% of the site or 20,000 square feet, whichever is less.

C. Private institutions existing in the RC district prior to August 13, 1989, may be expanded, provided lot coverage is limited to 15% of the site or 20,000 square feet, whichever is less, except that except that lot coverage may be increased through the use of growth allocation subject to §190-176.

§ 190-51. Emergency Services

A. In the AC, CP, WRC or RC districts the use shall be within 0.25 miles of a collector or arterial highway.

B. In the RC District the following regulations apply:

(1) Public and quasi-public services are permitted.

(2) Privately owned and operated services in operation prior to August 13, 1989, may be expanded, provided lot coverage is limited to 15% of the site or 20,000 square feet, whichever is less, except that lot coverage may be increased through the use of growth allocation subject to §190-176.

§ 190-52. Farm Equipment Service and Repairs

150-foot setback in the AC, CP, WRC and VC districts.

§ 190-53. Farm Machinery and Supplies Sales

In the AC, CP, and WRC districts, 200-foot setback for structures used for milling of grain and feed, and chemical and fertilizer storage.

§ 190-54. Farm Market

A. Maximum farm market size: 2,000 square feet.

B. Site plan approval is required.

§ 190-55. Golf Courses and Country Clubs (public or private)

Courses shall not be lighted for night play.

§ 190-56. Grain processing, drying and storage (wholesale commercial)

- A. In the RC district (wholesale only), limited to an accessory use to a farm operation existing as of August 13, 1989.
- B. 200-foot setback from property lines.

§ 190-57. Greenhouse and Plant Nursery (retail)

- A. In AC, CP, WRC, RC and TC districts:
 - (1) Areas devoted to growing of plants or trees shall be set back 20 feet from all property boundaries.
 - (2) Parking and sales structures shall be set back 200 feet from rear and side property lines and 100 feet from the front property line.
- B. In the RC zone, limited to establishments for the growing and holding of trees, shrubs, plants and flowers (i.e., native, ornamental and hydrophytic species) and associated planting supplies, including fertilizer, peat moss, planting soil, etc. for the purpose of sale.

§ 190-58. Greenhouse and Plant Nursery (wholesale)

In the RC zone, limited to establishments for the growing and holding of trees, shrubs, plants and flowers (i.e., native, ornamental and hydrophytic species) for the purpose of sale.

§ 190-59. Home Occupations

See also Cottage Industry

- A. Uses appropriate as home occupations
The following list indicates uses that would be appropriate as home occupations:
 - (1) Art, handicraft, music, writing, photography, or similar studios;
 - (2) Business or professional office;
 - (3) Catering and baked goods;
 - (4) Direct sale product distribution (Amway, Avon, Tupperware, etc.);
 - (5) Dressmaker, seamstress, tailor;
 - (6) Hair cutting and styling limited to two stations;
 - (7) Manicure, pedicure and tanning;
 - (8) Massage therapists;
 - (9) Mental health care practitioner.
 - (10) Pet grooming without overnight boarding or exterior kennels;
 - (11) Repair of small appliances, small engines and limited machining of small parts, office machines, cameras, and similar small items;

- (12) Taxidermy;
- (13) Tutoring, counseling, and other individualized instruction
- (14) Vending machine business.

B. Standards for home occupations

- (1) A use certificate is required.
- (2) Home occupation use certificates shall be renewed every two years. Renewal may require a site inspection.
- (3) The home occupation must be conducted within a residence and/or an accessory structure on the same lot as the residence.
- (4) The use must be incidental and secondary to the use of the dwelling for residential purposes.
- (5) The home used for the home occupation shall be the primary residence of the proprietor.
- (6) If the proprietor is not the property owner, evidence of permission of the property owner to use the property for the home occupation must be provided to the Planning Director.
- (7) No more than three nonresident employees shall report to a home occupation site. Only one nonresident employee may remain on the site during any portion of the day.
- (8) Residential character
 - (a) The use shall not change the character of the residential use or adversely affect the uses permitted in the residential district of which it is a part.
 - (b) Home-based occupations shall be conducted in such a manner as to not produce noise, dust, vibration, glare, smoke or smell, electrical interference, fire hazard, traffic, or any other nuisance not typically experienced in the zoning district where property is located.
 - (c) No use shall require internal or external construction features or the use of electrical, mechanical, or other equipment that would change the fire rating of the structure or in any way increase the fire danger to neighboring structures or residences.
- (9) Area
 - (a) All work associated with a home occupation shall be performed inside the residence or an accessory structure not to exceed 1,500 square feet. No more than 1,500 square feet of an accessory structure may be used for a home-based occupation. A combination of existing accessory structures may be used to achieve the 1,500-square-foot maximum.
 - (b) The area used for the home occupation shall not exceed 25% of the gross floor area of the residence or 500 square feet, whichever is less.

- (c) More than one home-based occupation per residence or lot may be allowed, provided that the area limitations of (a) and (b) above are not exceeded.
- (10) Outdoor storage of materials is not permitted.
- (11) Deliveries of equipment, parts and supplies shall be limited to commercial delivery services (i.e. UPS, Federal Express, etc.).
- (12) Customer, client or student visitation to the home-based occupation shall be scheduled to prevent an increase in vehicle trips not normally expected in a residential zone.
- (13) Sale of any manufactured item related to a home-based occupation shall occur off premises.

§ 190-60. Hospital

200-foot setback.

§ 190-61. Hotel/Motel

In the VC District, the use must be limited to 75 rooms and served by public sewer.

§ 190-62. Inn

- A. In a VC district the use shall be within 300 feet of the primary structure associated with a general retail use or post office existing on June 22, 1991.
- B. An inn shall have no more than 10 guest rooms and no more than 30 guests.
- C. An inn may be used for weddings, receptions and similar events subject to the following:
 - (1) A use certificate is required for each event.
 - (2) Prior to issuing a use certificate, the Planning Director, in addition to considering the general standards for issuing use certificates in §190-183.C., shall determine that the use will not adversely affect neighboring properties as a result of traffic, noise, lighting, or extensive parking area.

§ 190-63. Junkyard

- A. Setback for outdoor storage and processing areas:
 - (1) 100 feet from road right-of-way;
 - (2) 50 feet from adjacent properties in the same zoning district;
 - (3) 300 feet from other zoning districts.
- B. Outdoor storage areas shall be completely enclosed by a solid wood or masonry wall or fence at least six feet high, of a design approved by the Board of Appeals. Building walls may form part of the enclosure.
- C. Walls and fences shall be maintained in good condition.

D. Adequate environmental controls shall be employed.

§ 190-64. Kennel, commercial

A. 200 foot setback in AC, CP and WRC Districts.

B. Outside pens must be screened.

§ 190-65. Landing Strips, Private

A. 40-acre minimum lot size.

B. Minimum 200-foot setback.

C. Shall be maintained in grass or similar low vegetation.

D. Helicopter landing facilities are prohibited.

§ 190-66. Livestock Auction House

A. 10-acre minimum lot size.

B. 200-foot setback for buildings and structures.

C. 50-foot setback for parking areas.

§ 190-67. Manufacturing Operations

A. In VC, LC and GC shall be located in a structure existing as of June 22, 1991.

B. Not allowed in the Critical Area.

C. In a VC district the use shall be within 300 feet of the primary structure associated with a general retail use or post office existing on June 22, 1991.

§ 190-68. Marinas

A. In the RC district, uses are limited to expansion of commercial marinas and piers existing as of August 13, 1989.

B. In the Chesapeake Bay Critical Area, in addition to the general findings and requirements for special exceptions in Article IX, and the general requirements for the use in Article VI, Critical Area, the following regulations apply which the Board of Appeals shall review as part of the special exception:

(1) The operational procedures shall minimize the discharge of bottom wash water into tidal waters;

(2) The operational procedures shall meet the sanitary requirements of the Maryland Department of the Environment as required by COMAR 26.04.02.

(3) New marinas shall not be located adjacent to anadromous fish spawning waters, shellfish beds, and submerged aquatic vegetation areas;

- (4) Expansion of existing marinas in the Rural Conservation District shall not degrade water quality and shall result in an overall net improvement in the water quality within and at the entrance to the marina; and
 - (5) The number of slips or mooring buoys shall not exceed two for each vehicle parking space which shall be provided outside the shoreline development buffer.
- C. Floating residences are prohibited.
 - D. A café, limited to 20 seats, is permitted within a marina existing on the effective date of this ordinance.

§ 190-69. Meeting Halls and Facilities for Clubs, Lodges and Fraternal Societies

In the RC District the following additional regulations apply:

- A. Limited to service organizations and non-profit charitable organizations and institutions.
- B. Uses are subject to lot coverage limitation of 15% of the site or 20,000 square feet, whichever is less.
- C. Structures existing prior to August 13, 1989, may be expanded, provided lot coverage is limited to 15% of the site or 20,000 square feet, whichever is less except that lot coverage may be increased through the use of growth allocation subject to §190-176.

§ 190-70. Mineral Extraction

- A. The approved plans for the use shall identify and implement appropriate methods for protecting existing neighborhoods from the impacts of adjacent extraction operations and the transportation of extracted resources.
- B. Minimum 200-foot setback from property boundaries for power driven machinery, extractive operations and excavation pits.
- C. Access drives shall be dust proofed with a tar and chip surface, pavement or other acceptable means sufficient to control wind blown particulate matter.
- D. The Board of Appeals may require fencing where necessary for safety purposes.
- E. The Board of Appeals may require visual screening where necessary to mitigate aesthetic impacts on the surrounding neighborhood.
- F. Hours of operation are limited from sunrise to 7:00 p.m., Monday through Saturday.
- G. The reclamation plan for mining sites shall identify the intended post-extraction use of the property.
 - (1) The post-extraction use shall be consistent with County plans and regulations. The following shall be given priority for post-extraction uses: recreational uses such as parks and lakes; forestry; aquaculture; or residential development.
 - (2) Any post-extraction use as a rubblefill shall be limited to County generated rubble.

H. In the Chesapeake Bay Critical Area, in addition to meeting the general standards for granting special exceptions, the following regulations apply which the Board of Appeals shall review as part of the special exception:

- (1) The Board of Appeals must find that the use will meet the additional requirements for special exceptions that apply in the Critical Area (see Article VIII).
- (2) The operational procedures shall protect the Critical Area from all sources of pollution from mineral extraction activities, including, but not limited to, sedimentation and siltation, chemical and petrochemical use and spillage, and storage or disposal of waste, dusts, and spoils; all runoff shall be retained on site;
- (3) The post-extraction or post-excavation use(s) of the site shall be proposed with the operational procedures to ensure that extraction activities permit reclamation of the site within two years after excavation is completed;
- (4) Mineral extraction activities shall not:
 - (a) Be located in habitat protection areas and Natural Heritage Areas;
 - (b) Be located in areas of highly erodible soils;
 - (c) Cause the loss for 25 years or more of productive forest and agriculture uses as determined by the Soil Conservation Service or Maryland Department of Natural Resources;
 - (d) Result in degradation of water quality or a loss of anadromous fish spawning waters, shellfish beds, and submerged aquatic vegetation areas;
 - (e) Be located within the shoreline development buffer; or
 - (f) Have wash plants, including ponds, spoil piles, and equipment, located within the shoreline development buffer.
- (5) Surety shall be provided to guarantee that all proposed reclamation activities are accomplished.

§ 190-71. Monuments and Memorial Stones

100-foot setback for stone cutting activities.

§ 190-72. Nursing Homes and Assisted Living Facilities (existing structure)

A. Outside the Critical Area a home or facility shall be located in a structure existing on June 22, 1991.

B. Inside the Critical Area a home or facility shall be located in a structure existing prior to August 13, 1989.

- (1) Maximum number of patients: eight.
- (2) Expansion is permitted, provided lot coverage is limited to 15% of the site or 20,000 square feet, whichever is less, except that lot coverage may be increased through the use of growth allocation subject to §190-176.

- C. When an existing structure is converted into a nursing home:
 - (1) The exterior appearance of the structure shall be residential in nature and no enlargements over 25% of the existing structure shall be permitted;
 - (2) The structure shall be of sufficient size to accommodate the proposed number of patients and staff;
 - (3) The nursing home shall not constitute a nuisance caused by noise, vehicle traffic or parking, or other physical activity.

§ 190-73. Off-Road Outdoor Recreation (Public or Private)

- A. Minimum site size: 50 acres.
- B. Minimum setback from property lines: 200-feet, of which 100 feet shall be vegetative buffer of at least 10 feet in height.
- C. Minimum setback from existing inhabited dwellings: 1,000-feet.
- D. Site access shall be by arterial or collector road.
- E. Maximum merchandise retail sales area: 400 square feet.
- F. Entire course must be laid out so that vehicles shall not be driven on the courses above natural prevailing grade of surrounding land.
- G. The facility shall post rules and regulations regarding the use of safety equipment.
- H. Trained first aid personnel shall be on site during operating hours.
- I. Hours of operation may not exceed 9:00 a.m. to 7:00 p.m.
- J. Nighttime lighting is not permitted.
- K. Overnight camping or campgrounds are not permitted.
- L. The recreation area shall be fenced with at least a six-foot-high fence and locked during non-operating hours.
- M. No paid spectator tickets are permitted.

§ 190-74. Parks and Playgrounds (public or private)

In the RC district, this use is limited to passive recreation, except that commercial and public pools may be permitted in the RC District where growth allocation is approved subject to §190-176.

§ 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.
 - (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) 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 on 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, Critical Area.
- (2) All piers shall be located a minimum distance of 25 feet from the lateral lines. This setback may be reduced if a letter of no objection is obtained from the adjacent property owner.

D. Extension, width, length, impedance of natural channel

- (1) No new piers or expansion of existing piers shall extend into any body of water a distance greater than 150 feet measured from the mean high-water line. 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.
- (3) Additional area at the end of the pier or along the pier, including finger piers, 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 one half 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 pier may be replaced in kind, even if it exceeds the maximum allowed width, the 150-foot extension into a body of water or the 200-square foot limit on additional area.
- (b) Finger piers, platform areas and floating docks may be added, only if the additional areas are in compliance with the requirements in D(1) through (6) above.

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) The number of slips shall be the lesser of subsections (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:

Lots or Dwellings	Slips
Up to 15	1 for each lot
16 - 40	15 or 75% of total lots, whichever is greater
41 - 100	30 or 50% of total lots, whichever is greater
101 -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: 5 feet

- H. Boathouses and floating residences are prohibited.
- I. One boat ramp per lot shall be permitted, subject to the required side yard setbacks.

§ 190-76. Produce Stands

- A. A use certificate is required, which must be renewed annually.
- B. A produce stand structure shall not exceed 600 square feet in gross floor area; this may include space in an owner-occupied accessory farm building.
- C. All temporary structures shall be set back at least 20 feet from property lines and shall be located so as to provide safe ingress and egress from public roads;
- D. Produce stands shall not be erected until April 15 and shall be removed by November 30 of each year;
- E. A 25-foot deep area around the sales structure may be used for display of product.

§ 190-77. Recreation Facilities, Indoor (commercial or noncommercial)

- A. 100-foot setback from property lines.
- B. In the VC district, the use must be located within 0.25 miles of a collector or arterial highway.

§ 190-78. Recycling, Product

- A. Minimum property size: 75 acres.
- B. Maximum storage and operation area: 15 acres.
- C. Minimum equipment and storage setbacks from property lines: 500 feet.
- D. Minimum 1,000-foot equipment and storage facilities setback from existing residences unless consent to reduce the setback is received from all residence owners within the 1,000-foot setback. In no case shall the setback be reduced to less than 500 feet.
- E. The property shall have direct access to a major collector or arterial highway.
- F. Access drive(s) shall be gated and dust proofed from storage/processing area to the highway.
- G. The Board of Appeals may require fencing where necessary for safety purposes.
- H. The Board of Appeals may require visual screening where necessary to mitigate aesthetic impacts on the surrounding neighborhood.
- I. 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.
- J. 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.

§ 190-79. Recycling Processing Center

- A. Must be located in an opaque-fenced yard or enclosed structure.
- B. Shall not be used for a permanent storage or disposal site of recyclable materials

§ 190-80. Restaurants, Bars and Night Clubs

In the VC district the following regulations apply:

- A. The use shall be within 300 feet of the primary structure associated with a general retail use or post office existing on June 22, 1991.
- B. Seating shall be limited to forty persons or as established by the Board of Appeals in its decision approving this use.
- C. Excludes bars and night clubs except liquor sales associated with a restaurant.

§ 190-81. Restoration of boats, vehicles and furniture

- A. In the AC District:
 - (1) Permitted only in a structure that existed on June 22, 1991.
 - (2) All restoration work and storage shall be indoors.
- B. In the VC Districts, all restoration work and storage shall be indoors.

§ 190-82. Retail, General

- A. General retail uses shall not exceed 25,000 square feet in gross floor area. For purposes of this section, the term “gross floor area” includes indoor and outdoor space utilized for retail display and sale of goods.
- B. VC District
In the VC district the following regulations apply:
 - (1) The use shall be within 300 feet of the primary structure associated with a general retail use or post office existing on June 22, 1991.
 - (2) Maximum gross floor area: 2,000 square feet.

§ 190-83. Retail, Major

- A. Applicability
 - (1) Major retail uses are all retail establishments in a single building or multiple buildings occupying more than 25,000 square feet but no more than 65,000 square feet of gross floor area.
 - (2) For purposes of this section, the term “gross floor area” shall include indoor and outdoor space utilized for retail display and sale of goods. No combination of structures, or structures and outside retail display and sales areas on the same or on contiguous lots or parcels, shall exceed 65,000 square feet in gross floor area for a single or commonly controlled retail business operation.

- (3) The standards for major retail uses do not apply to:
 - (a) Non-retail commercial uses
 - (b) Automobile, truck and recreational vehicle sales, or
 - (c) Farm machinery and supplies sales

B. General design features

Buildings shall be designed to complement and replicate the character and vernacular of the area. Landscaping shall include a variety of trees, shrubs, and grassy areas in order to create an eye-pleasing addition to the community.

C. Facades and exterior walls

- (1) All facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3% of the length of the facade. No uninterrupted length of any facade shall exceed 100 horizontal feet.
- (2) All facades shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60% of their horizontal length.

D. Detail features

Building facades must include a repeating pattern that shall include no less than three of the elements listed below. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than 30 feet, either horizontally or vertically.

- (1) Color change
- (2) Textured change
- (3) Material module change
- (4) Expression of architectural or structural bay through a change in plane no less than 12 inches in width, such as an offset, reveal, or projecting rib.

E. Roofs

Roofs shall have at least two of the following features:

- (1) Parapets completely concealing the flat roofs and all rooftop equipment from public view. The average height of such parapet shall not exceed 15 percent of the height of the supporting wall and such parapet shall not at any point exceed 1/3 of the height of the supporting wall. Such parapet shall feature three dimensional cornice treatments.
- (2) Overhanging eaves, extending no less than three feet past the supporting walls.
- (3) Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot of vertical rise for every three feet of horizontal run and less than or equal to one foot of vertical rise for every one foot of horizontal run.
- (4) Multiple roof slope planes.

F. Materials and colors

- (1) Predominant exterior building materials shall be high-quality materials. These include, without limitation:
 - (a) Brick.
 - (b) Wood.
 - (c) Painted, textured, concrete masonry units.
 - (d) Other native materials.
- (2) The predominant facade color shall be low reflectance, subtle, neutral, or earth colors. The use of high intensity or fluorescent colors is prohibited.
- (3) Building trims and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
- (4) Predominant exterior building materials shall not include the following:
 - (a) Smooth faced block.
 - (b) Tilt up concrete panels.
 - (c) Prefabricated steel panels.
 - (d) Vinyl siding.
 - (e) Aluminum siding.

G. Entryways

- (1) Each principal building on the site shall have a clearly defined, highly visible customer entrance featuring at least three of the following:
 - (a) Canopies or porticoes
 - (b) Overhangs
 - (c) Recesses/projections
 - (d) Arcades
 - (e) Raised corniced parapets over the door
 - (f) Peaked roof forms
 - (g) Arches
 - (h) Outdoor patios
 - (i) Display windows
 - (j) Architectural details such as tile work and moldings which are integrated into the building structure and design.
 - (k) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
- (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 secondary street.

H. Parking lots

Not more than 50% of the off-street parking area for the entire property shall be located between the front facade of the principal building(s) and the primary abutting street.

I. Setbacks

The minimum setback for any portion of the structure shall be 50 feet from the nearest property line. In addition, when residentially or agriculturally zoned property either abuts the parcel on which the structure is to be located or is separated from the parcel by a public or private road, the 50-foot setback shall be increased by an additional setback (the "additional setback") which shall be calculated according to the following formula: an additional 50 feet plus one additional foot for each 1,000 square feet that the building exceeds 50,000 square feet in gross floor area. If either U.S. Route 50 or Maryland Route 322 acts as an intervening public street between the parcel on which the building is to be located and the adjacent residentially or agriculturally zoned property, the width of that road's right-of-way shall be deducted from the additional setback otherwise required by this section.

J. Outdoor storage, trash collection, and loading areas

- (1) Areas for outdoor storage, truck parking, trash collection or compaction, loading, or other uses shall not be visible from abutting streets.
- (2) No areas for outdoor storage, trash collection, or trash or compaction, loading or other uses shall be located within 25 feet of any public street, public sidewalk or internal pedestrian way.
- (3) Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash collection, trash compaction and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape.
- (4) Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences. Materials, colors, and design of screening walls and/or fences and the cover shall conform to those used as predominant materials and colors on the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the building.

K. Pedestrian flows and bicycle traffic

- (1) Sidewalks at least eight feet in width shall be provided along all sides of the lot that abut a public street.

- (2) Continuous internal pedestrian walkways, no less than eight feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activities such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or such other materials for no less than 50% of its length.
- (3) Sidewalks, no less than eight feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalk shall be located at least six feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.
- (4) Internal pedestrian walkways provided in conformance with Subsection (K)(2) above shall provide weather protection features such as awnings or arcades within 30 feet of all customer entrances.
- (5) All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, no-maintenance service materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
- (6) Bicycle traffic shall be accommodated by provided adequate bicycle circulation routes (which may or may not be combined with the required pedestrian walkways and sidewalks) as well as bicycle storage facilities (i.e., racks or lockers).

L. Central features and community space

- (1) Each establishment subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following:
 - (a) Patio/seating area.
 - (b) Pedestrian plaza with benches.
 - (c) Transportation center.
 - (d) Window-shopping walkway.
 - (e) Outdoor playground area.
 - (f) Kiosk area.
 - (g) Water feature.
 - (h) Clock tower.
 - (i) Other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the Planning Commission, adequately enhances such community and public spaces.
- (2) Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape

M. Abatement of nuisance to neighboring properties

Neighboring properties shall be protected from site illumination, noise, odor, or any other impacts that could potentially be a nuisance to those properties. Lighting shall be designed to prevent any night sky illumination.

§ 190-84. Retail, incidental

- A. Must be accessory to a principal use allowed in the LI district.
- B. The area devoted to retail uses shall be approved by the Planning Commission through the site plan review process.
- C. The gross floor area devoted to incidental retail sales shall not exceed ten percent of the gross floor area of the principal use or 1,000 square feet, whichever is less.

§ 190-85. Roadside Vendors

- A. Use certificate, license
 - (1) A use certificate and vendor's license is required. A separate license is required for each location.
 - (2) The roadside vendor shall display the license in a conspicuous location at the site where the vendor is operating.
 - (3) Fees for the use certificate and vendor's license shall be paid in accordance with the adopted fee schedule.
- B. Roadside vendors shall meet the following standards:
 - (1) Maximum number of days of operation per calendar year for short-term vendors: seven.
 - (2) The Planning Director may waive license fees and extend the number of days that a short-term roadside vendor may operate provided the vendor holds federal tax-exempt status under § 501(c)(3) of the Internal Revenue Code or otherwise dedicates its proceeds to a charitable organization or valid fundraising activity.
 - (3) Minimum distance from any other County licensed roadside vendor: 1,500 feet.
 - (4) Vendors must obtain the written permission of each property owner on whose property the vendor's operation is located.
 - (5) Maximum number of employees on site: three.
 - (6) Vendors shall operate in a manner that permits safe ingress and egress to and from the operation.
 - (7) Portable food vending equipment shall not be self-propelled.
 - (8) Long-term roadside vendors shall not use tents or open air tables.
 - (9) Comply with all design standards as pertaining to the zoning district and the Gateway Overlay District;

- (10) Remove all facilities associated with the roadside vendor immediately upon discontinuation of the use.

§ 190-86. Satellite Dishes

The following table lists requirements for different types of satellite dishes, permitted as an accessory use.

Table II-2. Satellite Dishes

Type	Maximum number per lot, plus standards if any
Residential-type UHF/VHF, radio, and compact satellite dishes, measuring less than 30 inches in diameter.	Three
Dishes 30 inches or greater in diameter.	One, located on the principal building or on the ground. If located on a building, the dish must be located on the roof and be set back from the edge of the roof a distance equal to at least its height above the roof. Dishes may not be placed in a front yard. Screening is required when a ground mounted dish is visible from a public right-of-way or surrounding property when viewed from ground level.

§ 190-87. Sawmills

Minimum setback in all districts except VC, LC, GC, and LI: 200 feet.

§ 190-88. Scrap Metal Processing

This use is not permitted in the Critical Area

§ 190-89. Septage Treatment Facilities

- A. Minimum setback: 300 feet.
- B. Minimum distance from existing residences: 1,000 feet.

§ 190-90. Septic Systems

- A. Limited to on-site systems serving a residential or commercial/industrial establishment.
- B. Minimum setback from all property lines for sewage disposal area: 15 feet.
- C. No septic system shall be placed in the shoreline development buffer.
- D. Septic systems in the RC District shall not serve development outside of the RC district or Critical Area unless a development right is allocated from each zoning district.

§ 190-91. Services, General

- A. In the LC district, maximum gross floor area: 2,500 square feet.
- B. In the VC district the following regulations apply:

- (1) The use shall be within 300 feet of the primary structure associated with a general retail use or post office existing on June 22, 1991.
- (2) Maximum gross floor area: 2,000 square feet.

§ 190-92. Services, Professional

A. LC district:

- (1) Maximum gross floor area: 2,500 square feet.
- (2) Drive-through facilities not permitted.

B. VC district:

- (1) The use shall be within 300 feet of the primary structure associated with a general retail use or post office existing on June 22, 1991.
- (2) Maximum gross floor area: 2,000 square feet.
- (3) Drive-through facilities not permitted.

§ 190-93. Short Term Rental

- A. A use certificate in the form of a short term rental license is required. See Article IX for application requirements. The license shall be renewed annually, and may require a site inspection.
- B. A short-term rental license may be issued only as an accessory use for a primary dwelling unit and not for guest houses, tenant houses or other dwelling units.
- C. The owner of the short-term rental property shall be responsible for payment of the Talbot County Accommodations Tax.
- D. The maximum short-term rental occupancy: the lesser of 12 persons or two persons per bedroom, excluding infants under 18 months of age. The maximum number of occupants shall be stated on the license and on the lease.
- E. Subleasing of short-term rentals is prohibited.
- F. During any short-term rental, no dwelling, grounds, or associated appurtenances shall be used for any wedding, reception, banquet, corporate retreat, fundraiser, or similar activity.
- G. Pets shall be leashed or confined at all times.
- H. All short-term rental property shall comply with the International Residential Building Code, 2003 Edition, as amended, with respect to emergency escape and rescue openings, exits and smoke alarms. The property shall be equipped with fire extinguishers in the kitchen and any other area in which flammable or combustible materials are kept or stored. The property owner shall provide a signed affidavit to this effect.
- I. All conditions, restrictions, and limitations imposed by this chapter or by any regulation adopted by any governmental agency concerning use or occupancy, or the physical condition of a rental property shall be conspicuously included in a written lease signed by the parties.

- J. The applicant shall comply with all codes, regulations, and requirements administered by the Talbot County Health Department regarding sanitary facilities.

§ 190-94. Solid waste disposal facilities

- A. This use requires County Council approval in accordance with Article IX.
- B. The following requirements apply to this use:
- (1) Disposal areas shall be set back a minimum of 100 feet from public and private rights-of-ways;
 - (2) Disposal areas shall not be located nor expanded within 300 feet of a dwelling, school, or church or within 100 feet of any boundary of the site;
 - (3) Solid waste disposal sites shall be effectively screened from public view by dense foliage, topography, or fencing. A surrounding security fence, a minimum of six feet in height, shall be constructed prior to operation of the site. The fence shall be of suitable construction, shall be unobtrusively painted or finished and shall be maintained in good condition. In addition, a landscaped buffer strip 100 feet in width, located outside of the security fence, shall be provided around the entire periphery of the site.
- C. Whenever possible, rubble fills or rubble recycling facilities shall be located in conjunction with mineral extraction sites.

§ 190-95. Solid Waste Transfer Stations

- A. Not permitted within the Critical Area.
- B. Minimum setback from property lines: 100 feet.
- C. Shall be fenced, and screened from view on all sides by plantings.

§ 190-96. Stables, Accessory to Residential Uses

- A. Minimum lot size: 2 acres for 1 horse and 1 additional acre for each additional horse.
- B. Minimum setback from property lines for stables and related manure storage areas is 100 feet.
- C. Minimum setback for stables on lots smaller than 3 acres: 75 feet.

§ 190-97. Stables, Riding, Trails and Horse Boarding (commercial)

- A. Minimum lot size: 10 acres or one acre per horse, whichever is greater.
- B. Minimum setback for related structures: 200 feet
- C. Minimum setback for feeding and watering stations: 50 feet from any body of water, including tributary streams and tidal wetlands.

§ 190-98. Storage of inoperable or unregistered motor vehicles accessory to a dwelling

- A. No more than two such vehicles shall be stored on a lot less than five acres.
- B. This restriction does not apply to vehicles stored within a completely enclosed building.

§ 190-99. Studios for Instruction in Art, Music, Dance, Drama, Crafts or Physical Education

In the VC district the following regulations apply:

- A. The use shall be within 300 feet of the primary structure associated with a general retail use or post office existing on June 22, 1991.
- B. Maximum gross floor area: 2,000 square feet.

§ 190-100. Temporary Uses

The following uses are permitted in all zoning districts subject to the conditions listed:

- A. Accessory building prior to construction of a principal structure
 - (1) The building may be used for storage during construction of the principal structure.
 - (2) A use certificate is required.
 - (3) Construction of the principal structure must begin within six months and be completed within 18 months of placement of the accessory building.
- B. Construction or sales office accessory to a construction site
 - (1) Includes an office trailer
 - (2) A use certificate is required.
 - (3) The certificate shall be issued for a period of six months. The Planning Director may grant six month extensions of the certificate if the extension is reasonably necessary to allow completion of the project.
 - (4) Structures must meet minimum setback requirements for the zoning district.
 - (5) Structures must be removed on completion of the construction and sales function.
- C. Paving Material Compounding
 - (1) Includes asphalt and concrete processing
 - (2) The use must be associated with a major public road or facility construction project.
 - (3) A use certificate is required and must be renewed after one year.
 - (4) 1,000-foot setback from any structure intended for human occupancy unless the owner of the structure consents to a lesser setback, no less than 200 feet.
- D. Portable storage units

A portable storage unit may be located in any yard for a maximum of 90 days in a calendar year.
- E. Temporary carnivals and similar events.

- F. Temporary anemometers and wind vane for purposes of gathering data for wind energy development.
 - (1) Minimum lot size 5 acres.
 - (2) Structure may not exceed 120 feet at top of blade.
 - (3) Must meet setback of height of structure plus 10 feet from all property lines.
 - (4) Upon expiration of use certificate the temporary structure and foundation must be removed unless a building permit is issued for a permanent facility.
- G. Other temporary uses not listed, provided that:
 - (1) The use certificate shall be issued for a period not exceeding 90 days,
 - (2) The Planning Director determines that:
 - (a) The use requires no permanent changes to existing topography, vegetation, structures or other site features.
 - (b) The use will not adversely affect neighboring properties.
- H. The Planning Director may solicit the recommendation of the Planning Commission before making a determination on a temporary use.
- I. The land shall be entirely cleared of the use within five days after the temporary authority expires
- J. The Planning Director may:
 - (1) Approve specified extensions of time; and,
 - (2) Impose conditions on temporary uses in addition to those listed above to avoid adverse impacts.

§ 190-101. Utility Facilities, Nonessential

In the RC zone, must meet the definition of a local government agency action in accordance with COMAR 27.02.

§ 190-102. Vehicle and Boat Parking and Storage (commercial)

- A. Limited to indoor storage in structures existing as of August 13, 1989, in the RC district and June 22, 1991, for the AC, CP, WRC, VC, and LC districts.
- B. Outside boat parking and storage may be allowed by special exception in the LC district (See “Boat and Marine Equipment Sales and Assembly”)

§ 190-103. Warehouse, self-storage

In a VC district the following regulations apply

- A. Minimum property size: one acre.
- B. Minimum setback from property lines: 50 feet.

- C. Security fencing and landscaping is required.
- D. Maximum building height: 20 feet.

§ 190-104. Water-Oriented Public Recreation, Education, Research Areas

- A. In the TR district
 - (1) Minimum lot size: two acres.
 - (2) Limited to public schools and organizations holding federal tax exempt status under 501(c)(3) of the Internal Revenue Code.
 - (3) Excludes use or rental of motorized watercraft (except boats used in connection with and during crewing or sculling).
- B. In the Chesapeake Bay Critical Area the following regulations apply for public beaches or other public water-oriented recreation or education areas, including, but not limited to, public boat dock facilities and publicly owned boat launching facilities and fishing piers. The Board of Appeals shall review these requirements as part of the special exception.
 - (1) The use must conform to the general findings and requirements for special exceptions in Article IX and the general requirements for the use in Article VI, Critical Area.
 - (2) Sanitary facilities shall be provided meeting the requirements of Maryland state law.
 - (3) Permeable surfaces shall be used wherever standard engineering practices allow, if no degradation of groundwater would result.
 - (4) Not more than 15% of existing natural vegetation shall be permanently disturbed.
 - (5) Service facilities shall be located outside the shoreline development buffer wherever physically possible.
 - (6) Service facilities for passive recreation, such as nature study, and hunting and trapping, and for education, shall be located outside of the shoreline development buffer.

§ 190-105. Wireless Communication Towers

- A. Exemptions

Private amateur (ham) radio towers less than 75 feet are exempt from the requirements of this section.
- B. General requirements

The following requirements are applicable to all wireless communications towers regardless of height:

 - (1) The ground base of any wireless communications tower structure shall be set back from any property line, road, or public recreation area a distance that is the height of the tower plus 10 feet. Any icefall or debris from tower structural failure shall be contained in the immediate tower area. Any accessory structures shall comply with

the minimum building setback requirements of the applicable zoning district. These setback requirements may be reduced through a variance application as provided for in Article IX.

- (2) Wireless communications tower height shall be no higher than necessary to ensure the effective service for the relevant service area, but in no case shall exceed 200 feet.
- (3) The applicant for a wireless communications tower is required to have a letter of intent from at least two Federal Communications Commission (FCC) licensed operators to locate on the wireless communications tower at the time the application is filed with the Planning Office. The application shall not be accepted without proof of the letter of intent. The applicant is required to have at least two FCC licensed operators under contractual agreement to locate on the wireless communications tower prior to issuance of a building permit.
- (4) The wireless communications tower shall be designed to minimize adverse visual and environmental impact (e.g., paint, camouflage, screening, stealth technology, color, use of existing structures and natural landscape, etc.). All equipment shelters shall be maintained in neutral shades consistent with the natural landscape.
- (5) The wireless communications tower and associated appurtenances shall not be lit unless required by federal or state regulations. If lighting is required, the least intensive lighting shall be used.
- (6) The wireless communications tower shall be either a self-supporting monopole or self-supporting lattice structure.
- (7) The applicant shall submit a landscaping plan which identifies existing vegetation and specifications, including species, size, and location, of all proposed plant materials to be utilized for buffering and screening of the wireless communications tower structure and equipment structures. A secure fence or enclosure, a minimum of eight feet in height, shall enclose the entire base of the wireless communications facility. All required plantings shall be kept in a live, healthy condition. Any plants not in a live, healthy condition shall be replaced by the applicant to the satisfaction of the Planning Director.
- (8) The owner of the new wireless communications tower shall post and maintain a bond (cashier's check or other surety acceptable to the County) of a sufficient amount determined by the Planning Director to cover the cost of removal of the tower, base, foundation to six feet below ground level, and accessory structures, if the tower's use is discontinued for 12 or more continuous months. Proof of the bond shall be submitted to the Planning Director annually. An abandoned wireless communications tower shall be removed within 90 days of abandonment. If the owner of the tower does not remove the tower, the cost of the removal of the tower shall lie with the property owner. Talbot County shall retain the right to place a lien against the property until the tower is removed.
- (9) A sign shall identify the property owner, tower owner, contact phone number, and emergency information, and shall comply with the sign requirements of this Chapter.

Information on the sign shall be current, and the tower owner shall notify the Planning Director of any information change.

- (10) The applicant shall provide proof that the location of the new wireless communications tower shall not interfere with the County's Emergency Management Communication System. The applicant shall contact the Director of Emergency Management within four weeks of the application submittal date for any new tower and obtain written comments from the Director to be included in the application file.
- (11) Panel antennas shall not exceed seven feet in height or two feet in width. Whip antennas shall not exceed 12 feet in height or six inches in diameter. Satellite or dish antennas shall not exceed six feet in diameter. Applicants requesting an exception to the maximum sizes stated above shall be required to apply for a variance from the Board of Appeals.
- (12) Existing wireless communications towers may be demolished and an in-kind replacement constructed within the approved compound of the original tower. The original tower must be removed within 60 days after the completion of the replacement tower. The in-kind replacement may not exceed the height of the original tower or its appurtenances, and all new antenna arrays and dishes must comply with the maximum size criteria. Replacement wireless communications towers shall be submitted for a site plan review in accordance with Article IX and receive a recommendation from the Planning Commission.
- (13) Calculation of height limits for new wireless communications towers shall include the tower and all antennas, lightning rods and miscellaneous appurtenances.
- (14) The applicant for a new wireless communications tower shall prove that existing wireless communications towers and other existing structures over 50 feet in height within a one-mile radius of the proposed location and structures 100 feet or higher from a one-mile to two-mile radius of the proposed location are not viable collocation opportunities.
- (15) Extension of wireless communications towers above the initial approved height shall require a special exception amendment if the original tower was 100 feet or higher.
- (16) Extension of wireless communications towers to 100 feet or higher after initial construction of a tower less than 100 feet shall require a special exception.
- (17) Extension of wireless communications towers to 75 feet, but still less than 100 feet after initial construction of a tower less than 75 feet, shall require a site plan review in accordance with Article IX and receive a recommendation from the Planning Commission.
- (18) The tower operator shall submit a report annually in January describing the services provided from the tower. The County may assess fines or revoke the tower permit if the report is not provided.

C. General application requirements.

All applications shall provide the following information:

- (1) The name, address and telephone number of the corporate headquarters and local office, and current contact information for each office.
- (2) Proof of ownership of the proposed wireless communications tower site or proof of contract or license with owner of the site and the right to construct and operate the proposed tower.
- (3) A copy of FCC license number, date of issuance, and type of license (cellular, PCS, etc.).
- (4) A master report plan of applicant's current proposed communication network for Talbot County, including an illustrative wireless communications map detailing existing and proposed wireless coverage, antenna sites and collocation sites.
- (5) The current zoning of proposed wireless communications tower site.
- (6) The maximum proposed wireless communications tower height.
- (7) The maximum proposed height of antenna in feet above ground level (AGL).
- (8) The wireless communications tower design (self-supporting lattice or monopole).
- (9) The number of potential collocation sites on the proposed wireless communications tower.
- (10) The name, address, and telephone number of the responsible entity for removal of the wireless communications tower if the tower's use is discontinued for 12 or more continuous months.
- (11) All available alternate locations analyzed for the application and a detailed narrative as to why those sites cannot be utilized.
- (12) A professional landscaping plan.
- (13) Proof that the site will not interfere with the County's Emergency Management Communication System. The applicant shall contact the Director of Emergency Management for any new wireless communications tower proposal, and obtain written comments from the Director.
- (14) A written statement that collocation sites on the tower shall be made available for lease at fair market rates.
- (15) Information on the type(s) of service (data or voice) to be provided by operators locating on the tower.
- (16) The time period before voice or data service will commence once the tower is constructed.

D. General collocation requirements.

The following collocation requirements are applicable to all wireless communications towers and collocation applicants.

- (1) Collocation is permitted in all zoning districts if the individual antennas meet the size criteria stated in the general requirements section, the antennas are mounted on an

existing structure, and the at-grade mechanical equipment meets all applicable zoning requirements.

- (2) The applicant may obtain a building permit if the proposed collocation on an existing wireless communications tower meets all applicable zoning requirements.
- (3) Collocation applications for structures other than existing wireless communications towers located in all zoning districts shall require a site plan review in accordance with Article IX including a recommendation from the Planning Commission.
- (4) As a condition of permitting and continued operation, collocation space on wireless communications towers constructed after January 26, 2002 shall be made available for lease at fair market rates.
- (5) All building permits shall contain a provision granting Talbot County the right of first refusal to lease or purchase tower space for installation of public telecommunications and data transmission equipment or antennas at negotiated fair market rates.

E. Specific tower requirements (towers less than 75 feet high).

The following requirements are applicable to all wireless communications towers less than 75 feet high:

- (1) All general requirements in part B. of this section.
- (2) All general application requirements in part C. of this section.
- (3) All applicable general collocation requirements in part D. of this section.
- (4) The new construction shall be designed to support a minimum of one FCC-licensed operator.
- (5) The applicant shall provide a project location map and narrative description of the proposed wireless communications tower site.
- (6) New construction of towers less than 75 feet is permitted in all zoning districts except Rural Residential (RR), Town Conservation (TC) and Town Residential (TR) if the individual antennas meet the size criteria stated in the general requirements section and all at-grade mechanical equipment meets all applicable zoning requirements.
- (7) Applications meeting the above criteria require a minor site plan in accordance with Article IX and a building permit.

F. Specific tower requirements (towers from 75 feet to less than 100 feet high)

The following requirements are applicable to all wireless communications towers from 75 feet to less than 100 feet high.

- (1) All general requirements in part B. of this section.
- (2) All general application requirements in part C. of this section.
- (3) All applicable general collocation requirements in part D. of this section.

- (4) The new tower construction shall be designed to support a minimum of two FCC-licensed operators.
- (5) Construction is allowed in all zoning districts except Rural Residential (RR), Town Conservation (TC) and Town Residential (TR) if the individual antennas meet the size criteria stated in the general requirements section and all at-grade mechanical equipment meets all applicable zoning requirements.
- (6) Applications meeting the above criteria require major site plan review in accordance with Article IX and a building permit.
- (7) Prior to submittal of the application, the applicant shall:
 - (a) Notify all adjoining property owners by mail of the wireless communications tower proposal, including neighbors, across water bodies that are within 1,000 feet of the property containing the tower site.
 - (b) Erect a sign on the proposed site notifying the public of the applicant's intent to construct a wireless communications tower.
 - (c) Provide public notice in the local newspaper of the applicant's request for the new proposed wireless communications tower, identifying location, type, height, etc. at the applicant's expense. The newspaper notice shall include a map showing the proposed tower location, and be approved by the Planning Director.
- (8) The applicant shall provide evidence substantiating that construction of a new wireless communications tower shall not be detrimental to the use, peaceful enjoyment, or economic value of neighboring properties.
- (9) No later than four weeks after application submittal for a new wireless communications tower, the applicant shall contact in writing the Talbot County Historic Preservation Commission, State Historic Preservation Office, Federal Aviation Administration, Maryland Aviation Administration, Easton Airport, and the Medivac Unit of the State Police, and any other agency required to be notified by federal or state law. Any comments received from these agencies shall be forwarded by the applicant to the Planning Director and included in the application file.
- (10) A project location map and narrative description of the proposed wireless communications tower site documenting the area of potential effect, including, but not limited to, residential properties, public rights-of-way, historical sites, parks, conservation areas, and other significant existing structures, shall be provided.
- (11) At the time of application, the applicant shall submit copies of the antenna propagation analysis or drive test studies used for analysis, type of coverage (i.e., single or system), including a coverage and interference analysis.
- (12) The applicant shall provide a coverage/interference analysis and capacity analysis to demonstrate that the location of the antenna as proposed is necessary to meet the frequency reuse and spacing needs of the wireless communications facility, and to provide adequate coverage and capacity to areas that cannot be adequately served by locating the antenna at an alternative site.

- (a) At the applicant's expense, the application for a new wireless communications tower shall include a report prepared by an independent engineer stating:
 - (b) It is technically impossible to provide a reasonable level of service by collocating wireless communications antennas on existing structures and that existing wireless communications towers are not adequate to meet the coverage needs for any proposed wireless communications tower, and providing sufficient factual detail to support those conclusions.
 - (c) The proposed wireless communications tower and attached antenna does not exceed the minimum height necessary to accomplish the purpose for which it is constructed, and in no case shall exceed 200 feet.
 - (d) Frequency of transmission of all proposed antenna on the wireless communications tower.
 - (e) Power and size of proposed antenna in effective radiated power (ERP)
 - (f) Azimuth of antenna.
 - (g) Down-tilt of antenna.
 - (h) Calculations utilized to justify design requirements (i.e., engineering trade-off analysis between height, ERP, antenna performance and coverage area).
 - (i) The wireless communications tower has sufficient structural integrity for its current and future use, including multiple collocation antennas, and that the tower facility complies with all American National Standard Institute (ANSI) standards. Factors to be stated are the maximum wind load and snow/ice load calculations.
 - (j) Documentation that the proposed wireless communications tower, antenna, and equipment comply with all applicable FCC regulations to protect the public from unnecessary exposure to electromagnetic radiation.
- (13) The Planning Commission may require a review of the applicant's engineer's report by an independent consultant of its choosing, cost of the review to be borne by the applicant.

G. Specific tower requirements (towers 100 feet high or higher).

The following requirements are applicable to all wireless communications towers 100 feet high or higher:

- (1) All general requirements in part B. of this section.
- (2) All general application requirements in part C. of this section.
- (3) All applicable general collocation requirements in part D. of this section.
- (4) All wireless communications tower applications 100 feet or higher shall require a special exception. When considering approval or denial of a special exception application, the Board of Appeals shall place greater emphasis on the impact of a proposed tower site on the surrounding community when it is located within a three-

mile radius of an existing wireless communications tower that is greater than 75 feet in height.

- (5) Applications meeting the above criteria require major site plan review in accordance with Article IX and a building permit.
- (6) The new construction of a tower from 100 feet to less than 150 feet shall be designed to support a minimum of three FCC-licensed operators.
- (7) The new construction of a tower from 150 feet to less than 180 feet shall be designed to support a minimum of five FCC-licensed operators.
- (8) The new construction of a tower from 180 feet to 200 feet shall be designed to support a minimum of six FCC-licensed operators.
- (9) Allowed by special exception in all zoning districts except Rural Residential (RR), Town Conservation (TC), Town Residential (TR) and Village Center (VC) if the individual antennas meet the size criteria stated in the general requirements section and at-grade mechanical equipment meets applicable zoning requirements.
- (10) The applicant shall provide evidence substantiating that construction of a new wireless communications tower shall not be detrimental to the use, peaceful enjoyment, or economic value of neighboring properties.
- (11) Prior to submittal of the application, the applicant shall:
 - (a) Notify all adjoining property owners by mail of the wireless communications tower proposal, including neighbors, across water bodies that are within 1,000 feet of the property containing the tower site.
 - (b) Erect a sign on the proposed site notifying the public of the applicant's intent to construct a wireless communications tower. Said sign design and size shall be approved by the Planning Director.
 - (c) Provide public notice in the local newspaper of the applicant's request for the new proposed wireless communications tower, identifying location, type, height, etc. at the applicant's expense. The newspaper notice shall include a map showing the proposed tower location, and be approved by the Planning Director.
 - (d) Contact in writing the Talbot County Historic Preservation Commission, State Historic Preservation Office, Federal Aviation Administration, Maryland Aviation Administration, Easton Airport, and the Medivac Unit of the State Police, and any other agency required to be notified by federal or state law. Any comments received from these agencies shall be forwarded by the applicant to the Talbot County Office of Planning and Zoning and included in the application file.
- (12) The applicant shall conduct a community meeting open to the public to discuss the proposed application for any wireless communications tower. The applicant shall conduct the community meeting at least one week prior to the Planning Commission meeting at which the tower application is scheduled to be reviewed. The meeting

shall be held at the applicant's expense and staffing. County staff is not required to attend the community meeting.

- (13) Prior to the Planning Commission meeting, the applicant shall perform a highly visible balloon test lasting a minimum of 30 minutes. The date, location, and beginning and ending time of the test shall be published in a local newspaper at least one week prior to the test. The Planning Director shall approve the newspaper notice. The results of the balloon test shall be incorporated into a computerized simulation submitted to the Planning Office 10 days prior to the Planning Commission meeting. The computerized simulation shall illustrate the wireless communications tower at the proposed height, antenna arrangements, maximum number of collocation antennas, and the color scheme of the entire structure, including accessory structures.
- (14) A project location map and narrative description of the proposed wireless communications tower site documenting the area of potential effect, including, but not limited to, residential properties, public rights-of-way, historical sites, parks, conservation areas and other significant existing structures, shall be provided.
- (15) At the time of application, the applicant shall submit copies of the antenna propagation analysis or drive test studies used for analysis, type of coverage (i.e., single or system), including a coverage and interference analysis.
- (16) The applicant shall provide a coverage/interference analysis and capacity analysis to demonstrate that the location of the antenna as proposed is necessary to meet the frequency reuse and spacing needs of the wireless communications facility and to provide adequate coverage and capacity to areas which cannot be adequately served by locating the antenna at an alternative site.
- (17) At the applicant's expense, the application for a new wireless communications tower shall be accompanied by a report prepared by an independent engineer stating:
 - (a) It is technically impossible to provide a reasonable level of service by collocating wireless communications antennas on existing structures and that existing wireless communications towers are not adequate to meet the coverage needs for any proposed wireless communications tower, and provide sufficient factual detail to support those conclusions.
 - (b) The proposed wireless communications tower and attached antenna does not exceed the minimum height necessary to accomplish the purpose for which it is constructed, and in no case shall exceed 200 feet.
 - (c) Frequency of transmission of all proposed antenna on the wireless communications tower.
 - (d) Power and size of proposed antenna in effective radiated power (ERP).
 - (e) Azimuth of antenna.
 - (f) Down-tilt of antenna.
 - (g) Calculations utilized to justify design requirements (i.e., engineering trade-off analysis between height, ERP, antenna performance and coverage area).

- (h) The wireless communications tower has sufficient structural integrity for its current and future use, including multiple collocation antennas and that the tower facility complies with all American National Standard Institute (ANSI) standards. Factors to be stated are the maximum wind load and snow/ice load calculations.
 - (i) Documentation that the proposed wireless communications tower, antenna, and equipment comply with all applicable FCC regulations to protect the public from unnecessary exposure to electromagnetic radiation.
- (18) The Board of Appeals may require a review of the applicant's engineer's report by an independent consultant of its choosing, cost of the review to be borne by the applicant.

Article IV Floating and Overlay Zoning Districts

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

A. Purpose

The MHD District is established to provide opportunity for manufactured home rental communities and manufactured home subdivisions at appropriate locations.

B. Procedure for approval

The procedure for establishing a MHD District is the same as the zoning map amendment procedure in Article IX of this chapter.

C. Districts permitted

Manufactured Home Development Floating Districts may be approved only in areas zoned Agricultural Conservation (AC), Countryside Preservation (CP), Town Conservation (TC) and Town Residential (TR).

D. Concept plan

- (1) 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 for manufactured home developments.
- (2) The final site plan or final subdivision plat may be approved once the rezoning is approved. Final plans and plats shall be based on the concept plan or plat submitted with the rezoning application.
- (3) If a final site plan or final subdivision plat is not approved within two years of the effective date of the Manufactured Home Development rezoning, the County Council may reclassify the property back to its original zoning designation.

E. Additions to existing developments

All enlargements of, or extensions to, any existing manufactured home development shall meet all the requirements of this chapter except for the 10-acre minimum required area.

F. Types of development

A manufactured home development may include a manufactured home rental community or a manufactured home subdivision or a combination rental community and subdivision.

G. Required findings

The County Council shall make the following findings prior to approving a Manufactured Home Development Floating District:

- (1) The manufactured home development is designed to produce an environment of stable and desirable residential character.

- (2) Public facilities and services will be adequate to accommodate the development. These public facilities and services include roads, water, sewer, schools, police and fire protection, and any other facilities and services deemed appropriate.
- (3) Property in the vicinity of the manufactured home development will not be adversely affected.

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

- (1) Minimum total area: 10 acres.
- (2) Maximum gross density: six dwelling units per acre.
- (3) Minimum site area for each manufactured home: 5,000 square feet. Each individual home site shall be defined by landscape plantings and/or low-level decorative fencing.
- (4) Setbacks
 - (a) Minimum setback of any structure from adjacent County or state roads: 50 feet.
 - (b) Minimum setbacks from adjoining property lines:
 - (i) 50 feet whenever the community abuts an AC, CP, WRC, RC or TC District
 - (ii) 25 feet when the community abuts any other district.
- (5) Minimum distance between manufactured homes or enclosed extensions: 20 feet.

 This distance may be reduced through a waiver petition in accordance with §190-186 based on findings that the design of the rental community and location of the homes closer together will still provide adequate light, ventilation and privacy.
- (6) All interior access drives shall be privately owned and maintained by the owner/operator of the rental community. Access drives shall be at least 20 feet wide, paved, and approved by the Talbot County Department of Public Works.
- (7) Minimum structure setback from internal access drives: 25 feet.
- (8) No manufactured home may have direct access onto a County or state road.
- (9) Adequate sanitary facilities shall be required for the development. The water supply system shall also be designed to be adequate for fire protection needs.
- (10) All utilities, including but not limited to electric, cable television and telephone lines shall be placed underground.
- (11) A manufactured home rental community shall be enclosed on all sides with a permanently maintained natural or artificial barrier/buffer, such as a sight-obscuring wall or fence, or a continuous opaque buffer of trees or shrubs, at least six feet in height. A waiver to reduce the perimeter buffer requirement may be granted in accordance with §190-186. The Planning Commission may also increase all or part of the perimeter buffer requirement, if it is in the best interest of the surrounding

neighborhood. Structures used to meet this standard may be located within the required perimeter structure setback.

- (12) Open space
 - (a) Not less than 10 percent of the total area of a manufactured home rental community, exclusive of perimeter setback areas, shall be devoted to accessible and usable open space and recreation areas.
 - (b) At least 50 percent of the open space and recreational land shall be designed for active recreation.

Upon a recommendation of the Planning Commission and approval by the Planning Director, passive recreational activities may be substituted for active recreational activities if justified by the projected composition of the residents of the proposed development.

- (13) All access roads, parking areas and walkways shall be illuminated at night. Illumination shall not cast any glare beyond the perimeter of the development.
- (14) Refuse collection areas shall be screened from public view.
- (15) Pedestrian walkways may be required to connect manufactured home sites with parking areas, park facilities and recreation and open space areas.
- (16) Pervious areas within the manufactured home rental community shall be kept in grass lawn or covered by natural or planted landscaping treatment. The planting of trees to provide shade and screen objectionable views is encouraged.
- (17) Retail manufactured home sales lots are prohibited within a manufactured home rental community.
- (18) Recreational vehicles shall not be occupied as living quarters within the community.
- (19) Every manufactured home within the community shall be certified as meeting the current National Manufactured Housing Construction and Safety Standards.
- (20) Minimum manufactured home gross floor area: 600 square feet.
- (21) Manufactured homes may not be used exclusively for storage purposes.
- (22) Every manufactured home in the rental community shall have a canopied or covered entranceway/porch at least 64 square feet in size. A waiver of this standard may be granted in accordance with §190-186.
- (23) One utility building is permitted for each manufactured home. Such building shall be located on the individual manufactured home site, and shall not exceed exterior dimensions of 12 feet by 12 feet and shall not exceed 10 feet in height.
- (24) Every manufactured home, together with all enclosed extensions or structural additions shall be installed upon an approved anchor tie-down system and shall be securely anchored thereto so as to prevent the home from shifting or overturning. The undercarriage of every manufactured home shall be suitably hidden by some form of opaque skirting.

I. Design standards for manufactured home subdivisions

- (1) Minimum total area: 10 acres.

For a combination manufactured home subdivision and rental community, the minimum total combined area shall be 10 acres.

- (2) Maximum gross density: six dwelling units per acre. Density calculation shall be based on the total acreage of the subdivision.
- (3) Minimum lot size: 5,000 square feet. Maximum lot size: 10,000 square feet. Each subdivision lot shall be defined by perimeter landscape plantings and/or low-level decorative fencing.
- (4) Minimum setback of any structures from adjacent preexisting County or state roads and adjoining property lines: 25 feet.
- (5) All lots shall be provided access onto internal access drives which may be either County or private roads. Access of lots directly onto preexisting County or state roads is prohibited.
- (6) Setbacks. Front: 25 feet. Side: 10 feet. Rear: 10 feet.
- (7) Adequate sanitary facilities shall be required for the development. The water supply system shall also be designed to be adequate for fire protection needs.
- (8) All utilities, including but not limited to electric, cable television and telephone lines, shall be placed underground.
- (9) A manufactured home subdivision shall be enclosed on all sides with a permanently maintained natural or artificial barrier/buffer, such as a sight-obscuring wall or fence, or a continuous opaque buffer of trees or shrubs, at least six feet in height. A waiver to reduce the perimeter buffer requirement may be granted in accordance with §190-186. The Planning Commission may also increase all or part of the perimeter buffer requirement, if it is in the best interest of the surrounding neighborhood. Such buffer may be located within the required twenty-five-foot perimeter setback for all structures.
- (10) Open Space
- (a) Not less than 10% of the total area of a manufactured home rental community, exclusive of perimeter setback areas, shall be devoted to accessible and usable open space and recreation areas.
- (b) At least 50% of the open space and recreational land shall be designed for active recreational activities.
- (11) All access roads, parking areas and walkways shall be illuminated at night. Illumination shall not cast any glare beyond the perimeter of the subdivision.
- (12) Refuse collection areas shall be screened from public view.
- (13) Pedestrian walkways may be required.

- (14) Pervious areas within the subdivision should be kept in grass lawn or covered by natural or planted landscaping treatment. The planting of trees to provide shade and screen objectionable views is encouraged.
- (15) An approved stormwater management and sediment and erosion control plan is required.
- (16) Every manufactured home within the subdivision shall be certified as meeting the current National Manufactured Housing Construction and Safety Standards.
- (17) Minimum manufactured home gross floor area: 600 square feet.
- (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 finds that the standardized design of the unit already incorporates a covered porch or entryway.

- (19) One utility building is permitted for each manufactured home. Such building shall be located on the individual manufactured home site, and shall not exceed exterior dimensions of 12 feet by 12 feet and shall not exceed 10 feet in height.
- (20) Every manufactured home, together with all enclosed extensions or structural additions shall be installed upon an approved anchor tie-down system and shall be securely anchored thereto so as to prevent the home from shifting or overturning. The undercarriage of every manufactured home shall be suitably hidden by some form of opaque skirting.

§ 190-107. Affordable Housing Floating District - AH

A. Purpose and intent.

- (1) The Affordable Housing Floating District is intended to increase the supply of affordable housing in Talbot County in appropriate locations near incorporated towns where facilities and services are most easily accessible.
- (2) This district allows flexibility in housing types (excluding manufactured and mobile homes), design and density. In exchange for this flexibility, the developer of the AH District must ensure that at least one half of the units in the development are offered at a cost affordable to families earning no more than the Talbot County median income.
- (3) The AH District is also intended to promote economical and efficient land use, an improved level of amenities, harmonious physical development, and creative design consistent with the best interest of the County and the area in which it is located.

B. Procedure for approval

The procedure for establishing an Affordable Housing Floating District is the same as the procedure set forth in Article IX for amendments to the official zoning maps.

C. Districts permitted

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

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 for an affordable housing floating district.

E. Required findings

The County Council shall make the following findings prior to approving an Affordable Housing Floating District:

- (1) The affordable housing development is designed to produce an environment of stable and desirable residential character;
- (2) Public facilities and services will be adequate to accommodate the development. These public facilities and services include roads, water, sewer, schools, police and fire protection, and any other facilities and services deemed appropriate.
- (3) Property in the vicinity of the affordable housing development will not be adversely affected; and
- (4) At least 50 percent of the total dwelling units in the development will be initially sold to an owner-occupant or rented to a tenant at an amount affordable to families earning no greater than the County median income as determined by the Talbot County Council.

F. Permitted uses

- (1) Detached single-family dwellings;
- (2) Semidetached and attached single-family dwellings such as duplexes, triplexes, quadraplexes, townhouses, atrium houses, patio houses, zero lot line houses, and the like;
- (3) Parks, playgrounds, community centers and other noncommercial recreation and cultural facilities such as tennis courts, swimming pools, game rooms, libraries, and the like;
- (4) Public uses and buildings;
- (5) Family day-care facilities; and
- (6) Accessory uses customarily associated with higher density residential development, as approved by the Planning Commission.

G. Site plan and design standards

- (1) Minimum total area: 10 acres.
- (2) Maximum gross density: up to eight dwelling units per acre, as approved by the Planning Commission.
- (3) Open space. Not less than 20 percent of the area of an Affordable Housing Floating District development, exclusive of perimeter setback areas, shall be in community open space. At least 50 percent of the open space area shall be designed for active recreation.
- (4) Setbacks
 - (a) Minimum setback of any structures within the Affordable Housing Floating District development from adjacent County or state roads and adjoining property lines: 50 feet.
 - (b) All other interior setbacks shall be determined by the Planning Commission during subdivision and/or site plan review.
- (5) All dwelling units shall have access via private internal access roads and shall not directly access adjacent County or state roads.
- (6) Off-street parking requirements shall be determined by the Planning Commission during site plan review. At a minimum, two spaces shall be required for each dwelling unit.
- (7) Adequate sanitary facilities shall be required for the development. The water supply system shall also be designed to be adequate for fire protection needs.
- (8) All utilities, including but not limited to electric, cable television and telephone lines shall be placed underground.
- (9) The AH District development shall be enclosed on all sides with a permanently maintained natural or artificial buffer, such as a sight-obscuring wall or fence, or a continuous buffer of trees or shrubs, at least six feet in height. A waiver to reduce or modify the perimeter buffer requirement may be granted in accordance with §190-186. The Planning Commission may increase all or part of the perimeter buffer requirement, if it is in the best interest of the surrounding neighborhood.
- (10) All access roads, parking areas and walkways shall be illuminated at night. Illumination shall not cast any glare beyond the perimeter of the development.
- (11) Refuse collection areas shall be screened from public view.
- (12) Pedestrian walkways may be required to connect dwellings with parking areas, community facilities and recreation and open space areas.
- (13) Pervious areas within the development shall be kept in grass, lawn or covered by natural or planted landscape treatment. The planting of trees to provide shade and screen objectionable views is encouraged.
- (14) Additional information. In addition to the concept site plan or subdivision plat the following information may be required:

- (a) Building elevations, sections, floor plans and site sections to clearly define the character of the development.
- (b) Landscaping and screening plans showing open spaces, plantings, existing and proposed tree cover, and recreational facilities and areas.
- (c) Existing streets and proposed internal circulation plans for vehicles and pedestrians.
- (d) Information regarding surrounding land uses.
- (e) Information regarding the development team, development schedule and property management plan.
- (f) Information and guarantees regarding the development's pricing structure to meet the affordability requirement.
- (g) Specifications and performance bonds for all required site improvements.

§ 190-108. Historic District Overlay District

A. Purpose

The purpose of the Historic District Overlay District is to provide for the preservation of structures in the County which have historic value together with their appurtenances and environmental settings in order to:

- (1) Safeguard the heritage of the County by preserving the areas therein which reflect elements of its cultural, social, economic, political, or architectural or archaeological history;
- (2) Foster rural and civic beauty;
- (3) Promote the preservation, and where permitted and appropriate, the use of historic districts for the education, welfare, and pleasure of the residents of the County; and
- (4) Strengthen the local economy.

B. Designation of historic districts

- (1) The County Council may establish, change, and define Historic Districts which are of local, state or national historic or architectural significance following the procedures set forth in Article IX for amendments to the official zoning maps.
- (2) Historic Districts may include structures, archaeological sites, lots, tracts of land, as well as portions thereof. The term "structure" shall be defined as in the criteria set forth by the Secretary of the Interior for listing of properties on the National Register of Historic Places.
- (3) The County Council may only establish a Historic District after receiving the consent of the property owner and a recommendation from the Historic Preservation Commission.

C. Application for permission to build, alter, or demolish

- (1) Before the construction, alteration, reconstruction, moving or demolition of any structure within a designated Historic District and before any changes take place which would affect either the exterior appearance of a structure or the character of its related environment within the designated Historic District, the person proposing to make the changes shall file with the Historic Preservation Commission an application for permission to build, alter, reconstruct, move or demolish.
- (2) Every such application shall be referred to and accepted or rejected by the Historic Preservation Commission. No permit for any change may be granted until the Commission has acted on the application as provided in this section.

D. Factors for consideration in reviewing plans

- (1) In reviewing the plans for construction or change, the Historic Preservation Commission shall give consideration to:
 - (a) The effect of the proposed changes on the general character of the designated Historic District, weighing their impacts on the integrity of both structures and the related environment;
 - (b) The historic and aesthetic appropriateness of new design proposals for historically significant structures; and
 - (c) Documentation about the structure and the historic district that is on file at the Talbot County Office of Planning and Zoning.
- (2) In judging the compatibility of proposed changes, the Historic Preservation Commission:
 - (a) Shall rely on the objective standards set forth in the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.
 - (b) May, in addition, consider any pertinent factors relevant to the case but not specifically addressed in the Secretary's guidelines and standards.

E. Only exterior features to be considered

The Historic Preservation Commission shall consider only exterior features of a structure and shall not consider any interior arrangements.

F. Strictness and leniency in judgment of plans

The Historic Preservation Commission:

- (1) Shall be strict in its judgment of plans for those structures deemed to be valuable according to studies performed for districts of historic or architectural value.
- (2) Shall be lenient in its judgment of plans for structures of little value or for plans involving new construction, unless such plans would seriously impair the historic or architectural value of the structures or environment of the designated Historic District.

- (3) Is not required to limit new construction, alteration, or repairs to the architectural style of any one period.

G. Structures of unusual importance

- (1) If an application is submitted for construction, alteration, reconstruction, moving or demolition of a structure and the Historic Preservation Commission considers preservation of the site or structure to be of unusual importance, the Commission shall attempt, with the owner of the structure, to formulate an economically feasible plan to preserve the site or structure.
- (2) Unless the Historic Preservation Commission is satisfied that the proposed work or changes will not materially impair the historic or architectural value of the structure, the Commission shall reject the application, filing a copy of its rejection with the Planning Director. The application shall not be renewed in less than one year.
- (3) Should the Historic Preservation Commission conclude that no economically feasible plan can be formulated, it shall have 90 days from the time it so concludes to negotiate further with the owner, and other parties, in an effort to find a means of preserving the building or structure.
- (4) If a site or structure is considered to have historic value, the Historic Preservation Commission may approve an application despite the fact that the change comes within the provisions of subsections (1) through (3) above if:
 - (a) The structure is a deterrent to a major improvement program which will be of substantial benefit to the County, or
 - (b) Retention of the structure would cause undue financial hardship to the owner, or
 - (c) Retention of the structure would not be in the best interest of a majority of persons in the community.

H. Open Historic Preservation Commission meetings and records; right to appear

- (1) All meetings of the Historic Preservation Commission shall be open to the public.
- (2) Any interested person or his representative is entitled to appear and be heard by the Historic Preservation Commission before it reaches a decision on any matter.
- (3) The Historic Preservation Commission shall keep an open record of its resolutions, proceedings, and actions which shall be kept available for public inspection.
- (4) The Historic Preservation Commission shall not reject an application without first providing notice to the applicant of its intention to do so and providing the applicant the opportunity to appear before the Commission and be heard.

I. Historic Preservation Commission certificate of approval; failure of Commission to act

- (1) The Historic Preservation Commission shall file with the Planning Director written notification of its approval, modification, or rejection of all applications and plans submitted to it for review.

- (2) Work shall not be commenced on any such project until a certificate of approval has been filed, and no building permit for such change or construction shall be issued unless and until such certificate of approval has been received.
- (3) The failure of the Historic Preservation Commission to act upon a pending application within 45 days from the date the application was filed shall be deemed to constitute automatic approval of the proposed change unless an extension of this forty-five-day period is agreed upon mutually by the applicant and the Commission.

J. Ordinary maintenance; completion of work under prior permit

- (1) Nothing in this section shall be taken or construed to prevent work and repairs on any structure coming under the heading of ordinary maintenance.
- (2) For the purposes of this section, ordinary maintenance is defined as that which does not alter the architecture or environment of the designated historic district.
- (3) Nothing in this section affects the right to complete any work covered by a permit issued prior to the date upon which the Historic District was established.

K. Special provisions for removing Historic District designation

- (1) A property owner of a site within an Historic District Overlay may request to have the Historic District Overlay modified or removed from the site if this section is amended so as to substantially alter the effect of the Historic District zoning on an existing Historic District.
- (2) If such an amendment is made to this section, the Historic Preservation Commission shall notify all existing Historic District property owners within 30 days of the effective date of the amendment. The property owner shall have 30 days from notification to request in writing to the County Council to have the Historic District Overlay modified or removed.
- (3) If a request is made, the following procedures shall occur:
 - (a) The Historic Preservation Commission shall hold a public hearing to receive comments from all interested parties, and forward its recommendation to the County Council.
 - (b) The County Council may then introduce an amendment to the Official Zoning Maps in accordance with Article IX to remove the property in question from the Historic District Overlay.

§ 190-109. Historic Rehabilitation Overlay District - HRO

A. Purpose

The rehabilitation incentives provided by Historic Rehabilitation Overlay Districts ("HRO Districts") are intended to encourage the maintenance, preservation, and rehabilitation of historic resources in the County. These rehabilitation incentives are intended to encourage and to enable property owners to preserve historic resources by allowing creative but appropriate uses that maintain the integrity of historically significant properties.

B. Designation of districts

- (1) The County Council may establish, change, and define Historic Rehabilitation Overlay Districts following the procedures set forth in this section.
- (2) The County Council shall not establish an HRO District without the consent of the property owner.

C. Applicability

- (1) This section shall apply to historic resources that:
 - (a) Have applied for designation as an Historic District Overlay District, or that are already within a Historic District Overlay District, and
 - (b) Meet all of the requirements of this section.
- (2) Compliance with all requirements of this section permits, but does not require, the County Council to approve any request for rezoning to the Historic Rehabilitation Overlay District.

D. Rehabilitation incentives allowed

Rehabilitation incentives that may be granted include adaptive reuse, and waiving or varying restrictions or requirements of this chapter.

E. Application content

Applications shall include the following information:

- (1) The property owner's name;
- (2) The street address and tax map reference for the parcel(s) for which the HRO District is requested;
- (3) The historic resource, as well as portions thereof, for which the HRO District is requested;
- (4) A description of the specific rehabilitation incentive(s) being requested;
- (5) Applications for adaptive reuse, in addition to the foregoing information, shall also include the following:
 - (a) Detailed, scaled drawings depicting the proposed project;
 - (b) A plan for maintenance, preservation, or rehabilitation of the historic resource prepared by a qualified preservation professional containing all information required by the Historic Preservation Commission, the Planning Office, Planning Commission, and County Council. The preservation professional shall meet the Secretary of the Interior's Professional Qualifications Standards appropriate to their field of expertise (36 CFR 61);
 - (c) An estimate of the cost of maintenance, preservation, or rehabilitation from a qualified preservation professional, and qualified licensed contractor;

- (d) A written statement of all sources and amounts of any funds granted by any agency, public or private, for the purpose of maintenance, preservation, or rehabilitation;
- (e) A written statement regarding the availability and utilization of investment tax credits;
- (f) A written statement complete with a full set of architectural drawings (where appropriate) which clearly outline and depict the proposal by the applicant for rehabilitation incentive(s);
- (g) A plan defining access, parking, signage, setbacks, landscaping, screening and buffering, and noise, use, capacity, and traffic restrictions as necessary to ameliorate or eliminate any adverse effect on the surrounding area from the adaptive reuse, or modification, and other site design elements as may be reasonably requested by the Planning Office; and
- (h) Such additional or supplemental information as may be requested by the Historic Preservation Commission, Planning Office, Planning Commission, or County Council.

F. Review and approval

(1) General

- (a) Applications for creation of HRO districts may be proposed in conjunction with or subsequent to a proposal to designate the subject property as a Historic District Overlay District.
- (b) The procedure for establishment of an HRO District is the same as the procedure set forth in Article IX for amendments to the official zoning maps.
- (c) Applications for adaptive reuse or modification of an adaptive reuse within an established HRO District, or for modification, expansion, or change to an HRO District may be made at any time. Such applications shall require prior approval by the County Council in accordance with the procedures for establishment of an HRO District, including Historic Preservation and Planning Commission review and recommendations.
- (d) The burden of proof is on the applicant to demonstrate compliance with all of the criteria by a preponderance of the evidence.

(2) Planning Director Review

The Planning Director shall conduct any investigation he deems necessary, and shall submit the application to the Historic Preservation Commission and the Planning Commission.

(3) Historic Preservation Commission and the Planning Commission Review

- (a) The Historic Preservation Commission and the Planning Commission shall each provide public notice, schedule, and conduct separate public hearings on the application in accordance with their respective rules of procedure.

- (b) The Historic Preservation Commission and the Planning Commission may request the applicant to furnish any additional material or information deemed necessary to determine the propriety of granting the rezoning request.
 - (c) In evaluating the application, the Historic Preservation Commission and the Planning Commission shall separately make independent findings based on evidence concerning the criteria in the following sections applicable to each commission.
 - (d) Based on their written findings, the Historic Preservation Commission and the Planning Commission shall each make separate recommendations to approve, disapprove, or approve with specified conditions.
 - (e) The recommendation of the Historic Preservation Commission shall be forwarded both to the Planning Commission and to the County Council.
 - (f) The recommendation of the Planning Commission shall be forwarded to the County Council within 15 days of the Planning Commission hearing. The 60-day requirement in Article IX §190-173.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:
- (a) 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;
 - (b) The rehabilitation incentive(s) serve(s) to compensate the property owner for the potential economic burden that the maintenance, preservation, and proposed rehabilitation may entail; and
 - (c) The rehabilitation incentive(s) would result in:
 - (i) Substantial restoration of the significant architectural features or exterior architectural appearance of the historic resource;
 - (ii) A maintenance plan for the historic resource that will ensure the upkeep and continued maintenance of the resource over the expected life of the project; or
 - (iii) Some other substantial, specific, measurable benefit to the maintenance, preservation, rehabilitation, or historical significance of the resource.
- (5) Planning Commission review
- (a) The Planning Commission shall consider the following:
 - (i) Impact of the proposed rehabilitation incentive(s) on the surrounding area,
 - (ii) The compatibility of the proposed rehabilitation incentive(s) with surrounding land uses, and

- (iii) The importance of preservation of the character of the surrounding area.
 - (b) The Planning Commission may 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.
 - (c) The Planning Commission may recommend conditions and restrictions on access, parking, signage, setbacks, landscaping, screening and buffering, other site design features, noise, use, capacity, and traffic restrictions to ameliorate or eliminate any adverse effect on the surrounding area from the proposed rehabilitation incentive(s).
- (6) County Council review
- (a) The County Council may request the applicant to furnish any additional material or information deemed necessary to determine the propriety of granting the rezoning request.
 - (b) The County Council shall consider the recommendations of the Historic Preservation Commission and the Planning Commission. The findings and recommendations of either Commission to the County Council are not binding, and the County Council may exercise independent review, judgment, and discretion with respect to the findings, recommendations, or conditions, if any, of either Commission.
 - (c) The County Council shall make written findings of fact based on evidence in the record that:
 - (i) The proposal complies with all requirements in this section for review and consideration by the Historic Preservation Commission and Planning Commission, respectively,
 - (ii) The proposed adaptive reuse will promote the maintenance, preservation, or rehabilitation of the historic resource,
 - (iii) Allowing adaptive reuse will enhance the character of the historic resource and, if the proposed reuse is commercial, the public's opportunity to enjoy the resource,
 - (iv) The adaptive reuse will not have a detrimental effect upon other properties within the Historic District Overlay District or other properties in the surrounding area, including adverse impacts on traffic, noise, light, view blockage or other impacts which are incompatible with adjacent properties or the surrounding area. and
 - (v) The proposal meets general criteria set forth in Article IX for zoning map amendments §190-174.B.
 - (d) The County Council may approve, disapprove, or approve the application with conditions, and may impose the same, modified, or different conditions

than those recommended by the Historic Preservation Commission or the Planning Commission.

- (e) In approving the request, the Council may waive or vary specified requirements, including limitations on permitted uses in the underlying district(s), for historic resources located within an HRO District.

This section shall not be used as the basis for waiving or varying any other requirements of this chapter except as specifically set forth in the application and approval.

G. Approval of plan refinements

- (1) The Planning Director may approve minor refinements and revisions to plans for a Historic Rehabilitation Overlay District. The Planning Director may request comments from the Historic Preservation Commission and/or the Planning Commission in evaluating whether the refinements are consistent with the County Council's decision on the original proposal.
- (2) If the Planning Director finds that proposed revisions are not minor refinements, County Council approval is required. The County Council may request comments from the Historic Preservation Commission and/or the Planning Commission on the revisions.

§ 190-110. Gateway Overlay District (GD)

A. Purpose

The purpose of the Gateway Overlay District (GD) is to consider and incorporate the long-range development plan for the towns and County within the sensitive roadway corridors that enter and exit the towns. Gateway areas are intended to preserve a scale and design that is compatible with the community's vision for the area.

B. Designation of district

Gateway Overlay Districts may be established by the County Council within roadway corridors meeting the purpose of the GD, in accordance with the procedure set forth in Article IX for amendments to the official zoning maps.

C. Applicability; roadway classes

- (1) Standards established in this section apply to new development activity in the Gateway Overlay Districts that are shown on the official zoning maps. These standards are in addition to standards for the underlying district established elsewhere in this chapter.
- (2) There are four classes of Gateway Overlay District roadways:
 - (a) Principal Arterial Highway -- US Rt. 50 (Easton and Trappe)
 - (b) Minor Arterial Highway -- MD Rt. 33 (St. Michaels), MD Rt. 328 (Easton), MD Rt. 331 (Easton), MD Rt. 333 (Oxford)

- (c) Major Collector Road -- MD Rt. 309 (Easton)
- (d) Minor Collector Road -- Barber Road (Trappe)

D. General standards

(1) Buffer yard.

Permitted uses and structures in the buffer yard shall be limited to access entrances, utilities, pedestrian paths, sidewalks, gateway signage, fences, or similar uses or structures approved by the Planning Commission.

(2) Landscaping

(a) Mechanical equipment and refuse storage and removal areas

- (i) All mechanical equipment and refuse storage and removal areas shall be screened by a landscape buffer from any public roadway.
- (ii) Where compliance is not possible, the Planning Commission may approve substitution of landscape features, such as fencing or other indigenous materials, to establish an attractive buffer.

(b) Plant materials for landscape buffers and buffer yards

- (i) Plant materials for landscape buffers and buffer yards may include a mix of trees, shrubs, grasses, flowers and hedges.
- (ii) Selection of plant materials shall be subject to constraints due to easements and traffic safety.
- (iii) Minimum planting caliper size for trees: three inches.
- (iv) The property owner is responsible for the proper care and maintenance, and replacement if necessary, of all landscape materials.

(3) Signage

(a) Freestanding signs

- (i) Maximum number per property: one
- (ii) Maximum height: eight feet.
- (iii) Maximum sign face area: 60 square feet per side
- (iv) Shall be landscaped at the base
- (v) May be located in the landscaped portion of the buffer yard if made of a natural or decorative material
- (vi) Signs mounted on a single free-standing pole are prohibited.

(b) Wall signs. The maximum sign area is 75 percent of that permitted by the underlying zoning district. For example, 100 square feet of sign area permitted in underlying district translates to 75 square feet in the GD.

- (c) Signage shall be compatible with the style and character of adjacent properties and the principal building to which it relates.
- (4) Lighting
 - (a) Lighting shall be downward cast and contained on the site using shielded fixtures with full cutoff recessed flush lenses.
 - (b) Parking lot lights may be incorporated into a street light scheme to illuminate public and private streets and pedestrian paths
- (5) Pedestrian access
 - (a) Lots located within a Town's designated growth area, as identified in the County Comprehensive Plan, shall provide for a pedestrian walkway separate from the parking area and linking adjacent parcels.
 - (b) Where construction of a walkway is not practical at the time of development, a 10-foot easement shall be dedicated for future use.
- (6) Access and parking
 - (a) Parking areas shall not be permitted within a buffer yard.
 - (b) Parking areas shall be located to the side or rear of the principal building except that not more than three parking spaces may be located in front of the building, outside the buffer yard.
 - (c) All parking areas shall be landscaped from the view of any public road and include a landscape buffer of not less than ten feet in depth, consisting of a continuous three-foot high hedge or other landscape materials, unless the screening requirement is met by planting within the required buffer yard.
 - (d) All required parking spaces shall be located on the lot with the building or use unless shared with an adjacent property.
 - (e) For retail sales and service establishments, development of up to 25 percent of the parking spaces required by Article V may be deferred by the Planning Commission provided there is a shared parking agreement with adjoining uses of similar or less intensive activity and with inter-parcel connections linking the two properties.
 - (f) Curb cuts shall be consolidated and parallel service roads shall be created where possible.
 - (g) Inter-parcel connections are required where practical. Properties providing connections are permitted to share off-street parking space requirements, as indicated in subsection (e) above.
 - (h) New lots in the AC, CP, WRC, TC, RC, RR and TR Districts shall achieve access through use of County roads, shared entrances or private roads.
- (7) Mechanical equipment

- (a) Fixed mechanical equipment for ventilation, refrigeration or other operational uses are not permitted within the buffer yard and must be located to the side or rear of the principal building as defined.
 - (b) Side and rear-yard setbacks for such equipment shall be the same as required for principal structures in the underlying zoning district.
- (8) Refuse areas
- (a) Refuse areas are not permitted within a buffer yard and must be located to the side or rear of the principal building.
 - (b) Side and rear-yard setbacks for such refuse area shall not be less than ten feet unless a common refuse area is shared by adjacent properties.
- (9) Design and height of structures

The following guidelines and standards are intended to create a cohesive streetscape as buildings are constructed or enlarged.

- (a) The design of new structures or additions to existing structures shall be generally compatible in scale and bulk with existing development in the vicinity, as demonstrated by architectural elevations or renderings submitted with the site plan.
- (b) Maximum building height: 35 feet.

E. Specific standards for GD on principal arterial highways

- (1) Depth of Gateway Overlay District:
500 feet from the edge of right-of-way line adjacent to the roadway.
- (2) Front building setback:
 - (a) GC, LC, LI districts: from 40-foot minimum to 100-foot maximum.
 - (b) Residential/Agriculture (TR): 100-foot minimum.
 - (c) All other districts: 150 foot minimum.
- (3) Buffer yard and landscaping: Within the setback areas described in (2) above:
 - (a) Non-residential/Non-agriculture district: 40-foot buffer yard of which 20 feet must be landscaped.
 - (b) Residential/Agriculture (TR): 25-foot buffer yard of which 20 feet must be landscaped.
 - (c) All other districts: 75-foot buffer yard of which 25 feet must be landscaped.

F. Specific standards for GD on minor arterial highway

- (1) Depth of Gateway Overlay District:

200 feet from the edge of right-of-way line adjacent to the roadway.

- (2) Front building setback:
 - (a) GC, LC, LI districts: from 40-foot minimum to 100-foot maximum.
 - (b) Residential/Agriculture (TR): 50-foot minimum.
 - (c) All other districts: 150 foot minimum.
- (3) Buffer yard and landscaping: Within the setback areas described in (2) above:
 - (a) GC, LC, LI districts: 20-foot buffer yard of which 20 feet must be landscaped.
 - (b) Residential/Agriculture (TR): 25-foot buffer yard of which 20 feet must be landscaped.
 - (c) All other districts: 75-foot buffer yard of which 25 feet must be landscaped.

G. Specific standards for GD on major collector highway

- (1) Depth of Gateway Overlay District:

200 feet from the edge of right-of-way line adjacent to the roadway.
- (2) Front building setback:
 - (a) GC, LC, LI districts: from 40-foot minimum to 100-foot maximum.
 - (b) Residential/Agriculture (TR): 50-foot minimum.
 - (c) All other districts: 100 foot minimum.
- (3) Buffer yard and landscaping: Within the setback areas described in (2) above:
 - (a) GC, LC, LI districts: 20-foot buffer yard of which 20 feet must be landscaped.
 - (b) Residential/Agriculture (TR): 25-foot buffer yard of which 20 feet must be landscaped.
 - (c) All other districts: 50-foot buffer yard of which 25 feet must be landscaped.

H. Specific standards for GD on minor collector highway

- (1) Depth of Gateway Overlay District:

100 feet from the edge of right-of-way line adjacent to the roadway.
- (2) Front building setback:
 - (a) GC, LC, LI districts: 50-foot minimum.
 - (b) Residential/Agriculture (TR): 50-foot minimum.

- (c) All other districts: 100-foot minimum.
- (3) Buffer yard and landscaping: Within the setback areas described in (2) above.
 GC, LC, LI districts: 25-foot buffer yard of which 20 feet must be landscaped.
 Residential/Agriculture (TR): 25-foot buffer yard of which 20 feet must be landscaped.
 All other districts: 25-foot buffer yard of which 20 feet must be landscaped.

I. Waiver

Any requirement of the Gateway Overlay District may be waived by the Planning Commission in accordance with §190-186 when, due to an unusual physical characteristic of the site, compliance with such requirement would create practical difficulty or unreasonable hardship.

§ 190-111. Easton Airport Overlay District

A. Purposes

- (1) The purpose of the Easton Airport Overlay District is to prevent structures, temporary structures, or other objects from constituting hazards or obstructions to aircraft operating to, from, or in the vicinity of the Easton Municipal Airport.
- (2) The purpose of the larger area defining the proximity of the airport is to inform residents and businesses undertaking development activity about the presence of the airport.

B. Establishment

- (1) The boundaries of the Easton Airport Overlay District are shown on the Official Zoning Maps.
- (2) Proximity is defined as a two-mile area measured from any point on the center line of the runway(s).

C. Heights of hazard or obstruction

The heights that would constitute a hazard or obstruction to aircraft vary at different locations on the ground in the vicinity of the airport. These heights are identified on an “Airport Airspace Drawing” that is maintained by Easton Airport.

D. Regulations

- (1) No building, structure, tree or any object of natural growth shall be erected, altered, allowed to grow or be maintained to a height that would constitute a hazard or obstruction to aircraft operating to, from, or in the vicinity of the Easton Municipal Airport.
- (2) Prior to giving zoning approval for any proposed construction activity in the Easton Airport overlay district the Planning Director shall:

- (a) Consider the comments of the manager of the Easton Airport with respect to the effects of the proposed construction activity on airport airspace used by aircraft operating to, from, or in the vicinity of the Easton Airport.
 - (b) Based on these comments, condition any approval for the development activity with conditions necessary to prevent a hazard or obstruction to aircraft.
 - (c) Provide the applicant with Federal Aviation Administration Form “Notice of Proposed Construction or Alteration” or the equivalent FAA form.
- (3) Subdivision plats and site plans for land in the proximity of the airport shall be annotated to indicate the proximity to the airport.

§ 190-112. Buffer Management Area Overlay District - BMA

A. Purposes

- (1) The Buffer Management Area Overlay District recognizes areas where existing patterns of development prevent the shoreline development buffer from fulfilling its natural functions. In such areas special regulations apply to accommodate limited use of shoreline areas while protecting water quality and wildlife habitat to the extent possible, and providing for mitigation measures where encroachment of the shoreline development buffer takes place.
- (2) In Buffer Management Areas certain types of development activities are permitted to encroach into the shoreline development buffer without the need for a variance.

B. Establishment

- (1) Amendments to the official zoning maps to create Buffer Management Areas shall be submitted and heard following the procedures for County Council applications in Article IX.
- (2) A request for individual property reclassification may not be considered with the exception of commercial, institutional, or industrial sites or those properties adjacent to an existing mapped Buffer Management Area.

C. Standards for Decision

The Council shall decide whether to grant approval based on the following findings and standards with respect to the community in which the mapping amendment is requested:

- (3) 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;
- (4) That the lots in the proposed Buffer Management Area were created prior to August 13, 1989;
- (5) That the principal structures in the proposed Buffer Management Area are located within the shoreline development buffer;

- (6) That other development activities (i.e., accessory structures, access roads, septic systems, rip-rap and bulkheading, etc.) impact the shoreline development buffer; and
- (7) That the shoreline development buffer does not contain forest cover.

D. Requirements in Buffer Management Areas

Requirements for Buffer Management Areas are in Article VI §190-146.

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	
B. Principal commercial, industrial or institutional structures.	40 feet, except 35 feet in the Gateway Overlay District.	
C. Chimneys, church belfries or spires, conveyers, and private radio and television antennas.	75 feet	One additional foot in setback for each foot in height over 40 feet.
D. Fire towers, silos, hospitals and public monuments.	100 feet	One additional foot in setback for each foot in height over 40 feet.
E. Grain elevators.	200 feet	One additional foot in setback for each foot in height over 40 feet.
F. Antenna towers for essential communications; for radio and television broadcasting facilities and other non-essential communication; and for wireless communication (see Article III).	200 feet	Minimum required setback shall be 10 feet greater than the height of the tower.
G. Residential accessory buildings on lots of two acres or less. Ornamental towers and other design features may not exceed 5 feet in height and are excluded from the 25 foot height limit.	25 feet	
H. Residential accessory buildings on lots larger than two acres. Ornamental towers and other design features may not exceed 5 feet in height and are excluded from the 30 foot height limit.	30 feet	

§ 190-114. Supplemental setbacks

The following setback requirements apply in addition to the setbacks established for each zoning district in Article II.

A. Front setback averaging

In the AC, CP, WRC, RC, RR, TR, TC and VC Districts, the front setback for a new principal residential structure on an in-fill lot may be reduced to the average front setback of all existing principal residential structures located on the same side of the street on both sides of the lot for a distance of 100 feet from the side lot lines of the infill lot.

B. Setbacks from major highways

- (1) Setbacks from arterial highways (Routes 50, 404, 333, 322, 33, 328 and 331) shall be 150 feet in the AC, CP, WRC, RC, RR and TC Districts, and 50 feet in the VC, TR and LI Districts.
- (2) Setbacks from all other state highways shall be 100 feet in the AC, CP, WRC, RC, RR and TC Districts and 50 feet in the VC, TR, and LI Districts.
- (3) The above setbacks shall not apply within the Gateway Overlay District.

C. Corner lots

- (1) On corner lots created on or before June 22, 1991, the street side setback shall be one-half of the front setback, provided that the setback is sufficient to provide clear vision as required below. Corner lots created after June 22, 1991 shall comply with the required front setback for both street frontages.
- (2) Clear vision area on corner lots.
 - (a) A clear-vision area shall be maintained on the corners of all property at the intersection of two streets.
 - (b) A clear-vision area shall consist of:
 - (i) A triangular area, two sides of which are lot lines measured from the intersection of the street lot lines for a distance specified in this section; or,
 - (ii) Where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the nonintersecting ends of the other two sides.
 - (c) A clear-vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding 2 1/2 feet in height, measured from the established street center-line grade, except that trees exceeding this height may be located in this area, provided that all branches and foliage are removed to a height of eight feet above grade.
 - (d) The following measurements shall establish clear-vision areas:
 - (i) In AC, CP, WRC, RC, RR, TC, TR and VC Districts, the minimum distance shall be 25 feet.

- (ii) In LC, GC, and LI Districts, the minimum distance shall be 15 feet, except that when the angle of intersection between streets is less than 30°, the distance shall be 25 feet.

D. Setbacks for through lots

For a through lot which lies between two streets, a front setback shall be required from both streets.

§ 190-115. Road frontage, access, dedication and layout

A. Minimum frontage

- (1) All lots shall have frontage of at least 50 feet on a public or private road. Pipestem or flag lots shall maintain a minimum lot width of 50 feet for a depth of at least 25 feet from the road right-of-way.
- (2) The minimum road frontage may be reduced to not less than 25 feet if the lot has joint access with an adjacent lot.

B. Access requirements

- (1) All lots shall have direct access to a public or private road.
- (2) Every building hereafter constructed shall be on a lot with access to a public or approved private road and shall be located to provide safe and convenient access for fire protection vehicles. Structures on islands are excluded from this provision.
- (3) Design and location
 - (a) The design and location of new access points shall be reviewed and approved by the County Engineer.
 - (b) Access points to state roads shall also be approved by the State Highway Administration.
 - (c) As a condition of site plan approval, the County Engineer or Planning Director may require improvement and consolidation of existing access points to a commercial, industrial or institutional use, where the improvements will enhance vehicular and pedestrian safety.
- (4) The number of new access points to existing state and County roads shall be limited to the extent possible. Joint entrances for adjacent lots shall be required wherever practical.
- (5) In the AC, CP, WRC, RC, RR, TC and TR Districts, not more than two lots divided off an original parcel shall have access to an existing County or state road. Additional lots shall have access to an internal subdivision road, unless a waiver is granted based upon findings that:
 - (a) The size, shape, topography, soil types or other physical conditions prevent internal access to all of the lots required to have such access; or,

- (b) The additional lots having access to an existing road are at least 10 acres in size and have no development rights that would make future subdivision possible; or,
- (c) No reasonable alternative is available other than access to an existing state or County road.

C. Right-of-way dedication

- (1) Right-of-way for road widening

If property undergoing subdivision is adjacent to an existing road right-of-way, the property owner shall provide an easement or dedication of one half the width necessary to bring the right-of-way up to the width required by Chapter 134, the Roads Ordinance.

- (2) New public road right-of-way

New public road rights-of-way shall be dedicated and deeded to the County or state as part of the final plat recordation.

- (3) New private road right-of-way

A private road right-of-way may be established through an easement or fee simple dedication as approved by the County approving authority.

D. Road design and layout for subdivisions

- (1) Subdivision layout shall minimize the number of access points to collector and arterial highways.
- (2) Neighborhood residential roads shall be laid out to discourage their use by traffic not having its destination within the neighborhood.
- (3) The road layout shall provide for the continuation or projection of existing roads into areas adjacent to the land being subdivided, unless such continuation or extension is deemed undesirable due to topographic constraints or design.
- (4) Layout of roads in residential areas shall discourage high traffic speeds.
- (5) Layout of roads shall minimize potential conflicts between pedestrians and vehicles.
- (6) The applicants shall provide easements, right-of-way and road improvements as required by the County Engineer in conformance with the Talbot County Roads Ordinance.
- (7) The applicant shall erect street signs and traffic control devices as required by the County Engineer.

§ 190-116. Location of sewage disposal areas

- A. Additional regulations deleted from Bill 1162 by County Council amendment, March 10, 2009.

§ 190-117. Contiguous lots treated as one lot for zoning purposes

- A. Two contiguous lots in common ownership shall not be treated as a single lot to construct improvements across lot lines or in violation of setback requirements.
- B. Where structures were legally erected prior to the effective date of this chapter, contiguous lots shall be treated as one lot for purposes of this chapter and must remain under common ownership if any one of the following is true:
 - (1) A structure is built across a property line of contiguous lots in common ownership; or
 - (2) A structure is built within the building restriction area of a lot line shared with a contiguous lot in common ownership, without a variance from the Board of Appeals or other authorization as provided in this chapter; or,
 - (3) A primary structure is built on one lot and accessory structures or uses (e.g., garage, shed, pool, driveway, sewage disposal area) are located on a contiguous lot under common ownership without the granting of a special exception by the Board of Appeals.
- C. Parcels considered merged for zoning purposes shall be treated as separate lots again only if both lots, including all uses and structures on the lots, comply with current requirements of the Talbot County Code, including minimum lot size, minimum lot width and setback requirements. This shall include the following:
 - (1) Structures or portions of structures crossing the common boundary line shall be removed so that all structures meet required setbacks;
 - (2) Structures or portions of structures within the required building setback shall be removed; and/or
 - (3) Accessory structures and uses on the lot without a primary dwelling shall be removed.

§ 190-118. Accessory uses and structures

- A. Where permitted.

Except as allowed by this section, an accessory use or structure may be established only if a principal use or structure exists on the lot or parcel; or if construction of the principal structure has begun to the point of putting in place footings and foundation members and is diligently pursued.

- B. On lots without a principal use or structure.

- (1) An accessory structure is permitted on a lot without a principal use or structure as permitted by the Table of Land Uses under the following uses: “Storage building prior to principal structure,” and “Temporary Uses: Accessory building prior to construction of a principal structure”;
- (2) If a proposed subdivision would create a lot with an existing private pier but no primary use or 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.

C. Setbacks for accessory structures

- (1) In all zoning districts, the minimum required side and rear setbacks may be reduced by half for accessory residential storage structures with 300 square feet of gross floor area or less.
- (2) Accessory buildings shall be located a minimum distance of 10 feet from any other building.

D. Fences and walls

- (1) Fences shall be classified in the following categories:
 - (a) Open fences are fences that do not restrict visibility. Open fences include wire, post and rail, paddock, picket, and other fences in which more than 50 percent of the fence area is left open.
 - (b) Closed fences include board on board, privacy or stockade fences, or fences in which 50 percent or less of the fence area is open. A chain link fence, with or without slats, shall be considered a closed fence. Walls that serve the same purpose as a closed fence are considered closed fences.
 - (c) For determining whether a fence is open or closed, the fence area is defined as the surface area from the bottom to the top of the fence section, including stringers supporting the section but not the post area above or below the fence section.
- (2) The height of a fence shall be measured to the top of the stringers or horizontal members. Fence posts may exceed the allowed height by a maximum of six inches.
- (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.
 - (b) Do not apply to fences surrounding a tennis court or other game court. Game courts must comply with setbacks.

Table V-2. Exemptions from setbacks for certain fences

Fence type/ height	Land Use	Required setbacks
(a) Open fences 4 feet or less in height	All locations	Exempt from setback requirements.
(b) Open fences more than 4 feet and no more than 6 feet in height; or closed fences 6 feet or less in height	Accessory to residential uses	Exempt from side and rear setback requirements. Any part of the fence within 30 feet of an adjacent dwelling must comply with required setbacks if the primary entrance of the adjacent dwelling is on the side of the dwelling facing the fence. The 30-foot distance shall be measured along a line perpendicular to the side of the dwelling with the primary entrance. The owner of the adjacent dwelling may waive this

		limitation in writing.
(c)	Open or closed fences more than 4 feet and no more than 10 feet in height	Accessory to commercial, industrial or agricultural use
		Exempt from setback requirements. However, if the property adjacent to the fence is zoned RR, VC, or TR, the portion of the fence adjacent to the RR, VC, or TR district shall conform to required setbacks. The owner of the adjacent property(s) may waive this limitation in writing.
(d)	Driveway entry features, limited to gates no more than 6 feet in height and supporting posts no more than 7 feet in height	Accessory to primary use
		Exempt from setback requirements.

§ 190-119. Use of mobile homes and recreational vehicles.

- A. No mobile home structure or recreational vehicle shall be used as a principal permitted use or accessory use in any zoning district in Talbot County except where specifically allowed by the Table of Land Uses and in the MHD District.
- B. Mobile home units shall be placed on a permanent foundation, securely anchored and provided with skirting of a suitable material.
- C. No mobile home or recreational vehicle shall be parked overnight on any highway, road, street, public park or other public way or public landing except in an emergency.
- D. In all zoning districts it shall be permissible to store one recreational vehicle on a lot or parcel as an accessory use to the residential structure. Such vehicle may be parked on the lot or parcel for storage only and shall not be occupied nor lived in. Such vehicle shall be placed in the rear or side yards only, and shall be located at least eight feet from all property lines.
- E. Recreational vehicles may be used at special events pursuant to the temporary use provisions of §190-100. This use on any given site shall be limited to no more than 90 days within a calendar year and no more than 7 consecutive days.

§ 190-120. Sidewalks and streetlights

The applicant for a subdivision or site plan shall provide for installation of sidewalks and streetlights as required by this section.

- A. The decision to require sidewalks and streetlights shall be made by the Planning Director for minor subdivisions and minor site plans, or by the Planning Commission for major subdivisions and major site plans, with consideration of the County Engineer’s recommendation.
- B. Sidewalks may be required for residential subdivisions with lot sizes averaging two acres or less, for commercial, industrial or institutional uses, or for other development where the approving authority finds that sidewalks will serve anticipated pedestrian traffic and provide for convenient and safe travel by pedestrians.

- C. Sidewalks shall be required for major retail development in accordance with the requirements for major retail uses in Article III.
- D. Streetlights may be required for residential subdivisions with lot sizes averaging two acres or less, for nonresidential development, and in any location where desirable to improve public safety.

§ 190-121. On-site circulation

Site plans for commercial, industrial and institutional uses shall incorporate safe and convenient on-site circulation, including:

- A. Sidewalks and walkways so that patrons and employees may walk from business to business or building to building within the site; and
- B. Vehicular and pedestrian connections to connect, wherever possible, walkways, travel lanes, and driveways with similar facilities in adjacent developments.

§ 190-122. Landscaping requirements for site plans

- A. All site plans shall include a landscaping plan to be approved by the approving authority.
- B. Landscaped areas
 - (1) Minimum landscaped area
 - (a) In the LC, GC and LI Districts, at least 25 percent of the site shown on a major site plan shall be landscaped area.
 - (b) Where a buffer yard is required for a specific zoning district, the buffer yard area may be included in the required landscaped area.
 - (c) If expansion of a use is proposed on a site that does not provide the minimum landscaped area, the required landscaped area shall be provided in proportion to the area of the site impacted by the expansion. The area impacted by expansion includes the footprint of new or expanded buildings, parking areas, loading areas, driveways or infrastructure.
 - (2) Design of landscaped areas
 - (a) Landscape buffering may be required along property lines to visually separate adjacent land uses and to lessen the potential negative impacts of noise, dust and odor.
 - (b) Ground cover in landscaped areas shall be of live plant material or decorative non-plant materials incorporated with live plant materials.
 - (3) Landscaping in parking areas
 - (a) Landscaping within parking lots is required to lessen the visual impact of large expanses of paving and to contribute to efficient circulation of traffic.
 - (b) Parking 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.

- (c) Deciduous shade trees with a crown at maturity of at least 50 feet shall be provided in surface parking areas with more than 10 spaces at a ratio of one tree for every 10 spaces.
- (d) An unpaved planting area, protected by curbs or other devices, shall be provided for each tree at a ratio of at least 16 square feet per tree.
- (e) Landscaped borders not less than ten feet in depth may be required at edges of parking lots. Existing natural vegetation, if adequate, can be applied towards this requirement.
- (f) To the extent feasible, the landscaped areas within parking lots shall be used to provide stormwater management through the design and construction of rain gardens and similar bioretention areas.

C. Screening

- (1) Screening shall be provided in the LC, GC and LI Districts:
 - (a) Where a less intense zoning district adjoins a proposed development;
 - (b) Where surface parking areas adjoin a public right-of-way;
 - (c) To screen loading areas, dumpsters and outdoor storage areas from adjacent roads and properties; and,
 - (d) In other locations as required by the Planning Commission to separate incompatible land uses.
- (2) Screening shall comply with the following minimum standards:
 - (a) Screening shall be provided through planting strips at least ten feet wide, planted with shrubs or trees of a type and spaced at intervals which may be expected to form a year-round dense screen.
 - (b) Screening shall be at least six feet high within three years of planting when screening a development from a less intense zoning district.
 - (c) Screening shall be at least three feet high within three years of planting when screening a parking area from a public right-of-way.
 - (d) Opaque, wooden or masonry fencing may be used to augment trees and shrubs, subject to approval of the Planning Commission.

D. Street trees

Street trees shall be provided for subdivisions or minor site plans where required by the Planning Commission or Planning Director, and for all major site plans, in accordance with the following:

- (1) Deciduous shade trees with a crown at maturity of at least 50 feet shall be provided along road rights-of-way at a ratio of one tree for every 50 feet of frontage. Such trees shall be located as close to the road as allowed by state and County road regulations.
- (2) An unpaved planting area, protected by curbs or other devices, shall be provided for each tree at a ratio of at least 16 square feet per tree.

E. Fencing

The approving authority may require adequate fencing around uses or structures which represent a safety hazard to the general public.

F. Installation and maintenance of landscaping, screening and fencing

- (1) Installation of required landscaping and maintenance through two growing seasons shall be guaranteed by a developer's agreement for the subdivision or development.
- (2) The owner, tenant, and their respective agents, if any, shall jointly and severally be responsible for the maintenance of required landscaping.
- (3) Required plantings shall be maintained in good growing condition and, when necessary, replaced with comparable new plant materials to ensure continued compliance with applicable regulations.
- (4) No plant material shall encroach on road rights-of-way so that sight distance is impeded.

G. Waivers

The requirements of this §190-122 may be the subject of a waiver application as provided in §190-186.

§ 190-123. Buffers – streams and non-tidal wetlands - Non-Critical Area

The following standards apply to all applications for development activity outside the Critical Area, including building permits, major and minor site plans and subdivision plans.

- A. A 100-foot buffer from all perennial streams and a fifty-foot buffer from intermittent streams shall be required for all development activity. The buffer shall be measured from the edge of the streambank.
- B. A buffer expansion shall be required, beyond the minimum 100-foot or 50-foot stream buffer, to include and extend beyond contiguous, sensitive areas, such as soils with slopes 15 percent or greater, hydric soils, or highly erodible soils, whose development or disturbance may impact streams, wetlands, or other aquatic environments.
 - (1) In the case of slopes of 15 percent or greater, within or contiguous to the buffer, the buffer shall be expanded four feet for every one percent of slope beyond the required buffer, or 50 feet from top of slope, whichever is greater in extent. See, buffer expansion, as defined in Article XI.
 - (2) The following criteria shall be used to determine the extent of the expanded buffer for highly erodible soils or hydric soils:
 - (a) Where it is demonstrated that highly erodible soils or hydric soils exist within 200 feet of the stream buffer, and where the existing slope of the buffer is less than 5%, expansion is not required.
 - (b) Where it is demonstrated that highly erodible soils or hydric soils exist within 200 feet of the stream buffer, and where the existing slope of the buffer is between 5-10%, the buffer shall be expanded 50 feet beyond the edge of the stream buffer.

- (c) Where it is demonstrated that highly erodible soils or hydric soils exist within 200 feet of the stream buffer, and where the existing slope of the buffer is between 10-15%, the buffer shall be expanded 100 feet beyond the edge of the stream buffer.
- (3) The approving authority may reduce the extent of the expanded buffer for erodible soils or hydric soils when it is demonstrated that:
 - (a) Development and lot layout will minimize adverse impacts on water quality and natural habitats; and
 - (b) Impacted area for the development is minimized; and
 - (c) Disturbed area is mitigated 2:1 as shown on a planting plan approved by the Planning Office; and
 - (d) Clearing of natural vegetation on the property is restricted to less than 30% of the lot or parcel and a variance to exceed this restriction shall be prohibited in perpetuity through appropriate deed restrictions.
- C. A 25-foot buffer from nontidal wetlands shall be required for all development activity, measured from the edge of the wetland.
- D. Permanent or temporary stormwater management facilities shall not be permitted in the stream or wetland buffer unless no feasible alternative exists or the County Engineer finds that the facilities are consistent with Best Management Practices.
- E. Permanent or temporary sediment control devices shall not be permitted in the stream or wetland buffer unless no feasible alternative exists or the Soil Conservation District finds that the devices are consistent with Best Management Practices.
- F. Lots shall be designed to provide buildable area and useable yard area outside of required buffers.
- G. Existing structures located within the required stream buffer or wetland buffer as of June 22, 1991, may be altered, repaired, or expanded along the established setback from the edge of the stream or wetland, in accordance with the provisions of §190-169 for nonconforming structures. All new structures or improvements shall comply with the buffer requirements of this section.
- H. For lots existing prior to June 22, 1991, and having at least 50% of the lot area located within a required stream or wetland buffer, a waiver may be granted to allow structures within the buffer if the following standards are met:
 - (4) No practical or feasible alternative exists for locating such structures outside the buffer; and
 - (5) The disturbances proposed are the minimum necessary.

- I. The following uses or activities shall be permitted within the stream or wetland buffer:
 - (1) Agricultural practices, consistent with an approved soil conservation and water quality plan and/or nutrient management plan;
 - (2) Forestry or timber harvesting, subject to an approved Forest Management Plan;
 - (3) Practices or activities to maintain the health of individual trees; and,
 - (4) Water dependent facilities.
- J. The following additional uses or activities shall be permitted within the stream or wetland buffer, provided that no practical or feasible alternative exists for locating such improvements outside the buffer, and the disturbances proposed are the minimum necessary for such facilities:
 - (1) Transportation facilities (e.g., road crossings),
 - (2) Utility transmission lines,
 - (3) Sewer and water lines for community or public facilities, and
 - (4) Other public or community facilities.

§ 190-124. Threatened and endangered species habitat - Non-Critical Area

The following standards apply to major site plans and to all subdivision plans outside the Critical Area.

- A. A Habitat Protection Plan shall be required for major site plans and all subdivision plans if the plan:
 - (1) Is in a location identified by the Maryland Department of Natural Resources as habitat of threatened and endangered species; or
 - (2) Proposes development activities that will impact a nontidal wetland or the 25-foot nontidal wetland buffer.
- B. A Habitat Protection Plan will prohibit development activities and disturbances that would disrupt the nesting, breeding, stopover, and/or feeding activities of the threatened or endangered wildlife or plant species on the site.
- C. The plan shall be forwarded by the applicant to the Department of Natural Resources for review. The subdivision or site plan shall not be approved until comments are received from the Department of Natural Resources.
- D. The Planning Director shall review the comments of the Department of Natural Resources and require any recommended changes to the Habitat Protection Plan.
- E. The Planning Director or Planning Commission in approving the development application shall determine which recommended protection measures shall be made a condition of approval. Such measures may include, but shall not be limited to:
 - (1) Restrictions on location of structures;
 - (2) Establishment of undisturbed open space areas;

- (3) Restrictive covenants; or
- (4) Restrictions on noise levels and timing of construction activities.

§ 190-125. Noise standards

A. Method of measurement

- (1) Noise shall be measured with a sound-level meter meeting the most recently published standards of the American National Standards Institute (ANSI S1.4) "American Standards Specification for General Purpose Sound Level Meters." The instrument shall be set to the A-weighted response scale and the meter to the slow response.
- (2) Measurements shall be conducted in accord with ANSI S1.2, "American Standard Method for the Physical Measurements of Sound."
- (3) Measurements may be made at any point along a district boundary or lot line.

B. Exemptions

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.

C. Noise levels

- (1) Noise shall not exceed the following sound levels beyond the site boundary line.

Zoning District	Maximum Permitted Sound Level
AC, CP, WRC, RC, RR, TR, TC, VC	55 dba
LC, GC and LI	65 dba

- (2) In the LC, GC or LI Districts on lots abutting an AC, CP, WRC, RC, RR, TR TC or VC District the 55-dba standard shall apply.
- (3) The levels prescribed above for the LC, GC and LI Districts may be exceeded by 10 dba for a single period, not to exceed 15 minutes in any one day.
- (4) For the purposes of this section, impact noises are those noises whose peak values are more than six dba higher than the values indicated on the sound-level meter, and are of short duration, such as the noise of a forging hammer or punch press. For impact noises, the values prescribed in Subsection C, increased by 10 dba, shall govern in the LC, GC and LI districts.

§ 190-126. Outdoor lighting

- A. Outdoor lighting shall be installed so that direct or indirect illumination from the source does not cause excessive illumination beyond any lot line and does not cause a nuisance to surrounding properties due to glare.

- B. Flickering and intrinsically bright sources of illumination shall be controlled by shielding or aiming the light source away from roads and neighboring properties
- C. Outdoor lighting for nonresidential uses shall be shielded and directed away from adjacent properties, public rights-of-way and the night sky.
- D. Outdoor lighting fixtures for parking areas shall not exceed 20 feet in height.
- E. Lighting installed on piers, docks or wharves shall be shielded in such a way that the bulbs, lenses or light globes are not directly visible more than 75 feet away from the pier, dock or wharf at a height greater than six feet above pier decking.

§ 190-127. Subdivision design

- A. Plan to include all of parcel

A subdivision plan shall include all of the area within the parcel or lot being subdivided. Land being subdivided shall be designated as lots, rights-of-way, open space, agricultural parcels or remaining lands. Undesignated remnants of land shall not be created.

- B. Non-contiguous parcels

If a parcel is divided into two or more non-contiguous sections by a public road or a major watercourse, each section shall be considered a separate parcel for purposes of subdivision design and calculation of the number of development rights allowed under this chapter.

- C. General standards

- (1) Subdivision design shall be consistent with the purposes of this chapter, the purposes and design guidelines of the zoning district, and the policies of the Comprehensive Plan.
- (2) Subdivision design shall be based on comprehensive analysis of the site and consideration of the character of the surrounding land.
- (3) Lots shall be located to minimize the need for grading and altering topography and to avoid areas of environmental sensitivity.
- (4) The following resources shall be preserved to the extent possible, consistent with rational utilization of land and in accordance with applicable local, state and federal regulations.
 - (a) Nontidal wetlands.
 - (b) Perennial and intermittent streams.
 - (c) One-hundred-year floodplains.
 - (d) Habitats of threatened and endangered species.
 - (e) Forests, woodlands and significant trees.
 - (f) Slopes in excess of 15% grade.
 - (g) Historically significant structures and sites as determined by available inventories.

- (5) To the maximum extent practical, and provided that the subdivision complies with standards for preservation of environmentally sensitive areas, the subdivision shall conserve agricultural lands through the following means:
 - (a) Residential lots and associated subdivision roads should not dissect or break up contiguous agricultural fields.
 - (b) Where practical, residential lots should be clustered on the edges of fields and along woodland fringes.
 - (c) Adequate buffering or separation should be maintained or established between residential lots and working agricultural fields and operations in order to minimize conflicts between these often incompatible land uses.
- (6) The subdivision shall be designed to mitigate adverse effects of noise, dust, odor, traffic, drainage and utilities on neighboring properties.

D. Lot design

- (1) The area dedicated to a public or private road right-of-way shall not be included within the area of adjoining lots for purposes of compliance with lot size, width or setback requirements.
- (2) Where future subdivision is possible, the Planning Director or Planning Commission may require that lots be arranged to allow further subdivision.
- (3) In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan.
- (4) Dimensions of corner lots shall be large enough to allow for erection of buildings while observing the minimum front yard setback from both streets.
- (5) Depth and width of properties intended for business, commercial or industrial purposes shall be adequate to provide for off-street parking and loading facilities required for the type of use and development contemplated.

E. Pipestem lots

Pipestem or flag lots may be permitted in residential districts, subject to the following requirements:

- (1) The minimum lot area shall not include the area of the pipestem.
- (2) The pipestem area of the lot shall be at least 25 feet wide.
- (3) No more than two pipestem lots shall have adjacent frontage on a road.
- (4) Lots with adjacent pipestem frontages shall share a single driveway entrance to the road. Access and maintenance easements for the shared access shall be recorded and referenced on the final plat.
- (5) Orientation and setbacks
 - (a) The front setback shall not apply to the pipestem area.

- (b) For subdivisions with more than one pipestem lot, the lot layout shall pair pipestem lots whenever possible, so that the units share a driveway access and face each other across a common driveway.
- (6) New subdivisions and/or development activities whose development or dwelling units are located outside of the Critical Area shall not include a flag or pipestem connection through the Critical Area so as to create riparian access.

F. Private water bodies and watercourses.

If a tract being subdivided contains a private water body, such as a lake, pond or stream, or portion thereof:

- (1) Lot lines shall be drawn to assign ownership of the entire water body to an adjacent lot or to distribute ownership among the adjacent lots.
- (2) If ownership is distributed among the adjacent lots, covenants establishing responsibility for maintenance of the water body shall be required for all lots sharing ownership. The covenants shall be approved by the Planning Director and shall ensure that responsibility for safe maintenance of the water body will not become a County responsibility.
- (3) No more than 25% of the minimum required lot area shall be satisfied by land which is under water.

G. Drainage and utility easements

- (1) Lots shall be laid out to provide drainage away from buildings. Individual lot drainage shall be coordinated with the surface run-off pattern for the area to avoid drainage onto adjacent lots.
- (2) Drainage and utility easements as deemed necessary by the County Engineer shall be provided along lot lines and road frontages for the purpose of installing and maintaining utilities and drainageways.
- (3) The County Engineer may also require drainage easements on private property that connect to and impact drainageways along County roads.
- (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.

§ 190-128. Off-street parking

A. Application

- (1) Off-street parking and loading spaces shall be provided in accordance with this section for:
 - (a) New buildings or uses;
 - (b) Additions to or enlargement of existing buildings or uses; and
 - (c) Changes in the use of a building or site.

- (2) Requirements of this §190-128 may be the subject of a waiver application as provided in §190-186.

B. Determination of required off-street parking

- (1) Off-street parking spaces shall be provided in accordance with the chart in Subsection C below. For land uses not specifically covered by this section, the Planning Director shall determine the required parking using this section as a guide.
- (2) The required off-street parking area shall be provided in addition to areas used for:
 - (a) Parking of vehicles owned or used in a business,
 - (b) Display or storage of vehicles for sale or rent, or
 - (c) Vehicles being stored while awaiting repair.
- (3) Due to the particular circumstances of a given development, application of the parking standards may result in a development with inadequate parking area or parking area in excess of its needs. Therefore, a waiver to the number of parking spaces required by this section may be approved or required as follows:
 - (a) To reduce the required parking for a minor site plan, administrative site plan, building permit or use certificate, approval by the Planning Director is required. For major site plans, Planning Commission approval is required.
 - (b) An applicant proposing to reduce the parking standard for a particular use shall submit a justification which shall include:
 - (i) Estimated parking needs for the use,
 - (ii) Explanation of the basis of the estimate, and
 - (iii) Data used in calculating the estimate, such as parking generation studies or the applicant's previous experience with similar uses.
- (4) The parking requirements section of a site plan shall include the statement: "Should approved parking become inadequate, additional parking may be required by the Planning Director at a later date."
- (5) Corridors, malls, entranceways, restrooms, office space occupying up to 10% of a non-office structure, employee lounges, or similar areas in single-use structures shall be included in the gross floor area used to calculate parking for the primary use
- (6) For structures or sites containing multiple primary uses, parking requirements for each use shall be applied. The Planning Commission may approve a reduced parking requirement based on the expected peak parking demand if the applicant demonstrates that the periods of peak parking demand associated with each activity inherently occur at different times. Examples of uses with different times for peak parking demand include offices (day use) and hotels (evening use) or offices (weekday use) and churches (weekend use).
- (7) Employee parking shall be calculated based on the number of employees on the largest shift.

C. Minimum parking requirements for specific uses

In Table V-3, GFA refers to gross floor area. If a fractional number results from application of these requirements, one parking space is required for a fraction of 1/2 or more, and no parking space is required for a fraction less than 1/2.

Table V-3. Off-Street Parking

Land Use	Parking Standard
Agricultural processing	1 space per 500 GFA
Agricultural production	No parking required
Agricultural research facilities (commercial)	1 space per 400 sq. ft. of GFA
Airports	1 space per 200 sq. ft. of GFA
Animal hospital, veterinary clinic and associated boarding of animals	1 space per 200 sq. ft. of GFA
Antenna tower for radio and television transmissions and other non-essential radio communications, including associated broadcasting studios	For broadcasting studios, 1 space per 500 sq. ft. of GFA
Aquaculture (retail)	1 space per employee plus one space per 200 sq. ft. of retail sales area
Aquaculture (wholesale)	1 space per 500 square feet GFA
Automobile, truck and recreational vehicle service, repair, washing, and fuel sales:	
Service and repair	3 spaces per service bay
Car washing	1 space per employee plus 3 spaces per bay
Fuel sales	1 space per employee plus 1 space per pumping nozzle
Bed-and-breakfast	1 space per guest bedroom in addition to the required spaces for the dwelling
Boat and marine equipment sales and assembly	1 space per 500 sq. ft. of GFA plus 1 space per 1,000 sq. ft. of outdoor display area
Building supply and lumber yards with outside storage	1 space per 300 sq. ft. of GFA
Cemeteries and mausoleums/columbarium, non-church-related, for humans and animals and family cemeteries	No parking required
Churches	1 space per 4 individual seats, or 8 linear feet of bench seating, or 30 sq. ft. of principal auditorium whichever is greater
Community and cultural facilities	1 space per 400 sq. ft. of GFA
Compounding industries (permanent)	1 space per employee
Conservation areas (public or private)	No parking required
Contracting and maintenance	1 space per 400 sq. ft. of GFA

Land Use	Parking Standard
Cottage industry	Apply requirement of most similar use in this table in addition to parking required for residential use
Day-care center, group, small group, or family	1 space per employee plus 1 space per 8 clients or fraction thereof, minimum of 2 spaces
Dwelling, accessory apartment	1 space per accessory apartment
Dwelling: agricultural employee dwelling, employee dwelling, guest house or mobile home accessory to agricultural use	2 spaces per dwelling unit
Dwelling, rehabilitation	1 space per employee plus 1 space per each 4 residents or fraction thereof, minimum of 2 spaces
Dwelling, single-family or multi-family	2 spaces per dwelling unit
Educational institutions, public or private, boarding and non-boarding	
Elementary and intermediate school	2 spaces per each 25 students allowed under maximum design capacity of the facility
High school	6 spaces per each 25 students allowed under maximum design capacity of the facility
College, vocational or other schools for adults	12 spaces per each 25 students allowed under maximum design capacity of the facility
Emergency services	1 space per 200 sq. ft. of GFA
Farm equipment service and repairs	1 space per 500 sq. ft. of GFA
Farm machinery and supplies sales	1 space per 300 sq. ft. of GFA
Farm market	1 space per 200 square feet of display and sales area
Fish and game hatcheries	1 space per 400 sq. ft. of GFA
Fisheries activities facilities	1 space per 400 sq. ft. of GFA of processing and wholesale sales area plus 1 space per 200 sq. ft. GFA of retail sales area
Flammable liquid storage, wholesale distribution, and resale	1 space per employee or 1 space per 500 sq. ft. of GFA, whichever is greater
Food packing and processing	1 space per 500 sq. ft. of GFA
Funeral home and crematorium	1 space per 100 sq. ft. of GFA
Golf courses and country clubs (public or private)	3 spaces per hole plus spaces required for restaurant, lounge or other commercial facilities
Grain processing, drying and storage (wholesale commercial)	2 spaces per employee
Greenhouse and plant nursery (retail)	1 space per 200 sq. ft. of GFA
Greenhouse and plant nursery (wholesale)	1 space per 400 sq. ft. of GFA
Group homes, large or small	1 space per employee plus 1 space for each 4 residents or fraction thereof, minimum of 2 spaces
Home occupation	Apply requirement of most similar use in this table in

Land Use	Parking Standard
	addition to parking required for residential use
Hospital	3 spaces per bed or 1 space per each 150 sq. ft. of GFA, whichever is greater
Hotel/motel	1 space per guest room (in a suite each bedroom shall constitute a guest room) plus 1 space per each 3 employees plus 1 space per 500 sq. ft. of accessory commercial space
Inn	1 space per guest room (in a suite each bedroom shall constitute a guest room) plus 1 space per 3 employees plus 1 space per 500 sq. ft. accessory commercial space
Kennel (commercial)	1 space per 200 sq. ft. of GFA
Laboratories for scientific research and experimentation	1 space per 500 sq. ft. of GFA
Livestock auction house	1 space per 1.5 patrons based on estimated maximum capacity, plus 1 space per employee
Manufacturing operations	1 space per employee or one space per 500 sq. ft. GFA, whichever is greater
Marine equipment service and repairs	1 space per 500 sq. ft. of GFA
Meeting halls and facilities for clubs, lodges and fraternal societies	1 space per 300 sq. ft. of GFA
Mineral extraction	1 space per employee
Monuments and memorial stones, production and sales	1 space per 200 sq. ft. of GFA
Nursing homes and assisted living facilities	1 space per 2 beds
Off-road outdoor recreation (public or private)	As determined by special exception approval
Office uses	1 space per 300 sq. ft. of GFA
Parks and playgrounds (public or private)	1 space per 10,000 sq. ft. of play field or other active recreation area, plus 1 space per acre of passive recreation area
Piers and marinas, commercial	1 space per 2 boat slips, plus 1 space per 400 sq. ft. of GFA
Piers and related boat facilities, community	1 space per 2 boat slips
Piers, wharfs, and docks, private	No parking required
Post offices	1 space per 300 sq. ft. of GFA
Poultry and hog houses, dairy barns, livestock feeding lots and agricultural lagoons	No parking required
Produce stands	1 space per 120 square feet of display and sales area
Pump stations for gas and oil pipelines	1 space
Recreation activities, general outdoor commercial:	
Ball courts or fields	1 space per 1.5 persons that the courts or fields were

Land Use	Parking Standard
	designed to accommodate
Miniature golf	2 spaces per hole
Driving or batting ranges	1 space per 10 linear feet of driving/batting line
Swimming pools	1 space per each 4 persons allowed by maximum design capacity
Recreation facilities, indoor (commercial or noncommercial):	
Ball courts	1 space per 1.5 persons that the courts or fields were designed to accommodate
Billiard/pool halls	2 spaces per table
Bowling alleys	5 spaces per alley
Health clubs	1 space per exercise station, 4 spaces per sauna or similar facility, 4 spaces per 1,000 sq. ft. of other activity area, unless otherwise specified in this section
Skating rinks	1 space per 50 sq. ft. of rink area
Swimming pools	1 space per each 4 persons allowed by maximum design capacity
Theaters and sports arenas	1 space per 3 seats or 1 space per 30 sq. ft. of floor for seating or 1 space per 6 linear feet of bench area whichever is greater
Recycling collection center	2 spaces per collection bin
Recycling, product (masonry and land clearing)	1 space per employee
Recycling processing center	1 space per employee or 1 space per 500 sq. ft. of GFA, whichever is greater
Restaurant with drive-through facilities	1 space per 75 sq. ft. of GFA plus 5 waiting spaces per drive-through window
Restaurants, bars and night clubs	1 space per 100 sq. ft. of GFA
Retail, general or major	1 space per 200 sq. ft. of GFA
Retail, incidental	1 space per 200 sq. ft. of GFA
Sawmills	1 space per employee
Scrap metal processing	1 space per employee or 1 space per 500 sq. ft. of GFA, whichever is greater.
Services, general	1 space per 300 sq. ft. of GFA
Services, professional:	
Medical services including chiropractic medicine, clinics (medical or veterinary), dentistry, medicine, veterinary medicine	1 space per 150 sq. ft. of GFA
Other professional services	1 space per 300 sq. ft. of GFA
Shooting range, indoor	2 spaces per shooting alley plus 1 space per employee

Land Use	Parking Standard
Stables, riding, trails and horse boarding (commercial)	1 space per 4 stalls plus 1 space per 2,000 sq. ft. of riding arena area(s)
Studios for instruction in art, music, dance, drama, crafts or physical education	1 space per employee plus 1 space per 300 sq. ft. GFA
Trucking terminals, storage yards and warehouses	1 space per 5,000 sq. ft. of freight storage area
Utility structures and services	No parking required
Vehicle and boat parking and storage (commercial)	1 space per 5,000 sq. ft. of storage area
Vehicle sales, including sale of automobiles, trucks and recreational vehicles	1 space per 400 sq. ft. GFA
Warehouse, self storage	1 space per 2,000 sq. ft. GFA.
Water treatment and storage facilities	1 space

D. Off-street parking areas shall include accessible parking spaces in accordance with ADA (the Americans with Disabilities Act) Standards for Accessible Design.

E. Design standards for off-street parking

- (1) The vehicle accommodation area shall be entirely within lot lines and shall not encroach on any road or other public right-of-way. No parked vehicle shall overhang a road or public right-of-way.
- (2) Except for parking facilities serving single-family residences and parking facilities accommodating three or fewer vehicles, off-street parking areas shall be designed so that it will not be necessary for vehicles to back into any road or public right-of-way.
- (3) Off-street parking spaces shall not be located in required bufferyard, landscaped areas or sewage disposal areas.
- (4) Vehicle accommodation areas shall be designed to provide access for sanitation, emergency, and other public service vehicles without backing unreasonable distances or making other hazardous turning movements.
- (5) Driveways and parking aisles shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

F. Design standards for facilities for five or more vehicles

Off-street parking and loading facilities required by this section for five or more vehicles shall be constructed and maintained in accord with the following standards.

- (1) The minimum dimensions of paved, off-street parking facilities shall be as prescribed in the off-street parking dimension requirements below, except that:
 - (a) A parking space within a garage or carport shall not be less than 20 feet in length and 10 feet in width.
 - (b) Dimensions for unpaved parking facilities shall be increased by 10%.

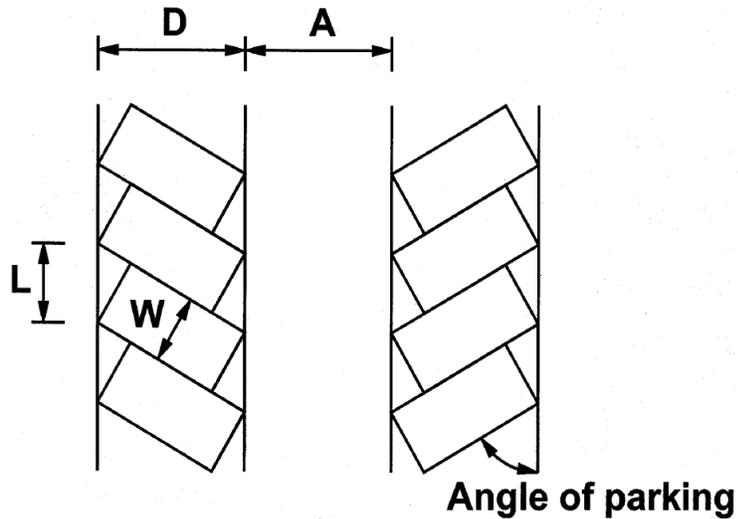
- (2) Minimum driveway width in commercial or industrial districts:
 - (a) Posted one-way driveway: 15 feet for access from a state or federal highway; 10 feet for access from other roads.
 - (b) Two-way driveways: 20 feet.
 - (c) The driveway shall maintain the required width for a distance of not less than 50 feet back from the road right-of-way.
- (3) Each required parking space shall have access from an aisle or driveway connecting with a road without moving another vehicle.
- (4) Requirements for nonresidential vehicle accommodation areas:
 - (a) The surface shall be compacted and surfaced in conformity with County specifications to provide a durable surface;
 - (b) The area shall be graded and drained to dispose of surface water without damage to property or roads;
 - (c) The area shall conform to additional standards for drainage in Chapter 164, Stormwater Management, of the Code;
 - (d) The area shall be appropriately demarcated with painted lines or other markings; and,
 - (e) Intermittent, temporary or low intensity uses may use grass, gravel, pavers or similar surfaces with approval from the approving authority.
- (5) Vehicle accommodation areas shall be properly maintained, including but not limited to maintaining the surface in good condition (free from potholes, etc.), and keeping lines or markings clearly visible and distinct.
- (6) Off-street parking dimension requirements:

Table V-4. Parking Dimensions

See Figure V-1 below for illustration of width, length, depth and aisle width.

Type of Surface	Angle of Parking	W Stall Width	L Curb Length per Car	D Stall Depth	A Minimum Aisle Width
Paved surface	0 degrees	9 feet	23 feet	9 feet	12 feet *
Unpaved surface	0 degrees	10 feet	23 feet	10 feet	12 feet *
Paved surface	30 degrees	9 feet	18 feet	17 feet 4 inches	11 feet *
Unpaved surface	30 degrees	10 feet	20 feet	18 feet 3 inches	11 feet *
Paved surface	45 degrees	9 feet	12 feet 9 inches	19 feet 10 inches	13 feet *
Unpaved surface	45 degrees	10 feet	14 feet 2 inches	20 feet 6 inches	13 feet *
Paved surface	60 degrees	9 feet	10 feet 5 inches	21 feet	18 feet *
Unpaved surface	60 degrees	10 feet	11 feet 6 inches	21 feet 6 inches	18 feet *
Paved surface	90 degrees	9 feet	9 feet	19 feet	24 feet
Unpaved surface	90 degrees	10 feet	10 feet	19 feet	24 feet

Figure V-1.



G. Bicycle parking

Sites developed for commercial, industrial or institutional use shall provide bicycle parking facilities at a location convenient to the main building entrances and with safe and convenient pedestrian access to building entrances.

H. Loading areas

- (1) All site plans shall include off-street loading areas of sufficient size to accommodate the numbers and types of vehicles likely to use this area for delivery or shipment operations.

- (2) The following indicates the minimum number and size of off-street loading spaces required. The approving authority for the site plan may require more or less loading and unloading area if reasonably necessary to satisfy this requirement.
 - (a) Structures or parts thereof having a gross floor area of 10,000 square feet or more shall have at least one loading space.
 - (b) One additional space shall be provided for each additional 20,000 square feet of gross floor area or major fraction thereof.
 - (c) Each loading space shall be at least 12 feet wide, 45 feet long, and if enclosed or covered, 14 feet high.
- (3) Loading areas and access ways shall have adequate space to allow off-street turning and maneuvering as well as safe and convenient movement to and from a road. Access ways at least 10 feet and no more than 20 feet in width shall connect loading spaces to a road. Such access ways may coincide with driveways or aisles to parking facilities.
- (4) Loading areas shall not be used to satisfy off-street parking requirements, nor shall off-street parking areas be used to satisfy loading area requirements.
- (5) Loading areas shall be located on the same lot as the use served.
- (6) Loading areas shall be:
 - (a) Located to the side or rear of buildings; and,
 - (b) Screened from road rights-of-way and residential properties.

§ 190-129. Other requirements

In addition to the requirements established in this chapter, development activity shall comply with applicable local, state and federal plans and regulations, including but not limited to the following:

- A. Roads and Bridges (Chapter 134), Floodplain Management (Chapter 70), Stormwater Management (Chapter 164), Building Construction (Chapter 28), and other applicable laws of the County.
- B. Sediment and erosion control. The applicant shall construct sediment and erosion control structures and facilities as required by the Talbot County Soil Conservation District.
- C. Water and sewerage systems. The applicant shall construct water supply and sewage collection or disposal facilities as required by the state health regulations and/or the County Engineer.
- D. The County Comprehensive Plan, Comprehensive Water and Sewer Plan, and Capital program as adopted.
- E. State and federal regulations relating to the development of land.