COUNTY COUNCIL

OF

TALBOT COUNTY, MARYLAND

2023 Legislative Session, Legislative Day No.: April 25, 2023

Bill No.: 1530

Expiration Date: June 29, 2023

Introduced by: Mr. Callahan, Ms. Haythe, Ms. Mielke, Mr. Stepp

A BILL TO ADDRESS REMAINING COMMENTS AND CONDITIONS OF APPROVAL IMPOSED BY THE MARYLAND CRITICAL AREA COMMISSION (THE "COMMISSION") FOR BILL NO. 1525, A BILL TO AMEND CHAPTER 190 OF THE TALBOT COUNTY CODE (ZONING, SUBDIVISION AND LAND DEVELOPMENT) REGARDING THE EXPANSION OF STRUCTURES UTILIZED FOR NONCONFORMING USES, SUBJECT TO CERTAIN CONDITIONS

By the Council: April 25, 2023

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, May 23, 2023 at 6:30 p.m. at the Bradley Meeting Room, Talbot County Courthouse, South Wing, 11 North Washington Street, Easton, Maryland 21601.

By Order: Susan W. Moran

Susan W. Moran, Secretary

A BILL TO ADDRESS REMAINING COMMENTS AND CONDITIONS OF APPROVAL IMPOSED BY THE MARYLAND CRITICAL AREA COMMISSION (THE "COMMISSION") FOR BILL NO. 1525, A BILL TO AMEND CHAPTER 190 OF THE TALBOT COUNTY CODE (ZONING, SUBDIVISION AND LAND DEVELOPMENT) REGARDING THE EXPANSION OF STRUCTURES UTILIZED FOR NONCONFORMING USES, SUBJECT TO CERTAIN CONDITIONS

WHEREAS, on September 27, 2022, the County Council of Talbot County, Maryland (the "County Council") enacted Bill No. 1525 for the purpose of amending Chapter 190 of the Talbot County Code (the "County Code") regarding the expansion of structures utilized for nonconforming uses; and

WHEREAS, the Maryland Critical Area Commission (the "Commission") processed Bill No. 1525 as a refinement to Talbot County, Maryland's (the "County") Critical Area Program; and

WHEREAS, on February 1, 2023, the Commission approved Bill No. 1525 with the condition that § 190-48.3(B) of the County Code be further amended to provide that, within the Resource Conservation ("RC") zoning district, the cumulative result of multiple expansions of structures used for nonconforming uses must comply with Subsection (B) as amended and the lot coverage limits for the entire site, with any request beyond such limitation requiring growth allocation; and

WHEREAS, on March 1, 2023, the Talbot County Planning Commission unanimously voted to recommend that the County Council amend § 190-48.3(B) of the County Code as approved by the Commission; and

WHEREAS, the County Council desires to enact the amendments approved by the Commission and recommended by the Planning Commission in order to complete the enactment of Bill No. 1525.

SECTION ONE: BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND that Chapter 190 (Zoning, Subdivision and Land Development) shall be and is hereby amended as follows:

KEY

Boldface.....Heading or defined term
Underlining.....Added to law by Bill No. 1525
~~Strikethrough~~.....Deleted from law by Bill No. 1525
Double Underlining.....Added to law by Bill No. 1530
~~Double Strikethrough~~.....Deleted from law by Bill No. 1530
* * * ..... Existing law unaffected

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§ 190-48.3. Expansion and major modification of nonconforming uses.

Expansion of a nonconforming use, or modifications to site improvements deemed major by the Planning Director, shall be permitted only if approved by the Board of Appeals, subject to the following criteria:

A. Applications shall be subject to the procedures and requirements of § 190-56 for Board of Appeals special exception applications.

B. Expansion of structures utilized for nonconforming uses shall be limited to no more than 20% of the gross floor area of the nonconforming use or ~~(ii)~~ 3,000 square feet, whichever is greater; provided, however, that under no circumstances shall any such expansion exceed 100% of the gross floor area of the nonconforming use. Within the RC District, the cumulative result of multiple expansions must comply with this standard and the lot coverage limits for the entire site. Any request beyond this limit must seek growth allocation.

* * *

SECTION TWO: AND BE IT FURTHER ENACTED, that if any provision of this Bill or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Bill which can be given effect without the invalid provision or application, and for this purpose the provisions of this Bill are declared severable.

SECTION THREE: AND BE IT FURTHER ENACTED, that the Talbot County Department of Planning and Zoning and the Talbot County Office of Law, in consultation with and subject to the approval of the County Manager, may make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any internal or external reference or citation included in this Bill, as finally adopted, that are incorrect or obsolete, with no further action required by the County Council. All such corrections shall be adequately referenced and described in an editor's note following the section affected.

SECTION FOUR: AND BE IT FURTHER ENACTED, that a copy of this Bill shall be sent to the Maryland Critical Area Commission immediately upon its passage.

SECTION FIVE: AND BE IT FURTHER ENACTED, that this Bill shall take effect sixty (60) days from the date of its passage.

PUBLIC HEARING

Having been posted and Notice of time, date, and place of hearing, and Title of Bill No. 1530 having been published, a public hearing was held on Tuesday, June 13, 2023 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

BY THE COUNCIL

Read the third time.

ENACTED: **June 13, 2023**

By Order Susan W. Moran
Susan W. Moran, Secretary

Callahan	-	Aye
Stepp	-	Aye
Lesher	-	Aye
Mielke	-	Aye
Haythe	-	Aye

EFFECTIVE DATE: **August 12, 2023**