

COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND

2010 Legislative Session, Legislative Day No.: January 26, 2010

Bill No.: 1179

Expiration Date: April 1, 2010

Introduced by: Mr. Bartlett, Mr. Duncan, Mr. Pack

A BILL TO AMEND THE TALBOT COUNTY CODE, CHAPTER 190, ZONING, SUBDIVISION AND LAND DEVELOPMENT, TO ADDRESS CERTAIN CHANGES TO BILL NO. 1162 AS REQUIRED BY THE STATE OF MARYLAND CRITICAL AREA COMMISSION FOR LOCAL CRITICAL AREA PROGRAM COMPLIANCE

By the Council: January 26, 2010

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, February 23, 2010 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 N. Washington St., Easton, Maryland 21601.

By Order

Susan W. Moran

Secretary

A BILL TO AMEND THE TALBOT COUNTY CODE, CHAPTER 190, ZONING, SUBDIVISION AND LAND DEVELOPMENT, TO ADDRESS CERTAIN CHANGES TO BILL NO. 1162 AS REQUIRED BY THE STATE OF MARYLAND CRITICAL AREA COMMISSION FOR LOCAL CRITICAL AREA PROGRAM COMPLIANCE

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

KEY

Underlining Added to existing law by amendment.

~~Strikethrough~~ Deleted from existing law by amendment.

* * * Existing law or bill unaffected.

1. Intra-family Transfer (P. 33), §190-14.I.2

* * *

Notwithstanding the density limits established in this section, the owner of a lot as of March 1, 1989~~6~~ located in the RC District may subdivide the lot by means of a bona fide intrafamily transfer subject to the following limits.

* * *

2. Afforestation language (P.157) §190-139 C(6)(c) –

* * *

Any lands within Shoreline Development Buffer required to be established in forest vegetation may be credited towards any afforestation, ~~reafforestation, or mitigation~~ required under §190-134, Forestry Activities. Mitigation for Buffer disturbance must be provided in addition to any requirements for Buffer establishment or afforestation.

* * *

3. Nonconforming Lots (P.179) §190-164 D –

* * *

D. Residential density. Except as otherwise provided, the County shall permit the types of land described in the following subsections to be developed in accordance with density requirements in effect prior to the adoption of the Critical Area Program notwithstanding the density provisions of the Program. The County shall permit a single-lot or parcel of land that was

legally of record on the date of Program approval to be developed with a single-family dwelling if a dwelling is not already placed there (notwithstanding that such development may be inconsistent with the density provisions of this ordinance) provided that:

(1) It is on land where development activity has progressed to the point of the pouring of foundation footings or the installation of structural members.

(2) It is a legal parcel of land, not being part of a recorded or approved subdivision, that was recorded as of December 1, 1985 and land that was subdivided into recorded, legally buildable lots, where the subdivision received the County's final approval prior to June 1, 1984 if:

A. At the time of development, the land is brought into conformance with the Critical Area Program insofar as possible, including the consolidation or configuration of lots not individually owned and these procedures are approved by the Critical Area Commission;
or

B. The land has received a building permit subsequent to December 1, 1985, but prior to local Program approval.

(3) It is on land that was subdivided into recorded, legally buildable lots, where the subdivision received the County's final approval between June 1, 1984 and December 1, 1985; and

(4) It is on land that was subdivided into recorded, legally buildable lots, where the subdivision received the final approval after December 1, 1985 and provided that either development of any such land conforms to the IDA, LDA OR RCA requirements in this chapter or the area of the land is counted against the growth allocation permitted under this ordinance.

E. For purposes of implementing this regulation, the County shall have determined, based on land uses and development in existence on December 1, 1985, which land areas fall within the three types of development areas described in this chapter.

F. Consistency. Nothing in this section may be interpreted as altering any requirements for development activities set out in the Water-Dependent Facilities Section or the Habitat Protection Areas Section of this ordinance.

* * *

4. Nonconforming Lots (P.182), §190-168 B –

* * *

(3) The proposed consolidation or reconfiguration of lots shall be in conformance with the Critical Area Commission's criteria for lot consolidation and reconfiguration found in COMAR 27.01.02.08.

* * *

5. Nonconforming Structures (Page 185), §190-169(E)(1) -

* * *

Natural vegetation of an area ~~two~~three times the extent of the additional disturbance ~~impervious surface~~ allowed shall be created in the Buffer or on the property if planting in the buffer cannot be reasonably accomplished.

* * *

6. Growth Allocation – (P. 197) §190-176 (D)(9) –

* * *

(9) Upon approval by the County Council, the County shall request approval by the Critical Area Commission of the use of a portion of the County's growth allocation, as provided in §190-173.G. The County's request shall:

* * *

(c) Be accompanied by all information and documentation required by the Critical Area Commission at the time of submittal for a growth allocation request, as stated in COMAR 27.01.02.05.

* * *

7. Definitions (P.241)

* * *

Intensely Developed Area (IDA) –

A. An area of the Critical Area of at least 20 acres, or the entire upland portion of the Critical Area within an incorporated town, whichever is less, where:

- (1) Residential, commercial, institutional or industrial developed land uses predominate; and,
- (2) A relatively small amount of natural habitat occurs.

* * *

Lot Coverage-

A. The percentage of a total lot or parcel that is:

- (1) Occupied by a structure, accessory structure, parking area, driveway, walkway or roadway; or
- (2) Covered with gravel, stone, shell, impermeable decking, a paver, permeable pavement, or any manmade material.
- (3) “Lot coverage” includes the ground area covered or occupied by a stairway or impermeable deck.

* * *

Program Amendment – Any change or proposed change to an adopted Critical Area Program that is not determined by the chairman of the Critical Area Commission to be a Program refinement. A Program amendment includes a change to a zoning map that is not consistent with the method for using the growth allocation contained in an adopted Program.

* * *

Stream, Intermittent – A stream in which surface water is absent during a part of the year ~~that has been identified by site inspection as shown on the most recent 7.5-minute topographic quadrangle published by the United States Geologic Survey, or as confirmed by field verification or the Maryland Department of the Environment.~~

Stream, Perennial – A stream containing surface water throughout an average rainfall year ~~that has been identified by site inspection as shown on the most recent 7.5-minute topographic quadrangle published by the United States Geologic Survey, or as confirmed by field verification or the Maryland Department of the Environment.~~

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PUBLIC HEARING

Having been posted and Notice of time and place of hearing and Title of Bill No. 1179 having been published, a public hearing was held on Tuesday, February 23, 2010 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

BY THE COUNCIL

Read the third time.

ENACTED: February 23, 2010

By Order Susan W. Moran
Secretary

Harrison - Aye
Pack - Aye
Duncan - Aye
Foster - Aye
Bartlett - Aye

