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 or 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**
Agricultural Processing Includes raw product packaging, freezing and canning See regulations for specific land uses in this Article.	S	S	S								P
Agricultural Production 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
Agricultural Research Facilities (commercial) 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.	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**
Agricultural Uses And Structures, Accessory 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. 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. Includes value-added processing. See regulations for specific land uses in this Article.	A	A	A	A	A	A	A	A			
Agricultural Uses and Structures - Poultry and Hog Houses Larger Than 1,500 Square Feet on Parcels Smaller Than 20 Acres See regulations for specific land uses in this Article.	S	S	S	S							
Agricultural Uses and Structures - Poultry and Hog Houses, Livestock Feeding Lots and Agricultural Lagoons See regulations for specific land uses in this Article. In the VC District, limited to poultry houses.	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 sturcture.

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.

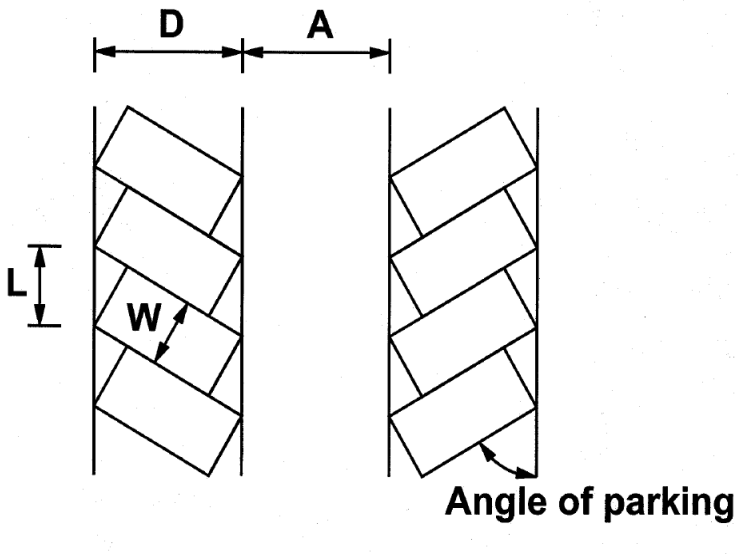
(6) Off-street parking dimension requirements:

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.

Article VI Critical Area

§ 190-130. Intent and Purpose

A. Intent

In 1984, the Maryland General Assembly passed the Chesapeake Bay Critical Area Act in response to growing concern over the decline of the quality and productivity of the waters of the Chesapeake Bay and its tributaries. The decline was found to have resulted, in part, from the cumulative effects of human activity that caused increased levels of pollutants, nutrients, and toxins, and also from declines in protective land uses such as forest land and agricultural land in the Bay region.

B. Purpose

The General Assembly enacted the Critical Area Act for the following purposes:

(1) To establish a resource protection program for the Chesapeake Bay and its tributaries by fostering more sensitive development activity for certain shoreline areas so as to minimize impacts to water quality and natural habitats; and

(2) To implement a resource protection program on a cooperative basis between the State and affected local governments, with local governments establishing and implementing their programs in a consistent and uniform manner subject to State Criteria and oversight.

C. County Critical Area Program

The County's Critical Area Program became effective on August 13, 1989.

D. These provisions regulate development activities and resource utilization activities, e.g., agriculture and forestry, within the Critical Area. They supplement existing land use regulations by imposing specific standards and requirements as set forth in the Critical Area Act and Criteria. In the case of conflicting provisions, the stricter provisions shall apply.

§ 190-131. Applicability

A. The regulations in this article apply within the Critical Area. §190-10 shows the relationship between the various zoning districts within the Critical Area and the Critical Area designations of Resource Conservation Area (RCA), Limited Development Area (LDA), and Intensely Developed Area (IDA). Any applicant for a permit or license to pursue development activities within the Critical Area shall have such permits or licenses issued by the appropriate regulatory authorities after review under the County's Critical Area Program.

B. Regulations relating to the administration of the County's Critical Area requirements are in Article IX.

§ 190-132. Prohibited Uses

The following uses are prohibited in the Critical Area.

A. Non-maritime heavy industry;

B. Transportation facilities and utility transmission facilities, except those necessary to serve permitted uses, or where regional or interstate facilities must cross tidal waters (utility transmission facilities do not include power plants);

C. Permanent sludge handling, storage, and disposal facilities with the exception of those facilities associated with current wastewater treatment operations in Talbot County, and excepting the agricultural or horticultural land applications of sludge (with Maryland state approvals and approved application methods and rates) outside of the shoreline development buffer;

D. Solid or hazardous waste collection or disposal facilities;

E. Sanitary landfills;

F. Septage storage or holding facilities, except facilities on the site of a Talbot County Wastewater Treatment Plant; and,

G. Boathouses and floating residences.

§ 190-133. Agricultural uses

Permitted agricultural uses in the Critical Area shall be conducted in accord with the following provisions:

A. Creation of new agricultural lands

(1) Agricultural activity permitted within the Critical Area shall utilize Best Management Practices in accordance with a Soil Conservation and Water Quality Plan approved by the County Soil Conservation District (see subsection B(3) below).

(2) The creation of new agricultural lands shall not be accomplished by:

(a) Diking, draining, or filling of any class or subclass of palustrine wetlands as described in the State Critical Area Program which are seasonally flooded, unless mitigation is accomplished in accordance with applicable State and County regulations;

(b) Clearing forests or woodlands with soils having a slope greater than 15 percent; or on soils with a K-value greater than 0.35 and slope greater than five percent;

(c) Clearing vegetation that will adversely affect water quality or will destroy plant and wildlife habitats; or

(d) The clearing of existing natural vegetation within the Shoreline Development Buffer.

B. Agricultural uses

The following requirements shall be met for agricultural uses:

(1) Vegetated filter strip

(a) Landowners shall establish and maintain a vegetated filter strip of not less than 25 feet along the tidal shoreline and tributary streams of agricultural fields.

(b) The width of the filter strip shall be measured landward from the mean high-water line of tidal water, edge of tidal wetlands, and from the edge of tributary streams (excluding drainage ditches). If the average slope of the strip is greater than six percent (measured from the water's edge to the landward edge of the strip, along a line perpendicular to the water), then the strip shall be expanded in four-foot increments for each one percent of slope over six percent;

(c) The filter strip shall be composed of either trees and a dense ground cover, or a thick sod of grass, and shall be managed so as to provide water quality benefits and habitat protection consistent with the Shoreline Development Buffer purposes.

(d) Invasive species and noxious weeds which occur in the filter strip, including Johnson grass, Canada thistle, and multiflora rose, may be controlled by authorized means.

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

(f) Farming activities, including the grazing of livestock, shall not disturb stream banks, tidal shorelines, or other Habitat Protection Areas.

(g) Where agricultural use of lands within the Shoreline Development Buffer ceases and the lands are proposed to be converted to other uses, the Shoreline Development Buffer shall be established. The Buffer shall be established landward from the mean high water line of tidal waters, the edge of tributary streams, and the edge of wetlands.

(2) Best Management Practices

Best management practices shall include:

(a) A grassland and manure management program where determined to be appropriate by the Soil Conservation District.

(b) The feeding or watering of livestock may not be within 50 feet of the mean high-water line of tidal water and edge of tidal wetlands, and of tributary streams whichever is further inland.

(3) Soil Conservation and Water Quality Plan

(a) Qualifying landowners shall have in place and be implementing a current Soil Conservation and Water Quality Plan approved by the Soil Conservation District that adheres to the agricultural components of the Maryland 208 Water Quality Plan.

(b) Until such time as a Soil Conservation and Water Quality Plan is in place, landowners shall use the following practices:

(i) Proper nutrient application rates;

(ii) Appropriate timing and method of nutrient application;

(iii) Reduced tillage practices;

(iv) Crop rotation; and

(v) Cover crop

(c) In preparing the plan, the landowner shall select and implement, with the assistance of a technically trained soil conservation planner or technician, from among the several best management practices, those which minimize impacts to water quality, conserve fish, wildlife, and plant habitats, and integrate best with the farming operation. The plan shall:

(i) Assure that best management practices for the control of nutrients, animal wastes, pesticides, and sediment runoff are used to protect the productivity of the land base and enhance water quality. These practices shall minimize contamination of surface and groundwater and, further, shall minimize adverse effects on plants, fish, and wildlife resources.

(ii) Assure that animal feeding operations, including retention and storage ponds, feed lot waste storage, and manure storage, minimize the contamination of water bodies.

(iii) Identify areas of significant sheet and gully erosion and propose best management practices.

(iv) Include a 25-foot filter strip, as described in §190-133.B.

(v) Protect habitat protection areas.

(4) Timber Harvesting

Timber harvesting shall conform to the requirements of §190-134, Forestry activities.

§ 190-134. Forestry activities

A. Purposes and General Plan Requirements

(1) The purposes of the regulations in this section are to:

(a) Maintain and increase the forested vegetation of the Critical Area;

(b) Conserve forests and developed woodlands and provide for expansion of forested areas;

(c) Minimize the removal of trees associated with development activities, and provide for mitigation where appropriate;

(d) Protect and enhance forest resources in the Shoreline Development Buffer.

(2) Plans required under this section shall:

(a) Include measures to protect surface and groundwater quality;

(b) Identify whether the activities will disturb or affect habitat protection areas and incorporate protection measures for these areas;

(c) Provide for the continuity of habitat through forest management techniques which include scheduling, size, timing and intensity of harvest cuts, afforestation and reforestation;

(d) Consider forests as a protective land use to be managed so that maximum values for wildlife, water quality, timber, recreation, and other resources can be maintained, recognizing that, in some cases, these uses may be mutually exclusive.

B. Required approvals for each type of forestry activity

(1) The following table lists the different types of forestry activities. The Planning Office shall decide if removal is permitted based on considerations including but not limited to the following:

(a) The number of trees or area of vegetation, if any, to be removed,

(b) Slopes,

(c) Potential for erosion, and

(d) Whether mitigation will be required.

(2) For any activity not listed below, the Planning Director shall determine what type of plan or permit is required.

Table VI-1. Forestry Activity Approvals

Activity		Plan or permit required prior to undertaking activity
1	All timber harvesting occurring within any one-year interval and affecting one or more acres in forests and/or developed woodland.	Critical Area Timber Harvest Plan, Forest Preservation Plan
2	All timber harvesting in the Shoreline Development Buffer regardless of the size area affected.	Critical Area Timber Harvest Plan, Forest Preservation Plan
3	Any development activity which results in the cutting or clearing of any portion of a forest or developed woodland or individual trees.	Forest Preservation Plan
4	Development activities resulting in substantial alterations on parcels that have less than 15 percent of the site in forest or developed woodland.	Forest Preservation Plan
5	Mitigation required under this Article.	Forest Preservation Plan
6	Development activity on land within the Shoreline Development Buffer where agricultural use buffer ceases.	Forest Preservation Plan
7	The cutting of trees or removal of natural vegetation where necessary for water-dependent facilities, for access to the shore or to private piers, or to install or construct a shore erosion protection device or measure.	Forest Preservation Plan
8	The cutting of individual trees for personal use.	Forest Preservation Plan
9	Removal of individual trees which are in danger of falling and causing damage to dwellings or other structures, or which are in danger of falling and therefore causing the blockage of streams, or resulting in accelerated shore erosion.	Forest Preservation Plan or Property Maintenance Permit
10	Horticultural practices, including thinning, necessary to maintain the health of individual trees, or removal of trees that are dead, diseased or damaged from natural causes and are unlikely to survive.	Forest Preservation Plan or Property Maintenance Permit
11	Other cutting techniques which may be undertaken under the advice and guidance of the Maryland Departments of Agriculture and Natural Resources, if necessary to preserve the forest from extensive pest or disease infestation or threat from fire.	Forest Preservation Plan
12	Removal of invasive species, including Johnson grass, Canada thistle, and multiflora rose.	Property Maintenance Permit

C. Forest Preservation Plans

(1) Preparation; Submittal; Decision

(a) The Planning Director shall publish an application form and a checklist of required information for Forest Preservation Plans.

(b) At a minimum, the Forest Preservation Plan shall show existing vegetation, vegetation proposed to be removed, and proposed planting, including the size, species and location of all plantings.

(c) The Planning Director may require that a Forest Preservation Plan be prepared by a registered professional forester or other qualified professional.

(d) The application shall be filed with and decided by the Planning Office.

(2) Criteria. The following criteria shall be used in preparing Forest Preservation Plans for sites in the RC, RR, TR, and VC Districts of any size, and sites in the LC, GC, and LI districts covering less than 20 acres:

(a) Existing forests and developed woodlands in Habitat Protection Areas shall be protected.

(b) The following standards shall apply to the removal of existing forest or developed woodland:

(i) The removal of any existing forest or developed woodland shall be limited to 20 percent of the forest use on any parcel.

(ii) The remaining 80 percent shall be protected and maintained through fee title donation, conservation easements, cooperative agreements with landowners and/or special provisions in forest management plans. The Planning Director shall approve the delineation of the area to be protected and the protection method.

(iii) Any natural vegetation, forest or developed woodland that has been removed shall be replaced on a not-less-than-equal-area basis, with the same species or a species appropriate to the site. Preferred location for replacement shall be on-site and adjacent to existing woods, streams or other natural habitat.

(iv) An additional 10 percent of any forest or developed woodland may be removed from forest use, provided that the replacement forest shall be 1.5 times the entire area of the forest or developed woodland being removed.

(v) A fee-in-lieu shall be provided to the County, adequate to ensure the restoration or establishment of an equivalent forest area, if the area of the site precludes the implementation of Subsections (iii) and (iv) above. The amount of the fee shall be determined in the fee schedule adopted by the County Council.

(vi) Surety shall be provided by the property owners or developers in an amount acceptable to the Talbot County Council that will be suitable to assure satisfactory forest replacement as required in Subsections (iii) and (iv) above.

(vii) The Planning Director may require approval of an erosion and sediment control plan for the project prior to approving a forest preservation plan.

(viii) Any vegetation removed before obtaining required permits, or any forest area removed that exceeds the maximum allowed in

Subsections (iii) and (iv) above, shall be replaced at three times the area of forest removed;

(c) Pathways. Vegetation may be removed for pathways to the shore or piers in accordance with Table VI-1 above. The pathways shall be:

(i) Direct and no longer than necessary,

(ii) No wider than six feet,

(iii) Constructed to maintain as much canopy as possible, and

(iv) Surfaced with grass or similar low vegetation, stabilized only with pervious wood chips.

(v) In areas of steep slopes, wooden stairways may be constructed as approved by the Planning Director.

(d) Unforested or partially forested parcels or lots existing as of August 13, 1989, shall be planted to provide a forest or developed woodland cover of at least 15 percent. Preferred location for plantings shall be within the Shoreline Development Buffer, then adjacent to streams, woods or other natural features.

(3) Criteria. The following criteria shall be used in preparing Forest Preservation Plans for sites in the Limited Commercial, General Commercial, and Limited Industrial Districts of 20 or more acres:

(a) Forest and developed woodland resources shall be enhanced through techniques such as urban forestry (street tree plantings, gardens, landscaping, open land buffer plantings);

(b) Destruction of forest and woodland vegetation shall be minimized; and

(c) Existing forests and developed woodlands in Habitat Protection Areas shall be protected.

(4) Implementation and maintenance

(a) A Forest Preservation Plan shall include either of the following:

(i) A time period for implementing the plan and provisions for a final inspection by the County after which the plan will be certified complete; or

(ii) Provisions for removal of invasive species and/or maintenance of natural vegetation for a period of up to five years, including provisions for annual inspection by the County.

(b) Approval of a Forest Preservation Plan authorizes the current property owner to maintain the approved area or activity in accordance with the plan, without any requirement for reapplication or reapproval.

D. Property Maintenance Permits

(1) The Planning Director shall publish an application form and a checklist of required information for Property Maintenance Permits.

(2) The application shall be filed with and decided by the Planning Office.

(3) In approving the application the Planning Office may include conditions necessary to achieve the purposes and general plan requirements of this section.

E. Critical Area Timber Harvest Plans

(1) Procedures

(a) The plan shall be prepared by a registered professional forester or the MD Forest Service.

(b) The plan shall be submitted to the Talbot County Forest Conservancy District Board and, upon approval, to the Talbot County Soil Conservation District.

(c) Upon approval by the Talbot County Soil Conservation District, the plan shall be forwarded to the Planning Office which shall issue a Forest Preservation Plan, and provide a copy to the Department of Natural Resources and to the Critical Area Commission.

(2) Criteria

(a) Cutting or clearing of trees within the Shoreline Development Buffer is prohibited, except that commercial harvesting of trees may be permitted in the portion of the buffer more than 50 feet from the mean high-water line of tidal water and edge of wetlands, and more than 50 feet from tributary streams. Such harvesting shall allow the selective cutting of any species or clear cutting of Loblolly Pine and Tulip Poplar trees.

(b) Commercial harvesting shall not be permitted within those portions of the Shoreline Development Buffer located in the following habitat protection areas:

(i) Forest interior dwelling bird (FIDS);

(ii) Habitats of threatened and endangered species or species in need of conservation;

(iii) Anadromous fish propagation waters; and

(iv) Plant and wildlife habitats.

(c) For harvest activities within the Shoreline Development Buffer the Timber Harvest Plan shall also insure that:

(i) Disturbance to stream banks and shorelines is avoided;

(ii) The area disturbed or cut will be replanted or allowed to regenerate in a manner that assures the availability of cover and breeding sites for wildlife, and reestablishes the wildlife corridor function of the Shoreline Development Buffer; and,

(iii) The cutting does not involve the creation of logging roads and skid trails within the Shoreline Development Buffer.

(iv) Commercial harvesting practices shall be conducted to protect and conserve the habitat protection areas in accordance with §190-140 through 143.

(3) Erosion and Sediment Control Plan

(a) For any timber harvest which will disturb an area of 5,000 square feet or more, including harvesting of trees on agricultural lands, a sediment control plan shall be submitted to the Soil Conservation District. This plan is also required for any harvests which cross tidal streams.

(b) This plan shall be developed according to the state guidelines entitled: "Standard Erosion and Sediment Control Plan for Harvest Operations".

(4) Implementation and Enforcement

Harvest operations shall be implemented in accordance with specifications set out by the Maryland Department of Natural Resources. The County will enforce the Timber Harvest Plan.

§ 190-135. Stormwater

A. Purpose

The purposes of the regulations in this section are to address the quality and quantity impacts of development activities so as to maintain and improve the water quality of the runoff and streams emptying into the Chesapeake Bay.

B. Plan Required, Approval, Conflicting Provisions, Limits on Location

(1) A stormwater management plan shall be prepared for all development activities consistent with the requirements of Chapter 164 of this Code (Stormwater Management).

(2) The stormwater management plan shall be approved by the Department of Public Works.

(3) In the event of conflicting provisions between this section and Chapter 164, the provisions of Chapter 164 shall apply, as required by the Department of Public Works.

(4) Facilities for treatment of stormwater within the Critical Area shall not serve development outside of the Critical Area.

C. Resource Conservation Areas (RCA) and Limited Development Areas (LDA)

(1) Development activities shall not cause downstream property, watercourses, channels, or conduits to receive stormwater runoff at a higher volume or rate than would have resulted from a ten-year storm were the land in its predevelopment state; and

(2) Stormwater storage facilities shall be designed with sufficient capacity to achieve the water quality goals of this section and to eliminate additional runoff caused by the proposed development in excess of that which would have come from this site if it were in its predevelopment state.

D. Intensely Developed Areas (IDA)

(1) At the time of development or redevelopment technologies as required by applicable State and local ordinances shall be applied by anyone undertaking development activities in order to minimize adverse impacts to water quality caused by stormwater.

(2) In the case of redevelopment, if these technologies do not reduce pollutant loadings measured by use of the keystone pollutant method by at least 10 percent below the level of pollution on the site prior to redevelopment, then offsets shall be provided. Guidance for compliance with this requirement is provided in the Maryland Chesapeake and Atlantic Coastal Bays Critical Area 10% Rule Guidance – Fall 2003 (the 10% Rule Guidance) and as may be subsequently amended.

(3) In the case of new development, offsets as determined by the County shall be used if they reduce pollutant loadings by at least 10 percent of the pre-development levels. Guidance for compliance with this requirement is provided in the 10% Rule Guidance.

(4) Offsets may be provided either on or off site, provided that water quality benefits are equivalent, that the benefits are obtained within the same watershed, and that the benefits can be determined through the use of modeling, monitoring or other computation of mitigation measures. Guidance regarding offsets is provided in the 10% Rule Guidance.

§ 190-136. Lot Coverage

A. In Resource Conservation Areas (RCA) and Limited Development Areas (LDA), lot coverage is limited to 15 percent of a parcel or lot, except as provided in the following subsections.

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

(1) Lot coverage shall be limited to the following:

Table VI-2 Lot coverage limits for lots existing December 1, 1985

Lot size	Maximum lot coverage
½ acre or less	25 percent of lot area
Greater than ½ acre	15 percent of lot area

(2) The Planning Director may approve greater lot coverage than allowed by subsection (1) above based upon findings that the following criteria are satisfied:

(a) New lot coverage on the property has been minimized;

(b) Water quality impacts associated with runoff from the new development activities that contribute to lot coverage will be minimized through site design considerations or use of best management practices.

(c) The property owner performs on-site mitigation as required by the Planning Director to offset potential adverse water quality impacts from the new development activities that contribute to lot coverage.

(3) Planning Director approval of greater lot coverage shall be limited to:

(a) Lot or parcel one-half acre or less in size: total lot coverage shall not exceed lot coverage limits in Table VI-2 by more than 25 percent or 500 square feet, whichever is greater;

(b) Lot or parcel greater than one-half acre and less than one acre in size: total lot coverage shall not exceed 15 percent of the lot area or 5,445 square feet, whichever is greater.

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

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

Lot/Parcel size (square feet)	**Maximum lot coverage with increase approvable by Planning Director**
0 – 8,000	Area equal to 25% of parcel plus 500 square feet
8,001 – 21,780	Area equal to 25% of parcel plus one fourth of the 25%
21,780 – 36,300	5,445 square feet
36,301 – 43,560	15% of parcel

C. If an individual lot one-acre or less in size is part of a subdivision approved after December 1, 1985:

(1) The total lot coverage for the entire subdivision may not exceed 15 percent

(2) However, the lot coverage of an individual lot may not exceed 40 percent.

D. In Intensely Developed Areas (IDA), permeable ground surfaces shall be established in vegetation.

E. A lot or parcel legally developed as of July 1, 2008, in accordance with the impervious surface requirements in effect at the time of construction, is legally nonconforming for purposes of lot coverage requirements. See Article VIII for nonconforming structure provisions.

§ 190-137. Tributary Stream Management

All development activities that must cross or affect streams shall be designed to:

A. Reduce increases in flood frequency and severity that are attributable to development;

B. Retain tree canopy so as to maintain stream water temperature within normal variation;

C. Provide a natural substrate for stream beds; and

D. Minimize adverse water quality and quantity impacts of stormwater.

§ 190-138. Habitat Protection Areas, Habitat Protection Plans

A. Habitat protection areas are the following: the shoreline development buffer, nontidal wetlands, habitats of species in need of conservation, threatened and endangered species, plant and wildlife habitat areas, and anadromous fish propagation waters.

B. A habitat protection plan is required when a proposed subdivision would affect a habitat protection area.

C. The Planning Director may require a habitat protection plan for types of development activity other than subdivisions.

D. A habitat protection plan shall be prepared by a professional biologist, ecologist, or other professional qualified to prepare such plans.

E. The habitat protection plan shall show how the development activity will meet the purposes and specific requirements for each type of habitat protection area set forth in the individual habitat protection area sections in this Article.

F. The following general criteria apply to all habitat protection areas.

(1) Roads, bridges, and utilities may not be located in any habitat protection area unless no feasible alternative exists.

(2) All roads, bridges, and utilities that must cross a habitat protection area shall be located, designed, constructed, and maintained so as to provide maximum erosion protection and minimize negative impacts to wildlife, aquatic life and their habitats and maintain hydrologic processes and water quality.

§ 190-139. Shoreline Development Buffer

A. Establishment; Measurement

(1) The Shoreline Development Buffer shall be measured landward from the mean high water line of tidal waters or the edge of tidal wetlands.

(2) The Shoreline Development Buffer shall be:

(a) At least 200 feet wide for subdivisions and site plans submitted after July 1, 2008, within the Resource Conservation Area.

(b) At least 100 feet wide for all lots legally created prior to July 1, 2008 or lots for which subdivision plans were submitted before July 1, 2008 and final plats were recorded on or before July1, 2010, within the Resource Conservation Area;

(c) At least 100 feet wide for lots within the Limited Development Area or Intensely Developed Areas; and,

(d) At least 100 feet wide from the edge of tributary streams.

(3) A buffer expansion shall be required, beyond the minimum 100 foot or 200-foot Shoreline Development 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.

(a) In the case of slopes of 15 percent or greater, within or contiguous to the Shoreline Development Buffer the buffer shall be expanded four feet for every one percent of slope beyond the required buffer, or 50 feet from the top of the slope, whichever is greater in extent. See, buffer expansion, as defined in Article XI.

(b) The following criteria shall be used to determine the extent of the expanded buffer for highly erodible soils or hydric soils:

(i) Where it is demonstrated that highly erodible soils or hydric soils exist within 200 feet of the buffer, and where the existing slope of the buffer is less than 5%, expansion is not required.

(ii) Where it is demonstrated that highly erodible soils or hydric soils exist within 200 feet of the 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 buffer.

(iii) Where it is demonstrated that highly erodible soils or hydric soils exist within 200 feet of the buffer, and where the existing slope of the buffer is greater than 10%, the buffer shall be expanded 100 feet beyond the edge of the buffer.

(4) The 200-foot Shoreline Development Buffer may be reduced if the strict application of the minimum 200-foot buffer would preclude:

(a) Subdivision of the property at a density of one dwelling unit per 20 acres, and all other state and local requirements will be satisfied; or,

(b) An intra-family transfer as permitted by the RC District standards.

(5) In Buffer Management Areas, under certain conditions, Shoreline Development Buffer setbacks may vary in accordance with provisions set forth in §190-146.

B. Purpose

The Shoreline Development Buffer shall be established and managed to achieve or enhance the following functions:

(1) Remove or reduce the sediments, nutrients, and potentially harmful or toxic substances in runoff entering the Bay;

(2) Minimize the adverse effects of human activities on wetlands, shorelines, stream banks, tidal waters, and aquatic resources;

(3) Maintain an area of transitional habitat between aquatic and upland ecological communities;

(4) Maintain the natural environment of streams;

(5) Protect riparian wildlife habitat; and

(6) Maintain natural vegetation.

C. Requirements

(1) The Shoreline Development Buffer shall be shown on the plan for any development activity.

(2) New development activities, including structures, fences, roads, parking areas and other impervious surfaces, mining and related facilities, or septic systems, are not permitted in the buffer, except for those necessarily associated with water-dependent facilities or individual private piers.

(3) Lot coverage in the buffer may not exceed the minimum amount necessary for water-dependent facilities, regardless of the Critical Area classification or the size of the parcel or lot, except:

(a) In Buffer Management Areas, or

(b) If a variance is granted in accordance with §190-182.

(4) Cutting or clearing existing natural vegetation in the Shoreline Development Buffer is permitted only as approved by the Planning Office. See §190-134, Forestry Activities.

(5) Existing areas of public access to the shoreline, such as foot paths, scenic drives, and other public recreational facilities, shall be maintained, with new facilities encouraged in LC, GC, and/or LI zoning districts of 20 or more contiguous acres.

(6) Establishment of the Shoreline Development Buffer

(a) Where agricultural use of lands within the Buffer ceases and the former agricultural lands are proposed to be converted to other uses, the Buffer shall be established in natural vegetation.

(b) A Forest Preservation Plan shall be prepared for the proposed planting. See §190-134, Forestry Activities.

(c) Any lands within Shoreline Development Buffer required to be established in forest vegetation may be credited towards any afforestation, reforestation, or mitigation required under §190-134, Forestry Activities.

(7) Normal and customary maintenance of lawns located in the Shoreline Development Buffer that were established prior to November 2004 may continue until an approved substantial alteration or change of use occurs.

§ 190-140. Nontidal wetlands

A. A permit shall be obtained from the Maryland Department of the Environment for any activity regulated under COMAR 26.23 (Nontidal Wetlands) that is proposed as part of a development activity in or within 25 feet of nontidal wetlands.

B. A minimum 25-foot buffer around nontidal wetlands shall be maintained.

C. Nontidal wetlands and a 25-foot buffer shall be shown on all required plans and plats including, but not limited to concept plans, subdivision plans, forest preservation plans, and site plans.

§ 190-141. Threatened and Endangered Species; Species in Need of Conservation

A. Purpose

The purpose of this section is to provide protection for threatened and endangered species, for species in need of conservation, and for the habitats of these species in the Critical Area.

B. Species

(1) Species protected under this section include, but are not necessarily limited to the Bald Eagle, Delmarva Fox Squirrel, and the Sedge Wren.

(2) As part of the habitat protection plan the applicant shall coordinate with the DNR to identify any threatened and endangered species and species in need of conservation that might be affected by the proposed development activity, and to identify protection and management mechanisms.

C. Requirements

The habitat protection plan shall include measures to protect threatened and endangered species and species in need of conservation. These measures shall include:

(1) Designation of protection areas around the habitats of the species.

(2) A program for protecting the habitats of the species which may include, but are not limited to areas or periods of restricted access or activity, conservation easements, cooperative agreements with landowners, special provisions in forest preservation plans, soil conservation and water quality plans, soil erosion and sediment control plans, or other plans.

§ 190-142. Plant and Wildlife Habitat Areas

A. Purpose

The purpose of this section is to:

(1) Conserve wildlife habitat in the Critical Area;

(2) Protect those wildlife habitats that tend to be least abundant or which may become so in the future if current land-use trends continue;

(3) Protect those wildlife habitat types which are required to support the continued presence of various species; and

(4) Protect natural heritage areas.

B. Plant and Wildlife Habitat Areas

Plant and wildlife habitat areas include:

(1) Colonial water bird nesting sites;

(2) Historic waterfowl staging and concentration areas in tidal waters, tributary streams or tidal and nontidal wetlands;

(3) Existing riparian forests (for example, those relatively mature forests of at least 300 feet in width which occur adjacent to streams, wetlands, or the Bay shoreline and which are documented breeding areas);

(4) Forest areas utilized as breeding areas by forest interior dwelling birds and other wildlife species (for example relatively mature forested areas within the Critical Area of 50 acres or more or forest connected with such areas) – see Critical Area Commission publication entitled, A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area, dated June 2000, and as may be subsequently amended;

(5) Natural Heritage Areas;

(6) Other areas which may in the future be identified by state and federal agencies as important plant or wildlife habitat areas;

(7) Other plant and wildlife habitats determined to be of local significance; and,

(8) Nontidal wetlands.

C. Requirements

The habitat protection plan shall include measures to protect and enhance plant and wildlife habitat areas. These measures shall include:

(1) Buffer areas for colonial water bird nesting sites. Protect these areas from development activities and from disturbance in the breeding season.

(2) Locate new water-dependent facilities so as to prevent disturbance to sites of significance to wildlife such as historic, aquatic staging and concentration areas for waterfowl.

(3) Protect and conserve forested areas required to support plant and wildlife species (see A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area, dated June 2000, and as may be subsequently amended). Management measures may include, but are not limited to:

(a) Clustering development,

(b) Other site design practices,

(c) Easements and other land preservation techniques,

(d) Preserve vertical diversity of plant type by maintaining natural bush and ground cover layers beneath stands of trees.

(4) Provide effective connections between wildlife habitat areas.

(5) Protect by appropriate means locally significant plant and wildlife habitats. (Examples of these areas are those whose habitat values may not be of Statewide significance, but are of importance locally or regionally because they contain species uncommon or of limited occurrence in the County, or because the species are found in unusually high concentrations).

(6) Protect natural heritage areas from alteration due to development activities or cutting or clearing so that the structure and species composition of the areas are maintained.

(7) Incorporate plants with high benefit to wildlife into development.

§ 190-143. Anadromous Fish Propagation Waters

A. Purpose

The purposes of this section are:

(1) Protect the in-stream and streambank habitat of anadromous fish propagation waters;

(2) Promote land use policies and practices in the watershed of spawning streams which will minimize the adverse impacts of development on the water quality of the streams; and

(3) Provide for the unobstructed movement of spawning and larval forms of anadromous fish in streams.

B. Anadromous Fish Propagation Waters

Bodies of water that have been identified as spawning areas in Talbot County are shown on the Aquatic Habitats Resource Map published by the Maryland Department of Natural Resources.

C. Requirements

(1) Land use and site design practices in the watershed of spawning streams shall minimize the adverse impacts of development on the water quality of the streams. Any adverse impacts of any activities shall be avoided by:

(a) Minimizing development activities or other land disturbances in the watershed;

(b) Maintaining or, if practicable, improving water quality in streams;

(c) Minimizing, to the extent possible, the discharge of sediments into streams; and

(d) Maintaining or, if practicable, increasing the natural vegetation of the watershed.

(2) Unobstructed movement in streams shall be provided for spawning and larval forms of anadromous fish. The construction or placement of dams or other structures that would interfere with or prevent the movement of spawning fish or larval forms in streams shall be prohibited. The removal of existing barriers shall be accomplished wherever possible;

(3) The construction, repair, or maintenance activities associated with bridges or other stream crossings, or with utilities and roads, which involve disturbance of the Shoreline Development Buffer or which occur in-stream, shall be prohibited between March 1 and June 15;

(4) The installation or introduction of concrete riprap or other artificial surfaces onto the bottom of natural streams shall be prohibited unless it can be demonstrated that water quality and fisheries habitat can be improved.

(5) Channelization or other physical alteration which may change the course or circulation of a stream and thereby interfere with the movement of fish shall be prohibited;

(6) Construction of shore-based facilities (such as marinas), dredging, filling, and construction of jetties or bulkheads shall not be allowed in areas of established submerged aquatic vegetation within spawning waters;

§ 190-144. Shoreline Stabilization Measures

A. Plan required

(1) A shore erosion protection works plan shall be prepared when measures are proposed to protect eroding and rapidly eroding portions of the shoreline. Improvements to protect property against erosion shall consist of nonstructural shoreline stabilization measures that preserve the natural environment, such as Marsh Creation, except in areas:

(a) Designated by Maryland Department of the Environment (MDE) maps as appropriate for structural shoreline stabilization measures; or

(b) Where Maryland Department of the Environment (MDE) determines that nonstructural measures are not feasible, including areas of excessive erosion, areas subject to heavy tides, and areas too narrow for effective use of nonstructural shoreline stabilization measures.

(2) For purposes of this section the terms “structural” and “nonstructural” shall be determined by Maryland Department of the Environment (MDE) or the Critical Area Commission.

B. Preparation and Submittal

(1) A zoning certificate from the Department of Permits and Inspections is required prior to construction of shore erosion control measures.

(2) The Shore Erosion Control Plan and Shore Erosion Control Project Evaluation Form shall be submitted to the Department of Permits and Inspections with the Zoning Certificate application. The Planning Office shall review the Shore Erosion Control Plan and supporting information for compliance with this section.

(3) The plan shall include:

(a) A copy of all relevant, federal and state permits, including but not limited to, those approvals by the Maryland Department of the Environment and the U.S. Army Corps of Engineers.

(b) Specifications for the proposed shore erosion protection, including information on the design storm, calculated wave run-up, required stone weight, and other information required for review by Talbot County, the

Maryland Department of the Environment and/or the US Army Corps of Engineers.

(c) Any other information necessary for review of the plan in relation to the criteria in this Code to include, but not limited to, Erosion and Sediment Control Plan, Stormwater Management Plan, Floodplain Management compliance, impacts to historical property or sites, environmental impacts to wildlife or aquatic habitats and oyster bars.

(d) Forest Preservation Plan delineating existing vegetative cover that would be removed and how it would be mitigated.

(e) Location and quantity of fill materials.

(f) Plans for restoration of disturbed area.

(g) Copy of review comments from the Critical Area Commission.

(h) Copy of a letter from the Critical Area Commission or the Maryland Department of the Environment with a determination as to whether the project is considered structural or nonstructural.

(i) If applicable and in accordance with section (h) above, a copy of an approved waiver from the Maryland Department of the Environment stating that nonstructural shoreline stabilization measures are not feasible if structural measures are proposed on the Shore Erosion Control Plan.

C. Criteria for Plans

The following criteria shall be used in developing and reviewing shore erosion control plans. These criteria shall be applied based on the written determination from the Critical Area Commission or the Maryland Department of the Environment as to whether the project is structural or nonstructural:

(1) Use structural control measures only when nonstructural control measures would be impractical or ineffective,

(2) Where structural erosion control is proposed use measures that best provide for conservation of fish and plant habitat,

(3) Use nonstructural measures in areas of erosion where they would be a practical and effective method of erosion control,

(4) Structural erosion measures are not to be encouraged in areas where no significant erosion occurs,

(5) If significant alterations in the characteristics of a shoreline occur, the measure that best fits the change may be used for sites in that area, and

(6) Habitat enhancement practices, such as dredge fill and marsh creation are encouraged.

§ 190-145. Erosion and Sediment Control

A. Plan required, purpose

(1) An Erosion and Sediment Control Plan shall be prepared whenever development activities, including certain types of timber harvesting (see §190-134, Forestry Activities), involve any clearing, grading, transporting, or other forms of disturbance to land by the movement of earth.

(2) The purpose of the plan is to ensure that:

(a) Erosion control is the basis for sediment control and that sediment control practices are designed to reduce adverse water quality impacts.

(b) Development activities on soils likely to generate sediment, because of composition, texture, slope, or permeability, include protection measures that adequately address these characteristics and will prevent significant adverse impacts on water quality or plant, fish, or wildlife habitat.

B. Plan Submittal, review, enforcement

(1) Erosion and Sediment Control Plans shall be prepared consistent with Maryland State requirements for Erosion and Sediment Control in COMAR 26.17.01 and the most current standards and specifications for Erosion and Sediment Control.

(2) The plan shall be reviewed and approved by the Talbot County Soil Conservation District.

(3) Enforcement of Erosion and Sediment Control Plans is by the Maryland Department of the Environment.

§ 190-146. Buffer Management Areas

A. Creation

Buffer Management Areas (BMAs) are overlay zoning districts that may be created by the County Council pursuant to the procedures and standards set forth in Article IV, §190-112.

B. Applicability

The requirements in section C below apply to the following structures and uses in buffer management areas:

(1) The construction of a primary dwelling or a principal structure.

(2) The reconstruction, conversion, structural alteration, relocation or enlargement of, or attachment to, any primary dwelling or existing principal structure:

(a) Located within 100 feet of:

(i) The mean high-water line of tidal waters, or

(ii) The edge of tidal wetlands or their tributary streams, and

(b) Located on a lot of record as of August 13, 1989.

(3) Accessory structures.

C. Requirements

(1) Residential zoning districts:

(a) The encroachment into the Shoreline Development Buffer for a new principal residential structure on an in-fill lot may be reduced to the average shoreward development setback of all existing principal structures within the community as depicted on the official zoning maps.

(b) Structures and other development activities shall be designed to minimize encroachment into the Shoreline Development Buffer, and in no case shall they be closer than 50 feet to mean high water, edge of tidal wetlands or tributary streams.

(c) New accessory structures and impervious surfaces shall not extend closer to the water than the residential dwelling or principal structure.

(2) Nonresidential zoning districts:

(a) New commercial, industrial or institutional uses shall not be located closer than 50 feet to mean high water except for water-dependent activities.

(b) New accessory structures and impervious surfaces shall not extend closer to the water than 50 feet except for water-dependent activities.

(3) Habitat protection areas. New construction may not impact any habitat protection areas.

(4) Natural vegetation. Natural vegetation shall not be removed in the buffer management area except that required by the proposed construction.

(5) Lot coverage. The total lot coverage of the Critical Area portion of the site shall be in compliance with the standards as set forth in §190-136 above in this Article.

(6) Mitigation

Construction activity in a buffer management area shall be mitigated as follows:

(a) The extent of the lot or parcel shoreward of the proposed construction shall be required to remain in natural vegetation, or shall be established and maintained in vegetation as listed in the Natural Vegetation Preferred Plantings List, available from the Talbot County Department of Planning and Zoning, and per subsection (b) below.

(b) Mitigation equal to an area two times the square footage of the proposed lot coverage in the Shoreline Development Buffer area will be required to be planted within the Shoreline Development Buffer. Should on-site planting of required vegetation be precluded, an off-site Shoreline Development Buffer location may be established. The applicant shall be responsible for filing a Forest Preservation Plan with the Planning Office.

(c) Should the on-site or off-site Shoreline Development Buffer locations preclude the implementation of the preceding paragraph, a fee-in-lieu shall be provided to the County adequate to ensure the restoration or establishment of an equivalent forest area in the Shoreline Development Buffer. The amount of the fee is established in the schedule of fees adopted by the County Council.

(7) New lots. New lots created within buffer management areas are subject to full compliance with all development requirements as set forth in this chapter, including those for the Shoreline Development Buffer.

(8) Administrative Appeals. When granting permission to allow construction in the Shoreline Development Buffer as the result of an Administrative Appeal, the Board of Appeals must find that the proposed construction meets the criteria set forth in this section for Buffer Management Areas and may impose such conditions and restrictions as are deemed necessary to mitigate any potential adverse impacts upon adjacent properties, the Shoreline Development Buffer, and habitat protection areas.

§ 190-147. Supplemental findings and requirements for water-dependent facilities

A. Uses included

As indicated in the Table of Land Uses in Article III, the following uses, which use water for transportation and derive economic benefits from shore access, may be allowed:

(1) Private Piers, Community Piers and Related Boat Facilities;

(2) Marinas; and,

(3) Water-Oriented Public Recreation, Education, Research Areas.

B. Additional regulations

For the above uses, in addition to the specific requirements for the use in Article III and, where applicable, the findings and requirements for special exceptions in Article IX, the following regulations apply which the approving authority shall review as part of the development plan or special exception:

C. Required findings

The following findings must be made:

(1) The request is consistent with the intent and purpose of the Maryland Chesapeake Bay Critical Area Law;

(2) The activity shall have minimal individual and cumulative impact on water quality and fish, wildlife, and plant habitat in the Critical Area through design and location criteria;

(3) The activity shall be water dependent;

(4) The project shall meet a recognized private right or public need;

(5) Non-water-dependent structures or operations associated with water-dependent projects or activities shall be located outside the buffer with sufficient area provided for these associated structures or operations.

D. Requirements

The following requirements must be met:

(1) The activity shall not alter existing water circulation patterns or salinity regimes;

(2) The activity shall maintain or improve the flushing characteristics of the water body adjacent to the activity;

(3) Wetlands, submerged aquatic plant beds, or other areas of important aquatic habitats shall not be disturbed except for approved research projects;

(4) The operation procedures shall preclude any adverse impacts to water quality that may occur as a result of the activity, such as non-point-source runoff, sewage discharge from land activities or vessels, or from boat cleaning and maintenance operations;

(5) The operation procedures shall ensure that shellfish beds will not be disturbed or be made subject to discharge that will render them unsuitable for harvesting;

(6) The construction procedures shall ensure that dredging will be conducted in a manner, and using a method, which causes the least disturbance to water quality and aquatic and terrestrial habitats in the area immediately surrounding the dredging operation or within the Critical Area;

(7) The construction procedures shall ensure that dredged spoil will not be placed within the Shoreline Development Buffer or elsewhere in a habitat protection area except as necessary for:

(a) Backfill for permitted shore erosion protection measures;

(b) Use in approved vegetated shore erosion projects; and

(c) Placement on previously approved channel maintenance spoil disposal areas.

(8) Interference with the natural transport of sand shall be minimized.

§ 190-148. Usable water area, harbor line, lateral lines

Prior to the construction of any pier, wharf, dock, marina or water-dependent facility, the usable water area shall be determined. The usable water area is the maximum water area that may be used for piers, pilings, buoys, and other such facilities, including open areas for navigation, and is the area bounded by the mean high-water line of a subject property, two side property line extensions, referred to as lateral lines, and a line connecting their channelward ends, referred to as the harbor line.

A. Determination of the harbor line

(1) The length of each lateral line extension for the purposes of location of the harbor line and any point along the line connecting their channelward ends shall be limited to the lesser of:

(a) One-half the distance from the mean high-water line to the center point of a cove; or

(b) One-half the distance from the mean high-water line to the center line of the subject body of water; or

(c) 300 feet from the mean high-water line of the subject site.

(2) In the event of conflict between the location of the harbor line through the method prescribed in Subsection A(1)(a), (b), or (c) above, and the location of any U.S. Army Corps of Engineers recognized channel, the most restrictive line shall apply for purposes of limiting construction.

B. Determination of the lateral line extension

The direction of a lateral line extension channelward from the mean high-water line shall be determined through the following method, which is illustrated in Figures A and B in this section.

(1) Prepare a scale drawing showing the applicant's property and all adjacent waterfront properties within a minimum 200-foot radius of the shoreline owned by the applicant. (A larger radius may be required when lot sizes and configuration so dictate). (See Figure A).

(2) Locate the shoreline (mean high water) and harbor lines on the drawing. The harbor line shall be located as prescribed in subsection A above.

(3) Intersect all property lines with the shoreline (Points A, B, C, D, E, and F on Figure A).

(4) From the applicant's property line - shoreline intersections (Point D and E on Figure A) intersect at a 200-foot radius with the shoreline (Point 1 and 2 on Figure A).

(5) From the applicant's property, connect all property lines - shoreline points, ending at Points 1 and 2 with straight lines (i.e., D to C, C to B, B to 1, and E to 2 on Figure A).

(6) Bisect each respective angle formed by these straight lines and extend the lines bisecting the angle from the shoreline to the harbor line. These are lateral lines (B-G, C-H, D-I, E-J on Figure A).

C. Usable Water Area Conditions

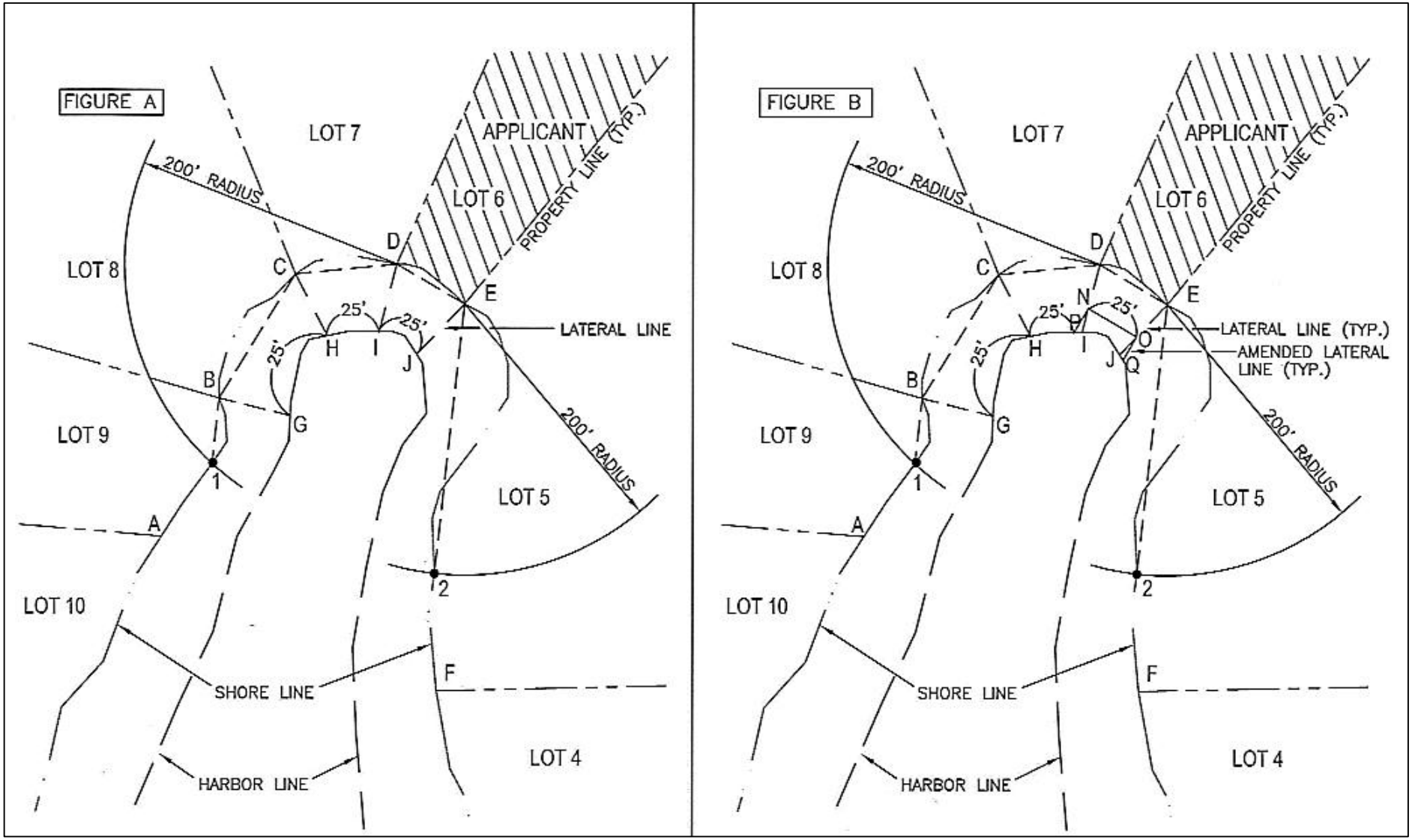
The usable water area for the purposes of defining setbacks for structures as defined by lateral lines, shoreline and harbor line shall meet the following conditions:

(1) If a pair of lateral lines extended to the harbor line result in a distance of 25 feet or more on the harbor line (lines G-H, H-I, I-J) the lateral lines are satisfactory, and define the usable water area.

(2) If any pair of lateral lines, extended, intersect before reaching the harbor line, or when extended in a harbor line segment (G-H, H-I, I-J, Figure A) of less than 25 feet, an imaginary line shall be moved toward the shoreline and parallel to line D-E, (Figure B) until a 25-foot clearance is obtained (line N-O, Figure B).

(3) Two additional lateral lines N-P and O-Q will be drawn perpendicular to line N-O to the harbor line. The lines D-N-P, E-O-Q are the new lateral lines for the applicant's parcel and the adjoining properties. For all amended lateral lines, construction will be limited to the area enclosed by the shoreline, the lateral lines (D-N, O-E) and the imaginary clearance line N-O (Figure B). This procedure will ensure adequate clearance for adjacent piers. These new lateral lines, the harbor line and the shoreline define the usable water area for the applicant.

Determination of Lateral Lines



Article VII Signs

§ 190-149. Permit required

A. No sign may be erected, moved, enlarged, illuminated or substantially altered except in accordance with the provisions of this Article. Repainting or changing the message of a sign shall not in and of itself be considered a substantial alteration.

B. Signs may be constructed, erected, moved, enlarged, illuminated or substantially altered only in accordance with a sign permit issued by the Department of Permits and Inspections, unless exempt from the sign permit requirement under this Article VII.

C. In the case of a lot occupied or intended to be occupied by multiple business enterprises (e.g., a shopping center), sign permits shall be issued in the name of the lot owner or his agent rather than in the name of the business requesting a particular sign. The County shall be responsible for enforcing only the provisions of this section and not the provisions of any lease, formula for allocating sign area among tenants, or other private restriction.

§ 190-150. Other sign requirements

In addition to the requirements of this Article, signs shall comply with the sign requirements in Article III for a particular land use, and the sign requirements in Article IV for a specific overlay or floating district.

§ 190-151. Signs excluded from regulation

The following signs are exempt from the sign permit requirement and other requirements of this Article, except for the standards specified in this section:

A. Signs not exceeding six square feet in area that are customarily associated with residential use and that are not of a commercial nature, such as:

   (1) Signs giving property identification names or numbers or names of occupants;

   (2) Signs on mailboxes or newspaper tubes; and

   (3) Signs relating to private parking or warning the public against trespassing or danger from animals.

B. Signs erected by, on behalf of, or pursuant to the authorization of a government body, including legal notices, identification and informational signs, and traffic, directional, or regulatory signs but not including state game signs or gas pricing signs.

C. Official signs of a noncommercial nature erected by public utilities.

D. Flags or insignia of a government or nonprofit organization when not displayed in connection with a commercial operation or as an advertising device.

E. On-premises traffic signs, limited to the following:

(1) Such signs shall be located on the same property as a business or institutional use and shall direct traffic, vehicular or pedestrian, to locations on the property.

(2) Signs shall not exceed four square feet each.

(3) Signs shall bear no advertising matter.

(4) Examples of permitted signs include "Deliveries in Rear", "Customer Parking", and "Service Entrance."

F. Church signs, limited to the following:

(1) Church bulletin boards and church identification signs are permitted.

(2) One sign shall be permitted per abutting street.

(3) Signs shall not exceed 16 square feet each. Signs shall not be internally illuminated.

(4) In the TR District abutting Route 50, freestanding church identification signs with a message center that has a total area of not more than 60 square feet.

G. Signs painted on or permanently attached to licensed motor vehicles that are not primarily used as freestanding signs.

H. One sign identifying a home occupation, limited to six square feet in area.

I. One property security system identification sign, limited to 50 square inches in area.

J. Political signs, subject to the following standards:

(1) No political sign shall be erected on County-owned property or County road right-of-way.

(2) Signs within a state highway right-of-way shall comply with requirements of the State Highway Administration.

(3) Before posting a political sign on private property, permission must be granted by the property owner or his or her representative.

(4) Political signs shall not exceed the following limits on sign area:

(a) In the AC, CP, WRC, TR, TC, RC and RR Districts: six square feet in sign area.

(b) In the LC and VC Districts, if the lot on which the sign is located has less than 200 feet of frontage on the street to which that sign is primarily oriented: 50 square feet in sign area.

(c) In the LC and VC Districts, if the lot on which the sign is located has more than 200 feet of frontage on the street to which that sign is primarily oriented: 75 feet in sign area.

(d) In the GC or LI Districts: 100 square feet in sign area.

(5) Location of political signs on private property shall not interfere with traffic safety and shall conform to the requirements of AASHTO, "A Policy on Geometric Design on Highways and Streets."

§ 190-152. Permit exemptions and regulations for certain temporary signs

A. The following temporary signs are permitted without a sign permit and are not subject to the requirements of this article for maximum sign area and maximum number of signs. However, such signs shall conform to the requirements set forth below and other applicable requirements of this Article.

(1) Real estate signs, subject to the following:

(a) Such signs shall indicate that the real estate on which the sign is located is for sale, lease, or rent, and may identify the owner or agent.

(b) Each sign shall not exceed four square feet in area. Up to two, one-square-foot readers advertising the agent's name, waterfront property, open house, etc., may be attached to the real estate sign, but in no case shall the overall square footage of the sign exceed six square feet in area.

(c) All signs shall be removed within 14 days after sale, lease, or rental.

(d) One sign per lot is permitted. For double-fronting lots, corner lots, or waterfront lots, a single sign on each street frontage or water frontage may be erected.

(2) Construction site identification signs.

(a) Such signs may identify the project, the owner or developer, architect, engineer, contractor and subcontractors and funding sources, and may contain related information including but not limited to sale or leasing information.

(b) Not more than one such sign may be erected per site, per contractor, and it may not exceed 32 square feet in area. For single-family residential projects, one sign per contractor, not to exceed six square feet in area, is permitted.

(c) Such signs shall not be erected prior to the issuance of a building permit and shall be removed within 10 days after the issuance of the final occupancy permit

(3) Temporary window signs.

(a) Shall be attached to the interior of a building window or glass door.

(b) Such signs, individually or collectively, may not cover more than 50 percent of the surface area of the transparent portion of the window or door to which they are attached.

(4) Displays, including lighting.

(a) Limited to displays erected in connection with the observance of County, state, or federally recognized holidays.

(b) Such signs shall be removed within 10 days following the holidays.

(5) Special event signs

(a) Such signs shall provide information on a grand opening, fair, carnival, circus, festival, or similar event that is to take place on the lot where the sign is located, that runs not longer than two weeks, and is unlike the customary activities associated with the property where the special event is to be located.

(b) Such signs may be erected not sooner than two weeks before the event and must be removed not later than three days after the event.

(c) Such signs shall not exceed two per event and 32 square feet of sign area per sign.

(6) Signs identifying agricultural test plots, not exceeding four square feet in area.

(7) Signs advertising produce stands.

(a) Each stand may have up to two signs:

(i) One flat wall sign not to exceed 50 square feet in area, and

(ii) One freestanding sign not to exceed 32 square feet in area.

(b) Produce stands located on property abutting US Route 50 shall be permitted up to two signs:

(i) One flat wall sign not to exceed 50 square feet in area, and

(ii) One freestanding sign not to exceed 64 square feet in area. The cumulative sign area shall not exceed 82 square feet.

(c) Signs shall not be erected until April 15 and shall be removed by the end of the local produce season or no later than November 30 of each year.

(8) Temporary signs not covered in the foregoing categories, subject to the following:

(a) Not more than one such sign may be located on any lot.

(b) No such sign may exceed four square feet in surface area.

(c) Such sign may not be displaced for longer than three consecutive days nor more than 10 days out of any 365-day period.

B. Other temporary signs not listed shall be regarded and treated in all respects as permanent signs, except that temporary signs shall not be included in calculating the total amount of permitted sign area.

§ 190-153. Defining the number of signs

A. A sign is a single display surface containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered a separate sign.

B. A two-sided or multisided sign shall be regarded as one sign so long as:

(1) For a V-type sign, the two sides are at no point separated by a distance that exceeds five feet; and

(2) For a double-faced (back-to-back) sign, the distance between the backs of each face of the sign does not exceed two feet.

§ 190-154. Computation of sign area

A. The area of a sign includes the entire area that can be enclosed within a single, continuous perimeter enclosing the lettering, numbers, figures, designs, and lighting, together with material or color forming the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.

B. If a sign has a wall, awning, canopy, marquee or other part of a structure as its background, the sign area is the smallest area that can be enclosed within a single, continuous line drawn to include all letters, designs, tubing, illumination or other components of the sign, including intervening spaces.

C. The sign area shall not include supporting framework, bracing or posts that are clearly incidental to the display itself.

D. If the sign consists of more than one section or module, all of the area, including area between sections or modules, shall be included in the sign area.

E. For double-faced (back-to-back) signs:

(1) If the two sign faces are not more than two feet apart, the sign area is the area of one face. The area of the larger face shall be used if the two faces are of unequal area.

(2) If the two sign faces are more than two feet apart, both faces shall be included in the sign area.

F. For signs with no discernible sides, such as spheres or other shapes not composed of flat planes, the sign area shall be calculated as the entire surface area of the sign.

G. For other two-sided, multisided, or three-dimensional signs, the sign area includes the total of all sides designed to attract attention or communicate information that can be seen at any one time from one vantage point.

§ 190-155. Area of wall signs

A. The total wall sign area on any lot shall not exceed the limitations in this section. All wall signs except temporary signs shall be included in this calculation.

B. The maximum area of wall signs on a lot fronting on one street or a lot with no street frontage shall be:

(1) In the VC or LC Districts:

(a) For lots with less than 200 lineal feet of street frontage: 75 square feet;

(b) For lots with at least 200 lineal feet of street frontage but less than 600 lineal feet: 100 square feet;

(c) For lots with 600 or more lineal feet of street frontage: 200 square feet.

(2) For commercial or industrial uses in the AC, CP, WRC or TC Districts: 75 square feet.

(3) For nonconforming commercial or industrial uses in the AC, CP, WRC, TR, TC, RC or RR Districts: 50 square feet

(4) In the GC or LI Districts: 200 square feet.

C. If a lot has frontage on more than one street, the total wall sign area shall not exceed 1.5 times the maximum wall sign area permitted for lots fronting on one street. The total wall sign area oriented toward a particular street may not exceed the maximum wall sign area permitted for a lot fronting on one street.

D. The area of a wall sign may not exceed 50% of the total area of the wall on which the sign is located.

E. A maximum of 200 square feet of wall sign area shall be allowed on public buildings and structures abutting state highways and erected on real property owned and/or leased by Talbot County.

F. The maximum allowed wall sign area may be increased 10% for a principal building with a front setback of at least 100 feet. The sign area may be increased an additional 10% for each additional 100-foot increment of front setback.

§ 190-156. Number of freestanding signs

A. In the VC and LC Districts or for commercial, industrial and institutional uses in the AC, CP, WRC, TR, TC, RC and RR Districts, no lot shall have more than one freestanding sign

B. In the GC and LI Districts, the number of freestanding signs shall be limited to the following, except as provided in C below:

(1) One freestanding sign on lots with less than 200 feet of frontage on a public street;

(2) No more than two freestanding signs on lots with at least 200 and less than 600 feet of frontage on a public street; and,

(3) Three freestanding signs on a lot with 600 or more feet of frontage on a public street.

C. One freestanding sign shall be permitted for shopping malls, plazas and structures with multiple businesses, regardless of the extent of public street frontage.

§ 190-157. Area of freestanding signs

A. In a VC or LC District, or for commercial, industrial and institutional uses in the AC, CP, WRC, TR, TC, RC or RR Districts, the area of freestanding signs shall be limited to the following:

(1) On lots with less than 200 feet of frontage on the street toward which the sign is primarily oriented, no more than 50 square feet;

(2) On lots with at least 200 feet of frontage on the street toward which the sign is primarily oriented, no more than 75 square feet.

B. For nonconforming commercial or industrial uses in the AC, CP, WRC, TR, TC, RC and RR Districts, no more than 50 square feet.

C. In the GC or LI Districts:

(1) Where one freestanding sign is allowed, sign area shall not exceed 100 square feet.

(2) Where two freestanding signs are allowed, the sign area shall not exceed 100 square feet, and no single sign shall exceed 50 square feet in area.

(3) Where three freestanding signs are allowed, the total sign area shall not exceed 150 square feet, and no single sign shall exceed 50 square feet in area.

(4) In shopping malls, plazas, and structures with multiple businesses, the total sign area shall not exceed 150 square feet and only one sign shall be allowed.

§ 190-158. Subdivision and multifamily development entrance signs.

A. At each entrance to a residential subdivision or multifamily development, a single sign identifying the subdivision or development shall be permitted.

B. The area of the sign shall not exceed four square feet per lot or unit with a maximum size not to exceed 32 square feet.

§ 190-159. Location and height requirements.

A. No part of a freestanding sign shall exceed a height of 20 feet measured from ground level.

B. No sign may extend above a parapet or be placed upon or above a roof surface, except that for purposes of this section, roof surfaces constructed at an angle of 75° or more from horizontal shall be regarded as wall space.

C. This subsection shall not apply to displays, including lighting, erected in connection with the observation of County, state, or federally recognized holidays on the roofs of residential structures.

D. No sign attached to a building may project more than two feet from the building wall.

E. No sign or supporting structure may be located in or over any portion of a public right-of-way. Signs may be located in a required setback area.

F. No sign may be located so that it interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.

§ 190-160. Sign illumination

A. Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public road right-of-way or premises.

B. Signs may be backlit, provided that the lighting source is adequately diffused as determined by the Planning Director.

C. No sign within 150 feet of a residential zone shall be illuminated between 11:00 p.m. and 6:00 a.m., unless the impact of such lighting beyond the boundaries of the lot where it is located is entirely inconsequential as determined by the Planning Director.

D. Illuminated tubing or strings of lights that outline property lines, sales areas, roof lines, doors, windows, or similar areas are prohibited.

E. No sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, except signs indicating the time, date or weather conditions.

F. Subsections D and E above do not apply to temporary signs erected in connection with the observance of County, state, or federally recognized holidays.

§ 190-161. Prohibited signs

The following signs are prohibited in all districts:

A. Off-premises signs except those exempted from regulation or permit requirements under this Article VII.

B. Signs that revolve, are animated or utilize movement or apparent movement, such as banners, streamers, animated display boards, pennants, and propellers, except that:

(1) Signs that only move occasionally because of wind are not prohibited if their movement is not a primary design feature of the sign and is not intended to attract attention to the sign.

(2) This restriction shall not apply to flags or insignia permitted by §190-151.D or to signs indicating the time, date, or weather conditions.

C. Any sign that by its location, color, size, shape, nature, or message tends to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.

§ 190-162. Construction and maintenance of signs

A. Signs and components thereof, including supports, braces, and anchors, shall be kept in a state of good repair.

B. Freestanding signs shall be securely fastened to the ground or to a substantial supportive structure so that there is virtually no danger that the sign or supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property.

C. If a sign advertises a business, service, commodity, or other enterprise or activity that is no longer operating or being offered, that sign shall be considered abandoned and shall, within 30 days after such abandonment, be removed by the sign owner, the owner of the property where the sign is located, or other party having control over such sign.

D. If the message portion of a sign is removed, leaving only the supporting "shell" of a sign or the supporting braces, anchors, or similar components, the owner of the sign or the owner of the property where the sign is located or other person having control over such sign shall, within 30 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign.

E. Unlawful cutting of trees or shrubs to enhance signs.

No person may, for the purpose of increasing or enhancing the visibility of a sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation located:

(1) Within the right-of-way of a public road, unless the work is done pursuant to written authorization from Talbot County or the State of Maryland.

(2) On property that is not under the ownership or control of the person doing or responsible for such work, unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located.

(3) In any area where such trees or shrubs are required to remain under a permit issued under this chapter.

§ 190-163. Nonconforming signs.

A. On-premise signs that lawfully existed on November 9, 1991, and were nonconforming to the height, size, or spacing limitations by no more than 10%, or were nonconforming to setback requirements, are permitted to remain in their existing location subject to the remaining requirements of this subsection.

B. Signs that were lawfully installed after November 9, 1991, and are nonconforming due to revisions to bulk requirements, are permitted to remain at their existing location subject to the remaining requirements of this subsection.

C. All other on-premises signs not complying with the requirements of this Article were required to be removed within three years of November 9, 1991. All off-premises signs were required to be removed within two years of November 9, 1991. Any such signs still in existence are in violation of this chapter and subject to the enforcement provisions of this chapter.

D. No nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition, nor may illumination be added to any nonconforming sign.

E. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this chapter.

F. If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this chapter, and the remnants of the former sign structure shall be cleared from the land. For purposes of this section, a nonconforming sign is "destroyed" if damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign exceeds more than 50% of its present value.

G. The message of a nonconforming sign may be changed so long as this does not create any new nonconformity (for example, by creating an off-premises sign under circumstances where such a sign would not be allowed).

H. Subject to the other provisions of this section, nonconforming signs may be repaired and renovated so long as the cost of such work does not exceed within any twelve-month period 50% of the value (tax value if listed for tax purposes) of such sign.

I. If a nonconforming sign advertises a business, service, commodity, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall be removed within 30 days after such abandonment by the sign owner, owner of the property where the sign is located, or other person having control over such sign.

Article VIII Nonconforming Lots, Structures and Uses

§ 190-164. General

A. Intent

This Article is intended to allow nonconforming lots, uses and structures to continue, but to limit the number and extent of nonconforming uses and structures by prohibiting or restricting their enlargement, reestablishment after abandonment, or reconstruction after substantial destruction.

B. Authority to continue

Except as otherwise provided in this Article, any nonconforming lot, structure or use may continue provided it remains otherwise lawful.

C. In-kind replacement

As used in this Article, the term "in-kind replacement" means the replacement of a structure with another structure that is substantially identical to the original structure in all dimensions including footprint area, height, width, length and use. An in-kind replacement may include minor modifications or relocations, such as differences in roof-line, exterior materials and design, as determined by the Planning Director.

§ 190-165. Boathouses and other structures located over water

Structures located over water, including boathouses and excluding piers, shall not be expanded or enlarged. In-kind replacement of existing boathouses shall be permitted.

§ 190-166. Certification of nonconforming status

A. Application by owner

(1) A property owner may request a determination from the Planning Director that a lot, structure or use is legally nonconforming. The request shall include:

(a) Documentation that the lot was legally created.

(b) Documentation that the structure was legally constructed, to include all structure dimensions.

(c) Documentation that the use was legally established, to include documentation of the area of land and structures devoted to the nonconforming use.

(2) Burden of proof

(a) The burden of establishing the legal nonconforming status shall be upon the owner of the land.

(b) The casual, temporary, intermittent or illegal use of land is insufficient to establish the existence of a nonconforming use or structure.

(c) The existence of a nonconforming use on part of a premise shall not be construed to establish a nonconforming use on the entire premises.

(3) Certificate of nonconformity

Upon finding that a legal nonconforming lot, structure or use exists, the Planning Director shall issue a certificate of nonconformity. The certificate shall specify the nature and extent of the legal nonconformity, including the land and building area devoted to a nonconforming use.

B. Appeal

The Planning Director's determination may be appealed to the Board of Appeals within 30 days of certificate issuance.

C. Register of certificates

The Planning Director shall maintain a register of certificates issued for nonconforming lots, structures and uses.

§ 190-167. Nonconforming uses

A. Change of use

A nonconforming use shall not be changed to any use other than a use currently permitted in the zoning district in which it is located.

B. Relocation or reconstruction of structure occupied by a nonconforming use

A structure utilized for a nonconforming use shall not be moved, or razed and rebuilt, unless the use is changed to a permitted use or unless approved by the Planning Director as an in-kind replacement.

C. Minor modification with Planning Director approval

The Planning Director shall have authority to approve the following minor modifications of nonconforming uses:

(1) Minor alterations that do not increase or relocate the area devoted to a nonconforming use. These include installment of fencing or landscaping for buffering, driveway or access improvements, handicapped access ramps, and other minor site or building features.

(2) Replacement of a nonconforming mobile or manufactured home with another mobile or manufactured home, provided that the replacement home:

(a) Is in the same general location;

(b) If larger, is no more than 20 percent larger in gross floor area than the home being replaced; and

(c) Complies with the setback requirements for the zoning district unless a variance is granted.

D. 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 and shall be subject to the following restrictions and criteria:

(1) Applications shall be subject to the procedures and requirements of Article IX for Board of Appeals applications.

(2) Expansion of structures utilized for nonconforming uses shall be limited to no more than 20 percent of the gross floor area of the nonconforming use, or 1,000 square feet of additional gross floor area, whichever is less.

(3) Expansion of areas of a nonconforming use not involving structures, such as outdoor parking and storage, shall be limited to no more than 10 percent of the site area existing on the date the use became nonconforming.

(4) The Board of Appeals shall evaluate applications for expansion or modification of a nonconforming use applying the standards for special exceptions in §190-180. The Board of Appeals shall consider the recommendation of the Planning Commission on proposed expansions and alterations of nonconforming uses.

E. Reconstruction if destroyed

(1) A nonconforming use that is destroyed by fire or natural cause may be restored or reconstructed at the same location, provided that:

(a) A building permit for restoration/reconstruction shall be issued only to the person(s) who owned the property at the time of the destruction.

(b) Restoration must be started within one year of the destruction and completed in accordance with the building permit.

(c) The Planning Director may grant a single extension of this time limit, for a period not to exceed one year, only to the same property owner.

(2) The restored use shall not increase the extent of the nonconformity.

(3) A restored or rebuilt structure that is to be occupied by the nonconforming use must be an in-kind replacement of the destroyed structure.

(4) If the use is not replaced or restored within the required time period, any future use on the site shall comply with the current zoning requirements.

F. Abandonment

If a nonconforming use is discontinued or abandoned for 12 consecutive months, the land or structure shall not thereafter be used except in conformity with the regulations of the district in which it is located. Cessation of the use for the purpose of repairing or remodeling the building or other site improvements shall not constitute discontinuance or abandonment.

§ 190-168. Nonconforming lots

A. Improvement of nonconforming lots

A legally existing lot that does not meet current size and width requirements:

(1) Shall not be treated as a separate lot if it is combined for zoning purposes with another lot as provided in §190-117.

(2) If it is not combined for zoning purposes with another lot, it may be improved, provided that the proposed improvements will comply with all other requirements of this chapter and applicable environmental regulations, including required setbacks, lot coverage limits, provision of stream and wetland buffers, protection of wetlands, forest conservation requirements and stormwater management.

(3) If located within the Critical Area, a nonconforming lot may be improved if the proposed development activity is in full compliance with Critical Area purposes and requirements. The extent of development on the site shall be limited as necessary to allow compliance with Critical Area standards within the constraints of the nonconforming lot.

(4) If proposed development activity does not comply with all Critical Area standards:

(a) If possible, the lot shall be consolidated with adjacent lots to reduce or eliminate nonconformity and allow compliance with Critical Area standards;

(b) If lot consolidation is not possible, variances may be considered in accordance with the standards for evaluating variances given in §190-182.

B. Consolidation or reconfiguration of lots

(1) The proposed consolidation or reconfiguration of existing lots of record within the Critical Area shall not:

(a) Result in a greater number or development rights, lots or dwelling units in the Critical Area than the existing configuration of all legally created lots; or

(b) Create any additional riparian lots; or

(c) Increase or Intensify impacts associated with riparian access.

(2) Proposed consolidation or reconfiguration of lots shall identify Habitat Protection Areas and result in no greater impacts to any Habitat Protection Area than as compared to the extent of impacts that could have resulted from the existing lot configuration. Protective measures shall be provided to minimize impacts and restoration measures to mitigate for impacts.

C. Improvement or Development activity on nonconforming lots

(a) A legally existing lot that does not meet current lot size or width requirements shall not be treated as a separate lot if it is combined for zoning purposes with another lot or parcel as provided in §190-117.

(b) If it is not combined for zoning purposes with another lot or parcel, it may be developed, improved or reconfigured provided that the proposed improvement will comply with all other requirements of this Chapter and applicable environmental regulations, including required setbacks, lot coverage limits, preservation of habitat protection areas to include streams, wetlands and forest.

(c) If located within the Critical Area, a nonconforming lot may be improved if the proposed development activity is in full compliance with Critical Area purposes and requirements. The extent of development on the site shall be limited as necessary to allow compliance with Critical Area standards within the constraints of the nonconforming lot.

(d) If the proposed development activity does not comply with all Critical Area standards:

(i) If possible, the lot shall be consolidated with adjacent lots under common ownership to reduce or eliminate nonconformity and allow compliance with Critical Area standards;

(ii) If lot consolidation is not possible, variances may be considered in accordance with the standards for evaluating variances given in §190-182.

D. Division of parcel with two or more primary dwellings

(1) A parcel or lot that has been developed with two or more primary single-family residences prior to August 13, 1989, in the Critical Area and June 22, 1991, in the Non-Critical Area may be divided into lots that do not conform to the density provisions of this Chapter. The subdivision shall comply in all other respects to the provisions of this Chapter.

(2) In no case shall the property be divided into more lots or parcels than there are existing single-family residences. One residence must be located on each parcel.

(3) Property containing employee residences, guest residences, or hotel or motel uses may not be divided under this section.

§ 190-169. Nonconforming structures

A. Expansion that does not increase nonconformity

Expansion of a nonconforming structure is permitted if the proposed area of expansion complies with setback and other bulk requirements.

B. Variance required to expand

A variance from the Board of Appeals is required to expand a nonconforming structure if the expanded area does not comply with bulk requirements, except as provided in C and D below.

C. Minor expansion of a nonconforming structure

(1) The decision on a minor expansion of a nonconforming structure shall be made by the Planning Director. A proposed expansion of a nonconforming structure may be submitted as a minor expansion if:

(a) The expansion encroaches no further than the existing structure into a required setback.

(b) For structures within the Critical Area but outside the Shoreline Development Buffer, the expansion will not enlarge the existing structure by more than 20 percent of the gross floor area of the structure existing on August 13, 1989.

(c) For structures outside the Critical Area, the expansion will not enlarge the existing structure by more than 20 percent of the gross floor area existing on June 22, 1991.

(2) The application shall be processed and evaluated in accordance with the procedures and the standards for minor variances in §190-182.

D. Administrative variance for expansion of a nonconforming structure

(1) An administrative variance application is an application to expand a nonconforming structure that is located within the Critical Area and within the Shoreline Development Buffer. The decision on an administrative variance application shall be made by the Planning Director. A proposed expansion of a nonconforming structure within the Shoreline Development Buffer may be submitted as an administrative variance application if the application meets the following limits.

(a) The expansion does not encroach any further than the existing structure into the Shoreline Development Buffer;

(b) The proposed addition will not enlarge the existing structure by more than 20 percent of the gross floor area of the structure existing on August 13, 1989; and,

(c) Both the Buffer area and the entire site will comply with the lot coverage requirement for the site or, if nonconforming to the lot coverage requirement, the proposed expansion will not increase the site's lot coverage. (See §190-136 for lot coverage requirements.)

(2) The application shall be processed and evaluated in accordance with the procedures and standards for evaluating administrative variance applications in §190-182.

E. Expansion of nonconforming structures in the Critical Area Shoreline Development Buffer

For expansion of a nonconforming structure within the Shoreline Development Buffer, whether approved by the Planning Director or the Board of Appeals, the following additional requirements apply:

(1) Natural vegetation of an area twice the extent of the additional disturbance allowed shall be created in the Buffer or on the property if planting in the Buffer cannot be reasonably accomplished.

(2) If planting on-site or off-site cannot be reasonably accomplished, a fee-in-lieu of planting shall be assessed as established by the fee schedule adopted by the County Council. The fee will be dedicated to County tree planting programs within the critical area.

(3) All plantings on the subject site shall be subject to an approved plantings plan.

(4) The expansion shall be reviewed for compliance with the stormwater quality goals of Chapter 164, Stormwater Management, of the Talbot County Code.

F. Reconstruction of nonconforming structures

A nonconforming structure may be demolished and replaced in the same location, or restored after damage or destruction caused by fire or natural cause, without approval of variances, provided that all of the following requirements are met:

(1) A building permit for restoration/reconstruction shall be issued only to the person(s) who owned the property at the time of the demolition or destruction.

(2) Construction must be started within one year of the demolition or destruction and completed in accordance with the building permit.

(3) The Planning Director may grant a single extension of this time limit, for a period not to exceed one year, only to the same property owner.

(4) The replacement shall be in-kind.

(5) Increases in the elevation of a building required by floodplain regulations shall not be counted as an increase in height unless the elevation increase creates additional gross floor area.

(6) If the Planning Director determines that a proposed replacement or restoration is not in-kind, the new structure shall be permitted only with approval of the applicable variances.

(7) A replacement structure shall not be expanded through the administrative variance provisions. Any expansion of a replacement structure that does not comply with a required setback shall require a variance application to the Board of Appeals.

G. Relocation of nonconforming structures

A nonconforming structure may be relocated or demolished and replaced at a different location on the same lot provided that:

(1) The relocated structure complies with all bulk requirements; or,

(2) The Board of Appeals grants the necessary variances; or,

(3) A minor variance application may be submitted for a decision by the Planning Officer if the relocated structure lessens the extent of the nonconformity; is of the same or smaller dimensions than the original structure; and is located in the same general area of the lot.

(4) An administrative variance may be submitted for a decision by the Planning Officer for structures within the Shoreline Development Buffer, provided that:

(a) The relocated structure lessens the extent of the nonconformity; is of the same or smaller dimensions than the original structure; and is located in the same general area of the lot; and,

(b) Both the buffer area and the entire site will comply with the lot coverage requirement or, if nonconforming to the lot coverage requirement, the proposed relocation will not increase the site's lot coverage. (See §190-136 for lot coverage requirements.)

(5) The procedures and the standards for evaluating variances in §190-182 shall apply.

Article IX Administration

§ 190-170. General application and review procedures

Applications submitted pursuant to this chapter shall be processed in accordance with the procedures of this section and any other procedures established in this chapter for a specific decision-making body or type of application.

A. Pre-submission meetings

(1) A pre-submission meeting with staff of the Planning Office is required for site plans and optional for all other applications required under this chapter, and shall be scheduled by the Planning Office at their request or upon request of the applicant.

(2) In addition to the applicant or his representative(s) and the Planning Office, the meeting may include representatives of any public agency that may have an interest in or be affected by the proposed development.

(3) The purpose of the meeting is to discuss the nature of the proposed application, the characteristics of the particular site, and the information that will be required to be submitted with the application.

B. Submission of applications

(1) Application forms and submittals

(a) The Planning Director shall publish applications forms and a checklist of required information for all applications authorized by this chapter.

(b) The required information for special exceptions, variances and administrative appeals shall include the materials required by Chapter 21 of the Code.

(c) The Planning Director shall have the authority to request additional information not specifically listed on the application forms to ensure compliance with this Code.

(d) All applications must be accompanied by required fees in accordance with the fee schedule established by the County Council.

(2) Review for completeness

All applications shall be submitted to the Planning Office. Within no more than 15 days of receipt of an application, the Planning Director shall determine whether the application is complete. If the Planning Director determines that the application is not complete, the applicant shall be notified in writing, specifying the deficiencies, listing additional information that must be supplied, and stating that no further action will be taken by the County on the application until the additional material is submitted.

(3) Coordinated processing

If more than one type of application is required by this chapter for a particular development proposal, the Planning Director will, to the extent possible, provide for concurrent review of applications related to the same proposed development or activity.

C. Notification of Critical Area Commission

(1) If an application for a zoning map amendment, special exception, variance, site plan or subdivision plan involves development located wholly or partially within the Critical Area:

(a) The Planning Director shall send the application to the Critical Area Commission at least two weeks prior to a scheduled public meeting before the decision-making body for the application.

(b) The Planning Director shall notify the Critical Area of the decision to approve or deny the application within 10 days of the decision.

(c) If the application is for a variance to a Critical Area requirement, the County shall provide the Critical Area Commission with a copy of the written decision approving or denying the variance within 10 working days after the decision is issued.

(2) Comments received from the Critical Area Commission in response to an application shall be forwarded to the body considering the application for its consideration at the public hearing or public meeting. No final decision shall be made on the application until the County has received notification that the application was received by the Critical Area Commission.

(3) Amendments to the Critical Area requirements of this chapter and applications for growth allocation, if approved by the County Council, require approval by the Critical Area Commission in accordance with §190-173.G below.

§ 190-171. Fees

A. Fee schedule

The County Council shall establish by resolution a schedule of fees for applications, licenses and other items for which a fee is required. Required fees shall be paid at the time of filing. Processing of an application shall not commence until required fees are paid.

B. Third party review

Where the requirements of this Chapter for a particular application or land use authorize an agency, board or commission of Talbot County to obtain third party review of material submitted with the application, the cost of such review shall be paid by the applicant.

§ 190-172. Public Notice

Public notice shall be provided of public meetings or hearings required by this chapter as specified below, unless different requirements are specified in this chapter for the particular type of application. Public notice requirements for Board of Appeals hearings are in Chapter 21 of the Code.

A. Publication of agendas

(1) An agenda shall be published for public meetings or hearings held under the provisions of this chapter. The agenda shall be published prior to the meeting, shall be available to the public in the Planning Office, and shall be made available through other means as required by specific provisions of this chapter, by the Rules of Procedure of the particular body, or as deemed appropriate by the Planning Director.

(2) The agenda shall include the date, time and location of the public meeting or hearings and shall list, for each application, the file or case number, the location of the property, and the type of application.

B. Posting of property

Where this chapter requires posting of property, the following shall apply:

(1) The applicant shall post the property which is the subject of the meeting or hearing with a sign furnished by the Planning Director. The sign shall not be less than two feet high and two feet wide, shall indicate generally the nature of the application, and shall provide the telephone number of the Planning Office.

(2) The sign shall be:

(a) Located within 10 feet of the right-of-way of the most traveled public road abutting the property;

(b) If no public road abuts the property, placed and oriented in such a manner as most readily may be seen by the public, as designated by the Planning Director;

(c) Maintained in a visible location and free from obstruction by vegetation until after the conclusion of the last public hearing or public meeting on the application.

(3) The sign shall be posted for at least 15 days prior to the meeting date and removed within five days after the conclusion of the last public meeting or hearing on the application.

(4) If the applicant is a person other than the owner or the owner’s attorney, agent or a person otherwise privy with the owner, and the applicant files an affidavit stating that the owner is unwilling to permit the posting of any such sign, the posting shall be made by the Planning Director.

(5) At the meeting or hearing, the applicant shall affirm by affidavit that he has fully complied with this provision and has continuously maintained the posting in compliance with this provision up to the time of the meeting.

C. Newspaper publication

Where this chapter requires newspaper publication of a public meeting or hearing notice, the following shall apply:

(1) The meeting or hearing shall be advertised once in a newspaper of general circulation in the County at the applicant's expense.

(2) The publication date shall be not more than 15 days prior to the meeting date.

(3) The advertisement shall state:

(a) The date, time and location of the meeting or hearing;

(b) A summary of the purpose of the proceeding in sufficient detail to inform the public of the nature of the proceeding;

(c) The location of the property, its area, name of owner, file or case number of the proceeding, and the name of the governmental body before whom the meeting is to be conducted; and

(d) Other information deemed necessary by the Planning Director to adequately inform the public of the proceeding.

D. Notice to adjacent property owners

Where this chapter requires that notice of the meeting or hearing be mailed to adjacent property owners, the following shall apply:

(1) The Planning Office shall mail a notice of the meeting by regular mail, postage prepaid, to the owners of all adjacent property. The applicant shall bear the cost of the mailing.

(2) The notices shall be postmarked at least 15 days prior to the meeting or hearing.

(3) Adjacent properties shall include:

(a) Properties contiguous to the property with which the meeting is concerned;

(b) Properties separated from the property by a road, easement or right-of-way; and,

(c) Properties within 1,000 feet whose line of sight to the subject property is entirely over water.

(4) The applicant shall furnish the Planning Director with a complete, accurate and up-to-date list of all such property owners.

(5) The notice shall be mailed to the address to which the real estate tax bill on the property is sent.

(6) The notice shall contain the same information as the required newspaper advertisement for the hearing.

(7) Failure of a person to receive the notice prescribed in this section shall not impair the validity of the public meeting or hearings.

(8) If a meeting is held and continued, re-notification of the adjacent property owners shall not be required.

§ 190-173. Procedures for text amendments and County Council applications

A. Types of applications

This section and other applicable sections of this chapter authorize the following applications to the County Council:

(1) Amendments to the text of this chapter.

(2) Amendments to the official zoning maps.

(3) Applications for use of growth allocation in the Critical Area.

(4) Applications for establishment or enlargement of solid waste disposal sites.

B. Persons authorized to apply

(1) Amendments to the official zoning maps or the zoning text, including zoning map amendments in the Critical Area that require growth allocation, may be initiated by the County Council, Planning Commission, or Planning Director.

(2) In addition to the applications authorized by (1) above,

(a) A proposed amendment to the text of this chapter may be submitted by any interested person; and,

(b) A proposed amendment to a zoning map, an application for growth allocation, or an application for a solid waste disposal site may be submitted by a person with a committed financial, contractual or proprietary interest in the property affected by the amendment.

C. Planning Director's report

The Planning Director shall prepare a staff report and recommendation on the application.

D. Planning Commission recommendation

The Planning Commission shall consider the application and the Planning Director's recommendation at a public meeting and make a recommendation. The Planning Director shall submit the recommendations and any pertinent information to the County Council within 60 days of acceptance of a complete application.

E. Introduction, public hearing, decision

(1) After receiving the recommendations of the Planning Director and Planning Commission on a proposed amendment to the text of this chapter, the Council shall determine whether or not the proposal warrants the introduction of legislation.

(2) The County Council shall introduce legislation for the proposed amendment to the official zoning maps, for the proposed solid waste disposal facility, or for the proposed text amendment.

(3) The Council shall hold a public hearing on the legislation.

(4) The public hearing shall be advertised in accordance with the requirements for posting, newspaper publication, and notice to adjacent property owners specified in §190-172 of this Article. Notification of adjacent property owners and posting of the property shall not be required for sectional or comprehensive amendments to the official zoning maps or for zoning text amendments.

(5) A complete record shall be kept of the hearing, including the vote of all members of the Council in deciding all questions relating to the application.

F. Council members to visit property

The Council shall not approve or disapprove an amendment to the official zoning maps until a site visit has been made by a majority of the Council members to inspect the physical features of the property and determine the character of the surrounding area. A site visit shall not be required for sectional or comprehensive amendments to the official zoning maps.

G. Approval by Chesapeake Bay Critical Area Commission

(1) These provisions apply to all applications for amendments to the County's Critical Area Program, including revisions to the Critical Area requirements of this Chapter, requests for use of growth allocation, and amendments to Critical Area maps.

(2) Such applications, if approved by the County Council, shall be submitted by the County to the Critical Area Commission for approval. By state law, the Commission has 130 days to act on a request. If no action is taken in 130 days, the request will be considered approved.

(3) The County's request for approval of amendments to its Critical Area Program shall include all relevant information necessary for the Critical Area Commission Chairman, and as appropriate, the Commission, to evaluate the changes. The Chairman, and as appropriate, the Commission, shall determine if the program changes are consistent with the purposes, policies, goals and provisions of the Critical Area law and the Commission's criteria.

(4) In accordance with the determination of consistency as outlined above, the Chairman, or as appropriate, the Commission shall:

(a) Approve the proposed program refinement or amendment and notify the local jurisdiction; or,

(b) Deny the proposed program refinement or amendment; or,

(c) Approve the proposed program refinement or amendment subject to one or more conditions; or,

(d) Return the proposed program refinement or amendment to the local jurisdiction with a list of changes to be made.

(5) A request denied by the Critical Area Commission, or returned with changes to be made, may be reconsidered by the County Council. Such a request may be revised

by the applicant to address the reasons for Critical Area Commission decision. The revised request shall be submitted to the Planning Director for reconsideration by the County Council within 90 days of Critical Area Commission denial. An extension of the 90 day deadline may be requested for a specific period of time, if the applicant can demonstrate, to the satisfaction of the Planning Director, circumstances beyond the applicant's control.

H. Effective date

An application approved by the County Council shall take effect 60 days after the Council bill is passed, and upon approval by the Critical Area Commission if required.

§ 190-174. Amendments to the official zoning maps

A. Procedures

Applications to amend the official zoning maps shall be submitted and processed in accordance with the requirements of this Article for County Council applications.

B. Factors to be considered

The Council shall consider findings of fact including, but not limited to, the following when making a decision on a proposed amendment to the official zoning maps:

(1) Consistency with the purposes and intent of the Talbot County Comprehensive Plan;

(2) Compatibility with existing and proposed development and land use in the surrounding area;

(3) Availability of public facilities;

(4) The effects on present and future transportation patterns; and

(5) The effect on population change within the immediate area.

C. Standards for decision

(1) After a review of the applicable findings, the Council may grant a zoning map amendment based upon one of the following findings:

(a) That there was a substantial change in the character of the neighborhood where the property is located; or

(b) That there was a mistake in the existing zoning classification.

(2) The findings given in (1) above shall not be required to establish a floating or overlay district or to approve a comprehensive or sectional zoning map amendment.

(3) The fact that an application for a zoning map amendment complies with all the specific requirements and purposes set forth in this chapter shall not be deemed to create a presumption that the proposed amendment would be compatible with surrounding land uses and is not, in itself, sufficient to require approval.

D. New application after denial of map amendment.

(1) If an application to amend the official zoning maps is denied, either in whole or in part, no application shall be submitted to rezone all or part of the same property for at least one year from the date of the decision.

(2) The Council may allow an applicant to withdraw an application at any time. However, if the request for withdrawal is made after publication of the newspaper notice of the public hearing, no application shall be submitted to rezone all or part of the same property for at least one year from the advertised public hearing date, unless the Council specifies that the time limit shall not apply.

E. Changing of official zoning maps.

The Planning Director shall change the official zoning maps within 60 days after the adoption of any amendments and shall provide a copy to the Critical Area Commission within 120 days.

§ 190-175. Text amendments to Critical Area provisions

A. Procedures

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

B. Consistency with Critical Area law

Amendments to the Critical Area text provisions shall be consistent with Maryland State Critical Area law.

C. Impact on habitat

Any amendment shall not result in permitting uses that would adversely affect any wildlife or plant habitats as a result of a use's intrinsic nature and potential impact.

D. Prohibited development

Proposed amendments shall not be granted if they would allow uses in the Critical Area that are prohibited by the Critical Area requirements, §190-132.

§ 190-176. Applications for use of growth allocation in the Critical Area

A. Purpose

This section governs the rezoning of land within the Critical Area from the current district to a zoning district allowing more intensive development. Growth allocation is used when land is rezoned from a district classified as Resource Conservation Area (RCA) to a Limited Development Area (LDA) or Intensive Development Area (IDA) classification, or when land is rezoned from an LDA to an IDA classification. The RCA, LDA and IDA classifications are defined in Article I.

This section also governs the use of growth allocation to allow expanded lot coverage for certain land uses in the Critical Area.

B. Zoning map amendments not requiring growth allocation

Amendments to the official zoning maps from a zoning district with an LDA classification to another zoning district with an LDA classification, or from a zoning district with an IDA classification to another zoning district with an IDA classification shall not require growth allocation, but shall instead be heard following the procedures and standards for a zoning map amendment prescribed in this Article.

C. Allowed acreage for growth allocations

(1) Total acreage in the Resource Conservation Area allowed to be rezoned to a district allowing more intensive development

(a) Not more than 1,213 acres of the Critical Areas of the County, including all land lying within the Critical Area within incorporated towns, shall be rezoned from the RC District (or town zoning districts established for the Resource Conservation Area of the Critical Area) to any other zoning district.

(b) Of these 1,213 acres, the following acreages were originally reserved for towns for growth allocation associated with annexations:

Acreage reserved	Town reserved for
155 acres	Easton
195 acres	Oxford
245 acres	St. Michaels

(c) The remaining 618 acres are reserved for the County, but may be transferred to the towns through the process for supplemental growth allocation.

(d) When 1,092 acres (90% percent of 1,213 acres) have been approved for growth allocation, the County shall request permission from the Maryland Critical Area Commission to double the maximum acres that may be reclassified from the RC District (or comparable town districts) from 1,213 to 2,426 acres. Upon Critical Area Commission approval, the County shall reserve acreage for each town.

(e) If the Commission approves the doubling of acreage that may be rezoned under this subsection, the County will have its full allocation of 2,554 acres for growth as specified in the County's Critical Area Plan:

1,213 acres (original limit)

+ 1,213 acres (potential additional limit)

+ 128 acres [amount reserved in Subsection C(2)] below

= 2,554 acres.

(2) Acreage allowed to be reclassified from Limited Development Area (LDA) to Intensely Developed Area (IDA)

(a) Not more than 128 acres of the Critical Area, including land within incorporated towns, shall be rezoned from a zoning district classified as LDA to a zoning district classified as IDA.

(b) Of the 128 acres, 24 acres are reserved for the Town of Easton, 44 acres for the Town of Oxford, and 24 acres for the Town of St. Michaels for growth allocation within the town limits or for annexations. The remaining 36 acres is reserved for the County for growth allocation outside the towns.

D. Submission and review procedures

(1) An application for a zoning map amendment requiring growth allocation shall include:

(a) A concept plan;

(b) Appropriate environmental reports and studies to provide sufficient information to permit the Planning Commission to review the application for consistency with the County's Critical Area regulations; and

(c) Preliminary comments from Maryland Department of the Environment, Department of Natural Resources and the Army Corps of Engineers, for the resources listed within the Growth Allocation application; and

(d) Critical area map confirming the classification of the land area equals the requested number of acres proposed for change.

(2) The concept plan shall consist of all application items to include:

(a) Property boundaries;

(b) Field run topography and natural features;

(c) For a proposed subdivision, the general location of proposed lots, structures, and roads;

(d) For a proposed commercial or industrial use, the general location of proposed structures, stormwater management, paved areas and open space.

(3) The application shall be submitted and heard in accordance with the process established in this Article for applications to amend the official zoning map, except that the concept plan shall be reviewed concurrently as indicated below.

(4) The Planning Director may circulate the concept plan to applicable reviewing agencies for comments.

(5) The zoning application shall not be considered by the Planning Commission until the Planning Director finds that the development shown on the concept plan has the potential to comply with applicable requirements in subsequent subdivision or site plan review.

(6) The Planning Commission shall make recommendations on the proposed rezoning, request for growth allocation and concept plan.

(7) The applicant may revise the concept plan to address the Planning Commission's comments and recommendations. The revised application shall repeat the initial review process and the Planning Commission's recommendation on the revised application shall be forwarded to the County Council.

(8) If the County Council approves the application:

(a) The County Council may impose conditions on the concept plan, stating the reasons for such actions.

(b) The Council may condition its approval of growth allocation on the provision of specific public benefits in furtherance of the implementation strategies of the Comprehensive Plan.

(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:

(a) Be accompanied by the approved application with pertinent plans and environmental reports and studies; and,

(b) State how the Council has applied the standards of this section. The Commission shall ensure that the standards have been applied in a manner that is consistent with the purposes, policies, goals and provisions of the Critical Area law and the criteria of the Commission.

(10) Following approval of the growth allocation request by the County Council and the Critical Area Commission, the applicant may submit subdivision or site plan applications for review as provided by this Chapter.

(a) The subdivision or site plan shall be substantially in accordance with the concept plan approved by the County Council.

(b) The Planning Commission in its approval of the subdivision or site plan may approve minor deviations from the concept plan resulting from more detailed engineering and site design. Significant changes must be approved by the County Council in accordance with the procedures for the original application.

(11) Reversion of Approval

(a) As a condition of approval, the County Council may require that a project receiving growth allocation, and not located within a town, be substantially completed within three years of the date of approval by the Critical Area Commission, or the zoning may revert to the prior zoning district upon a recommendation of the Planning Commission and approval by the County Council.

(b) The Planning Commission shall determine whether a project is substantially complete, but at a minimum the project must have received final subdivision recordation or final site plan approval, and completed all

public improvements, such as roads, sewer and water facilities, in accordance with the approved plans.

(c) Upon receipt of a written request by the property owner or the applicant, a time extension may be granted to the three-year period, upon a recommendation by the Planning Commission and approval by the County Council.

E. Standards

In deciding whether to approve or disapprove an application for a zoning map amendment requiring growth allocation, the County Council shall evaluate the three components of the application: the zoning map amendment, the requested growth allocation, and the concept plan. All of the standards given below shall be used in evaluating the application.

(1) The standards and factors for amendments to the official zoning map (§190-174.B and C) shall be used to evaluate the proposed rezoning and growth allocation. In addition, the Council shall consider the following factors in evaluating the request for growth allocation:

(a) Whether applicable requirements of the County's Critical Area Program, zoning ordinance and subdivision regulations have been met.

(b) In addition to meeting the minimum requirements of the Critical Area regulations, the project design shall enhance the habitat value or improve water quality in the area. For example, afforestation may exceed the 15 percent requirement or best management practices for stormwater management may be installed on portions of the site to remain in agricultural use.

(c) For residential development, a community pier shall be provided rather than individual piers.

(d) The past, present, and anticipated need for future growth of the County as a whole.

(e) The location, nature, and timing of the proposed growth allocation in relation to the public interest in ordered, efficient, and productive development and land use.

(f) The protection of the public health, safety and welfare.

(g) Whether the proposed growth allocation, subject to the proposed concept plan, will fulfill public purposes through the provision of public facilities, implementation of Comprehensive Plan strategies, or advancement of the land use policies and objectives of the Comprehensive Plan.

(2) The Council may approve the application only if it finds that the proposed concept plan will:

(a) Create lots or parcels that maximize opportunities for clustered development that protect habitat and agricultural resources;

(b) Locate structures to minimize impact on habitat protection areas and agricultural areas;

(c) Provide a minimally disturbed shoreline development buffer;

(d) Minimize soil erosion and runoff;

(e) Maximize protection of eroding shorelines;

(f) Have a minimal impact or cause an improvement to stormwater, floodplain and stream characteristics;

(g) Minimize impacts on nontidal wetlands;

(h) Maximize protection of plant and wildlife habitats, particularly for threatened and endangered species, plant and wildlife common to the Chesapeake Bay Region, and anadromous fish propagation waters; and

(i) Maximize protection of forests.

(3) The County Council shall also make findings based on the growth allocation standards of MD Natural Resources Article §8-1808.1(c) and may establish conditions of approval that are consistent with the intent of the County's Critical Area Program.

(4) When considering growth allocation requests for rezoning from the RC District, priority shall be given based on the district requested in the following order: VC, TR, RR, LC, GC, LI. When considering growth allocation requests for rezoning from the RR, TR, or VC District, priority shall be given based on the district requested in the following order: LC, GC, LI.

(5) Standards for location of IDAs or LDAs

When expanding or locating new Intensely Developed Areas (IDA) or Limited Development Areas (LDA), the County shall use the following standards:

(a) Locate a new IDA within an LDA or adjacent to an existing IDA.

(b) Locate a new LDA adjacent to an existing LDA or an existing IDA.

(c) Locate a new LDA or IDA in a manner that minimizes impacts to habitat protection areas as defined in COMAR 27-01-09 and in an area and manner that optimizes benefits to water quality.

(d) If a new LDA or IDA is in a Resource Conservation Area (RCA), locate it at least 300 feet beyond the landward edge of tidal wetlands or tidal waters, unless alternative measures for enhancement of water quality and habitat that provide greater benefits to the resources are approved by the Critical Area Commission.

(e) Locate a new IDA or LDA in a manner that minimizes their impacts to the defined land uses of the Resource Conservation Area.

(f) A new IDA or LDA involving the use of growth allocation shall conform to all criteria of the County for such areas, shall be so designated on the County Zoning Map and shall constitute an amendment to this program

subject to review and approval by the County Planning Commission, the County Council and the Critical Area Commission.

(g) No more than one-half of the County's allocated expansion may be located in RCAs. However, if the County is unable to locate a portion of its growth allocation as set out in paragraphs (a) and (b) above, then a larger portion of the allocated expansion which cannot be so located may be located in the RCA in addition to the half of the expansion allowed by this paragraph. An applicant shall cluster development in an area of expansion authorized under this paragraph.

(h) For purposes of this section, adjacency means at least 25 percent of the perimeter of the subject parcel has a common land boundary with the existing LDA or IDA

(6) Calculating area of growth allocation

The following standards shall be used to determine the area of growth allocation to be deducted when the designation of a parcel or a portion of a parcel is changed through the growth allocation process:

(a) Subdivision of any parcel of land that was recorded as of December 1, 1985, and classified as RCA where all or part of the parcel is identified by the County as a growth allocation area, shall result in the acreage of the entire parcel, not in tidal wetlands, being deducted from the County's growth allocation, unless the development envelope concept outline in paragraph (b) below is used.

(b) In order to allow some flexibility in the use of growth allocation when development is only proposed on a portion of the property, the following method of calculation may be used. On a parcel proposed for the use of growth allocation, a single development envelope may be specified, and the acreage of the development envelope rather than the acreage of the entire parcel shall be deducted from the County's growth allocation if the development envelope meets the following criteria:

(i) The development envelope shall include individually owned lots, required buffers, lot coverage, roads, utilities, stormwater management measures, on-site sewage disposal measures, any areas subject to human use such as active recreation areas, and any additional acreage needed to meet the development requirements of the criteria. The required buffers refer to the minimum 100-foot buffer and the 25-foot nontidal wetlands buffer.

(ii) Only one development envelope shall be established per parcel of land.

(iii) If a development envelope is proposed in the RCA, a minimum of 20 acres must remain outside of the development envelope or the acreage of the entire parcel must be deducted. If the original parcel in the RCA is less than 20 acres, then the acreage of the entire

parcel must be deducted. If there is a permanently protected Resource Conservation Area (an area protected by easement) adjacent and contiguous to a residue that is less than 20 acres, that will result in a minimum 20-acre residue, then the entire parcel does not have to be deducted.

(iv) The minimum 20-acre residue outside of the development envelope may be developed at an RCA density unless some type of permanent protection exists that restricts development.

(c) For growth allocation proposed in the RCA, a 300-foot naturally vegetated buffer is strongly encouraged and where it is provided, it shall not be deducted even if the buffer does not meet the 20-acre requirement.

(7) Guidelines for annual use of growth allocation acreage

Within any one calendar year, zoning map amendments requiring growth allocation should not exceed the following acreages:

(a) Not more than 100 acres should be approved by the County for rezoning from the RC District to any other zoning district; and,

(b) Not more than 20 acres should be rezoned from zoning districts in the LDA classification to zoning districts in the IDA classification.

(8) Approval of growth allocation

(a) The fact that an application for growth allocation complies with the specific requirements and standards shall not be deemed to create a presumption that the proposed growth allocation would be compatible with surrounding land uses, and is not, in itself, sufficient grounds to require approval.

F. Process for awarding supplemental growth allocation to towns

(1) If a town has used all of the growth allocation designated for its use under this section, the town may apply for supplemental growth allocation which, if granted, shall be subtracted from the growth allocation reserved for the County's use.

(2) Upon request for supplemental growth allocation by a town, the County Council may transfer growth allocation to the town, and may impose conditions, restrictions, and limitations upon the use of the supplemental growth allocation as the Council considers appropriate. Such requests shall comply with the following requirements:

(a) Application process. The applicant proposing to use the growth allocation shall file the application with the town. In addition to complying with all town requirements, the applicant shall provide the information required by this section (see subsection D, "Submission and review procedures", in this section) and shall comply with the design standards of this chapter. The town shall forward the application to the County Council for consideration and review within five working days.

(b) Staff and Planning Commission review. The planning staff and Planning Commission shall review the application in accordance with the procedures required by this Article for growth allocation and zoning map amendments, except that municipal and county staff reports shall be forwarded to the Planning Commissions of both jurisdictions, and the planning staff shall schedule a joint hearing on the application before the Planning Commissions of both jurisdictions. The Chairperson of each Planning Commission shall co-chair the hearing. Each Planning Commission shall vote separately and make its recommendations to its respective council or commission. Each Planning Commission shall provide a copy of its recommendations to the other jurisdiction.

(c) Council review. The county and town councils or commissions shall hold a joint hearing on the application, co-chaired by the designated Chairperson of each council or commission which may be coordinated jointly with the Critical Area Commission. The county and municipal councils or commissions shall make their respective decisions separately as independent entities. The County Council shall evaluate the application in accordance with Subsection E, "Standards" in this section.

(d) Amendments to approved projects. Any substantive amendment to the concept plan for an approved project shall be subject to County Council review and approval for a period of five years following the date of initial approval.

G. County review of growth allocation requests within towns

(1) Growth allocation requests for property within a town that has been annexed within five years of the request shall be reviewed by the County for consistency with the County Comprehensive Plan.

(2) Growth allocation requests for property that has been in the town for more than five years prior to the request does not require review by the County; however, the towns shall inform the County of the rezoning and growth allocation to ensure that the total reserve acres, listed above, are not exceeded.

H. Review for property within designated growth areas in the Comprehensive Plan

(1) Annexation requests for property in designated growth areas on the County Comprehensive Plan shall be reviewed by the County for consistency with the County Comprehensive Plan and shall be subject to all current ordinances regulating annexations.

(2) The County shall not act on a rezoning request within a designated growth area until an annexation request for the property has been denied by the town or until 12 months after an annexation request for the property has been submitted to the town, whichever occurs first. If the County approves a rezoning request not associated with an annexation request for property within a designated growth areas, then the acreage of the property rezoned shall be subtracted from the acres reserved for the Town for growth allocation in §190-176.C.

(3) The location of growth allocation requests within towns or growth allocation requests associated with annexation requests is not limited to the designated growth areas; however, the total acres reserved per town shall not be exceeded.

I. Land uses in RC District requiring growth allocation for expansion

Certain uses in the RC District listed in Article III, Additional Regulations for Specific Uses, are permitted to increase lot coverage only with issuance of growth allocation. The process for granting growth allocation for specific RC uses is as follows:

(1) Application for growth allocation shall accompany an application for site plan approval. The application shall indicate the area and number of growth allocation acres requested.

(2) The application shall be reviewed in accordance with the procedures and standards for major site plans within the Critical Area.

(3) When the Planning Director determines that the site plan can proceed to Planning Commission review, the Planning Commission shall review the application and Planning Office staff report for both the site plan and the application for growth allocation at a public meeting.

(4) Upon approval of the site plan, the Planning Director shall forward the site plan and the recommendations of the Planning Director and Planning Commission on the growth allocation request to the County Council.

(5) After receiving the recommendations of the Planning Director and the Planning Commission, the Council shall hold a public hearing

(6) In deciding whether to approve or disapprove an application for growth allocation for expansion of specific uses in the RC District, the Council shall consider the following:

(a) Consistency with the purposes and intent of the Talbot County Comprehensive Plan;

(b) Compatibility with existing and proposed development and land use in the surrounding area;

(c) Availability of public facilities;

(d) The effects on present and future transportation patterns;

(e) The effect of population change within the immediate area;

(f) The past, present, and anticipated need for future growth of the County as a whole;

(g) The location, and nature of the proposed use and/or expansion of the use; and

(h) The protection of the public health, safety and welfare.

(7) The fact that an application for a growth allocation complies with all the specific requirements and purposes set forth in this chapter shall not be deemed to create a presumption that the proposed growth allocation would in fact be compatible with surrounding land uses and is not, in itself, sufficient to require approval.

§ 190-177. County Council Permit for Solid Waste Disposal Facilities

The establishment or enlargement of a solid waste disposal facility shall require a permit from the County Council. In reviewing such permit applications, the following procedures shall apply.

A. After an application is accepted, the Planning Office shall transmit it to state approval authorities. The application shall not be scheduled for a public meeting before the Planning Commission until any additional information required by state agencies is provided by the applicant.

B. After reviewing public input, County and State agency comments, and Planning Commission recommendations, the Council shall approve, approve with conditions or deny the permit application for a solid waste disposal facility.

C. The Council decision shall be based upon its determination as to whether the application complies with the requirements of this chapter and adequately protects and safeguards the public health, safety and welfare of the inhabitants of the surrounding residences and of the County.

§ 190-178. General procedures for Board of Appeals applications

Procedures for Board of Appeals applications are given in Chapter 20, Board of Appeals and Chapter 21, Board of Appeals Rules of Procedure, of the County Code.

§ 190-179. Administrative appeals

Any person aggrieved by a final order or decision of the Planning Director, Planning Commission or Historic Preservation Commission may file an administrative appeal with the Board of Appeals in accordance with Chapters 20 and 21 of the County Code.

§ 190-180. Special exceptions

A. Purpose

Special exception uses or activities are not considered appropriate without additional standards and conditions to ensure that the use is suitable on a particular site. These uses require detailed review of a particular location, design and configuration to determine, against specific standards, the desirability of permitting its establishment on a proposed site. Special exceptions may require additional regulations and conditions to protect abutting landowners and to preserve the character of the area.

B. Authority

(1) Special exception uses, as listed in the General Table of Land Uses in Article III, require approval by the Board of Appeals.

(2) Before deciding on a special exception application, the Board of Appeals shall consider the recommendation of the Planning Commission.

C. General standards

A special exception may be granted only when the Board of Appeals finds from a preponderance of the evidence that the proposed use will satisfy all of the following standards:

(1) The use will be consistent with the purposes and intent of the Talbot County Comprehensive Plan.

(2) The use will comply with the standards of the zoning district in which it is located, except as those standards may have been modified by the granting of a variance.

(3) The scale, bulk and general appearance of the use will be such that the use will be compatible with adjacent land uses and with existing and potential uses in its general area, and will not be detrimental to the economic value of neighboring property.

(4) The use will not constitute a nuisance to other properties and will not have significant, adverse impacts on the surrounding area due to trash, odors, noise, glare, vibration, air and water pollution, and other health and safety factors or environmental disturbances.

(5) The use will not have a significant adverse impact on public facilities or services including roads, schools, water and sewer facilities, police and fire protection or other public facilities or services.

(6) The use will not have a significant adverse effect upon marine, pedestrian or vehicular traffic.

(7) The use will not produce traffic volumes which would exceed the capacity of public or private roads in the area or elsewhere in the County, based on the road classifications established in Chapter 134, the Talbot County Roads and Bridges Ordinance, and other applicable standards for road capacity.

(8) Any vehicle access to proposed off-street parking areas and drive-in facilities will be designed to minimize conflicts between vehicular, bicycle and pedestrian traffic and to minimize impacts on adjacent properties and on public or private roads. In addition, any resulting commercial and truck traffic should not use a residential street nor create a hazard to a developed residential area.

(9) The use will not significantly adversely affect wildlife with respect to the site's vegetation, water resources, or its resources for supplying food, water, cover, habitat, nesting areas, or other needs of wildlife.

(10) The use will not significantly adversely affect adjacent existing agricultural uses.

D. Additional requirements for special exceptions in the Critical Area

(1) In addition to the general standards for special exceptions, the Board of Appeals shall determine whether the findings and requirements listed below for each use

have been met. The Board shall consider the recommendation of the Planning Commission regarding these criteria.

(a) The requirements listed in Article III, Additional Regulations for Specific Uses for the use;

(b) For piers, marinas, and water-oriented public recreation, education, research areas, the requirements listed in §190-147.

(2) The applicant is responsible for proving compliance with each finding and requirement, and consistency with this chapter and the intent of the Critical Area Law. Information necessary for responding to these required findings, if not available locally, shall be obtained from appropriate state and federal agencies.

E. Modification

Approved special exceptions may be modified as follows.

(1) Minor amendments

The Planning Director may authorize the following minor amendments to an approved special exception:

(a) Minor amendments in the size and location of drainage ways, driveways, landscape elements or other similar features based on technical or engineering considerations.

(b) Minor amendments to the shape or bulk of buildings, provided the modified dimensions comply with all requirements of the zoning district and do not allow buildings closer to property lines or otherwise adversely affect neighboring properties.

(c) The addition of minor accessory uses or structures that do not result in an increased impact on neighboring properties.

(2) Expansion and major amendments

The Board of Appeals may approve expansions and major amendments, as specified below, in accordance with the procedures for the original special exception approval:

(a) Expansion or enlargement of the use, or of the structures or facilities occupied by the special exception.

(b) Modifications to conditions of approval required by the Board of Appeals.

(c) Other changes to the use, or to the structures or facilities occupied by the use, deemed by the Planning Director to be major modifications.

(3) No amendment to a condition of approval imposed by the Board of Appeals shall be considered except on grounds of new evidence or proof of change of conditions.

F. Expiration of a special exception

A special exception shall lapse and become null and void eighteen months following the date on which it was approved, unless:

(1) Prior to the expiration date, construction is commenced and diligently pursued toward completion; or

(2) The use for which the permit was granted is commenced within eighteen months; or

(3) An application for renewal is granted by the Board of Appeals prior to the expiration date for not more than one eighteen month period.

G. Transfer to subsequent owner

A special exception shall be transferable, without formal or written confirmation, to subsequent owners of a property. Any conditions attached to the approval are binding on subsequent owners of the site.

§ 190-181. Reasonable accommodation for the needs of disabled citizens

A. Purpose

This section provides standards for the Board of Appeals to apply to administrative appeals for alterations to residences and businesses, where such alterations are for the benefit of disabled persons and would not be possible under the requirements of this Chapter.

B. Authority

Notwithstanding any other provision of this chapter, the Board of Appeals may make reasonable accommodations for the benefit of disabled persons upon application by a property owner.

C. Standards

An applicant shall have the burden of demonstrating by a preponderance of the evidence that:

(1) The alterations will benefit persons with a disability within the meaning of the Americans with Disabilities Act;

(2) Literal enforcement of the requirements of this chapter would result in discrimination by virtue of such disability or deprive a disabled resident or user of the reasonable use and enjoyment of the property;

(3) A reasonable accommodation would reduce or eliminate the discriminatory effect of the requirements or restore the disabled resident’s or user’s reasonable use or enjoyment of the property;

(4) The accommodation requested will not substantially impair the purpose, intent, or effect of the requirements of this chapter as applied to the property;

(5) If the property is located in the Critical Area, the accommodation would:

(a) Be environmentally neutral with no greater negative impact on the environment than the literal enforcement of the statute, ordinance, regulation or other requirement; or

(b) Allow only the minimum environmental changes necessary to address the needs resulting from the particular disability of the applicant/appellant.

D. Board of Appeals decision

(1) The Board of Appeals shall determine the nature and scope of accommodation under this section and may award different or other relief than requested after giving due regard to:

(a) The standards given in this section;

(b) The purpose, intent, or effect of the requirements from which relief is requested; and

(c) The size, location, nature, and type of accommodation proposed and whether alternatives exist which could accommodate the need with less adverse effect.

(2) Upon termination of the need for any accommodation, the Board of Appeals may require, as a condition of approval, that the property be restored to comply with all applicable requirements.

§ 190-182. Variances

A. Authority

(1) The Board of Appeals or the Planning Director may authorize a variation or modification from the bulk requirements or numerical parking standards of this chapter subject to the standards given in this section.

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

(3) A variance may not be granted to the following:

(a) Density, minimum lot size and minimum lot width requirements.

(b) Requirements not related to the location or dimensions of structures, such as number of employees and time of operation.

(c) Requirements that are conditions under which a particular special exception may be granted by the Board of Appeals.

B. Minor variances

(1) A minor variance may be granted by the Planning Director for:

(a) A request to vary any bulk requirement in an amount not to exceed 10 percent of the stated requirement; and

(b) A minor expansion of a nonconforming structure, provided the structure is not located within the Shoreline Development Buffer and the proposed expansion complies with the limits established in §190-169, Nonconforming Structures, for a minor expansion.

(2) A recommendation from the Planning Commission shall be required for a minor variance for:

(a) A structure or site currently conforming to bulk requirements; or,

(b) Minor expansion of a nonconforming structure if the requested variance is from a Critical Area requirement.

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

C. Administrative variances

(1) An administrative variance is a variance for expansion or relocation of a nonconforming structure within the Shoreline Development Buffer subject to the limits established in §190-169, Nonconforming Structures, for administrative variances.

(2) A recommendation from the Planning Commission is required for all administrative variances.

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

E. Standards for variances to non-Critical Area provisions

In order to vary or modify the non-Critical Area provisions of this chapter, the Planning Director or Board of Appeals must determine that the application meets all of the following criteria:

(1) Unique physical characteristics exist, such as unusual size or shape of the property or extraordinary topographical conditions, such that a literal enforcement of the provisions of this chapter would result in practical difficulty or unreasonable hardship in enabling the applicant to develop or use the property;

(2) The need for the variance is not based upon circumstances which are self-created or self-imposed;

(3) Greater profitability or lack of knowledge of the restrictions shall not be considered as sufficient cause for a variance;

(4) The variance will not be contrary to the public interest and will not be a detriment to adjacent or neighboring properties; and

(5) The variance shall not exceed the minimum adjustment necessary to relieve the practical difficulty or unreasonable hardship.

F. Standards for variances to Critical Area provisions

(1) In order to grant a variance to the Critical Area provisions of this chapter, the Planning Director or Board of Appeals must determine that the application meets all of the following criteria:

(a) Special conditions or circumstances exist that are peculiar to the land or structure such that a literal enforcement of the provisions of this chapter would result in unwarranted hardship.

(b) A literal interpretation of the Critical Area requirements of this chapter will deprive the property owner of rights commonly enjoyed by other property owners in the same zoning district.

(c) The granting of a variance will not confer upon the property owner any special privilege that would be denied by this chapter to other owners of lands or structures within the same zoning district.

(d) The variance request is not based on conditions or circumstances which are the result of actions by the applicant, including the commencement of development activity before an application for a variance has been filed, nor does the request arise from any condition relating to land or building use, either permitted or nonconforming, on any neighboring property.

(e) The granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat, and the granting of the variance will be in harmony with the general spirit and intent of the state Critical Area Law and the Critical Area Program.

(f) The variance shall not exceed the minimum adjustment necessary to relieve the unwarranted hardship.

(g) If the need for a variance to a Critical Area provision is due partially or entirely because the lot is a legal nonconforming lot that does not meet current area, width or location standards, the variance should not be granted if the nonconformity could be reduced or eliminated by combining the lot, in whole or in part, with an adjoining lot in common ownership.

(2) In considering an application for a variance to Critical Area requirements, the Board of Appeals or Planning Director shall presume that the specific development activity in the Critical Area for which a variance is required does not conform with the general purpose and intent of the Natural Resources Article, Title 8, Subtitle 18, COMAR Title 27, and the requirements of the County's Critical Area Program. The applicant has the burden of proof to overcome this presumption of nonconformance.

(3) The Board of Appeals or Planning Director shall:

(a) Make written findings, based on competent and substantial evidence, as to whether the applicant has overcome the presumption of nonconformance established in paragraph (2) above; and,

(b) Base their written findings on evidence introduced and testimony presented by the applicant, the County or any other government agency, or any other person deemed appropriate by the County, with due regard for the person's experience, technical competence, and specialized knowledge.

(4) If the Board of Appeals or Planning Director finds that the activity or structure for which a variance is requested commenced without permits or approvals and:

(a) Does not meet each of the variance criteria under this subsection, the Board of Appeals or Planning Director shall deny the requested variance and order removal or relocation of any structure and restoration of the affected resources; or

(b) Does meet each of the variance criteria under this subsection, the Board of Appeals or Planning Director may grant approval to the requested variance.

(5) The Board of Appeals or Planning Director may impose conditions on the use or development of a property which is granted a variance.

(6) The County shall not issue a permit for the activity that was the subject of the variance to a Critical Area requirement until the 30-day appeal period has elapsed.

G. Expiration of variance

(1) A variance shall be implemented within 18 months following the date of approval. Upon written request before expiration of the initial time limit and for good cause shown, the approving authority may extend the variance approval for not more than one like period. Failure to implement the approval within the prescribed time voids the approval.

§ 190-183. Use Certificates

A. Purpose

Use certificates provide a means for administrative review and approval of temporary uses and certain land uses that require periodic approval or are permitted subject to compliance with conditions.

B. Uses requiring a use certificate

A use certificate shall be required for temporary uses and for any land use for which Article III requires a use certificate.

C. Procedures

(1) An application for a use certificate may require a plot plan or, if applicable, copies of the approved site plan. The Planning Director shall send the application to other agencies having jurisdiction over the proposed use.

(2) The Planning Director may refer the application to the Planning Commission for its recommendation on conditions or standards necessary to ensure that the

proposed use meets the standards for temporary uses or the requirements for a particular use.

(3) The Planning Director shall issue the certificate if:

(a) The proposed use complies with all requirements of this Chapter.

(b) The proposed use complies with Health Department requirements.

(c) The proposal does not require changes to site improvements such as structures, parking, access and buffering, and does not require site plan review in accordance with §190-184. If a site plan is required, the site plan process shall be followed instead of the use certificate process.

D. Revocation

The Planning Director may revoke a use certificate if requirements of this Chapter or conditions of approval are violated.

§ 190-184. Site Plans

A. Purpose and authority

(1) The site plan process ensures that proposed development conforms to the purposes, standards and requirements of this chapter as well as other County, state and federal requirements applicable to the use and development of land.

(2) There are three types of site plans: major, minor and administrative.

(a) Decisions on major site plans shall be made by the Planning Commission.

(b) Decisions on administrative and minor site plans shall be made by the Planning Director.

(c) The Planning Director may refer a minor site plan to the Planning Commission for its recommendation.

B. Development requiring site plan approval

A site plan shall be required for the following:

(1) The development, establishment or enlargement of any nonagricultural use except the uses listed in subsection C below.

(2) Agriculturally-related commercial or industrial uses or structures.

(3) Agricultural structures over 6,000 square feet in gross floor area if located within 500 feet of a town boundary.

(4) Livestock or poultry houses, or waste storage lagoons or structures, if located within 1500 feet of a town boundary, except that a site plan shall not be required for expansion of an existing livestock or poultry house, or waste storage lagoon or structure, provided that:

(a) The use or structure was in existence as of July 1, 2003;

(b) The use or structure has been continuous and has not been abandoned or discontinued for more than 1 year; and

(c) The municipal boundary in existence as of July 1, 2003 has been changed through annexation to now include a parcel within 1500 feet of the existing agricultural facility subject to this requirement.

C. Development not requiring site plan approval

A site plan shall not be required for the following:

(1) Single-family dwellings, guest houses, employee dwellings, duplexes, and accessory residential structures.

(2) Agricultural uses and structures, except those listed in subsection B above.

D. Development requiring an administrative site plan

An administrative site plan shall be required for a change in use from one approved use to a similar approved use in which the new use requires no exterior site alterations such as expanded parking, loading or storage areas or other outdoor uses.

E. Development requiring a minor site plan

A minor site plan shall be submitted for an addition or accessory structure for a use requiring a site plan, provided that:

(1) The addition or accessory structure is less than 300 square feet in gross floor area; and

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

F. Plan submission

(1) Applications for site plan approval shall be submitted subsequent to a preapplication meeting in accordance with §190-170.

(2) As a result of a preapplication meeting, the Planning Office shall determine whether the project requires an administrative, minor or major site plan and shall notify the applicant in writing.

G. Review process for administrative site plans

(1) The Planning Director shall transmit administrative site plan applications to reviewing agencies for their written comments.

(2) An administrative site plan shall be approved by the Planning Director upon written concurrence of all appropriate agencies.

(3) Within 30 days of acceptance of a complete application for an administrative site plan, the Planning Director shall either approve, approve with conditions or deny the plan.

H. Review process for major and minor site plans

(1) The Technical Advisory Committee (TAC) shall review all major and minor site plans. TAC provides a vehicle for agencies to coordinate comments on plan applications, to jointly review plans, and to resolve issues of conflict or common concern. The TAC reviews plans for compliance with applicable local, state and federal requirements.

(2) There are two types of staff-level plan review meetings:

(a) TAC Meetings, for review of initial or substantially amended site plan submittals, and

(b) Compliance review meetings (CRM), for review of site plans that have been resubmitted with minor corrections and amendments. The CRM provides coordinated agency review to ensure that all conditions and requirements have been addressed before site plan approval.

(3) All TAC meetings shall be open to the public without public participation. Interested persons may submit written comments to the Planning Director within seven days after the TAC meeting

(4) Upon determining that a site plan application is complete, the Planning Director shall schedule the application for the next available TAC meeting, and shall send the plan to the TAC agencies and other appropriate government agencies for review.

(5) The Planning Director shall have the authority to limit the number of items on the agenda of each TAC meeting.

(6) Within 10 days following the TAC meeting, the Planning Director shall transmit to the applicant the comments of the reviewing agencies on the proposed site plan.

(a) If the Planning Director determines that the plan is in substantial compliance with applicable requirements, the comments from reviewing agencies shall be transmitted by the Planning Office to the applicant, and the plan shall be scheduled for a CRM or Planning Commission meeting as appropriate; or,

(b) If the Planning Director determines that the plan is not in substantial compliance with the applicable requirements, the Planning Office shall transmit the comments of reviewing agencies and notify the applicant that they must repeat TAC review prior to proceeding to CRM or Planning Commission.

(7) The applicant must submit a revised site plan addressing the agency comments within nine months. If a revised plan is not submitted within this period, a new site plan application is required. .

(8) The steps in paragraphs (4) through (6) above shall be repeated as required by the reviewing authority.

I. Major site plan procedures

(1) The Planning Commission shall hold a public meeting on major site plan applications.

(2) Once the Planning Director determines that the plan is in substantial compliance with applicable requirements, the Planning Office shall schedule the plan for the next available public meeting before the Planning Commission.

(3) The Planning Director or Planning Commission may require that the applicant hold a community meeting. The community meeting shall be:

(a) Required if the Planning Director or Planning Commission determines that a community meeting will help in raising and resolving site design issues.

(b) Organized and held by the applicant in a location convenient to community residents.

(c) Open to all interested persons.

(d) Held no less than 15 days after a notice approved by the Planning Director is mailed by the applicant to community organizations for neighboring communities and to the owners of abutting property and property separated from the site by a road right-of-way.

(e) Summarized in a report from the applicant to the Planning Director.

(4) Historic Preservation Commission review

(a) The Planning Director or Planning Commission may request Historic Preservation Commission review of major site plans if the property shown on the site plan contains a historic resource identified in the Comprehensive Plan, or is contiguous to a property containing a historic resource identified in the Comprehensive Plan.

(b) The Historic Preservation Commission review of the proposed site plan shall be at a public meeting.

(c) The Commission may provide written comments to the Planning Director which addresses the impact of the proposed development on the historic resource and, if applicable, means of mitigating any adverse impact.

(d) The Planning Commission shall give consideration to, but shall not be bound by, comments of the Historic Preservation Commission.

(5) The Planning Director shall prepare a report to the Planning Commission which addresses the following:

(a) Compliance with the Comprehensive Plan;

(b) Compliance with design standards;

(c) Access and traffic circulation;

(d) Effect on surrounding development;

(e) Effect on community facilities;

(f) Impact on historic resources;

(g) Open space; and,

(h) Available utilities.

(6) The Planning Commission shall review the application and the Planning Director's report at a public meeting and approve, disapprove, or approve the plan subject to conditions. The Planning Commission may defer action to a subsequent Planning Commission meeting to allow further review. The Planning Director shall notify the applicant in writing of the Planning Commission's action.

(7) Revised plan submission based on Planning Commission action

(a) If the major site plan is disapproved or approved subject to conditions, the applicant shall submit a revised plan addressing deficiencies or conditions of approval.

(b) The revised plan shall be reviewed at a TAC meeting or CRM, as deemed appropriate by the Planning Director. Subsequent to the TAC meeting or CRM, the Planning Director shall notify the applicant in writing whether the revised plan addresses deficiencies, is in compliance with the Planning Commission conditions of approval, or needs further revision.

(c) If the plan was disapproved by the Planning Commission, the revised plan shall be scheduled for another Planning Commission meeting, subject to TAC review.

J. Bonds and sureties for improvements and plantings

Prior to approval of a site plan, the owner or developer shall enter into a development agreement with the County, as provided in §190-185, wherein the applicant shall agree to construct required improvements, including installing required plantings, as approved by the County.

K. Approval of site plans

(1) The Planning Director may approve an administrative or minor site plan upon concurrence of reviewing agencies.

(2) For a major site plan, after the Planning Office notifies the applicant that the plan is in compliance with Planning Commission conditions of approval, as set forth in paragraph I(7)(b) above, the applicant shall submit to the Planning Office the required number of copies of the final site plan.

(3) After receiving all required materials, the Planning Office shall provide the applicant with a notice of approval of the site plan.

L. Building permit.

(1) The notice of approval for the site plan shall accompany all building permit applications for the site.

(2) No building permit shall be issued for any improvement except as shown on the approved site plan.

M. Review of site plans for uses requiring a special exception

If a special exception is required for a use shown on a site plan, the applicant may choose either of the following procedures:

(1) The applicant may submit a special exception application. If the special exception is approved by the Board of Appeals, the applicant may then submit the site plan application.

(2) The applicant may submit the special exception application and site plan application at the same time. The site plan shall be reviewed in accordance with this section. The application shall be heard by the Board of Appeals after the Planning Commission has made a recommendation on the special exception and after the site plan has been approved or approved subject to conditions.

N. Expiration of approved site plan; extension

(1) Approval of a site plan shall expire one year after the date of such approval unless building permits have been obtained for construction.

(2) A single, one-year extension of the approval may be granted by the Planning Director, with the recommendation of appropriate agencies or the Planning Commission, as determined by the Planning Director. The applicant must submit a written request for an extension at least 30 days prior to the expiration of the site plan. The Planning Director shall issue a decision on the request for an extension within 60 days of receiving the request.

O. Revision of approved site plan

A site plan may be revised by the same procedures as the original approval. In addition, the Planning Director may approve minor changes to site plans approved by the Planning Commission, if such changes:

(1) Comply with the Planning Commission's conditions of approval;

(2) Do not alter the impact of the development on natural or historic resources;

(3) Are internal to the site and do not affect setbacks, landscaping or buffering along the perimeter of the site;

(4) Do not increase the area of the building by more than 300 square feet or 10 percent of the gross floor area, whichever is less;

(5) Do not increase the lot coverage by more than 300 square feet; and

(6) Do not change the location or design of access points to public roads.

§ 190-185. Developer agreements

A. Purpose

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

B. Provisions of developer agreements

(1) The agreement shall be in a manner and form approved by the County Attorney.

(2) The agreement shall require that the applicant install at his expense the required improvements or plantings and provide for completion of work within a given period of time.

(3) To assure the County that the required improvements or plantings will be installed in accordance with the developer agreement, the developer shall furnish to the County a surety acceptable to the County in an amount sufficient to cover the cost of installation.

(4) The developer agreement shall include provisions for insurance, funding, performance bonds and maintenance bonds to assure that the work is completed and protected in accordance with the specifications.

(5) In the event of default, the agreement shall assign to the County the right of immediate access to any security to complete necessary improvements.

(6) The developer agreement shall also include provisions for settlement of disagreements during the course of construction such that suitable and timely remedies are available without undue hardship to the owner, contractor, developer, or County.

(7) The developer agreement shall provide for the expiration of the agreement at the time that a site plan approval expires if the plan is not implemented.

(8) Construction, planting and development authorized by a developer agreement shall be performed in accordance with all applicable federal, state and local requirements.

(9) The Planning Director shall have the authority to require and administer developer agreements on behalf of the County. The Planning Commission shall make recommendations on developer agreements for major site plans and major subdivision plans.

§ 190-186. Waivers

A. Purpose

The waiver process allows applicants to request relief from strict compliance with certain provisions of these regulations. This process provides flexibility to address constraints unique to a particular site by authorizing the Planning Director or Planning Commission to waive certain requirements while approving alternative solutions that accomplish the purposes of this chapter.

B. Applicability

A waiver may be granted only to provisions of this chapter for which the requirements specifically state that the provision is subject to a waiver application.

C. Procedures

(1) Waiver applications shall be submitted in accordance with §190-170 of this Article and accompanied by the required fee.

(2) A waiver application shall be submitted at the same time as or during review of the application requiring the waiver. A waiver application may be submitted in conjunction with an application for approval of a site plan, subdivision plan or certificate of use.

(3) For site plans or subdivision plans that require TAC review, any necessary waiver application must accompany the plan on the TAC agenda.

(4) The Planning Commission shall make decisions on all waiver applications for major site plans, major subdivision plans and major revision plats unless otherwise defined herein.

(5) The Planning Director shall make decisions on waiver applications for minor site plans, minor subdivision plans, minor revision plats and certificates of use unless otherwise defined herein. The Planning Director may request a recommendation from the Planning Commission on any waiver application.

D. Criteria for evaluation of waiver applications

The Planning Commission or Planning Director shall evaluate waiver applications based upon the following criteria:

(1) The waiver shall not have the effect of nullifying the intent and purposes of this chapter.

(2) Granting the waiver will not be detrimental to the public health, safety or welfare, or injurious to other property.

(3) The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property.

(4) Because of the particular physical surroundings, shape or natural features of the specific property involved, one of the following findings is made:

(a) A particular hardship to the applicant would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out, or,

(b) The purposes of this chapter are better accomplished by the alternative proposal made in the waiver application.

(5) The waiver complies with any criteria required by the specific section of this chapter from which a waiver is requested.

§ 190-187. Short-Term Rental Licenses

A. Application

An application for a short-term rental license shall be jointly executed and submitted by all record title holders of the property. The application shall include:

(1) Proof that the applicant(s) can satisfactorily monitor the use of the short-term rental property by having either a principal residence in Talbot County or by having made arrangements with an agent with either a principal residence in Talbot County or whose home or office is within 30 miles of the short-term rental unit (resident agent).

(2) Proof that the applicant(s) have notified all adjacent property owners using the following procedure:

(a) Notification shall be by certified mail, return receipt requested, to the address provided on the annual Talbot County tax bill.

(b) Adjacent property owners include those whose properties are contiguous, those whose properties are across a roadway, waterway, easement or right-of-way and all other property owners within 1,000 feet of the short-term rental building.

(c) The notification must state the intention to conduct short-term rentals on the premises and must include the property owner(s) name, address and phone numbers and the name, address, phone number, facsimile, cell phone, e-mail, and internet address of any resident agent.

(3) An address and telephone number where they and their agent(s), if applicable, may be contacted 24 hours a day during any short-term rental period. The property owner's and agent's name, address, and telephone number shall be made available by the Planning Office upon request to any neighbor and any other person who may be affected by the short-term rental.

(4) Proof of appropriate insurance coverage for rental use in the minimum amount of $500,000.

(5) Other information as needed to demonstrate compliance with the requirements of this section and the requirements of Article III for short term rentals.

B. Issuance of License

The Planning Director shall issue a short-term rental license, provided that:

(1) The short-term rental license shall be issued in the name of all record title holders.

(2) The license application is reviewed and approved by the Talbot County Health Department, the Department of Inspections and Permits, and other applicable reviewing agencies.

(3) The facility will comply with the requirements listed in Article III for short term rentals.

(4) The license shall be issued for one year. The Planning Director shall issue an annual renewal provided the property owners submit a written request for renewal accompanied by:

(a) Proof of current compliance with the requirements of Article III for short term rentals.

(b) Proof that all appropriate Talbot County accommodation taxes for the subject property have been paid. Before renewing the license, the Planning Director may require submission of the appropriate year's Federal 1040 form, Schedule E, Schedule C or other appropriate forms and schedules to determine whether the accommodation taxes have been paid.

C. Nontransferable license

A short-term rental license shall be nontransferable. If a property is transferred or if an annual license is not renewed, a new application is required.

D. Denial of license; revocation

The Planning Director may decline to issue, decline to renew or revoke a short-term rental license based on the following:

(1) False, inaccurate, incomplete or incorrect statement in any application or renewal.

(2) Any serious or repeated infraction, disturbance, nuisance, failure to monitor, or other problem or violation occurring during a short-term rental.

(3) Violation of any law or ordinance with respect to the short-term rental, or any term, condition, or restriction of the short-term rental license.

(4) Failure to pay the Talbot County Accommodations Tax.

E. Procedure for addressing complaints

(1) Receipt of complaints by Planning Director

Persons owning property in the vicinity of a short-term rental property may submit a written complaint to the Planning Director about violations of this section or specific problems caused by the short-term rental property.

(2) Mediation by Short-Term Rental Review Board

Upon receipt of any complaint, the Planning Director, the complainant(s) or the holder of the short-term rental license may request a hearing before the Short-Term Rental Review Board for the purpose of seeking a mutually agreeable solution. The Short-Term Rental Review Board shall function as a mediator. Participation shall not be obligatory, shall be by mutual consent, and the findings and recommendations of the Short-Term Rental Review Board shall not be binding.

(3) Planning Director public hearing and decision

(a) The licensee or the complainant may elect not to participate in mediation before the Short-Term Rental Review Board, or to reject any of its findings or recommendations.

(b) The party electing not to participate, or to reject the Board’s findings or recommendations, shall notify the Planning Director in writing within 30 days from receipt of the findings or recommendations of the Short-Term Rental Review Board.

(c) Upon receipt of this notification, or if either party does not appear at the hearing of the Short-Term Rental Review Board, or if the licensee does not comply with recommendations of the Short-Term Rental Review Board within the time period specified by the Board, the Planning Director shall schedule a public hearing on the complaint(s). The Planning Director shall conduct the public hearing using Rules of Procedure published by the Planning Office and shall render a written decision, which shall be mailed to the licensee and any complainant(s). The Planning Director's decision shall be binding on all parties.

(d) The Planning Director shall provide notice of a public hearing before the Short-Term Rental Review Board, and of a public hearing before the Planning Director, by sending a written notice by certified mail to the complainant(s) and to all owners of the short-term rental property at least 15 days prior to the hearing.

(4) Appeal to Board of Appeals

The licensee and complainant shall have the right to appeal the Planning Director's decision to the Board of Appeals

§ 190-188. Enforcement

A. Authority.

This Chapter shall be administered and enforced by the Planning Director and the Chief Code Compliance Officer, who may delegate such duties and responsibilities as they determine appropriate and who may be assisted by subordinate enforcement officials. Such enforcement officials shall have authority to issue administrative orders, determine reasonable abatement periods and procedures, enter into abatement agreements on behalf of Talbot County, issue civil citations, and exercise such other incidental powers as are necessary or proper to enforce the terms of this Chapter. The Chief Code Compliance Officer shall have authority pursuant to Chapter 58 to assess civil monetary penalties for violations of this Chapter 190.

B. Right of entry.

The Planning Director, Chief Code Compliance Officer, and their subordinate enforcement officials shall have the right to enter upon open land to perform their duties under the terms of this Chapter. No enforcement official may enter any building or structure without permission from the owner or occupant except pursuant to a warrant issued by a court of competent jurisdiction and accompanied by a police officer who shall serve and execute the warrant.

Article X Procedures for Subdivision of Land

§ 190-189. Major and minor subdivisions

A. There are two types of subdivision: major subdivisions and minor subdivisions (see Definitions, Article XI)

B. All subdivisions, major and minor, have three required stages of approval:

(1) Sketch plan.

(2) Preliminary plat.

(3) Final plat.

C. Authority for minor subdivisions

(1) Decisions on minor subdivision plans shall be made by the Planning Director.

(2) The Planning Director in his decision approving a preliminary plat may also grant final plat approval if the preliminary plat is in substantial conformance with all applicable requirements.

(3) The Planning Director may require that a minor subdivision be considered by the Planning Commission in order to provide a public forum for discussion of the subdivision plan. The Planning Commission shall make a recommendation on the minor subdivision plan.

D. Authority for major subdivisions

(1) Decisions on major subdivision plans shall be made by the Planning Commission.

(2) The Planning Commission in its decision approving a preliminary plat may also grant final plat approval if the preliminary plat is in substantial conformance with all applicable requirements.

§ 190-190. General procedures for review of subdivision plans

A. Submission of applications

Applications for subdivision approval, including sketch plans, preliminary plats, final plats, and master plans, shall be submitted and reviewed for completeness in accordance with §190-170, General Application and Review Procedures, the application forms and checklists published by the Planning Office, and the requirements of this Article.

B. Standards

Subdivisions shall comply with the subdivision design and development standards of §190-127, road access and design standards of §190-115, other development standards of Article V and all other requirements of this Chapter.

C. Review by Technical Advisory Committee (TAC)

(1) Purpose

The Technical Advisory Committee (TAC) provides a vehicle for agencies to coordinate comments on plan applications, to jointly review plans, and to resolve issues of conflict or common concern. The TAC reviews plans for compliance with applicable local, state and federal requirements.

(2) There are two types of plan review meetings:

(a) TAC Meetings, for review of initial or substantially amended plan submittals, and

(b) Compliance Review Meetings (CRM), for review of substantially correct and complete final plats and minor amendments prior to signature approval.

(3) Agenda limits

The Planning Director shall limit the number of items on the agenda of each TAC Meeting and CRM.

(4) TAC meetings

(a) Upon determining that a new or substantially amended subdivision plan application is complete, the Planning Director shall schedule the submission for the next available TAC meeting and transmit the plan for review and comments to the agencies comprising the TAC and other local, state and federal agencies that the Planning Director deems appropriate.

(b) TAC meetings shall be open to the public, without public participation. Interested persons may submit written comments on a plan to the Planning Director prior to or within seven days after the TAC meeting.

(c) The agenda of TAC meetings shall be prominently displayed on the Talbot County website on the Internet. In addition, public notice of TAC meetings shall be provided as specified in this Article for specific types of plans.

(5) Compliance Review Meetings (CRM)

The CRM provides coordinated agency review of final plats and revision plats to ensure that all conditions and requirements have been addressed before plats are submitted for signature approval and recorded in the Talbot County Land Records.

D. Action by Planning Director

Following the TAC Meeting, the Planning Office shall transmit to the applicant the comments of the reviewing agencies and one of the following:

(1) A Notice to Proceed if the plan is approved or approved with conditions.

(a) The plan shall be approved if it is complete and correct and no revisions are needed.

(b) The plan shall be approved subject to conditions if it is substantially complete and correct but requires minor corrections and revisions.

(2) A Notice of Noncompliance if the plan is not in substantial compliance with applicable requirements.

E. Action by Planning Commission

The following procedures apply only to subdivision plans for which Planning Commission approval is required by this Article.

(1) Scheduling

After the Planning Director issues a Notice to Proceed following the TAC meeting, the plan shall be placed on the agenda of the next available Planning Commission meeting for which the required public notice can be provided.

(2) Public notice

The Planning Commission meeting for sketch plans, preliminary plats, and final plats shall be advertised in accordance with the following requirements:

(a) The meeting agenda be published once in at least one newspaper of general circulation in the County at least 15 days prior to the meeting.

(b) The property shall be posted in accordance with §190-172, "Posting of property," except that one sign shall be posted on each road frontage surrounding the proposed subdivision.

(c) The agenda shall be prominently displayed on the Talbot County website on the Internet.

(3) Planning Director staff report

The Planning Director shall prepare a staff report on the subdivision plan which shall be provided to Planning Commission members and the applicant, and available for public review, prior to the Planning Commission meeting.

(4) Planning Commission action

At its public meeting, the Planning Commission shall consider the application, the staff report and any comments made by citizens, and take action on the subdivision plan. The Commission's actions may include approval, approval subject to conditions, or disapproving the plan. The Planning Commission may defer action to a subsequent Planning Commission meeting.

(5) Review Notice

(a) If the Planning Commission approves the plan or approves it subject to conditions, the Planning Director shall issue a "Notice to Proceed" authorizing the applicant to proceed to the next stage of subdivision review.

(b) If the Planning Commission disapproves the plan, a "Notice of Noncompliance" shall be issued.

F. Expiration of approval for major and minor subdivisions

(1) An approved subdivision plan shall be valid for 12 months from the date that a Notice to Proceed is issued. An application for the next stage of subdivision approval must be submitted within this period.

(2) Extension requests.

(a) The applicant may request an extension of time for an approved subdivision plan. The request shall be submitted to the Planning Director, in writing, prior to the expiration of the 12-month period for which the approval is valid.

(b) The Planning Director may grant a single, 12-month extension of an approved subdivision plan. Prior to granting an extension, the Planning Director may seek the recommendation of the appropriate reviewing authority or agencies.

(3) If a subdivision plan of any stage of approval expires, the subdivision shall be treated as a new project requiring sketch plan submission.

G. Modifications to approved subdivision plans

At any stage in the subdivision review process, the Planning Director shall require that a subdivision plan repeat the previous stage of review if:

(1) Modifications to the plan include changes beyond those required as conditions of approval by reviewing agencies or the Planning Commission; and

(2) The Planning Director determines the modifications to be significant enough to require additional review by reviewing agencies or the Planning Commission.

§ 190-191. Master plans

A. A master plan may be submitted at the applicant's discretion, or at the request of the Planning Director, if either party believes that a discussion of the proposed subdivision prior to sketch plan submission would be beneficial.

B. The master plan shall be discussed at a presubmission meeting as provided for in §190-170.

C. The master plan shall show:

(1) Major existing features of the property, including structures, agricultural land, forests, water courses or wetlands.

(2) Zoning district boundaries.

(3) Approximate boundaries of proposed lots and roads.

(4) The planned location of any additional lots to be created in the future, if applicable.

D. For a major subdivision, the master plan shall be presented to the Planning Commission. Master plans shall be listed on the Planning Commission's published agenda.

E. The Planning Commission and Planning Director may provide comments on the master plan based upon the purposes and policies of this chapter and the Comprehensive Plan. Comments on a master plan shall be advisory. The comments should not be construed as implying that a sketch plan based upon the comments will be able to comply with specific requirements of this chapter or other regulations applicable to the subdivision plan.

§ 190-192. Review of subdivision plans by the Historic Preservation Commission

A. The Planning Director or Planning Commission may request Historic Preservation Commission review of sketch plans for major subdivisions if the property being subdivided contains or is contiguous to a property containing a historic resource identified in the Comprehensive Plan.

B. The Planning Director or Planning Commission may request Historic Preservation Commission review of sketch plans for minor subdivisions if the property being subdivided contains a historic resource identified in the Comprehensive Plan.

C. The Historic Preservation Commission shall consider the sketch plan at a public meeting and may submit written comments to the Planning Director addressing the impact of the subdivision on the historic resource and, if applicable, means of mitigating potential adverse impacts.

D. The Planning Commission or Planning Director shall give consideration to, but shall not be bound by, comments provided by the Historic Preservation Commission.

§ 190-193. Sketch plan procedures

A. Purpose

The purpose of the sketch plan is to indicate to the County the intent and scope of the subdivision and to familiarize the applicant with the County's planning goals and local, state and federal requirements which may affect the subdivision. Approval of a sketch plan does not imply certain approval of the subdivision, but is intended to enable the applicant to determine the general feasibility of the plan prior to incurring extensive costs for detailed surveying and engineering work.

B. Community meeting for major subdivision sketch plans

(1) The Planning Director or Planning Commission may require that the applicant hold a community meeting on a sketch plan for a major subdivision. The community meeting shall be:

(a) Required if the Planning Director or Planning Commission determines that a community meeting will help in raising and resolving subdivision design issues;

(b) Organized and held by the applicant in a location and at a time convenient to community residents; and

(c) Open to all interested persons.

(2) Public notice of the community meetings shall be provided through the following means:

(a) At least 15 days prior to the community meeting, the applicant shall mail notices of the meeting to community organizations for neighboring communities and to adjacent property owners as defined by §190-172.

(b) In addition, the applicant shall advertise the meeting once a week for two successive weeks in a newspaper of general circulation in the County. The last advertisement shall be published not more than 10 days prior to the date of the community meeting.

(c) The mailed notice and advertisement shall state the date, time and location of the meeting and a summary of the purpose of the proceeding in sufficient detail to inform the public of the nature of the proceeding.

(3) The proceedings of the community meeting shall be summarized in a report from the applicant to the Planning Director.

C. TAC Review

(1) All sketch plans shall be reviewed at a TAC meeting.

(2) For a major subdivision, public notice of the TAC Meeting on the sketch plan shall be provided by posting the property and mailing notices to adjacent property owners in accordance with §190-172.B and D.

(3) Within 10 days following the TAC Meeting, the Planning Director shall transmit to the applicant the comments of the reviewing agencies and either a Notice to Proceed or a Notice of Noncompliance.

(4) If the Planning Director issues a Notice of Noncompliance:

(a) The applicant may submit an amended sketch plan within nine months from the date of the notice.

(b) The amended plan shall repeat the review process of the initial sketch plan submission.

(c) If an amended sketch plan is not submitted within nine months, a new sketch plan application is required.

D. Approval of minor subdivision sketch plan by the Planning Director

(1) Upon addressing the conditions within the Notice to Proceed for a minor subdivision sketch plan, the applicant may submit an application for preliminary plat approval.

(2) If the sketch plan submission for a minor subdivision is substantially complete and correct, the Planning Director in the Notice to Proceed may authorize submission of a combined preliminary/final plat to proceed directly to the CRM.

E. Decision on major subdivision sketch plan by the Planning Commission.

(1) Following the TAC meeting, upon issuance of a Notice to Proceed for a major subdivision, the Planning Office shall schedule the sketch plan for the next available Planning Commission meeting. The Planning Commission shall hear and decide on the plan in accordance with §190-190.E.

(2) If the Planning Commission approves the plan or approves it subject to conditions, the Planning Director shall issue a Notice to Proceed to the applicant. The Notice to Proceed shall include the Planning Commission's decision and any conditions of approval.

(3) If the Planning Commission does not approve the plan:

(a) The Planning Director shall issue a written Notice of Noncompliance to the applicant giving the reasons that the Planning Commission did not approve the plan.

(b) The applicant may submit an amended sketch plan addressing the deficiencies within nine months of the Notice of Noncompliance.

(c) The amended sketch plan shall complete the steps required for the initial sketch plan submission.

(d) If an amended sketch plan is not submitted within nine months, a new sketch plan application is required.

§ 190-194. Preliminary plat procedures

A. Purpose

The preliminary plat presents the detailed layout and design for a proposed subdivision. The plat enables the county to determine whether the proposed subdivision complies with the requirements of this chapter and those of other reviewing agencies.

B. Plat specifications

The application and plat shall include all material required by the application form and checklist published by the Planning Office. In addition, the application shall comply with the following:

(1) The preliminary plat shall be prepared by a surveyor or other professional person qualified by law and licensed in the State of Maryland to seal and sign such plans, and shall be consistent with the plat requirements of the Annotated Code of Maryland.

(2) The plat shall be at a convenient scale of not more than 100 feet to the inch. The sheets shall be numbered in sequence, if more than one sheet is used, and shall be 24 inches by 36 inches in size.

(3) Dimensions shall be in feet and decimal parts thereof, and bearings in distance and degrees.

(4) The preliminary plat shall conform to the approved sketch plan and address any required revisions, corrections or conditions of sketch plan approval.

C. TAC review

(1) Preliminary plats shall be reviewed at a TAC meeting in accordance with §190-190, except that the Planning Director may authorize the preliminary plat for a minor subdivision to proceed directly to the final plat CRM stage.

(2) Within 10 days following the TAC Meeting, the Planning Director shall transmit to the applicant the comments of the reviewing agencies and either a Notice to Proceed or a Notice of Noncompliance.

(3) If the Planning Director issues a Notice of Noncompliance:

(a) The applicant may submit an amended preliminary plat within nine months from the date of the notice.

(b) The amended plan shall repeat the review process of the initial preliminary plat submission

(c) If an amended preliminary plat is not submitted within nine months, a new sketch plan application is required.

D. Approval of minor subdivision preliminary plat by the Planning Director

(1) Upon addressing conditions of the Notice to Proceed for a minor subdivision preliminary plat, the applicant may submit a final plat to the TAC for review.

(2) If the plat is in significant compliance with the requirements of this chapter, the Planning Director in the Notice to Proceed for the preliminary plat may authorize the final plat to proceed directly to the final plat CRM stage.

E. Decision by the Planning Commission for major subdivisions

(1) Following the TAC meeting, upon issuance of a Notice to Proceed for a major subdivision, the Planning Office shall schedule the preliminary plat for the next available Planning Commission meeting. The Planning Commission shall hear and decide on the plat in accordance with §190-190.E.

(2) If the Planning Commission approves the plat or approves it subject to conditions, the Planning Director shall issue a Notice to Proceed to the applicant giving the Planning Commission's decision and any conditions of approval.

(3) If the Planning Commission does not approve the plat:

(a) The Planning Director shall issue a written Notice of Noncompliance to the applicant giving the reasons that the Planning Commission did not approve the plat.

(b) The applicant may submit an amended preliminary plat addressing the deficiencies within nine months of the Notice of Noncompliance.

(c) The amended preliminary plat shall complete the steps required for the initial preliminary plat submission.

(d) If an amended preliminary plat is not submitted within nine months, a new sketch plan application is required.

(4) If the plat is in significant compliance with the requirements of this chapter, the Planning Commission in its decision approving the preliminary plat may also grant final plat approval, allowing the plan to proceed to the final TAC meeting or CRM stage as established in §190-190.

§ 190-195. Final plat procedures

A. Purpose

A final plat establishes the exact boundaries and dimensions of lots, road rights-of-way, easements, and other designations of land within a subdivision. The final plat also provides documentation ensuring that a subdivision complies with applicable requirements of local, state and federal regulations. The final plat becomes the official record of the division of land.

B. Submission requirements

The application and plat shall include all material required by the application form and checklist published by the Planning Office. In addition, the application shall comply with the following:

(1) The final plat shall conform to the approved preliminary plat and address any required revisions or corrections.

(2) The final plat shall also include:

(a) All revision dates.

(b) Notation of any building restriction lines or other restrictions proposed for the subdivision that are more restrictive than the requirements of this chapter.

(c) Spaces for endorsement of the County Health Officer, County Engineer, and Planning Director or Planning Commission as applicable.

(d) For new lots or parcels, “Right to farm” covenants placed in property deeds and noted on the plat.

(e) All monuments erected, corners, and other points established in the field in their proper places. The material of which monuments, corners, or other points are made shall be noted at the representation thereof or by legend.

(f) Signature and seal of the registered surveyor or other professional person qualified by law and licensed in the State of Maryland to seal and sign such plans.

(g) A statement that the applicant is the owner of the subdivision shown on the final plat and that it is made with his or their consent and that it is desired to record the same. The statement must be signed by all owners

and notarized. If the owner of the land is a corporation, partnership or group, the name and title or positions of persons signing the plat shall appear.

(3) The following additional plans and documents shall be submitted:

(a) A title search prepared by a qualified professional, as determined by the Planning Director, for all major subdivisions, and for minor subdivisions as required by the Planning Director based on review of the deeds for the property.

(b) If the title search indicates that any of the land being subdivided is subject to historic, conservation or similar easements: copies of the easements and the boundaries of the land subject to the easements.

(c) Evidence of approval of construction plans for all proposed subdivision improvements including, but not limited to, roads, stormwater management, and sediment and erosion control.

(d) Finalized, ready for approval, public works agreements or developer agreements.

(e) Final copy of any private covenants for the subdivision.

(f) Evidence of special exception approval for riparian subdivisions to be served by a community pier.

(g) Finalized, ready for approval, reservation of development rights agreements.

(h) Evidence of approval for any permits or plans required by other county, state or federal regulations, if applicable.

(i) Written assurance that every person identified in the deeds and title search as having an interest in the property has been notified of the proposed subdivision.

C. TAC Review

(1) Final plats shall be reviewed at a TAC meeting in accordance with §190-190, unless the Planning Director authorizes the final plat to go directly to the CRM stage.

(2) Within 10 days following the TAC Meeting, the Planning Director shall transmit to the applicant the comments of the reviewing agencies and either a Notice to Proceed or a Notice of Noncompliance.

(3) If the Planning Director issues a Notice of Noncompliance:

(a) The applicant may submit an amended final plat within nine months from the date of the notice.

(b) The amended plat shall repeat the review process of the initial final plat submission.

(c) If an amended final plat is not submitted within nine months, a new sketch plan application is required.

D. Decision by Planning Director for minor subdivision final plats

Upon issuance by the Planning Director of a Notice to Proceed for a minor subdivision final plat, the Planning Office shall schedule the plat for review at the next available CRM.

E. Decision by the Planning Commission for major subdivision final plats

(1) Planning Commission approval of the final plat for a major subdivision is required as provided in §190-190.E, unless the Planning Commission approved the final plat in its approval of the preliminary plat.

(2) Upon issuance of a Notice to Proceed following the TAC meeting, the Planning Office shall schedule the final plat for the next available Planning Commission meeting.

(3) If the Planning Commission approves the final plat or approves it subject to conditions, the Planning Director shall schedule the plat for review at the next available TAC meeting or CRM. The Planning Director shall determine whether a TAC meeting or CRM is appropriate based on the extent of amendments needed to the plat.

(4) If the Planning Commission does not approve the final plat:

(a) The Planning Director shall issue a written Notice of Noncompliance to the applicant giving the reasons that the Planning Commission did not approve the plan.

(b) The applicant may submit an amended final plat addressing the deficiencies within twelve months of the Notice of Noncompliance.

(c) The amended plat shall complete the steps required for the initial final plat submission.

(d) If an amended final plat is not submitted within twelve months, a new sketch plan application is required.

F. Final plat CRM stage

(1) Staff at the CRM shall review the plat to ensure that it is complete, correct, and addresses all comments and conditions.

(2) If necessary, the Planning Director shall provide written notice to the applicant of corrections required by the CRM agencies.

(3) Upon the concurrence of the agencies reviewing the plat at the CRM, the Planning Director shall proceed to the signature stage as specified below.

G. Signatures and Recording

(1) Following the CRM, if the final plat is correct and complete, the Planning Director shall notify the applicant in writing that the final plat may be submitted for signature.

(2) No amendments or modifications shall be made to an approved final plat without written authorization of the Planning Director.

(3) The applicant shall submit the required copies of the final plat for signature approval.

(4) The Planning Director shall facilitate obtaining the signatures of agency representatives on the final plat.

(5) Prior to signature by the Planning Director, the applicant shall provide the recording reference for covenants, easements and other recorded agreements.

(6) The Planning Director shall return copies of the signed final plat to the applicant for recordation.

(7) The applicant shall record the approved final plat with the Clerk of the Court for Talbot County and return a copy of the recordation receipt to the Planning Director within seven days of signature of the final plat.

§ 190-196. Revision plats.

A. Purpose

Revision plats may be used to accomplish the following, provided no additional lots are created:

(1) Revisions to a recorded subdivision plat, including but not limited to revisions to modify or abandon a lot line or relocate an easement area.

(2) Recordation of a plat to alter or eliminate boundaries between parcels that were legally created by deed.

(3) Recordation of a plat for an existing parcel that was legally created by deed.

B. Determination of major and minor revision plats

The Planning Director shall determine whether a proposed revision plat is major or minor based on the following guidelines.

(1) Major revisions may include, but are not limited to:

(a) Relocation or modification of a public or private road right-of-way;

(b) Adjustment of acreage for common space, open space, reserved lands, or land subject to a reservation of development rights;

(c) Relocation within a parcel of common space, open space, reserved lands or land subject to reservation of development rights; or,

(d) Revision or abandonment of lot lines which significantly affect the layout of the subdivision.

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

(a) Correction of minor plat or surveying errors;

(b) Minor changes to plat notations;

(c) Revision or abandonment of lot lines which do not significantly affect the layout of the subdivision;

(d) Recordation of a plat for an existing parcel created by deed, provided the plat does not alter the property lines; or,

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

C. Nonconforming situations

(1) A revision plat shall not result in creation of a nonconforming situation or the worsening of an existing, legal nonconforming situation;

(2) The required lot sizes within the RC zoning district 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 meets the criteria defined in §190-186 and will result in a better design for the particular revision or is necessary due to the physical constraints of the tract of land.

D. Submission requirements

The application and plat shall include all material required by the application form and checklist published by the Planning Office.

E. Procedure for major revision plats

An application for a major revision plat shall be submitted and reviewed using the procedures for a new major subdivision. Decisions shall be made by the Planning Commission.

F. Procedure for minor revision plats

(1) A minor revision plat shall be submitted and reviewed using the procedures for a minor subdivision. Decisions shall be made by the Planning Director.

(2) The Planning Director may seek the recommendation of the Planning Commission on a minor revision plat.

G. Expiration

The provisions for expiration of approved subdivision plans and extensions of the approval period, provided in §190-190, are applicable to revision plats.

§ 190-197. Division of land for conservation or future development purposes.

A. Circumstances under which division is permitted

A parcel may be created for non-developmental purposes for one of the following purposes:

(1) Parcels created for transfer and use of land exclusively for agricultural purposes, for a minimum of ten years, provided that the parcels created are at least five acres in size, a development right is available for each parcel under the density requirements of the applicable zoning district, and the remaining parcel(s) comply with all current County zoning and subdivision regulations.

(a) For purposes of this subsection, the foregoing time period shall be referred to as the "Restriction Period." During the Restriction Period the County may review subdivision and development applications, but shall not grant final approval of such parcels for developmental purposes:

(i) Until the Restriction Period expires, except in accordance with Subsection (1)(c) and (d) below, as applicable and

(ii) Unless the application meets applicable County and state development regulations, including the density requirements of this Chapter.

(b) For parcels subdivided pursuant to this provision prior to the effective date of this amendment, the Restriction Period shall remain five years from the date the plat creating such parcels was recorded.

(c) An agricultural parcel subdivided pursuant to A(1) for non-developmental purposes prior to the effective date of this amendment may not be released from the agricultural use restriction during the first two years of the Restriction Period, but shall be released from the agricultural use restriction prior to expiration of the Restriction Period upon payment of a Conservation Fee to the County for each parcel to be released in accordance with a fee schedule adopted by the County Council.

(d) An agricultural parcel subdivided pursuant to Subsection A(1) for non-developmental purposes after the effective date of this amendment may not be released from the agricultural use restriction during the first three years of the Restriction Period, but shall be released from the agricultural use restriction prior to expiration of the Restriction Period upon payment of a Conservation Fee to the County for each parcel to be released in accordance with a fee schedule adopted by the County Council.

(e) Upon payment of the Conservation Fee, the County shall, subject to satisfaction of all other applicable requirements, approve such released parcels for development purposes.

(2) Parcels created for transfer and use of wetlands, floodplains and woodlands exclusively for perpetual conservation purposes, provided that the remaining parcel(s) comply with all current County zoning and subdivision regulations.

(3) Parcels created for transfer and use of lands for purposes of settling an estate, provided that such subdivision will not result in development of the parcel for at least ten years from the date of subdivision approval and provided that the remaining parcel(s) shall comply with all current County zoning and subdivision regulations. After 10 years, such parcels shall not be approved for developmental purposes until all applicable County and state development regulations have been met, including the density requirements of this Chapter.

B. Plat requirements for parcels created for conservation or future development

The final plat for a parcel created pursuant to this section shall:

(1) Contain notations conditioning their approval as a non-developmental parcel;

(2) Include a reserved land agreement or reservation of development rights agreement which stipulates the non-developmental nature of the affected parcels; and

(3) Be in a form approved by the Planning Director.

§ 190-198. ***Reserved land agreements and reservation of development rights agreements***

A. A reserved land agreement is required for the reserved land of a rural cluster subdivision, for land preserved pursuant to Critical Area land conservation requirements, and for any parcel or portion thereof created for perpetual conservation purposes. A reserved land agreement shall be permanent.

B. A reservation of development rights agreement shall be required for a subdivision which creates parcels for non-developmental purposes as provided in §190-197.A(1) and (3) above.

C. A reservation of development rights agreement recorded prior to the effective date of this ordinance is subject to the requirement in effect at the time of recordation.

D. A reserved land agreement or reservation of development rights agreement shall:

(1) Restrict future development of any residential, commercial or industrial structures and uses, except as permitted by the provisions of this Chapter applicable to the subdivision;

(2) Be granted to, inure to the benefit of, and be enforceable by the County; run with and bind the land, the grantor, and the grantor's successors; and,

(3) Be recorded among the Land Records at the expense of the applicant before issuance of any permit or plat approval.

E. A reserved land agreement or reservation of development rights agreement shall not:

(1) Restrict agricultural or agriculturally-related commercial or industrial uses or structures, unless the agreement is for conservation of wetlands, floodplains or woodlands; or,

(2) Restrict future use of the property for public purposes.

F. An electronic copy of the metes and bounds description of the restricted land shall accompany the final plat submission to the Planning Office.

G. Release

A grantor or his successors may petition the County Council for partial or complete release of a reserved land agreement or reservation of development rights agreement if the parcel's zoning classification changes.

H. Relocation

The boundaries of lands subject to the agreement shall be delineated on the final plat. A Major Revision Plat shall be submitted for the relocation or adjustment of reserved land acreage. The relocation shall be of an equal area and shall be within the boundaries of the original parcel.

§ 190-199. Maintenance and completion of public and private improvements

Before the Planning Director approves a final plat, required public or private improvements shall be completed or guaranteed through one or more of the following methods:

A. Completion of required improvements by the developer in accordance with approved plans, with plan review, inspections and approval by the County Engineer or Planning Director; or,

B. A public works agreement as required by the County; or,

C. For improvements not covered by a public works agreement, a developer agreement wherein the applicant shall agree to construct at his own expense the required improvements, including installation of plantings, as shown on the final plat and approved plans and drawings.

§ 190-200. Common space and private subdivision improvements

A. Common space shall be located and configured to accomplish its intended purpose and to allow access for maintenance purposes. Common space intended for recreational use shall provide convenient access.

B. Ownership of common space or subdivision improvements

The ownership of land dedicated for common space or subdivision improvements may be proposed by the owner or developer, subject to the approval of the Planning Director. Ownership may include, but is not necessarily limited to the following:

(1) The County, subject to acceptance by the County Council;

(2) Other public jurisdictions or agencies, subject to their acceptance;

(3) Quasi-public organizations, subject to their acceptance;

(4) An incorporated property owners' association approved by the State Department of Assessments and Taxation ; or

(5) Shared, undivided interest by all property owners in the subdivision

C. Concurrent with recording of the final plat, common space lots shall be conveyed by the developer to the County, a property owners' association or other entity approved to own the common space, as defined in covenants approved by the Planning Director.

D. Property owners' or homeowners' association

If the common space or subdivision improvements are owned by a property owners', homeowners' or condominium association:

(1) Proposed covenants and restrictions that will govern the association shall be submitted with the preliminary plat application for review and approval by the Planning Director.

(2) The provisions may include but are not necessarily limited to the following:

(a) The property owners' association must be established before any lots or homes are sold;

(b) Membership must be mandatory for each lot or home buyer and any successive buyer;

(c) Community open space restrictions must be permanent, not just for a period of years;

(d) The association must be responsible for liability insurance, taxes, and the maintenance of open space and subdivision improvements;

(e) Property owners must pay their pro rata share of the cost, and the assessment levied by the association must become a lien on the property as allowed in the master deed establishing the property owners' association; and,

(f) The association must be able to adjust the assessment to meet changed needs.

(3) The date of acceptance and approval of the articles of incorporation of the property owners' association by the State Department of Assessments and Taxation shall be noted on the final plat.

E. Maintenance of common space and improvements

The person or entity identified as having the right of ownership or control over common space or subdivision improvements shall be responsible for continuing upkeep and proper maintenance in accordance with county, state and federal regulations.

F. Maintenance of private road improvements

The ownership and maintenance of private roads shall be identified on final plats. Maintenance agreements in accordance with Chapter 134, Roads and Bridges, shall be recorded with all final plats that establish or extend a private road.

§ 190-201. Survey markers

A. The surveyor shall establish survey markers that are solid, free from movement and constructed to be permanent. Survey marker materials and installation shall be as approved by the Planning Director or County Engineer, in compliance with Maryland regulations and consistent with customary surveying practices in Maryland.

B. Survey markers shall be located on street right-of-way lines, at street intersections, and at angle points of curve and block corners. They shall be spaced so as to be within sight of each other, the sight lines being contained wholly within the right-of-way limits.

C. The external boundaries of a subdivision shall be monumented in the field by survey markers placed not more than 1,400 feet apart in any straight line, at all corners, at each end of all curves, at the point where a curve changes radius, at all angle points along the meander line, those points to be not less than 20 feet back from the bank of any river or stream or edge of wetland, except that when such corners or points fall within an existing street, the survey markers shall be placed in the side line of the right-of-way.

D. All internal boundaries, points along a proposed street, and those corners and points not referred to in the preceding subsection shall have survey markers at all block corners, at

each end of all curves, at all points where a watercourse changes its radius, and at all angle points in any line.

E. The lines of lots that extend to watercourses shall have survey markers at the point of intersection of the river or stream lot line, with a meander line established not less than 20 feet back from the bank of the river or stream or edge of wetland.

F. All survey markers shall be properly set in the ground and approved by a registered land or property line surveyor prior to the time the Planning Director signs the final plat.

§ 190-202. Conformance to applicable rules and regulations

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

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. The County Comprehensive Plan, Comprehensive Water and Sewer Plan, and Capital program as adopted.

C. State and federal regulations relating to the development of land.

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

§ 190-203. Subdivision straddling jurisdictional boundaries

If access to a subdivision is across land in another jurisdiction, the Planning Director may request assurance from the other jurisdiction that access is legally established, that the access road is adequately improved, or that a guarantee and a security has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross jurisdictional boundary lines.

§ 190-204. Subdivision name

The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the County. The Planning Director shall have final authority to approve the name of the subdivision.

Article XI Definitions

§ 190-205. Rules of construction

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

B. The words “shall” and “must” are mandatory, and the words “may” and “should” are permissive.

§ 190-206. Standard meaning for terms not defined

The Planning Director shall refer to the most recent publication of the American Planning Association Planning Advisory Service – “A Planners Dictionary” to define any word used in this chapter if available in the publication and not otherwise defined in this chapter.

§ 190-207. Critical Area terms

The definitions, words or terms identified with the initials "CA" apply County-wide but shall not be modified without the approval of the Maryland Chesapeake Bay Critical Area Commission.

§ 190-208. Definitions

ACCESSORY STRUCTURE – A structure detached from a principal building on the same lot and incidental and subordinate to the principal building or use.

ACCESSORY USE – A use of land, or of a building or portion thereof, which is incidental to, subordinate to, and customarily found in connection with the principal use of the land or building and which is located on the same lot with such principal use.

ACRE – A measure of land containing 43,560 square feet.

ADAPTIVE REUSE – A use permitted in the Historic Rehabilitation Overlay District that is not otherwise permitted in the underlying district.

ADEQUATE PUBLIC FACILITIES – Public facilities determined to be capable of supporting and servicing the physical area and designated intensity of proposed development activities as determined by the County. Facilities may include roads, water, sewerage, drainage, schools, parks, recreation facilities, and other public infrastructure and facilities.

ADMINISTRATIVE APPEAL – An appeal filed with the Board of Appeals by a person aggrieved by a final order or decision made under this chapter by the Planning Director, the Planning Commission, or the Historic Preservation Commission.

AFFORESTATION – The establishment of trees on an area from which it has always or long been absent, or the planting of open areas which are not presently in forest cover.

AGRICULTURE EMPLOYEE HOUSING – Residential accommodations occupied on a transient basis by employees of individuals or companies whose primary business is agricultural activities.

AGRICULTURE (CA) – All methods of production and management of livestock, crops, vegetation, and soil including compost. This includes, but is not limited to, the related activities of tillage, fertilization, pest control, harvesting, and marketing. It also includes, but is not limited to, the activities of feeding, housing, and maintaining of animals such as cattle, dairy cows, sheep, goats, hogs, horses, and poultry and handling their by-products.

Agriculture includes value-added processing: the processing of an agricultural product in order to increase its market value, including such processes as canning, milling, grinding, freezing, heating and fermenting. This term includes cheese and wine production.

AGRICULTURAL RESEARCH FACILITY (COMMERCIAL) – A facility for agricultural study, research, or experimentation for which a significant fee or other significant remuneration will be paid. Research may relate to: (1) The effects of agriculturally related chemicals and substances on fish, avian and wildlife breeding habitat and reproduction; and (2) Chemicals and substances used in agricultural practices including the growing of field crops and the feeding of livestock and wildlife.

ANADROMOUS FISH (CA) – Fish that travel upstream (from their primary habitat in the ocean) to fresh waters in order to spawn.

ANADROMOUS FISH PROPAGATION WATERS (CA) – Those streams that are tributary to the Chesapeake Bay where spawning of anadromous species of fish (e.g., striped bass, yellow perch, white perch, shad, and river herring) occurs or has occurred, as shown on County resource maps.

ANNEXATION – The inclusion of a land area into an existing incorporated community with a resulting change in the boundaries of that incorporated community.

APARTMENT, ACCESSORY – A dwelling unit accessory to a single-family detached dwelling unit. An accessory apartment may be in, attached to, or, on the same parcel but detached from, the principal dwelling unit.

APPLICANT – The owner of land which is the subject of an application authorized by this chapter, or the owner's representative who has received written authority to act on behalf of the owner.

AQUACULTURE (CA) – Farming or culturing of finfish, shellfish, other aquatic plants or animals or both, in lakes, streams, inlets, estuaries, and other natural or artificial water bodies or impoundments. For the purposes of this definition, related activities such as processing and product storage facilities are not considered aquacultural practices.

AQUIFER (CA) – An underground bed or stratum of earth, gravel, or porous stone that contains water.

BED-AND-BREAKFAST ESTABLISHMENT – A single family dwelling occupied on a transient basis where for compensation, lodging, bath, and a meal are provided . This use has no more than six guest rooms and a maximum of 12 guests at a time.

BERM (CA) –

A. A narrow zone just above the intertidal zone which is inundated only by exceptionally high or storm tides and which consist of non-wind-driven coarse sand, shell fragments, and debris.

B. A mound of earth used for screening or landscape buffering to separate or visually screen one area from another.

BEST MANAGEMENT PRACTICES or BMPs (CA) – Conservation practices or systems of practices and management measures that control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins and sediment. Agricultural BMPs include, but are not limited to, strip cropping, terracing, contour stripping, grass waterways, animal waste structures, ponds, minimal or no tillage, grass and naturally vegetated filter strips, and proper nutrient application measures.

BILLBOARD – An off-premises sign.

BLOCK – A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, waterways, or boundary lines of a jurisdiction.

BOATHOUSE – A structure limited to storage of boats and/or boat equipment constructed over the water in conjunction with an approved pier or wharf.

BOAT SLIP – A berthing or landing place for a boat or other watercraft.

BOARDING OR ROOMING HOUSE – A residential use consisting of at least one dwelling unit with more than two rooms that are not separate dwelling units and are rented or designed or intended to be rented. This use is designed to be occupied by non-transient guests (at least month-to-month tenants), as distinguished from a bed and breakfast establishment which is occupied by overnight or weekly guests.

BRIDGE – A structure erected over a watercourse or topographic depression designed to convey vehicles and/or pedestrians.

BUFFER (CA) – An existing, naturally vegetative area or an area established in vegetation and managed to protect aquatic, wetland, shoreline, and terrestrial environments from man-made disturbances.

BUFFER EXPANSION (CA) – An expansion of a required Shoreline Development Buffer or stream buffer due to the presence of sensitive contiguous 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. Where steep slopes are adjacent to the Shoreline Development Buffer or required stream 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 (see Figures A & B below).

FIGURE A

If top of steep slope extends beyond the 100 foot buffer (or other required buffer distance), calculate the percent of slope between points A and B, multiply times four for each percent of slope and add to the 100 foot buffer. For example, percent of slope AB = 20%, then 20 X 4 = 80 + 100 = 180 f

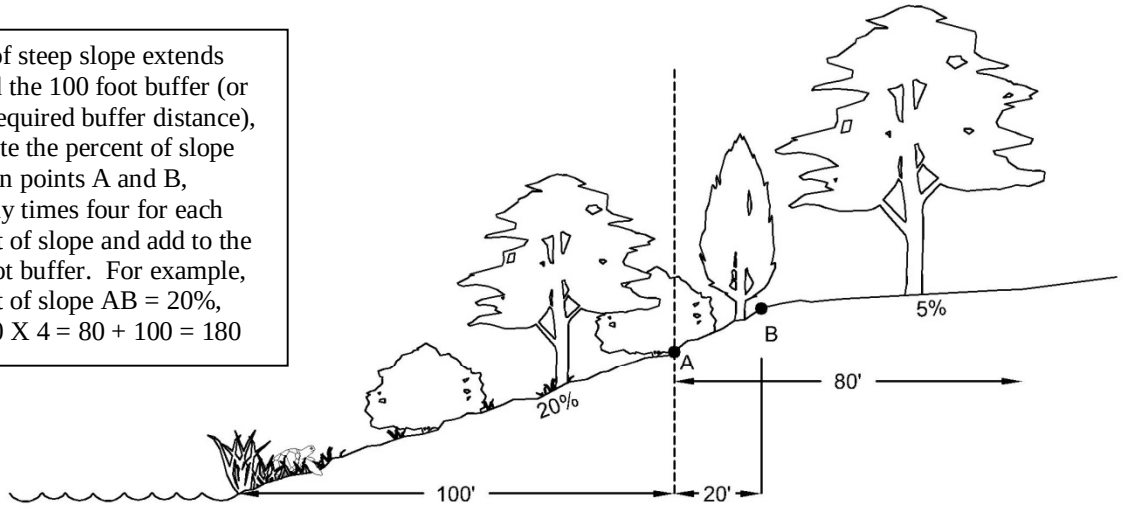
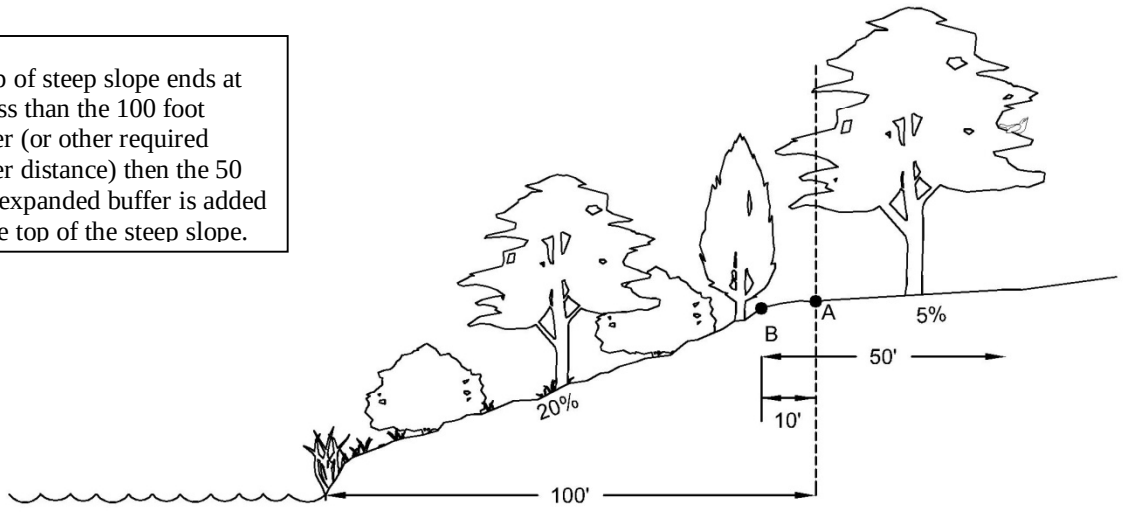


FIGURE B

If top of steep slope ends at or less than the 100 foot buffer (or other required buffer distance) then the 50 foot expanded buffer is added to the top of the steep slope.



DETERMINATION OF EXPANDED BUFFER

BUFFER MANAGEMENT AREA (BMA) – An overlay zoning district created by the County Council where it has been sufficiently demonstrated that existing patterns of development prevent the Shoreline Development Buffer from fulfilling its natural functions.

BUFFER YARD – An area within a gateway measured perpendicularly from the edge of an adjacent gateway road right-of-way.

BUILDING – A structure which is designed, built or occupied as a shelter for persons, animals, or property.

BUILDING PERMIT – Written permission issued by Talbot County for the construction, repairs, addition or demolition of a structure, in accordance with Chapter 28 of the Code.

BUILDING, PRINCIPAL – The primary building on a lot or a building that houses a principal use.

BUILDING RESTRICTION LINE – A line established on a lot to indicate the restrictions on building location due to required setbacks, buffers, or other requirements of this chapter.

BULK REQUIREMENTS – Numerical regulations that govern the size or dimension of lots and the location or dimensions of uses or structures within a certain zoning district or for a certain land use. Bulk requirements include setback, height, area, lot size, lot coverage, and width requirements. Density requirements and "Regulations for Specific Land Uses" requiring a special exception are not bulk requirements.

BULKHEAD (CA) – A wall or embankment constructed to protect against earthslides or shoreline erosion, not including riprap. (See "riprap.")

CAFÉ – A limited food service facility not to exceed twenty seats.

CAPITAL IMPROVEMENT – A public facility with a life expectancy of three or more years, to be owned and operated by or on behalf of the County.

CAPITAL PROGRAM – The plan of the County to receive and expend funds for capital projects during the fiscal year covered by the capital budget and the next succeeding five fiscal years thereafter.

CARPORT – A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three sides.

CHRISTMAS TREE FARM – A land area cultivated for the growing of trees harvested and marketed for Christmas tree sales.

CHURCHES (INCLUDING TEMPLES) – Buildings used for religious services or worship by a group of people associated with a recognized established faith.

CLEAR CUTTING (CA) – The removal of the entire stand of trees in one cutting with tree reproduction obtained by natural seeding from adjacent stands or from trees that were cut from advanced regeneration or stump sprouts or from planting of seeds or seedlings by man.

CLEARING (CA) – Any activity that removes the vegetative ground cover.

CLUSTER DEVELOPMENT (CA) – A residential development in which dwelling units are concentrated in a selected area or selected areas of the development tract so as to provide natural habitat or other open space uses on the remainder.

COLLOCATION (of wireless communication facilities) – The addition of one or more antennae to a wireless communications tower or other supporting structure.

COLONIAL NESTING WATER BIRDS (CA) – Herons, egrets, terns, and glossy ibis. For purposes of nesting, these birds congregate (that is colonize) in relatively few areas, at which time, the regional populations of these species are highly susceptible to local disturbances.

COMMERCIAL HARVESTING (CA) – A commercial forestry operation that would alter the existing composition or profile, or both, of a forest, including all commercial cutting operations done by companies and private individuals for economic gain.

COMMERCIAL USE – An activity carried out for pecuniary gain.

COMMON SPACE – A lot or area within a development that is provided for protection of sensitive environmental features; for storm water management features such as bioretention areas, infiltration areas, or ponds; or for passive or active recreation areas for occupants of the development and their guests.

COMMUNICATIONS FACILITY – Any facility, excluding satellite television dish antennas, established for the purpose of providing wireless voice, data, and image transmission within a designated service area. A wireless communications facility consists of one or more antennas attached to a support structure and related equipment.

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

COMPREHENSIVE OR SECTIONAL ZONING MAP AMENDMENT – A zoning map amendment that is legislative in nature, is adopted after extensive study or to implement a Comprehensive Plan, and covers all or a substantial area of the County.

COMPREHENSIVE PLAN (CA) – A compilation of policy statements, goals, standards, maps, and pertinent data relative to the past, present, and future trends of Talbot County including, but not limited to, its population, housing, economics, social patterns, land use, water resources, and their use, transportation facilities and public facilities prepared by the Talbot County Planning Commission for the Talbot County Council.

CONCEPT PLAN – A plan showing the major existing features and anticipated future development of a parcel. A concept plan shows the general concept for the proposed development with sufficient detail to demonstrate its feasibility.

CONDOMINIUM – A unit available for sale in fee simple contained in a multi-occupancy project subject to covenants and restrictions placing control over the common facilities in an elected board.

CONSERVATION EASEMENT (CA) – A nonpossessory interest in land which restricts the manner in which the land may be developed in an effort to reserve natural resources for future use.

CONSTRUCTION PLAN – The drawings accompanying a subdivision plat and showing exact location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Director and County Engineer as a condition of approval of the plat.

CONTIGUOUS – Adjoining and having a common boundary line; not separated by a federal or state highway, county road, or major watercourse.

COTTAGE INDUSTRY – The use of a portion of a residential structure or accessory structure involving the offering of a service, the conduct of a business, or the production of handicrafts on a qualifying parcel. A cottage industry has the potential for greater impacts on nearby properties compared to a home occupation.

COUNTY ENGINEER – The Director of the Talbot County Department of Public Works, or an authorized representative of the Talbot County Department of Public Works.

COVER CROP (CA) – A vegetative cover to protect soils from erosion and to restrict pollutants from entering the waterways. Cover crops can be dense, planted crops of grasses or legumes or crop residues such as corn, wheat, or soybean stubble which maximize infiltration and prevent runoff from reaching erosive velocities.

COVERAGE – A geographic area served by a wireless communications facility showing the effectiveness of reception and transmission in that area.

CRITICAL AREA (CA) – All lands and waters defined in §8-1807 of the Natural Resources Article, Annotated Code of Maryland. They include:

A. 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 wetlands designated under Title 9 of the Natural Resources Article, Annotated Code of Maryland; and

B. All land and water areas within 1,000 feet of the landward boundaries of state or private wetlands and the heads of tides designated under Title 9 of the Natural Resources Article, Annotated Code of Maryland.

C. Modification to these areas through inclusions or exclusions proposed by local jurisdictions and approved by the Commission as specified in §8-1807 of the Natural Resources Article, Annotated Code of Maryland.

CRITICAL AREA COMMISSION (CA) – The Critical Area Commission for the Chesapeake and Atlantic Coastal Bays.

CRITICAL AREA PROGRAM (CA) – The Program consists of this ordinance including maps, documents, and other parts of this Code referred to in this ordinance.

CUL-DE-SAC – A street that terminates in a vehicular turnaround.

CULTURAL FACILITIES – Establishments such as museums, art galleries, and botanical or zoological facilities of historic, educational, or cultural interest which are operated by public or quasi-public institutions.

DAY-CARE CENTER, SMALL GROUP – Any arrangement that provides day care for children or adults on a regular basis, with not less than nine and not more than 12 clients including any relatives of the care provider.

DAY-CARE CENTER, GROUP – Any arrangement that provides day care for children or adults on a regular basis, with 13 or more clients including any relatives of the care provider.

DAY-CARE FACILITY, FAMILY – Any arrangement that provides day care for children or adults on a regular basis for eight or fewer clients including any relatives of the care provider.

DENSITY (CA) – The number of dwelling units per acre within a defined and measurable area.

DEVELOPED WOODLAND (CA) – Areas of one acre or more in size which predominantly contain trees and natural vegetation and which also include residential, commercial, or industrial structures and uses.

DEVELOPER (CA) – A person who undertakes development activity as defined in this ordinance; or a person who undertakes development as defined in the criteria of the Critical Area Commission.

DEVELOPER AGREEMENT – A written agreement between the County and a developer or property owner committing the developer or property owner to install required public or private improvements associated with the development of land, or requiring the developer or property owner to comply with specified restrictions on the use of the site.

DEVELOPMENT ACTIVITIES (CA) – Any activity that:

A. Is shown on a subdivision plat, revised plat, site plan, building/zoning permit or Forest Preservation Plan; and/or

B. Results in the construction or substantial alteration of any residential, commercial, industrial, institutional, recreational (including golf courses), or transportation facilities or structures.

DEVELOPMENT RIGHT – A right to create a lot or parcel. The number of development rights for a particular lot, parcel or tract is equal to the number of dwelling units permitted by the applicable density requirements of this chapter.

DISTURBANCE – A change, alteration, interruption or interference.

DREDGING (CA) – A method for deepening streams, swamps, or coastal waters by removing solids from the bottom.

DRIVEWAY – An off-street, vehicular travel lane bounded on both sides by an area that is not part of a vehicle accommodation area.

DWELLING, EMPLOYEE – An accessory dwelling unit on a parcel used specifically to house an employee of the property owner

DWELLING, REHABILITATION – A residence used for the rehabilitation of not more than eight persons.

DWELLING, SINGLE-FAMILY – A detached residential building containing one dwelling unit, excluding mobile homes.

DWELLING, TWO-FAMILY – A detached residential building containing two dwelling units, designed to be or occupied by two families.

DWELLING UNIT (CA) – One or more rooms providing complete, independent living facilities for at least one person, including permanent provisions for all of the following: sanitation; cooking; eating; sleeping; and other activities routinely associated with daily life. "Dwelling unit" includes living quarters for a domestic or other employee or tenant, an accessory apartment, or a guest house.

EASEMENT (CA) – An interest in land owned by another that entitles its holder to a specific use, enjoyment or right.

ENDANGERED SPECIES (CA) – Any species of fish, wildlife, or plants which have been designated as endangered by regulation by the Secretary of the Department of Natural Resources. Designation occurs when the continued existence of these species as viable components of the state's resources are determined to be in jeopardy. This includes any species determined to be an "endangered" species pursuant to the Federal Endangered Species Act, 16 U.S.C. § 1531 et seq., as amended.

EROSION – The wearing away of the land surface by wind or water, usually intensified by land-clearing practices.

ESCROW – A deposit of cash with the County or escrow agent to secure the promise to perform some act.

EXPOSITION CENTER – A facility with buildings, pavilions, arenas, accessory parking and other accessory uses that is intended and used for fairs, displays, auctions and similar periodic or temporary events.

FACILITY, PUBLIC – A publicly-owned and/or operated use, building or establishment such as a school, post office, fire station, courthouse, roads or water and sewerage facilities.

FAMILY – An individual, or two or more persons related by blood, marriage, or adoption, or a group of not more than six unrelated persons, living together as a single housekeeping group in a dwelling unit.

FARM – Land utilized for bona fide agricultural purposes such as crop production, livestock pasturage, care, handling, etc; forestry; and directly related uses; and which may consist of a single parcel or several adjacent or nearby parcels under one ownership.

FARM MARKET – A retail market, accessory to a farm, selling predominately locally (Delmarva Peninsula) produced fruits, vegetables, or meats.

FENCE – An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

FISHERIES ACTIVITIES – Commercial water-dependent fisheries including structure for packing, processing, canning or freezing of fin fish, crustaceans, mollusks, amphibians and reptiles, and also including related activities such as wholesale and retail sales, product storage, crab shedding, off-loading docks, shellfish culture operations, and shore-based facilities necessary for aquaculture operations.

FLOODPLAIN – This term is defined in Chapter 70 of this Code and is repeated here for convenience: Land typically adjacent to a body of water with ground surface elevations that are inundated by the base flood. The base flood is the 100-year frequency flood event.

FOREST (CA) – A biological community dominated by trees and other woody plants covering a land area of one acre or more. This also includes forests that have been cut, but not cleared.

FOREST INTERIOR DWELLING BIRDS (CA) – Species of birds which require relatively large forested tracts in order to breed successfully (for example, various species of flycatchers, warblers, vireos, and woodpeckers).

FOREST MANAGEMENT (CA) – The protection, manipulation and utilization of the forest to provide multiple benefits, such as timber harvesting, water transpiration, wildlife habitat, etc.

FOREST PRESERVATION PLAN – A plan for disturbance to natural vegetation or development activity within the Critical Area that adequately depicts or otherwise describes the activity to be conducted, including any afforestation, reforestation/mitigation or buffer establishment.

FORESTRY (CA) – The cultivation, maintenance, management, and development of trees on forested lands.

FRONTAGE – The portion of a lot abutting a road. Where this chapter has a required minimum frontage, frontage is measured as the length of a continuous, uninterrupted lot line abutting a single road. For lots abutting more than one road, the Planning Director determines which portion of the property boundary to use in measuring the length of the property's frontage.

GATEWAY – The entire area within a Gateway Overlay Zoning District.

GOLF COURSE – A tract of land for playing golf, improved with tees, greens, fairways, hazards, and which may include clubhouses and shelters.

GRADING – Cutting or otherwise distributing the soil mantle by mechanical means so as to permanently change the existing landform.

GREENHOUSE– RETAIL – A structure designed and used for growing plants that are displayed and sold to the general public on the site.

GREENHOUSE – WHOLESALE – A structure designed and used for growing plants that are not displayed or sold to the general public on the site.

GROSS FLOOR AREA – The total horizontal area in square feet of all floors within the exterior walls of a building, including habitable or usable garage, basement, attic, or like spaces, but not including vent shafts, unroofed inner courts, or spaces less than seven feet in height.

GROUP HOME, SMALL – A residential facility that provides housing and supportive services to eight or fewer residents, all of whom are unable to live independently because of mental or physical disabilities, not including supervisory help.

GROUP HOME, LARGE – A residential facility that provides housing and supportive services to nine or more residents, all of whom are unable to live independently because of mental or physical disabilities, not including supervisory help.

GROWTH ALLOCATION (CA) – The number of acres of land in the Critical Area that a local jurisdiction may use to create new Intensely Developed and new Limited Development Areas. The growth allocation shall be calculated based on five percent of the total Resource Conservation Area in the County at the time of the original approval of the County's program by the Commission, not including tidal wetlands or land owned by the federal government.

GROWTH ALLOCATION, SUPPLEMENTAL – A portion of the County's allowed acreage for growth allocation (set forth in Article IX, §190-176) transferred by the County Council to a town, with concurrence by the town and the Critical Area Commission.

GUEST HOUSE – An accessory, detached dwelling unit that guests of the property owner may occupy.

GUYED TOWER – Any wireless communication tower using guy wires connecting portions of the tower diagonally with the ground to provide support for the tower, antennas and connecting appurtenances.

HABITABLE FLOOR – Any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or any combination thereof.

HABITAT – The natural abode of a plant or animal.

HABITAT PROTECTION AREAS (CA) – The shoreline development buffer, nontidal wetlands, habitats of species in need of conservation, threatened and endangered species, plant and wildlife habitats, and anadromous fish propagation waters.

HABITAT PROTECTION PLAN – A document showing and describing how the purposes and requirements of Habitat Protection Areas will be accomplished.

HARBOR LINE – A reference line establishing half the distance from the shoreline to the center line of a body of water.

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

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

HIGHLY ERODIBLE SOILS (CA) – Those soils with a slope greater than 15 percent; or those with a K-value greater than 0.35 and with slopes greater than 5 percent.

HIGHWAY (ROAD), ARTERIAL – A public road designated as an arterial highway by the Comprehensive Plan.

HIGHWAY (ROAD), COLLECTOR – A public road designated as a collector highway by the Comprehensive Plan.

HISTORIC REHABILITATION OVERLAY DISTRICT ("HRO District") – A floating district established to permit rehabilitation incentives to encourage the maintenance, preservation, and rehabilitation of Historic Resources.

HISTORIC PRESERVATION – The protection, rehabilitation, and/or restoration of districts, sites, buildings, structures, and/or artifacts significant in history, architecture, archaeology, or culture.

HISTORIC RESOURCES – Structures, archaeological sites, grave sites, lots, tracts of land, or portions thereof, designated as such by the Historic Preservation Commission.

HISTORIC WATERFOWL STAGING AND CONCENTRATION AREA (CA) – An area of open water and adjacent marshes where waterfowl gather during migration and throughout the winter season. These areas are "historic" in the sense that their location is common knowledge and these areas have been used regularly during recent years.

HOME OCCUPATION – The use of a portion of a residential structure or accessory structure involving the conduct of an art or profession, the offering of a service, the conduct of a business, or the production of handicrafts.

HOTEL or MOTEL – Any structure(s) containing more than 10 guest rooms occupied on a transient basis where, for compensation, lodging and bath are provided for more than 30 guests, excluding a school or college dormitory, tourist home, or apartment motel.

HYDRIC SOILS (CA) – Soil that are wet frequently enough to periodically produce anaerobic conditions, thereby influencing the species composition or growth, or both, of plants on those soils.

HYDROPHYTIC VEGETATION (CA) – Those plants cited in "Vascular Plant Species Occurring in Maryland Wetlands " (Dawson, F. et.al., 1985) which are described as growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content (plants typically found in water habitats).

IMPERVIOUS SURFACE (CA) – Nonporous ground covers or areas such as sidewalks, roads, parking areas, and rooftops that shed stormwater and hinder penetration of water into the ground.

IN-FILL LOT – A vacant lot or parcel of land which remains after the majority of development has occurred in an area or along a road.

INFRASTRUCTURE – Facilities and services needed to sustain industrial, residential, and commercial activities.

INN – Any structure(s) containing not more than ten guest rooms occupied on a transient basis where, for compensation, lodging, bath, and meals are provided for not more than 30 guests, excluding a school or college dormitory.

INSTITUTIONAL USE – A privately operated use of a semipublic type such as a church, convent or monastery, day care center or nursing home, philanthropic foundation, nonprofit library, art gallery or museum, and similar establishments.

INTENSELY DEVELOPED AREA (CA)–

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, where:

   (1) Residential, commercial, institutional or industrial developed land uses predominate; and,

   (2) A relatively small amount of natural habitat occurs.

B. An Intensely Developed Area includes:

   (1) An area with a housing density of at least four dwelling units per acre; or

   (2) An area with public water and sewer systems with a housing density of more than three dwelling units per acre; or,

(3) A commercial marina changed from Resource Conservation Area or Limited Development Area to an Intensely Developed Area through a zoning map amendment before January 1, 2006.

JOINT SUBDIVISION (CA) – A type of subdivision by which residential development rights may be transferred among parcels within the Rural Conservation District in accordance with the requirements of this chapter.

JUNKYARD – Land or buildings used for the storage, salvage, dismantling, wrecking, baling, compacting, recycling or handling of automobiles or other vehicles and equipment not in operable condition.

K-Value (CA) – The K-value is the soil erodibility factor in the Universal Soil Loss Equation. It is a quantitative value that is experimentally determined.

KENNEL – Any land or structures used for housing, breeding or training domestic animals, not including horses.

KENNEL, ACCESSORY RESIDENTIAL – An enclosed area or structure used for the housing of no more than six dogs owned by the person(s) residing on the same property.

KENNEL, COMMERCIAL – Any land or structure used for the boarding, sale, breeding or training of domestic animals, or any land or structure used for the housing of six or more dogs. This term does not include riding stables.

LAND USE – A description of how land is occupied or used.

LANDFORMS (CA) – Features of the earth's surface created by natural causes.

LANDSCAPED AREA – An area containing plant materials, including trees, shrubs, ground cover, and other types of vegetation, together with elements such as paths, benches, terraces, and similar features, established and maintained for enhancing the appearance of the site, noise reduction, buffering or screening.

LANDSCAPE BUFFER – Plantings that shield or partially shield the view of structures or uses from roads or adjacent properties, or that provide a visual separation between uses. Landscape buffers may consist of natural existing vegetation or may be created by the use of trees, shrubs, fences, and/or berms.

LANDSCAPING PLAN – A plan drawn to scale, showing dimensions and details for landscaping or planting an area.

LATERAL LINE – An imaginary line from the shoreline to the harbor line separating usable water areas.

LEGALLY DEVELOPED (CA) – A lot or parcel on which all physical improvements (1) existed before Commission approval of a local program; or (2) were properly permitted in accordance with the local program and impervious surface policies in effect at the time of construction.

LIMITED DEVELOPMENT AREA (CA)–

A. An area of the Critical Area:

(1) That is developed in low or moderate intensity uses and contains areas of natural plant and animal habitat; and

(2) Where the quality of runoff has not been substantially altered or impaired.

B. A Limited Development Area includes areas:

(1) With a housing density ranging from one dwelling unit per five acres up to four dwelling units per acre; or

(2) With a public water or sewer system; or

(3) That is not dominated by agricultural land, wetland, forests, barren land, surface water, or open space; or

(4) That is less than 20 acres and otherwise qualifies as an Intensely Developed Area under the definition in this section.

LIVESTOCK – Animals kept in pastures, barns, stables, sheds or similar farm buildings, raised for food or fiber production, work, riding or boarding. This term includes cattle, goats, sheep, horses, donkeys, swine, barnyard fowl, and similar species, but does not include cats, dogs and other household pets.

LOADING SPACE, OFF-STREET – Off-street space for bulk pickups and delivery vehicles.

LOT COVERAGE (CA) –

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.

B. Lot coverage does not include:

(1) A fence or wall that is less than 1 foot in width that has not been constructed with a footer;

(2) A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;

(3) A wood mulch pathway; or

(4) A deck with gaps to allow water to pass freely.

LOT, (PARCEL) (CA) – An area of land in single ownership, described in a final subdivision plat or deed, and recorded in the Talbot County Land Records in accordance with the laws and regulations in effect at the time of recordation.

LOT, CORNER – A lot situated at the intersection of two or more roads.

LOT LINE, FRONT – The property line or boundary that separates a lot from a road right-of-way. In a corner lot or through lot, both property lines abutting a road shall be deemed to be front lot lines. For pipestem lots, the front lot line shall be determined by the Planning Director.

LOT LINE, REAR – The property line or lines generally opposite or parallel to the front lot line. A through lot has no rear lot line.

LOT LINE, SIDE – Any property line other than a front lot line or a rear lot line.

LOT, THROUGH – A lot other than a corner lot with frontage on more than one road.

LOT WIDTH – The distance between side lot lines measured along a line parallel to the front lot line. The minimum lot width must be maintained from the front building restriction line to the rear building restriction line.

MANUFACTURED HOME – A dwelling unit that is fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974.

MANUFACTURED HOME RENTAL COMMUNITY – A parcel of land under single ownership on which two or more manufactured homes are located, not including a farm on which manufactured homes are allowed as an accessory use.

MANUFACTURED HOME SUBDIVISION – A subdivision designed for the sale of lots for siting manufactured homes exclusively.

MARINA (CA) – A facility for mooring, berthing, storing, or securing of watercraft, but not including community piers and other non-commercial boat docking and storage facilities. A marina may include one or more additional land uses or associated facilities specifically permitted under the provisions of the Table of Land Uses in this Chapter.

MARSH CREATION (CA) – A nonstructural shore erosion control method that may or may not include low sills or breakwaters to keep the substrate in place. A marsh is a type of wetland, generally periodically inundated, usually characterized by grasses and other low growth (may include shrubs in high marsh).

MASTER PLAN – A plan showing the boundary of the entire original parcel for which a subdivision is proposed, the major existing features, lots created by prior subdivisions, and the general location and number of proposed or future lots, roads and easements.

MEAN HIGH-WATER LINE (CA) – The average level of high tides at a given location.

MINERAL EXTRACTION (CA) – The use of more than one acre of land for the breaking of the surface soil in order to extract or remove minerals including any activity or process that removes minerals from their original location.

MITIGATION (CA) – Plantings or fee-in-lieu used to help offset and negate the loss and disturbance of individual trees, forest areas and other natural vegetation.

MIXED USE – Two or more principal uses, listed separately in the Table of Land Uses, on one parcel.

MOBILE HOME – A dwelling unit that is fabricated in an off-site manufacturing facility for installation or assembly at the building site which does not bear a label certifying that it is built in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974.

MODULAR HOME – A dwelling unit that is fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the standards of the Industrialized Building and Mobile Homes Act, Title 6 of Article 83B of the Annotated Code of Maryland.

MOTEL – See "Hotel."

NATURAL FEATURES (CA) – Components and processes present in or produced by nature, including but not limited to, soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, floodplains, aquatic life, and wildlife.

NATURAL HERITAGE AREAS (CA) – Any communities of plants or animals which are considered to be among the best statewide examples of their kind and are designated by regulation by the Secretary of the Department of Natural Resources.

NATURAL PARKS (CA) – Areas of natural habitat that provide opportunities for those recreational activities that are compatible with the maintenance of natural conditions.

NATURAL VEGETATION (CA) – Those plant communities that develop or would develop in the absence of human activities. Where an area of natural vegetation must be established, it may include canopy trees, understory trees, shrubs, herbaceous plants and hydrophytic vegetation that are typically found in the Critical Are, but excluding invasive and noxious species.

NONCONFORMING LOT – A lot or parcel that was legally created but does not currently comply with the bulk requirements of this chapter for the zoning district in which it is located.

NONCONFORMING STRUCTURE – A legally existing structure that is not currently in compliance with the bulk requirements for the zoning district in which the structure is located due to changes to this chapter or its application to the site, or changes to the zoning of the property.

NONCONFORMING USE – Any use legally established that no longer conforms to the use regulations of the zoning district in which it is located due to changes to this chapter or its application to the site, or changes to the zoning of the property.

NONTIDAL WETLANDS (CA) – See applicable Chesapeake Bay Critical Area, state and federal regulations for definition of nontidal wetlands.

NOTICE OF NONCOMPLIANCE – A notice issued by the Planning Director informing the applicant for approval of a subdivision that the plan or plat submitted is not in compliance with these regulations and that certain corrections are required.

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

NOXIOUS WEED – Any weed listed on the Maryland Department of Agriculture’s noxious weed list.

NURSING HOME – An extended, intermediate or long-term care facility licensed or approved to provide full-time convalescent or chronic care to two or more individuals who, by reasons of advanced age, chronic illness or infirmity, are unable to care for themselves.

OFFICE, GENERAL – A building or portion of a building used for conducting the affairs of a business, profession, service, industry, or government, not including facilities established to offer services or retail sales directly to the public.

OFFSETS (CA) – Structures or actions that compensate for undesirable impacts.

OPEN SPACE (CA) – Any parcel or area of land or water in an essentially unimproved or undeveloped state.

OVERHANG – The part of a building which extends beyond the façade of a lower wall.

OWNER – A person having legal title to or substantial proprietary interest in land.

PALUSTRINE WETLANDS (CA) – All nontidal wetlands dominated by trees, shrubs, persistent emergent plants, or emergent mosses or lichens and all such wetlands that occur in tidal areas where the salinity due to ocean-derived salts in below ½ part per 1,000 parts of water.

PARCEL (CA) – See definition of "lot, parcel."

PARCEL, ORIGINAL – A parcel existing on August 13, 1989 in the Critical Area and on June 22, 1991 in the Non-Critical Area.

PARK – A tract of land designed for use by the public for active and passive recreation.

PARKING AISLE – An off-street, vehicular travel lane that provides access to parking spaces.

PARKING SPACE, OFF-STREET – An off-street space available for parking one motor vehicle in such a way that no parking or maneuvering incidental to parking shall be on a road or sidewalk.

PASSIVE RECREATION – Those recreational pursuits that involve existing natural resources, provide for minimal impact and can be carried out with little alteration or disruption to the area in which they area performed. Such passive recreation shall not include commercial athletic fields or motorized recreation and may include, but not be limited to, hiking, bicycling, picnicking and bird watching.

PERMEABILITY (CA) – The measure of a soil's ability to drain water.

PERMITTED USE – Any use allowed in a zoning district subject to the restrictions applicable to that district.

PERSON – An individual, corporation, partnership, joint venture, association, governmental or quasi-governmental entity, or other legal entity.

PIER – A structure built over tidal wetlands or open water that provides access to the water, watercraft and other water-oriented activities. A pier consists of a walking surface supported by piles or posts. This term includes platforms, wharfs and docks.

PIERS AND RELATED BOAT FACILITIES – This term includes community piers and private piers as defined in this Article.

PIER, COMMUNITY (CA) – A boat docking and launching facility associated with and serving at least two residential lots and having a joint maintenance and use agreement. A community pier may be located on property leased or owned by a property owners' association for the subdivision it serves, or may be shared by and located along the joint property line of two adjacent lots.

PIER, PRIVATE (CA) – A pier located on an individual, residential lot and serving only the occupants of the lot on which it is located.

PIPESTEM OR FLAG LOT – A residential lot that is shaped like a flag or pipe and connected to the nearest road only by an unbuildable strip of land (the pipestem area) which is no more than 50 feet in width.

PLANNING COMMISSION – The Talbot County Planning and Zoning Commission.

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

PLANT AND WILDLIFE HABITAT AREA (CA) – A community of plants commonly identifiable by the composition of its vegetation and physiographic characteristics and features that provide food, water, and cover, nesting and foraging or feeding conditions necessary to maintain populations of animals in the Critical Area. Plant and wildlife habitat areas are listed in Article VI (Critical Area).

PLANT NURSERY – A facility for the growing of trees, evergreens, shrubs, and other decorative plants for the purpose of sale.

PLAT, FINAL – The official record of a subdivision of land approved by the Planning Office and recorded in the land records of Talbot County.

PLAT, PRELIMINARY – The preliminary drawing or drawings, described in these regulations, showing the proposed layout of a subdivision and indicating how the subdivision will meet applicable requirements.

PLAT, REVISION – A plat that modifies existing lots and creates no additional lots. It may revise a recorded final plat or revise or establish the boundary of a parcel defined in a deed with no previously recorded plat.

PLOT PLAN – A plan showing the proposed development of a lot or parcel. A plot plan shows existing and proposed structures, paved areas, access, landscaped areas, and other items required by the application form for a particular type of application. A plot plan is generally less detailed than a site plan and does not require specific information on items such as landscape plantings, stormwater management and building elevations.

PORT (CA) – A facility or area established or designated by the state or local jurisdictions for purposes of waterborne commerce.

PORTABLE STORAGE UNIT – A container for the storage or warehousing of merchandise or excess materials. Portable storage units are generally 10 to 40 feet long and generally up to 8.5 feet high, of metal or durable plastic construction, and have access doors.

PREMISES – A tract of land with the structures and improvements thereon.

PRIVATE – Anything confined to one person, group or organization which is not available for public use or participation.

PRODUCE STAND – A structure for the primary display and sale of agricultural products processed, grown or typically grown locally (on the Delmarva Peninsula) and the incidental display and sale of jams, jellies, preserves, relishes, pickles, salad dressing, and honey.

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

PROGRAM REFINEMENT (CA) – Any change or proposed change to an adopted program that the chairman of the Critical Area Commission determines will result in a use of land or water in the Chesapeake Bay Critical Area or Atlantic Coastal Bays Critical Area in a manner consistent with the adopted program, or that will not significantly affect the use of land or water in the Critical Area. Program refinement may include:

A. A change to an adopted program that results from state law;

B. A change to an adopted program that affects local processes and procedures;

C. A change to a local ordinance or code that clarifies an existing provision; and

D. A minor change to an element of an adopted program that is clearly consistent with the provisions of state Critical Area law and all the criteria of the Commission.

PROPERTY MAINTENANCE PERMIT – A permit issued by the Planning Office for forest activities in the Critical Area that do not require a forest preservation plan or mitigation.

PUBLIC IMPROVEMENT – Any improvement or facility, together with its associated public site or right-of-way, for which the County will assume responsibility for maintenance and operation.

QUASI-PUBLIC USE – A use owned or operated by a noncommercial and nonprofit, religious, or philanthropic institution and providing education, cultural, recreational, religious or similar types of public programs.

RECLAMATION (CA) – The reasonable rehabilitation of disturbed land for useful purposes, and the protection of the natural resources of adjacent areas, including water bodies.

RECREATIONAL VEHICLE – A vehicular, portable device, built on a chassis designed to be self-propelled, and used as a temporary dwelling for travel or recreational purposes.

RECYCLING COLLECTION CENTER – A community collection center for common recyclable goods such as newspapers, glass, cans and plastics.

RECYCLING PROCESSING CENTER – A recyclable material recovery facility where materials are sorted, processed and packaged for direct distribution to users of recyclable materials.

REDEVELOPMENT (CA) – The process of developing land which is or has been developed.

REFORESTATION (CA) – The reestablishment of a forest through artificial reproduction or natural regeneration.

REMAINING LAND – A specifically delineated area of land on a subdivision plat that is part of the parcel being subdivided, requiring a minimum allocation of one development right, but is not included in the subdivision. Remaining land is not an approved lot or parcel within the subdivision and may be used for future subdivision if able to meet applicable standards at the time of subdivision.

RESERVATION OF DEVELOPMENT RIGHTS AGREEMENT – A grant to the County, recorded among the land records by valid instrument approved by the County, restricting land development within a defined area and for a specified period of time. Reservation of Development Rights Land requires a minimum allocation of one development right.

RESERVED LAND – Permanently protected land, identified in a Reserved Land Agreement recorded among the land records, that may not be developed for residential, commercial or industrial use except as defined in §190-198.D and E. Reserved Land parcels do not require allocation of a development right.

RESERVED LAND AGREEMENT (RLA) – A grant to the County, recorded among the land records by valid instrument approved by the County, which perpetually restricts land development within a defined area.

RESIDENCE – See "dwelling unit."

RESOURCE CONSERVATION AREA (CA) – An area in the Critical Area that has a housing density of less than one dwelling per five acres and is characterized by:

A. Nature dominated environments, such as wetlands, surface water, forests and open space; and

B. Resource-based activities, such as agriculture, forestry, fisheries, or aquaculture.

RESTAURANT – A public facility serving food, cooked to order, and served at tables or booths on the premises.

RESTAURANT, DRIVE-IN– A building or portion thereof where food and beverages are sold in a form ready for consumption and where all or a significant portion of the consumption takes place or is designed to take place off premises.

RETAIL, GENERAL – A retail establishment in a single or multiple building(s), occupying no more than 25,000 gross square feet of area.

RETAIL, MAJOR – A retail establishment in a single or multiple building(s), occupying more than 25,000 and less than 65,000 gross square feet of area.

REZONE – To change the zoning classification of particular lots or parcels.

REZONING, COMPREHENSIVE – This term has the same meaning as “Comprehensive or sectional zoning map amendment,” defined in this section.

RIGHT-OF-WAY – An area or strip of land designated for use as a road, alley, or walkway, or for any drainage or public utility purpose or other similar uses.

RIPRAP (CA) – A layer of stones, gravel, or boulders placed on a slope or shore to prevent loss of bank material by wave action or erosion.

RIPARIAN (CA) – A habitat strongly influenced by water and occurring adjacent to streams, shorelines and wetlands.

ROAD – A public or private way, street or highway established and designed for vehicular travel. This term includes the entire area within the right-of-way.

ROAD (STREET), PRIVATE – A road not owned, controlled or maintained by the State, the County, a municipality, or the federal government.

ROAD (STREET), PUBLIC – A road owned, controlled, or maintained by the State, the County, a municipality, or the federal government.

ROADSIDE VENDOR – An accessory use consisting of a stand, tent, cart, and/or open air area for the retail sales of goods including but not limited to beverages, food, and flowers. There are two types of roadside vendors: short-term and long-term.

RUBBLE – Materials suitable for disposal at an approved rubble fill as defined herein.

RUBBLE FILL – A solid waste acceptance facility that is designed, constructed and operated to receive the following types of materials: land clearing debris, white goods, tires and acceptable demolition debris. Acceptable demolition debris is materials associated with the razing of buildings, roads, bridges, and other structures, including structural steel, concrete, bricks, excluding refractory type, lumber, plaster and plasterboard, insulation material, cement, shingles and roofing material, floor and wall tile, asphalt, pipes and wires.

RUNOFF (CA) – The portion of rainfall, melted snow, or irrigation water that flows across ground surfaces and eventually is returned to water bodies. Runoff can pick up pollutants from the air or land and carry them to the receiving waters.

SANITARY LANDFILL (CA) – An engineered method of solid waste disposal on land in a manner that protects the environment. Waste is spread in thin layers, compacted to the smallest practical volume and covered with soil at the end of each working day.

SCHOOL – Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge.

SCREENING – Substantially or fully shielding or obscuring a structure or use from view, through the use of fencing, walls, berms or densely planted vegetation.

SEDIMENTATION (CA) – The settling out of solids by gravity.

SEPTAGE – See definition in Chapter 145 of this Code.

SEPTAGE TREATMENT FACILITIES – See definition in Chapter 145 of this Code.

SEPTIC SYSTEM – An underground system with a holding tank used for the decomposition of domestic wastes.

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

SEWAGE – The total of organic waste and waste water excluding garbage, generated by residential, commercial, and industrial establishments.

SHORELINE DEVELOPMENT BUFFER (CA) – An existing, naturally vegetated area or an area established in vegetation and managed to protect aquatic, wetlands, shoreline, and terrestrial environments from man-made disturbances.

The shoreline development buffer is at least 100 feet wide measured landward from the mean high-water line of tidal waters and edge of tidal wetlands, and 200 feet for new development within the Resource Conservation Areas, and 100 feet wide measured landward from tributary streams, or as established in Buffer Management Areas or as otherwise specified in this Chapter.

SHORE EROSION (CA) – The wearing away of land by wind and water action resulting in a net loss of land over a given length of shoreline.

SHORE EROSION PROTECTION WORKS (CA) – Those structures or measures to prevent or minimize erosion of the shorelines.

SHORT TERM RENTAL – Any lease or other transfer of the right to occupy a primary dwelling unit on the parcel other than a hotel, motel, inn, or bed-and-breakfast for not less than one night and not exceeding four months.

SIGN – A device or surface of any material displaying letters, text, numbers, illustrations, symbols, forms, patterns, colors, textures, shadows, or lights, placed on the ground, on a structure, or on any other object for the purpose of advertising, identifying, or calling visual attention to a place, enterprise, profession, business, product, person, or activity. The term "placed" includes constructing, erecting, posting, painting, printing, sculpting, fastening or making visible.

SIGN AREA – The surface measurement of a sign as set forth in §190-154.

SIGN, DIRECTIONAL – A sign which displays the name and/or nature of a business, institutional or public site or activity and indicates through writing or graphic material the geographic location of the site or activity.

SIGN, FREESTANDING – A sign that is not attached in whole or in part to a building or to any other structure having a principal function other than the support of a sign.

SIGN, INTERNALLY ILLUMINATED – Signs where the source of the illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source. Neon tubes and similar devices that constitute all or part of the message of the sign, rather than merely providing illumination to other parts of the sign that contain the message, are internally illuminated signs.

SIGN, NONCONFORMING – A sign that, on the effective date of this chapter, does not conform to one or more of the regulations set forth in this chapter.

SIGN, OFF-PREMISES – A sign that draws attention to or communicates information about a business, service, product, accommodation, attraction, or other enterprise or activity that is conducted, offered or provided at a location other than the premises on which the sign is located.

SIGN, ON-PREMISES – A sign that draws attention to or communicates information about a business, service, product, accommodation, attraction, or other enterprise or activity that exists or is conducted, offered, or provided on the premises where the sign is located.

SIGN PERMIT – A permit issued by the Planning Director that authorizes the recipient to erect, move, enlarge, or substantially alter a sign.

SIGN, TEMPORARY – A sign used in connection with a circumstance or event intended to take place or be completed within a reasonably short or definite period after the erection of such sign, or a sign intended to remain on the location where it is placed for a predetermined number of days. If a sign display area is permanent but the message displayed is subject to periodic changes, the sign shall not be regarded as temporary.

SIGN, WALL – A sign affixed directly to an exterior wall or placed within the limits of a wall.

SIGNIFICANTLY ERODING SHORELINE (CA) – Shoreline that erodes two feet or more per year.

SITE PLAN – A plan showing the proposed development of a lot or parcel. A site plan shows existing and proposed natural features, structures, building footprints and elevations, road rights-of-way, paved areas, access, walkways, vegetative cover, landscaping, screening, and stormwater management. There are two types of site plans, major and minor, with different submittal requirements and review processes.

SKETCH PLAN – A scaled drawing indicating the developer's general objectives and layout for subdivision of land.

SOIL CONSERVATION AND WATER QUALITY PLANS (CA) – Land use plans for farms that show farmers how to make the best possible use of their soil and water resources while protecting and conserving those resources for the future. The plan is a document containing a map and related plans that indicate:

A. How the landowner plans to treat a farm unit;

B. Which best management practices the landowner plans to install to treat undesirable conditions; and

C. The schedule for applying those best management practices.

SOLID WASTE (CA) – Useless, unwanted, or discarded material with insufficient liquid content to be free flowing.

SOLID WASTE DISPOSAL FACILITY – Any area where solid waste or refuse materials are disposed of, including sanitary landfills, rubble fills and the like.

SPECIAL EXCEPTION – A use or activity requiring approval by the Board of Appeals and not considered appropriate without standards and conditions to ensure that the use is suitable on a particular site.

SPECIES IN NEED OF CONSERVATION (CA) – Those fish and wildlife species whose continued existence as part of the state's resources are in question and which may be designated by regulation by the Secretary of Natural Resources as in need of conservation pursuant to the requirements of Natural Resources Article, §§ 10-2A-03 and 4-2A-03, Annotated Code of Maryland.

SPOIL (CA) – Dirt or rock that has been removed from its original location, specifically materials that have been dredged from the bottoms of waterways or removed in the process of surface mining.

SPOIL PILE (CA) – Rejected materials piled or deposited during surface mining or dredging.

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

STEEP SLOPE (CA) – Slopes of 15 percent or greater incline.

STREAM – A natural body of running water flowing continuously or intermittently in a channel. "Stream" does not include elements of a drainage system, such as engineered swales, culverts, ditches, retention facilities or storm sewer systems.

STREAM, INTERMITTENT – A stream in which surface water is absent during a part of the year 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, 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.

STREAMS, TRIBUTARY (CA) – A perennial or intermittent stream within the Critical Area.

STRUCTURE – Anything that is built or constructed and requires a fixed location on the ground including a building, temporary building, private bridge, utility or mechanical equipment appurtenant to a building, a pad intended to support utility or mechanical equipment, or an edifice of any kind or any piece of work artificially built or composed of parts. The following are not structures for purposes of these regulations:

A. A fence or wall used as a fence four feet or less in height or any open fence. Fences must comply with required setbacks as specified in §190-118.D.

B. Ornamental entrance features.

C. Mail boxes.

D. Freestanding signs accessory to a use on the same lot (sign permit requirements apply).

E. Light standards or poles.

F. Lines, cables, or other transmission or distribution facilities of a public utility.

G. Driveways, sidewalks, culverts of 36 inches or less, and fills or berms.

SUBDIVIDE – The process of dividing land into two or more lots or parcels.

SUBDIVISION – The division of a lot or parcel into two or more lots or parcels.

SUBDIVISION, MINOR – A subdivision that meets all of the following conditions:

A. Proposes to create no more than three new lots; and

B. Will result in a cumulative total of no more than three lots being divided from the original parcel; and

C. Does not require the creation or modification of a public or private road.

SUBDIVISION, MAJOR – This term includes all of the following types of subdivisions:

A. A subdivision of four or more lots.

B. A subdivision of any size that results in the creation of four or more lots from the original parcel.

C. A subdivision that creates or modifies a public or private road.

SUBDIVISION PLAN – This term includes sketch plans, preliminary plats, final plats and master plans.

SUBMERGED AQUATIC VEGETATION or SAV (CA) – Plant life that grows where water is six feet deep or less. This underwater community provides food and habitat to major fish species and is a source of food to waterfowl and aquatic mammals.

SURETY – A letter of credit, cash escrow, bond or similar device provided by an applicant to secure the applicant's commitment to install a required improvement or perform a required action related to approval of a development application; also known as a "guaranty."

TECHNICAL ADVISORY COMMITTEE – Committee made up of government departments and agencies having review and approval authority over aspects of an application for development activities.

TEMPORARY USE – A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

THINNING (CA) – A forest practice used to accelerate tree growth of quality trees in the shortest interval of time.

THREATENED SPECIES (CA) – Any species of fish, wildlife, or plants designated as such by regulation by the Secretary of the Department of Natural Resources which appear likely, within the foreseeable future, to become endangered, including any species of wildlife or plant determined to be a "threatened" species pursuant to the Federal Endangered Species Act, 16 U.S.C. § 1531 et seq., as amended.

TOPOGRAPHY (CA) – The existing configuration of the earth's surface including the relative relief, elevation and position of land features.

TOWER (LATTICE) – A structure consisting of vertical and horizontal supports and metal crossed strips or bars to support antennas and connecting appurtenances.

TOWER (MONOPOLE) – A structure consisting of a single freestanding pole to support antennas and connecting appurtenances.

TRANSIENT OCCUPANCY – Occupancy of a hotel or motel unit, inn, bed-and-breakfast, or licensed short-term rental for short-term periods, not less than one night nor more than four months.

TRANSITIONAL HABITAT (CA) – A plant community whose species are adapted to the diverse and varying environmental conditions that occur along the boundary that separates aquatic and terrestrial areas.

TRANSPORTATION FACILITIES (CA) – Anything built, installed, or established to provide a means of transport from one place to another.

UNWARRANTED HARDSHIP (CA) – A finding necessary for approval of a variance in the Critical Area. An unwarranted hardship exists if without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.

USABLE WATER AREA – An area bounded by the mean high-water line of a subject property, two side property line extensions, referred to as lateral lines, and a line connecting their channelward ends, referred to as the harbor line.

USE CERTIFICATE – A certificate issued by the Planning Director authorizing certain uses such as temporary uses, bed and breakfast establishments, farm produce stands, and roadside vendors. The use authorized under the use certificate may also require a zoning certificate or a building permit.

USE, PRINCIPAL – The primary use of a structure or site.

UTILITY – Any activity or use which provides and offers such services as water, sewage disposal, sewage treatment, electricity, gas, or communication.

UTILITY STRUCTURES – Any aboveground structures and/or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals.

UTILITY SERVICES, ESSENTIAL – Utility facilities and utility transmission facilities owned or maintained by public utility companies or public agencies located in public ways or in easements provided for the purposes, or on a customer's premises and not requiring a private right-of-way, and reasonably necessary for the furnishing of adequate water, sewer, gas, electric, communications or similar services to adjacent customers; but not including any building, yard, stations, or aboveground structure requiring a site of greater than 100 square feet, and not including any cross-County line on towers or in a private right-of-way.

UTILITY SERVICES, NONESSENTIAL – Any utility facilities owned or maintained by a public utility company, a gas master meter operator, or a public agency which are not defined herein as essential utility services or utility transmission facilities. Nonessential utility services shall include, but not be limited to, propane storage tanks installed above or below ground.

UTILITY TRANSMISSION FACILITIES (CA) – Fixed structures that convey or distribute resources, wastes, or both, including, but not limited to, electric lines, water conduits, and sewer and gas lines.

VALUE-ADDED PROCESSING – See Agriculture.

VARIANCE – Permission to construct, alter, or occupy a particular building, structure or parcel of land in a way which is not in conformance with the bulk requirements or parking requirements of this chapter, as a form of relief from its literal interpretations.

VEHICLE ACCOMMODATION AREA – An off-street area used by motor vehicles for access, circulation, parking and loading.

VESTED RIGHT – A right, permission or authority to develop land in a manner shown on valid, approved permits and ensured by significant development activity that implements the approved permits.

WALKWAY, RAISED – A structure for pedestrian travel over a nontidal wetland. A raised walkway is a pier-like structure with a walking surface supported by piles or posts.

WATER-DEPENDENT FACILITIES (CA) – Those structures or works associated with industrial, maritime, recreational, educational or fisheries activities that require location at or near the shoreline within the Shoreline Development Buffer. An activity is water-dependent if it cannot exist outside the Shoreline Development Buffer and is dependent on the water by reason

of the intrinsic nature of its operation. Facilities associated with the following uses are water-dependent facilities.

A. Private piers, community piers and related boat facilities

B. Marinas

C. Water-Oriented Public Recreation, Education, Research Areas.

Non-water-dependent facilities are all other facilities not included in the definition of water-dependent facilities.

WATER-ORIENTED RECREATION, PUBLIC (CA) – Shore-dependent recreation facilities or activities provided by public agencies which are available to the general public.

WATERFOWL (CA) – Birds which frequent and often swim in water, nest and raise their young near water, and derive at least part of their food from aquatic plants and animals.

WILDLIFE CORRIDOR (CA) – A strip of land having vegetation that provides habitat and a safe passageway for wildlife.

WHOLESALE SALES – On-premises sales of goods primarily to customers engaged in the business of reselling the goods.

WAREHOUSE, SELF STORAGE – A structure containing separate storage spaces of varying sizes leased or rented on an individual basis.

WASTEWATER TREATMENT PLANT – A publicly owned facility for cleaning raw sewerage.

WIRELESS COMMUNICATIONS ANTENNA – A structure or device deployed by, or on behalf of, a government-licensed or government-permitted entity, to collect or radiate electromagnetic waves, including directional antennas, microwave dishes and satellite dishes, and omni-directional antennas. This term does not include an antenna operated by an amateur radio operator licensed by the FCC.

WIRELESS COMMUNICATIONS TOWER – A structure having the primary purpose of providing wireless communications services for telecommunications, television and radio broadcasting, including but not limited to a ground-mounted or otherwise supported structure with antennas(s) or other wireless communications equipment, if any, together with any guy wires and accessory structures. Wireless communications towers include, but are not limited to, lattice towers, monopole towers, and guyed towers. A wireless communications tower does not include a tower less than 75 feet in height for mounting of antenna operated by an amateur radio operator licensed by the FCC.

WIRELESS NETWORK – The system of wireless communications infrastructure used to establish coverage in a geographic area.

YACHT CLUB – A bona fide private nonprofit club, owned and operated by the members, providing marina facilities limited to use by member and their guests.

YARD – Open space on the same lot with a building or structure or group of buildings, lying between the buildings or structures or outer building of a group and the nearest lot or street line, and unoccupied and generally unobstructed from the ground upward.

ZONING – The dividing of a jurisdiction into districts and the establishment of regulations governing the use, placement, spacing, and size of lots and buildings.

ZONING DISTRICT – A specifically delineated area in a jurisdiction within which regulations uniformly govern the use, placement, spacing, and size of lots and buildings.

ZONING MAPS, OFFICIAL – The maps adopted by the County Council that delineate the boundaries of zoning districts.