



## **SECTION 19.4**

# **LAND USE REGULATIONS BY ZONING DISTRICT**

## 19.4 LAND USE REGULATIONS BY ZONING DISTRICTS

The General Table of Use Regulations By Zoning Districts indicates those uses which are permitted outright in each of the zoning districts. The table also indicates those uses which may be permitted in a district if a special exception is granted by the Board of Appeals. The process and criteria for approval of special exceptions are listed in Section 19.14 of this Ordinance, with supplemental criteria for certain uses in this Section of the Ordinance. In addition, accessory uses are listed. Accessory uses are allowed as a subordinate use once a permitted use or special exception is in existence or under construction. Following the General Table of Use Regulations is Section 19.4 (b), Additional Land Use Regulations, which serves as a supplement to the Table.

The presumption established by this Ordinance is that most legitimate uses of land are permissible within at least one zoning district in the County's planning jurisdiction. Therefore, because the General Table of Use Regulations By Zoning Districts set forth in Section 19.4(a) cannot be all inclusive, those listed uses that are included under the major use headings may be interpreted liberally 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 indented and not in bold type.

Notwithstanding the above paragraph, all uses that are not listed in Section 19.4(a) are prohibited unless the Planning Officer, after a recommendation from the Planning Commission, determines that the unlisted use would have similar impacts to a listed use. Section 19.4(a) 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.

### (a) General Table of Use Regulations By Zoning Districts

(1) Listed below is a definition of each of the symbols used in the Table:

(i)	P =	Permitted Use
(ii)	S =	Special Exception Use
(iii)	A =	Accessory Use
(iv)	RAC =	Rural/Agricultural Conservation District
(v)	RC =	Rural Conservation District
(vi)	RR =	Rural Residential District
(vii)	TR =	Town Residential District
(viii)	VC =	Village Center District
(ix)	LC =	Limited Commercial District
(x)	GC =	General Commercial District
(xi)	LI =	Limited Industrial District

**GENERAL TABLE OF LAND USE REGULATIONS**

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Land Use Classification **RAC RC RR TR VC LC GC LI**

**AGRICULTURE**

<p><b>Accessory Agriculture Uses And Structures<sup>5</sup></b>                  * Includes farm buildings, barns, cribs, sheds, tool rooms, workshops, 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.                  * Grain flow and field blending and packaging including milling drying and storing.                  * Structures for animal manure, composting and similar purposes, minimum 200 foot setback required except for poultry house waste storage structures associated with existing poultry operations.                  * Poultry house waste storage structures for existing poultry operations may be located no closer to the nearest property line than the existing poultry house, provided the poultry house waste storage structure shall be located in an unobtrusive and environmentally sensitive manner as possible, and is located as far away from the nearest property line as practical. Affected adjoining property owners shall be afforded an opportunity to provide comments to the Planning Officer prior to issuance of a zoning permit.</p>	A	A	A	A	A			
<p><b>Agricultural Migrant Employee Housing</b>                  * 200 foot setback from property lines                  * 20 acre minimum lot size                  * Not more than 15 units with 6 persons per unit</p>	S	S						





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**RESIDENTIAL**

	<b>RAC</b>	<b>RC</b>	<b>RR</b>	<b>TR</b>	<b>VC</b>	<b>LC</b>	<b>GC</b>	<b>LI</b>
<p><b>Accessory Residential Uses</b></p> <p>* Includes structures not for human occupation</p> <p>* Includes detached carports and garages, game courts, greenhouses, satellite dishes, storage sheds, swimming pools and pool houses</p> <p>* Includes horse stables in RAC, RC, RR, TR and VC zones with minimum lot size of 2 acres for one horse and 1 additional acre for each additional horse</p> <p>* The minimum setback from property lines for horse stables and related manure storage areas is 100 feet<sup>1</sup></p> <p>* Includes an apartment in conjunction with a single-family detached dwelling unit in the VC zone provided the single-family dwelling retains the appearance of a single-family home. When the apartment is located in the residence, the owner of the property must reside in either the principal residence or apartment. 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 percent of the gross floor area of the principal residence, and an apartment in a detached accessory residential structure is limited to 500 square feet and not more than 2 bedrooms</p>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>

Land Use Classification	RAC	RC	RR	TR	VC	LC	GC	LI
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**RESIDENTIAL - continued**

<p><b>Accessory Residential Uses (continued)</b></p> <p>* A private satellite dish shall only be permitted in the rear or side yard, shall not have an antenna exceeding 12 feet in diameter or 15 feet in height above ground level, shall be permanently ground mounted, shall not be installed on a portable or movable structure, shall be totally screened along the non-receptive window axis and shall have low level ornamental landscaping along the base of the receptive window axis (screening may consist of fencing or plantings)</p> <p>* The Home Based Office shall not employ more than one (1) non-resident employee. Equipment used in the Home Based Office shall be limited to computers, fax machines, telephones, adding machines, calculators, filing cabinets, desks, and other supplies typical of administrative or clerical functions. The Home Based Office shall comply with paragraphs [a], [b], [g], [h], [j], [m], [n], [p], and [r] of Section 19.4(b)(3) for Home Based Occupation.<sup>10</sup></p>	A	A	A	A	A	A	A	A
<p><b>Employee Residence</b></p> <p>* In all zones, except RAC and RC where parcels are 20 acres or larger, an employee residence shall not exceed 1,500 square feet</p> <p>* At least one-half of the household income of the employee residence shall be obtained from the property owner</p> <p>* An employee residence shall not be a manufactured home or mobile home unless it is an employee residence accessory to agriculture (see supplemental regulations Section 19.5(c)(2))</p>	A	A	A	A	A	A	A	A

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**RESIDENTIAL - continued**

<p><b>Guest Residence (non-commercial)</b>                  * 2 acre minimum parcel size                  * 1 guest residence per parcel                  * Excludes manufactured homes and mobile homes                  * Shall not be occupied by the same individual for longer than 6 months                  * An individual occupying a guest residence for more than 3 months shall not reoccupy the residence for one month after ceasing occupancy                  * May be indefinitely occupied by an individual related by blood or marriage to the property owner                  * In all zones, except RAC and RC where parcels are 20 acres or larger, no guest residence shall exceed 1,500 square feet                  * No guest house shall be rented or sold separately from the principal residence</p>	A	A	A	A	A			
<p><b>Single-Family Residence (detached)</b>                  * Includes modular homes                  * Excludes manufactured homes and mobile homes                  * Limited to one single-family primary residence per parcel lot</p>	P	P	P	P	P	A	A	A
<p><b>Single-Family Residence (duplex)</b>                  * Includes two (2) attached single-family dwelling units constructed on-site or modular dwelling units manufactured off site                  * Each unit of a duplex must be located on a separate lot and the side yard setback where the units are attached is waived                  * Excludes manufactured homes and mobile homes                  * Shall only be allowed on individual lots smaller than two (2) acres</p>	P	P	P	P	P	A	A	A

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**RECREATION - continued**

<p><b>Conservation Areas (public or private)</b>                  * 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><b>Drive-In Theater</b>                  * Display screen shall not be visible from a public road                  * Screen structures shall be at least 100 feet from public roads</p>							S	
<p><b>Exposition Center or Fairgrounds</b></p>	S							S
<p><b>General Outdoor Commercial Recreation Activities</b>                  * Includes miniature golf, driving ranges and commercial ballfields</p>							S	S
<p><b>Golf Courses and Country Clubs (public or private)</b>                  * Courses shall not be lighted for night play                  * Excludes miniature golf courses                  * Excludes driving ranges not primarily associated with the golf course</p>	P		S	S				
<p><b>Hunting Blinds</b>                  * See Maryland State Law for regulations on hunting blinds</p>	P	P	P	P	P			
<p><b>Indoor Recreation Facilities (commercial or noncommercial)</b>                  * 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                  * 100 foot setback from property lines                  * In the VC zone, uses must be located within 1/4 mile of a state highway</p>					S	P	P	P
<p><b>Indoor Shooting Range</b></p>	S						S	S
<p><b>Parks and Playgrounds (public or private)</b>                  * Excludes commercial ballfields and motorized vehicle race courses</p>	P	P	P	P	P			

**GENERAL TABLE OF LAND USE REGULATIONS**

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**RECREATION - continued**

<p><b>Riding Stables and Trails and Horse Boarding (commercial)</b>                  * 200 foot setback for related structures                  * Minimum lot size shall be 10 acres or 1 acre per horse, whichever is greater                  * Feeding and watering stations shall be set back 50 feet from any body of water, including tributary streams and tidal wetlands</p>	S	S							
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**RETAIL SALES**

<p><b>Automobile, Truck and Recreational Vehicle Sales</b></p>							P	P
<p><b>Building Supply and Lumber Yards with Outside Storage</b></p>					S	S	P	P
<p><b>Farm Machinery and Supplies</b>                  * Includes agricultural vehicles and implements                  * Includes agricultural supplies                  * Includes home and garden supplies and equipment, except in the RAC zone                  * In the RAC zone 200 foot setback for structures used for milling of grain and feed, and chemical and fertilizer storage</p>	S					S	P	P
<p><b>General Retail</b>                  * 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                  * In the VC zone general retail uses shall be within 300 feet of a general retail use or post office existing as of the effective date of this Ordinance, shall not exceed 2,000 square feet of gross floor area</p>					S	P	P	
<p><b>Monuments and Memorial Stones</b>                  * 100 foot setback for stone cutting activities</p>							P	P



**GENERAL TABLE OF LAND USE REGULATIONS**

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**SERVICES - continued**

<p><b>General Services - continued</b>                  * In the VC zone general service uses shall be within 300 feet of a general retail use or post office existing as of the effective date of this Ordinance, and shall not exceed 2,000 square feet of gross floor area                  * In the LC zone a general services use shall not exceed 2,500 square feet of gross floor area</p>					S	P	P	P
<p><b>Home Based Occupation</b>                  * See additional regulations Section 19.4(b)(3)<sup>10</sup></p>	A	A		A	A			
<p><b>Hotel/Motel</b></p>						S	P <sup>10</sup>	
<p><b>Inn</b>                  * In the VC zone the Inn shall be within 300 feet of a general retail use or post office existing as of the effective date of this Ordinance</p>					S	P	P	
<p><b>Kennel (commercial)<sup>1</sup></b>                  * 200 foot setback in RAC zone                  * Outside pens must be sight obscured</p>	S					S	S	
<p><b>Marine Equipment Service and Repairs</b></p>					S	P	P	P
<p><b>Mini Warehouse</b>                  * In the VC zone minimum property size shall be 1 acre, shall have perimeter security fencing, perimeter landscaping, minimum 50 foot setback from all property lines, lighting internal to the site and building height one story and not to exceed 20 feet for new construction<sup>13</sup></p>					S <sup>13</sup>	P	P	P
<p><b>Professional Services</b>                  * Includes accounting, architecture, chiropractic medicine, medical clinics (medical or veterinary), dentistry, financial institutions, insurance, land planning, law, medicine, real estate, veterinary medicine</p>					P	P	P	P

**GENERAL TABLE OF LAND USE REGULATIONS**

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Land Use Classification

**RAC RC RR TR VC LC GC LI**

**SERVICES - continued**

<p><b>Professional Services - continued</b>                  * In the VC zone uses shall be within 300 feet of a general retail use or post office existing as of the effective date of this Ordinance, shall not exceed 2,000 square feet of gross floor area, and shall not include drive-through facilities                  * In the LC zone uses shall not exceed 2,500 sq. ft. of gross floor area, and shall not include drive-through facilities</p>					P	P	P	P
<p><b>Restaurants, Bars and Night Clubs</b>                  * Excludes drive-through facilities                  * In the VC zone uses shall be within 300 feet of a general retail use or post office existing as of the effective date of this Ordinance, seating limited to 40 persons, excludes bars and night clubs except liquor sales associated with a restaurant</p>					S	P	P	
<p><b>Restaurant with Drive-Through Facilities</b></p>							S	
<p><b>Temporary Office for On-Site Construction Personnel</b>                  * After 6 months of operation, Planning Officer must authorize continued use for each subsequent 6 month period</p>	P	P	P	P	P	P	P	P
<p><b>Vehicle and Boat Parking and Storage (commercial)</b>                  * Excludes any vehicle repairs and maintenance                  * Limited to indoor storage in structures existing at the effective date of this Ordinance in the RAC, RC, VC and LC zones</p>	P	P			P	P	P	P

**GENERAL TABLE OF LAND USE REGULATIONS**

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**INSTITUTIONAL**

<p><b>Cemeteries and Mausoleums for Humans and Animals</b>                      * 20 acre minimum lot size for non-church related cemeteries                      * 5 acre minimum lot size for pet cemeteries                      * 2 acre minimum lot size when limited to use of property owner and owner's family members and their pets                      * Includes columbarium associated with a church</p>	<b>P</b>	<b>P</b>						
<p><b>Churches or Temples and Related Cemeteries</b></p>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>P</b>	<b>P</b>	<b>P</b>	
<p><b>Community and Cultural Facilities</b>                      * Includes public and quasi-public buildings and structures for recreation, conservation, cultural, museum, library and public service uses                      * In the VC zone uses shall be within 300 feet of a general retail use or post office existing as of the effective date of this Ordinance, and shall not exceed 2,000 square feet of gross floor area</p>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>P</b>	<b>P</b>	<b>P</b>	
<p><b>Day Care Facility; Family</b>                      * 8 or fewer clients including any relatives of the care provider                      * Includes children and adults</p>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<p><b>Day Care Center; Small Group</b>                      * 9-12 clients including any relatives of the care provider                      * Includes children and adults</p>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>P</b>	<b>P</b>	<b>P</b>
<p><b>Day Care Center; Group</b>                      * More than 12 clients including any relatives of the care provider                      * Includes children and adults</p>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>P</b>	<b>P</b>	<b>A</b>
<p><b>Educational Institutions, public or private, boarding and nonboarding</b>                      * Limited to nursery schools and schools with grades K through 8 in the RC and TR zones</p>	<b>S</b>	<b>S</b>		<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>

**GENERAL TABLE OF LAND USE REGULATIONS**

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Land Use Classification

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**INSTITUTIONAL-continued**

<b>Emergency Services</b> * Includes fire, police, rescue and ambulance uses * Shall be within 1/4 mile of a state highway in the RAC and RC zones	<b>P</b>	<b>P</b>		<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>Government Offices</b>					<b>P</b>	<b>P</b>	<b>P</b>	
<b>Group Homes, Large</b> * For more than 8 residents unable to live independently because of mental or physical disorders	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	
<b>Group Homes, Small</b> * For not more than 8 residents unable to live independently because of mental or physical disorders	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>			
<b>Hospital</b> * 200 foot setback for utility or service structures * 10 acre minimum lot size							<b>S</b>	
<b>Meeting Halls and Facilities for Clubs, Lodges and Fraternal Societies</b> *Excludes gun and firearm shooting clubs	<b>S</b>	<b>S</b>			<b>S</b>	<b>P</b>	<b>P</b>	
<b>Nursing Home (existing structure)<sup>1</sup></b> * Shall be located in a structure existing at the effective date of this Ordinance * In Critical Area shall be located in a dwelling existing prior to December 1, 1985 * See additional Land Use Regulations (Section 19.4(b)(7))	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>			
<b>Post Office</b>					<b>P</b>	<b>P</b>	<b>P</b>	
<b>Rehabilitation Residence</b> * See additional regulations Section 19.4(b)(4)	<b>S</b>	<b>S</b>			<b>S</b>			
<b>Studios For Instruction in Art, Music, Dance, Drama, Crafts or Physical Education</b> * In the VC zone uses shall be within 300 feet of a general retail use or post office existing as of the effective date of this Ordinance, and shall not exceed 2,000 square feet of gross floor area				<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>S</b>

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**INDUSTRIAL**

<p><b>Private Airports, Landing Strips, Heliports/Helistops<sup>1</sup></b>                  * 40 acre minimum lot size for private landing strips and airports                  * 200 foot setback for private landing strips and airports                  * 20 acre minimum lot size for heliports/helistops                  * 1,000 foot setback from existing residences for heliports/helistops unless consent to reduce the setback is received from all residence owners within the 1,000 foot setback. Minimum setback 200 feet from property lines</p>	<p><b>S</b></p>							
<p><b>Compounding Industries (permanent)</b>                  * Includes concrete and asphalt plants                  * 1,000 foot setback from existing residences unless consent to reduce the setback is received from all residence owners within 1,000 foot setback<sup>1</sup>                  * Shall not be allowed in the Chesapeake Bay Critical Area<sup>2</sup>                  * Shall have direct access to an approved county or state road</p>								<p><b>S</b></p>
<p><b>Compounding Temporary Paving Material</b>                  * Includes any asphalt and concrete processing                  * 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                  * Shall be associated with a major public road or facility construction project                  * Shall not be operational for more than one (1) year without the consent of the Planning Officer</p>	<p><b>S</b></p>							<p><b>P</b></p>

**GENERAL TABLE OF LAND USE REGULATIONS**

**19.4**

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**INDUSTRIAL - continued**

<p><b>Cottage Industry</b>                  *See additional regulations                  Section 19.4(b)(3)<sup>16</sup></p>	S	S			S			
<p><b>Flammable Liquid Storage and Wholesale Distribution</b><sup>6,7</sup>                  * Setbacks subject to the BOCA National Fire Prevention Code/1993 as amended and Section 19.10 of this Ordinance, whichever is more restrictive</p>						S	S	S
<p><b>Food Packing and Processing</b></p>							P	P
<p><b>Laboratories for Scientific Research and Experimentation</b></p>								P
<p><b>Manufacturing Operations</b><sup>8</sup>                  * Includes any uses involved in assembling, processing or packaging operations that do not create a public nuisance because of noise, vibration, dust, smoke, odor, glare, or environmental pollution                  * Not allowed in the Critical Area                  * In VC, LC and GC shall be located in a structure existing as of June 22, 1991, the effective date of this Ordinance                  * In the Village Center zone uses shall be within 300 feet of a general retail use or post office existing as of June 22, 1991, the effective date of this Ordinance</p>					S	S	S	P
<p><b>Mineral Extraction Activities</b><sup>1</sup>                  * Includes sand and gravel operations                  * See additional regulations Section 19.4(b)(8)</p>	S	S						
<p><b>Product Recycling</b><sup>9</sup>                  * Masonry products (including concrete, asphalt, brick, block and stone) and material products (including trees, stumps, branches, leaves, grass trimmings and soil)                  * See additional regulations                  Section 19.4(b)(10)</p>	S	S						



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**WATER DEPENDENT FACILITIES - continued**

<b>Ports and Related Industry</b> * Not allowed in Critical Area								
<b>Private Bridge Which Crosses Tidal Waters Useable By Marine Craft</b> * The private bridge shall be necessary to provide driveway access to a property for a residential or water-dependent use * The private bridge shall be approved and a permit issued by: County, State, and Federal agencies having jurisdiction * 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	S	S	S	S	S	S	S	S
<b>Other Private Bridges</b> * The private bridge shall be approved and a permit issued by: County, State, and Federal agencies having jurisdiction	A	A	A	A	A	A	A	A
<b>Water Oriented Public Recreation, Education, Research Areas</b> * See Critical Area Special Provisions Section 19.11(d)(1)(iv)		S			S	S	S	
<b>Waterfront Structures<sup>10</sup></b> * See Critical Area Special Provisions Section 19.11(d) * Includes private piers, bulkheads, riprap, docks and wharfs, which shall be approved and a permit issued by: County, State and/or Federal agencies having jurisdiction * Excludes boat houses		A	A	A	A	A	A	A

**UTILITIES**

<b>Antenna Tower For Essential Communications</b> * Includes towers for essential telecommunications and emergency service radio communications antennas * New antenna towers shall not be located within a 3 mile radius of any existing antenna towers in the unincorporated area of the County	S	S	S	S	S	P	P	P
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**GENERAL TABLE OF LAND USE REGULATIONS**

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**UTILITIES - continued**

<p><b>Antenna Tower For Radio and Television Transmissions and Other Non-Essential Radio Communications</b>                      * 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 zones                      * New antenna towers shall not be located within a 3 mile radius of any existing antenna towers in the unincorporated area of the County</p>	S	S				P	P	P
<p><b>Pump Stations for Gas and Oil Pipelines</b></p>	S	S	S	S	S	S	S	S
<p><b>Recycling Collection Center</b>                      * Sites must be approved by the Talbot County Recycling Committee</p>	P	P	P	P	P	P	P	P
<p><b>Treated Septage Land Application<sup>11</sup></b>                      * Shall meet all County and State regulations                      * Shall not include storage of septage</p>	P	P						
<p><b>Septic Systems</b>                      * Limited to on-site systems serving a single residence or commercial/industrial establishment                      * 15 foot setback from all property lines except for contiguous sewage reserve area parcels                      * Shall meet all County and State regulations                      * For BIPs see additional land use regulations Section 19.4(b)(9)</p>	A	A	A	A	A	A	A	A
<p><b>Community Sewage Treatment Plant</b>                      * Shall comply with all State and Federal regulations</p>	S	S	S	S	S	S	S	S
<p><b>Septage Treatment Facilities<sup>11,12</sup></b>                      * Shall comply with all State and Federal regulations                      * Shall require issuance of license from the County                      * 300 foot setback for all treatment facilities                      * 1,000 foot setback from existing residences</p>	S							S

**GENERAL TABLE OF LAND USE REGULATIONS**

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**UTILITIES - continued**

<p><b>Shared Facilities for Sewage Collection, Treatment and Disposal<sup>1</sup></b>                  * 50 foot setback for all above ground facilities                  * Shall meet all County and State regulations                  * Shall not include treatment or disposal of septage                  * For BIPs see additional Land Use Regulations Section 19.4(b)(9)                  * Shared facilities for development outside the Critical Area may not be located within the Critical Area</p>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<p><b>Sludge Application for Agricultural and Horticultural Purposes</b>                  * Shall meet all County and State regulations                  * See additional Land Use Regulations Section 19.4(b)(6)</p>	<b>P</b>	<b>P</b>		<b>P</b>	<b>P</b>			<b>P</b>
<p><b>Sludge Storage Facility</b>                  * Limited to storage of sludge generated at local (within Talbot County) sewage treatment plants                  * Shall comply with all State regulations                  * Storage of sludge for land application shall be limited to 5 days                  * 200 foot setback for sludge storage areas and facilities</p>	<b>S</b>							
<p><b>Solid Waste Disposal Facility</b>                  * Shall require approval from the County Council                  * Includes rubble fills</p>								
<p><b>Solid Waste Transfer Stations<sup>1</sup></b>                  * 100 foot setback from property lines                  * Shall be screened from view on all sides by plantings                  * Shall be fenced                  * Not permitted within the Critical Area</p>	<b>S</b>			<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>

**UTILITIES - continued**

<b>Utility Services, Essential</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>Utility Structures and Services<sup>1</sup></b> * Excludes essential utility services	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>
<b>Water Treatment and Storage Facilities</b> * Shall comply with all State and Federal regulations	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>

**AMENDMENTS**

- <sup>1</sup> Amendment, Bill 459-Effective November 9, 1991
- <sup>2</sup> Amendment, Bill 465-Effective March 28, 1992
- <sup>3</sup> Amendment, Bill 480-Effective June 13, 1992
- <sup>4</sup> Amendment, Bill 500-Effective May 8, 1993
- <sup>5</sup> Amendment, Bill 507-Effective July 24, 1993
- <sup>6</sup> Amendment, Bill 515-Effective January 22, 1994
- <sup>7</sup> Amendment, Bill 595-Effective October 28, 1995
- <sup>8</sup> Amendment, Bill 609-Effective August 10, 1996
- <sup>9</sup> Amendment, Bill 599-Effective December 9, 1995
- <sup>10</sup> Amendment, Bill 538-Effective August 27, 1994
- <sup>11</sup> Amendment, Bill 546-Effective October 8, 1994
- <sup>12</sup> Amendment, Bill 567-Effective April 29, 1995
- <sup>13</sup> Amendment, Bill 624-Effective November 9, 1996
- <sup>14</sup> Amendment, Bill 633-Effective March 15, 1997
- <sup>15</sup> Amendment, Bill 648-Effective November 22, 1997
- <sup>16</sup> Amendment, Bill 687-Effective December 26, 1998
- <sup>17</sup> Amendment, Bill 692-Effective December 26, 1998
- <sup>18</sup> Amendment, Bill 706-Effective May 29, 1999

**(b) Additional Land Use Regulations****(1) Agricultural Research Facilities (Commercial)**

Includes any 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.

Agricultural Research Facilities are regulated by the following standards:

- (i) Livestock, wildlife and crops shall not be offered for commercial resale;
- (ii) 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 recommended by the Planning Officer and approved by the Board of Appeals;
- (iii) Maximum site coverage for all principal and accessory buildings shall not be more than ten (10) percent;
- (iv) A fence shall be constructed around all structures, research plots and ponds within the research facility;
- (v) An incinerator shall be constructed on the premises for the disposal of all non-liquid waste generated on the site;
- (vi) All liquid, semi-liquid and particulate waste generated on the site shall be safely transported and processed properly in accord with Maryland State Law;
- (vii) Any research involving fish or marine life shall be conducted in above ground facilities, except that agriculturally-related products registered with the U.S. 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. The Planning Officer may require, at the expense of the operator, the construction of adequate test wells to permit the monitoring of potential leachate or leakage from above ground facilities or ponds;
- (viii) Air and smoke generated from the site shall be filtered, as may be required by State and/or Federal law, so as to remove toxic or noxious fumes;

(ix) Quarterly reports shall be submitted to the Planning Officer and Health Officer and shall include, but not be limited to, a current inventory of all chemicals, materials, and substances, excluding equipment, which are used in connection with the commercial research conducted on the site. Also included in the quarterly report shall be an inventory of all livestock or wildlife currently on the site for purposes of experimentation or research;

(x) The Planning Officer shall submit annual reports to the Board of Appeals regarding the impact on the environment of the research facility. These reports shall be prepared by experts selected by the Planning Officer and paid by the operator of the research facility. The Planning Officer may initiate additional studies if necessary. The Board of Appeals may require surety from the operator of the facility to insure the clean-up of any harmful environmental impact on the County; and

(xi) The operation shall be conducted on a site of at least twenty-five (25) acres.

## (2) Produce Stands

Produce stands are structures for the display and sale of agricultural products grown locally (on the Delmarva Peninsula). Produce stands are regulated by the following standards:

(i) A produce stand permit is required and County renewal of the permit is required for each year's operation;

(ii) A produce stand structure shall not exceed 600 square feet in floor area, this may include space in an owner-occupied accessory farm building provided no other agriculturally-related business or industrial use is occurring within the building -- An accessory farm building shall meet all the required setbacks of Section 19.10 of this Ordinance;

(iii) All temporary structures shall be set back at least twenty (20) feet from property lines and shall be located so as to provide safe ingress and egress from the public road;

(iv) Structures shall meet off-street parking and sign requirements as specified in Section 19.10 of this Ordinance;

(v) All produce stands and related structures shall be considered seasonal or temporary in nature and shall not be erected until April 15th and shall be removed by the end of the local produce season or by November 30th of each year;

(vi) A twenty (20) foot area around the sales structure may be used for display of product; and

(vii) Failure to meet all applicable standards in this Ordinance and all conditions of the produce stand permit shall constitute a violation and be enforceable by the provisions set forth in Section 19.14(e) of this Ordinance.

### (3) Home Based Occupations\*

Home Based Occupations are the accessory use of a residence involving the conduct of an art or profession, the offering of a service, the conduct of a business, or the production of handicrafts on property zoned for residential purposes. Home Based Occupations are conducted within a residence and/or an accessory structure on the same lot as the residence. The use is incidental and secondary to the use of the dwelling for residential purposes, and 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. All proposed Home Based Occupation uses, including the expansion or replacement of an existing use or structure shall conform to the standards listed in Section 19.4(b)(3) (iv) of this Ordinance.

Home Based Occupations that cannot meet the requirements of Section 19.4(b)(3)(iv) of this Ordinance shall follow the standards of Section 19.4(b)(3)(v) of this Ordinance for Cottage Industries. Any business activity exceeding the standards for Cottage Industries shall comply with the commercial or industrial requirements of this Ordinance.

Home Occupations and Cottage Industries shall comply with all other applicable laws and regulations of the County, State and Federal government.

(i) The following is a list of uses that may be conducted as Home Based Occupations within the standards established in Section 19.4(b)(3)(iv) of this Ordinance.

- [a] Art, handicraft, music, writing, photography, or similar studios;
- [b] Direct sale product distribution (Amway, Avon, Tupperware, etc.);
- [c] Dressmaker, seamstress, tailor;
- [d] Hair cutting and styling limited to two (2) stations;
- [e] Manicure, pedicure and tanning;
- [f] Taxidermy;

[g] Repair of small appliances, small engines and limited machining of small parts, office machines, cameras, and similar small items;

[h] Vehicle, boat repair or painting conducted exclusively inside an accessory structure. Vehicles waiting for service must not be visible from neighboring properties and public ways;

[i] Home improvement contractors including but not limited to plumbers, heating and air conditioning technicians, electricians, carpenters, masons, roofers, glaziers, and painters subject to the standards listed in Section 19.4(b)(3)(iv) of this Ordinance;

[j] Raising of birds limited to fifty (50) birds. The care and housing of all birds shall occur inside an accessory structure. The structure shall maintain a minimum fifty (50) foot setback from all property lines;

[k] Pet grooming without overnight boarding or exterior kennels;

[l] Vending machine business. Deliveries of supplies shall be limited to commercial delivery services (i.e. U.P.S., Federal Express, etc.);

[m] Catering and baked goods;

[n] Auto detailing limited to washing and waxing of vehicles, and

[o] Wholesale seafood distribution without operation of truck refrigeration units on the property.

(ii) The following uses would not be appropriate as Home Based Occupations and shall not be permitted:

[a] Vehicle, boat repair or painting that requires outdoor storage of untagged vehicles and boats, parts, tools, or materials;

[b] Construction equipment or materials storage;

[c] Equipment or vehicle rental;

[d] Fish or bait sales;

[e] Furniture sales;

[f] Funeral director, mortuary or undertaker;

- [g] Laboratory;
- [h] Medical or dental clinic;
- [i] Private clubs; and
- [j] Restaurants.

(iii) The following is a nonexhaustive list of uses that may be conducted as a Cottage Industry within the standards established in Section 19.4(b)(3)(v) of this Ordinance:

- [a] Excavator and landscaping contractors;
- [b] Home improvement contractors (plumber, heating/air conditioning technician, carpenter, mason, electrician, roofer, glazier, painter, etc.);
- [c] Craftsman (Cabinet Maker, Furniture Maker, Saddler, etc.);
- [d] Farm equipment services and repairs;
- [e] Firewood harvesting and sales; and
- [f] Septic, sewer or drain service.

(iv) Home Based Occupations are less impacting than a Cottage Industry. The conduct and operation of a Home Based Occupation shall not be overly evident to neighboring property owners. Home Based Occupations shall comply with the following standards:

- [a] The home used for the Home Based Occupation shall be the primary residence of the proprietor.
- [b] The area used for the Home Based Occupation shall not exceed twenty-five (25) percent of the gross floor area of the residence or five-hundred (500) square feet, whichever is less.
- [c] All work associated with the Home Based Occupations shall be performed inside the residence and/or an accessory structure not to exceed one thousand five hundred (1,500) square feet. No more than one thousand five hundred (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.

[d] Outdoor storage of materials is not permitted.

[e] Applications for new accessory structures associated with the Home Based Occupation shall be submitted for a simplified site plan review in accordance with Section 19.12(a)(6) of this Ordinance.

[f] The Home Based Occupation shall not allow more than three (3) nonresident employees to report to the Home Based Occupation site. Only one (1) nonresident employee may remain on the property for work that is to be performed in the home or accessory structure during any portion of the day.

[g] Deliveries of equipment, parts and supplies shall be limited to commercial delivery services (i.e. U.P.S., Federal Express, etc.).

[h] Signs shall be limited to one permanent, non-illuminated sign of not more than six (6) square feet. Signs shall conform to the signage provisions of Section 19.10(z) of this Ordinance.

[i] Work performed shall be consistent with the Home Based Occupation listings in Section 19.4(b)(3)(i) of this Ordinance.

[j] 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.

[k] Home Based Occupations shall not be allowed in multifamily dwelling units.

[l] The Home Based Occupation and its associated structures shall conform to all applicable standards for the zoning district.

[m] The Home Based Occupation shall not significantly cause the residential appearance or character of the premises to differ from the surrounding residential area. Home Based Occupations shall not be conducted in such a manner as to 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.

[n] 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 significantly increase the fire danger to neighboring structures or residences.

[o] Sale of any manufactured item related to a Home Based Occupation shall occur off premise.

[p] Any need for parking generated by the Home Occupation shall be off-street. The Planning Officer shall determine the number of parking spaces required based on Section 19.10(y) of this Ordinance.

[q] More than one Home Based Occupation per residence or lot may be allowed, providing that not more than one thousand five hundred (1,500) square feet of the accessory structure and/or five hundred (500) square feet of the principle residence is used for Home Based Occupations.

[r] Noise levels shall comply with the requirements of Section 19.10(aa) of this Ordinance.

(v) Cottage Industries are more impacting than Home Based Occupations. The conduct and operation of a Cottage Industry shall not be overly evident to neighboring property owners. Cottage Industries shall be allowed through Special Exception in accordance with Section 19.14(b)(4) of this Ordinance and shall comply with the following standards:

[a] The property used for the Cottage Industry shall contain the primary residence of the proprietor.

[b] New Cottage Industries shall require a five (5) acre minimum lot size.

[c] Cottage Industries that have been legally operating since the business began shall be considered nonconforming and must comply with Section 19.13 of this Ordinance in addition to the standards of Section 19.4(b)(3) of this Ordinance.

[d] A proprietor of a Cottage Industry planning any change of use for the property must obtain written permission from the Board of Appeals.

[e] A proprietor of a Cottage Industry planning any change of ownership must notify the Planning Officer.

[f] On lots less than five (5) acres, all work associated with the Cottage Industry must be carried out in an accessory structure.

[g] On lots less than five (5) acres, all materials and equipment associated with the Cottage Industry shall be stored inside the accessory structure.

[h] On lots five (5) acres or greater, 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.

[i] The Cottage Industry shall not occupy more than three thousand (3,000) square feet in a single accessory structure or in a combination of accessory structures. Applications for new accessory structures associated with the Cottage Industry shall be submitted for a simplified site plan review in accordance with Section 19.12(a)(6) of this Ordinance.

[j] Proprietors who desire to construct a new accessory structure for a Cottage Industry must own the property, and reside on the property used for the Cottage Industry. Proprietors of a Cottage Industry operated on land owned by an immediate family member may be allowed to construct a new accessory structure.

[k] Proprietors who rent their primary residence on property that contains the Cottage Industry must operate the Cottage Industry using existing accessory structures only.

[l] Proprietors, who anticipate any enlargement or alteration of a use, or of the structure and facility occupied by a use, shall obtain an amendment to their Special Exception Use Permit.

[m] New accessory structures shall be limited to a roof ridge height of not greater than twenty-five (25) feet.

[n] New Cottage Industries shall maintain a one hundred fifty (150) foot setback from neighboring property lines, a two hundred (200) foot setback from neighboring residences, and a one hundred (100) foot setback from all tidally influenced waters for all work, storage, and vehicle parking areas associated with the Cottage Industry.

[o] Noise producing activities shall not exceed the noise criteria established in Section 19.10(aa) of this Ordinance.

[p] The Cottage Industry shall not allow more than five (5) nonresident

employees to report to the Cottage Industry site.

[q] Employees shall not report prior to 7:00 a.m. or leave after 9:00 p.m. in the Village Center (VC) zone.

[r] Signs shall be limited to one permanent, non-illuminated sign of not more than six (6) square feet. Signs shall conform to the signage provisions of Section 19.10(z) of this Ordinance.

[s] Work performed shall be consistent with the Home Occupation and Cottage Industry listings in Section 19.4(b)(3)(i) and (iii) of this Ordinance, respectively.

[t] The Cottage Industry and its associated structures shall conform to all applicable standards for the zoning district.

[u] 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 significantly increase the fire danger to neighboring structures or residences.

[v] Sale of any manufactured item related to a Cottage Industry shall occur off premise.

[w] Any need for parking generated by the Cottage Industry shall be off-street. The Planning Officer shall determine the number of parking spaces required based on Section 19.10(y) of this Ordinance.

[x] No more than one Cottage Industry per residence or lot shall be allowed.

[\* Amendment, Bill 687 – Effective December 26, 1998]

#### **(4) Rehabilitation Residence**

Rehabilitation residences for not more than eight Court appointed youth. These residences shall:

- (i) Provide adequate supervision and professional services through live-in house parents;
- (ii) Be of sufficient size to accommodate the proposed number of resident youth and staff and shall provide a minimum lot area of two (2) acres per unit;

- (iii) Have adequate sanitary facilities for the proposed number of residents of youth and staff, certified by the Health Department;
- (iv) Be duly approved and/or licensed by all applicable State agencies;
- (v) Provide ample outdoor space for recreation, free from hazard and appropriately equipped for the age and number of persons residing;
- (vi) Not constitute a nuisance caused by noise, vehicle traffic or parking, or other physical activity; and
- (vii) Meet all other applicable requirements of this Ordinance.

**(5) Aquaculture (Retail)**

Retail aquaculture uses shall conform to the following standards:

- (i) Minimum 600 feet of road frontage;
- (ii) Fifty (50) foot front setback and 200 foot setback from all other property boundaries;
- (iii) Ten (10) acre minimum lot size;
- (iv) No on-site processing allowed;
- (v) All aquaculture products must be raised on-site
- (vi) Sign regulations are the same as for produce stands, Section 19.10(z); and
- (vii) Parking regulations are the same as for produce stands, Section 19.10(y).

**(6) Sludge Application For Agricultural and Horticultural Purposes**

- (i) The County may take on-site samples of sludge from transport trucks or the land. The County Planning Office is to be notified at least one (1) day prior to the initiation of land application of sludge.\*
- (ii) A manifest is to accompany each truckload of sewage sludge and shall include the following information:

[a] Origin of sludge

[b] Amount of sludge

[c] The most recent official analysis of sludge

[d] The Maryland Department of Environment Sewage Sludge Permit Number.\*

(iii) The sludge applicator shall have a valid Sewage Sludge Utilization Permit issued by the Maryland Department of the Environment.

(iv) The sludge applicator shall have paid all applicable hauling fees as established by the County Council.

(v) The sewage sludge applicator shall submit a monthly report to the County Planning Office and Department of Environmental Health. At a minimum this report shall detail the cumulative effect of all sludge application activities conducted during the previous month and year in Talbot County by the applicator. Specific information shall include the amount and content of each truckload of applied sludge, detailed information on how much sludge was applied to each site, and resulting nutrient and trace metal additions to the soil.\*

[\* Amendment, Bill 459 - Effective November 9, 1991]

**(7) Nursing Home (Existing Structure)**

(i) A nursing home shall have all required licenses and permits.

(ii) When an existing structure, at the effective date of this Ordinance, is converted into a nursing home:

[a] The exterior appearance of the structure shall be residential in nature and no enlargements over twenty-five (25) percent of the existing structure shall be permitted;

[b] The structure shall be of sufficient size to accommodate the proposed number of patients and staff;

[c] The nursing home shall not constitute a nuisance caused by noise, vehicle traffic or parking, or other physical activity; and

[d] The nursing home shall meet all other applicable requirements of this Ordinance.

**(8) Mineral Extraction Activity**

(i) The operation shall be conducted under an approved operating and restoration plan from the Surface Mining Division of the Water Resources Administration of the Department of Natural Resources. The operation shall have all applicable State permits.

(ii) Perimeter fencing shall be required for safety purposes as determined necessary by the Planning Officer.

(iii) A 200 foot setback from property boundaries shall be required for all power driven machinery, extractive operations and excavation pits.

(iv) The access drive shall be dust-proofed with a tar and chip surface, pavement or other acceptable means sufficient to control wind blown particulate matter.

(v) Visual screening may be required where necessary as determined by the Planning Officer in order to mitigate aesthetic impacts on the surrounding neighborhood.

(vi) Mineral extraction activities are not permitted in the Critical Area Shoreline Development Buffer or in areas which will adversely affect non-tidal wetlands.

(vii) Hours of operation are limited from sunrise to 7:00 p.m., Monday through Saturday.

(viii) A detailed plan for site restoration and timetable for completion shall be approved by the County.

(ix) A storm water management plan shall be approved by the County Public Works Department.

(x) Mineral extraction activities within the Chesapeake Bay Critical Area shall comply with the regulations of Section 19.11(d)(2).

**(9) Bermed Infiltration Ponds (BIPs)**

(i) BIPs shall meet all County and State regulations.

(ii) BIPs shall be totally enclosed by a four (4) foot high safety fence.

**(10) Product Recycling\***

(i) Minimum property size shall be 75 acres.

- (ii) Storage and operation area shall be no larger than 15 acres and shall be located in a gravel pit with a depth of no less than 20 feet.
- (iii) Equipment and storage setbacks from property lines shall be 500 feet.
- (iv) Equipment (other than vehicles used for hauling on public roads) and storage facilities shall be located at a minimum setback of 1,000 feet from residences existing at the effective date of this legislation, unless consent to reduce the setback is received from the owner(s) of adjacent residences within the 1,000 feet. In no case shall the setback be reduced to less than 500 feet from such a residence.
- (v) Property shall have direct access to a major County Arterial Road, State Road or Federal Highway.
- (vi) Access road into storage and operation area shall be gated.
- (vii) Storage pile(s) of processed or unprocessed materials shall be no higher than 30 feet from base grade.
- (viii) In cases where obvious visual impact is caused to neighboring residences, the Planning Officer may require appropriate screening.
- (ix) Materials that cannot be processed on site shall be disposed of in an approved manner.
- (x) No burning or burying of any materials shall be permitted.
- (xi) All recycling products shall be processed within 180 days of receipt at the processing site.
- (xii) Access drive(s) shall be dust proofed from storage/processing area to major roadway.
- (xiii) 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.
- (xiv) Operators and landowners of a product recycling center shall be licensed by the Talbot County Public Works Department annually.

[a] A license fee shall be paid annually, in an amount determined by the County Council. The initial fee is set at \$100.00.

[b] Property owner shall give consent to an operator to operate the recycling facility if operator is other than the property owner.

[c] Property owner shall be held responsible for compliance with all product recycling operation requirements.

(xv) An on-site water supply source adequate for on-site fire protection needs shall be established and maintained. The required volume for the water supply source shall be determined on a case-by-case basis after consultation with the State Fire Marshal's Office.

(xvi) Applicant shall obtain all required Local, State and Federal permits including but not limited to: Stormwater Management, Non-Tidal Wetlands, Grading, Sediment and Erosion Control, Flooding, etc.

(xvii) All trucks transporting materials in and out of a product recycling center shall be weighed and a stamped weight ticket shall be given to the driver with the gross, tare and net weights, with time and date.

(xviii) All incoming weight tickets shall identify the County and specific location from which the recycling material originated.\*

[\* Amendment, Bill 599, Effective December 9, 1995]

**(11)** Bed and Breakfast Accommodations\* shall conform to the following regulations:

[a] Bed and Breakfast accommodations shall only be permitted with the specific written permission of the Planning Officer;

[b] In the Chesapeake Bay Critical Area, Bed and Breakfast accommodations shall only be permitted in a dwelling existing as of August 13, 1989;

[c] The minimum lot size in a RC (Rural Conservation) or RR (Rural Residential) zoning district for a Bed and Breakfast use shall be two (2) acres;

[d] Bed and Breakfast accommodation uses shall be a minimum of 500 feet apart. For purposes of this paragraph 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.\*

[\* Amendment, Bill 709 - Effective June 26, 1999]

[e] A Bed and Breakfast enterprise shall have no more than six (6) guest bedrooms, accommodating no more than twelve (12) guests at any one time. No paying guest shall stay on any one visit for more than thirty (30) days;

[f] Not more than twenty-five (25) percent of the gross floor area may be devoted to guest bedrooms;

[g] One (1) off-street parking space for each guest bedroom shall be provided in a side or rear yard;

[h] Meal service is limited to one daily meal between 4 am and 11 am per paying overnight guest. The applicant should note that meal service is subject to State Health Department approval of food preparation areas;

[i] Bed and Breakfast accommodations shall be operated by owner-occupants of the residence. Any new owner of a residence in which a Bed and Breakfast is operated must apply to the Planning Officer for written permission to continue the operation;

[j] Bed and Breakfast enterprises shall be required to pay the Talbot County Accommodations Tax for each guest bedroom. Should such accommodation tax not be paid for a two-year period, the operation will be considered no longer in operation and the Bed and Breakfast permit will be cancelled;

[k] Bed and Breakfast licenses shall be renewed yearly. Renewal may require a site inspection;

[l] In the Chesapeake Bay Critical Area, enlargement of the residence may not exceed fifty (50) percent of the gross floor area which existed at the time of adoption of these regulations;

[m] Signs shall be limited to one permanent sign of not more than six (6) square feet and shall conform to Section 19.10 (z) of this Ordinance.

[\* Amendment, Bill 687 - Effective December 26, 1998]

**SECTION 19.10**  
**DEVELOPMENT DESIGN STANDARDS**

## 19.10 DEVELOPMENT DESIGN STANDARDS



### (a) Conformity with Design Standards

All proposed uses and structures including the enlargement of an existing use or structure and the replacement of an existing use or structure except as authorized by Section 19.13 of this Ordinance, shall conform to the applicable design standards as prescribed in this Section.

### (b) Rural Agriculture Conservation - RAC

#### (1) Development Types

Three types of residential development are allowed in the RAC District. These development options are intended to give the landowner flexibility in design and density while still conserving farmland and open space.

(i) Rural Subdivision - This alternative offers the lowest overall density but has no mandatory requirements for open space. This option is intended to accommodate the landowner who wishes to subdivide on a small scale or create larger residential lots.

(ii) Cluster Subdivision - This alternative allows a higher overall density but requires that residential lots be clustered together on a portion or portions of the site with the remaining area of the site to be retained as open space through Reservation of Development Rights Agreements which prohibit future residential, commercial or industrial development. The minimum parcel size for a Cluster Subdivision is 6.1 acres.

(iii) Cluster Subdivision - With Transferable Development Rights (TDR) - This alternative allows for the landowner to potentially almost double the density of a Cluster Subdivision by transferring additional development rights to the subdivision from another RAC District property within the same County Election District. The property from which the additional development rights are transferred must place a reservation of development rights on ten (10) acres for every one (1) development right which is transferred. A landowner who transfers development rights from his property has the option to transfer development rights back onto his property at a later date. In order to maximize allowable density within a Cluster Subdivision with TDRs, the landowner will most likely have to utilize shared facilities for sewer and water.

**SUBDIVISION TYPE**

	<b><u>Rural</u></b>	<b><u>Cluster</u></b>	<b><u>TDR Cluster</u></b>
<b>(2) Maximum Density</b>			
6 ac. or less	1 DU/2 ac.	N.A.	N.A.
Over 6 ac.	3 DUs plus 1 DU/20 ac.	3 DUs plus 1 DU/10 ac.	3 DUs plus 1 DU/5 ac.*

Residential density calculations for a parcel, lot or tract shall be based on the size of the original parcel, lot or tract as of June 22, 1991. If a lot is subdivided from an original parcel, that lot may not be further subdivided unless additional enumerated subdivision rights are specifically granted to that lot by deed and subdivision plat notation.\*

<b>(3) Min. Lot Size</b>	1.0 ac.	.25 ac.	.25 ac. *****
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**(4) Setbacks**

Perimeter Buffer	50 ft.	50 ft.	50 ft.
Lots 2 ac. or larger			
Front	50 ft.	50 ft.	50 ft.
Side	50 ft.	50 ft.	50 ft.
Rear	50 ft.	50 ft.	50 ft.
Lots 1-1.99 ac.			
Front	50 ft.	50 ft.	50 ft.
Side	15 ft.	15 ft.	15 ft.
Rear	25 ft.	25 ft.	25 ft.

**SUBDIVISION TYPE**

	<b><u>Rural</u></b>	<b><u>Cluster</u></b>	<b><u>TDR Cluster</u></b>
Lots less than 1 ac.			
Front	25 ft.	25 ft.	25 ft.
Side	10 ft.	10 ft.	10 ft.
Rear	25 ft.	25 ft.	25 ft.

The perimeter buffer is the minimum distance that any structure within a new subdivision can be located from an adjacent RAC District property.

Street frontage shall be fifty (50) feet or greater. Street frontage may be reduced to not less than twenty-five (25) feet if the lot has joint access to a street with an adjacent lot.

**(5) Min. Lot Width**

Lots 2 ac. or larger	200 ft.	200 ft.	200 ft.
Lots 1-1.99 ac.	100 ft.	100 ft.	100 ft.
Lots less than 1 ac.	N.A.	N.A.	75 ft.

**(6) Minimum Open Space**

6 ac. or less	N.A.	N.A.	N.A.
6.1-19.9 ac.	N.A.	25 %	25 %
20-29.9 ac.	N.A.	50 %	50 %
30-39.9 ac.	N.A.	60 %	60 %
40-69.9 ac.	N.A.	65 %	65 %
70-159.9 ac.	N.A.	70 %	70 %
160 ac.+	N.A.	75 %	75 %

The minimum open space area is the minimum percentage of the total site of a cluster subdivision which must be retained as open space and restricted from future residential, commercial or industrial development through a Reservation of Development Rights Agreement.

(7) RAC District Design Standards

(i) In any residential subdivision in the RAC district not more than two (2) lots per parcel recorded after the effective date of this Ordinance shall have direct access to an existing County or State road. Any additional lots shall have access by an internal subdivision road, unless:

[a] The Planning Commission finds that 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] In a Rural Subdivision, the additional lots are at least ten (10) acres in area and have a frontage of at least 600 feet on a County or State road.

(ii) 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 and is compatible with existing farming operations in the area.

(iii) To the extent practical, residential lots and structures shall be located at the fringe edges of woodlands and fields. At least fifty (50) percent of the existing mature tree cover on any residential lot shall be retained when the lot is improved.

(iv) In creating a subdivision in the RAC District, the landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal. Topography, tree cover and natural drainage ways shall receive priority as fixed determinants of road, site and structure configuration rather than as elements that can be changed to follow a preferred development plan.

(v) Areas of the site with environmental constraints shall not be disturbed by subdivision development, insofar as practical, but may be included to calculate the allowable density of the overall site.

(vi) New residential lots in the RAC District shall be required to have right-to-farm covenants placed in property deeds. These covenants shall notify the person purchasing the residential lot, and all subsequent owners of the lot, that they are in an agricultural area and they will have no legal recourse to complain about normal farming practices which may occur around them.

(vii) When a subdivision is proposed within the RAC District, the applicant shall submit a master plan (sketch plan) for the entire parcel. This plan shall tentatively show any future plans for continued development of the parcel. The plan is non-binding and merely represents an effort to think through options for the

property.

(viii) Developers of an RAC District subdivision are encouraged to set back and/or buffer residential lots and structures from existing County or State roads and agricultural operations.

(ix) All structures within the RAC District shall maintain a minimum fifty (50) foot setback from the property lines of the original parcel, lot or tract.

**(8) Reservation of Development Rights Agreements**

(i) Reservation of Development Rights Agreements shall be required for the minimum open space area of a cluster subdivision or cluster subdivision with TDRs.

(ii) Reservation of Development Rights Agreements shall be required on property from which development rights are transferred.

(iii) Reservation of Development Rights Agreements shall restrict future development of any residential, commercial or industrial buildings/structures and uses.

(iv) Reservation of Development Rights Agreements shall not restrict future development of any agricultural buildings or structures.

(v) Reservation of Development Rights shall be granted to the County and shall run with and bind the land.

(vi) The grantor shall retain the right to petition the County Council for release (partial or entire) of the Reservation of Development Rights in the event the zoning of the property is changed.

(vii) Reservation of Development Rights Agreements shall not restrict future use of the property for public purposes.

(viii) The grantor of Reservation of Development Rights for land which has transferred development rights to another property shall retain the right to have the Reservation released if development rights are transferred back to the property at a later date.

**(9) Agriculturally-Related Commercial and Industrial Uses in the RAC District**

(i) The Board of Appeals shall reserve the right to impose additional conditions on agriculturally-related commercial and industrial uses which are allowed as Special Exceptions in the RAC District.

(ii) The Planning Commission shall make recommendations to the Board of Appeals regarding additional conditions.

(iii) These recommendations and conditions shall relate to requirements for access, parking, signage, setbacks, landscaping, screening and buffering, and other site design features.

(iv) When making these additional site design recommendations and conditions, the Planning Commission and Board of Appeals shall consider the following:

[a] Impact of the use or activity on the neighborhood;

[b] Compatibility of the use or activity with surrounding land uses; and

[c] The preservation of the rural character which is predominant in the RAC District

**(c) Rural Conservation - RC**

**(1) Maximum Density**

1 du/20 acres

1 du/5 acres \*

\* maximum density of dwelling units per acre possible in receiving area through a joint subdivision as prescribed in Section 19.10(c)(6).

**(2) Minimum lot size**

2 acres

**(3) Average lot size for all lots in a subdivision\*\***

Five (5) acres or less or twenty (20) acres or more. For joint subdivisions, average lot size may be increased to 7.5 acres.

\*\* residual parcels protected from future development through donation of title, easements or reservation of development rights in a manner acceptable to the Planning Officer shall not be included in average lot size calculations.

**(4) Setbacks**

For lots of 2 acres or greater

Front 50 feet

Rear 50 feet

Side 50 feet

For lots smaller than 2 acres

Front 50 feet

Rear 25 feet

Side 25 feet

Waterfront 100 feet (See Section 19.12(b)(5)(iii))

**(5) Lot Width**

200 feet

Street frontage shall be fifty (50) feet or greater. Street frontage may be reduced to not less than twenty-five (25) feet if the lot has joint access to a street with an adjacent lot.

**(6) Rural Conservation District Density Transfer (Joint Subdivision)**

The residential density limits on a parcel(s) in the Rural Conservation District may be increased to a maximum of one (1) dwelling unit per five (5) acres through a Joint Subdivision, which shall be processed and approved in the same manner as any other subdivision. Joint Subdivisions are permitted only in the Rural Conservation District between or among sending and receiving parcels within said District. A Joint Subdivision includes parcels containing the sending and receiving areas. The sending area must be located within Plant and Wildlife Habitat Areas, Drainage Basin of Anadromous Fish Propagation Waters, Natural Park Sites or Recreation Open Space Sites in the Rural Conservation District, excluding those portions of those areas that are within 500 feet (measured landward) of shoreline with an erosion rate of at least 2 feet per year, including adjacent shoreline 100 feet on both sides. The receiving area of a

Joint Subdivision must be located in the Rural Conservation District within 500 feet (measured landward) of shoreline with an erosion rate of at least 2 feet per year, including adjacent shoreline 100 feet on both sides.

Any transfer of any portion of the development rights to erect residential dwelling units on the sending parcel(s) to the owner(s) of the receiving parcel(s) must be approved by the Planning Officer through an application for a Joint Subdivision. No such transfer shall

be effective until an application for a Joint Subdivision has been approved and recorded among the land records. The maximum density allowed on the receiving parcel(s) of a Joint Subdivision, including both pre-existing residential development rights of the parcel and transferred development rights, is one (1) dwelling unit per five (5) acres. The total area of the receiving parcel(s) is used for calculating the one (1) dwelling unit per five (5) acre density. 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 2 feet per year, including adjacent shoreline 100 feet on both sides. The Joint Subdivision approval shall be conditioned upon satisfactory arrangements for the protection of the eroding shoreline on the receiving parcel. In addition, the Joint Subdivision plat shall identify twenty (20) acres of property in the sending area of the Joint Subdivision as protected from future development for each right to erect a dwelling unit transferred to receiving parcel(s). The protection from future development in the sending area shall be accomplished through any method the Planning Officer determines appropriate.\*\*\*\*\*

#### (7) Intrafamily Transfers in the Rural Conservation District

Notwithstanding the residential density limits established in Section 19.3, a property of record by March 1, 1986 located in the Rural Conservation District may be subdivided by the owner by means of a bona fide Intrafamily Transfer Subject to the following limits:

(i) A parcel that is seven (7) acres or more and less than twelve (12) acres may be subdivided into not more than two (2) lots. A parcel that is twelve (12) acres or more and less than sixty (60) acres in size may be subdivided into not more than three (3) lots. The lots may be created at different times;

(ii) A parcel that is subdivided by means of a bona fide intrafamily transfer.

[a] May be transferred only to a member of the owner's immediate family for the purpose of establishing a residence for that family member. Only the recipient of a lot through an intrafamily transfer may request a building permit for a structure on a lot created through this process. Such a building permit for a residential structure must be filed with the final subdivision plat creating the lot. 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 twenty-one (21) years.

[b] May not be rented or leased to any party except for member of the owner's immediate family.

[c] Must comply with the County Subdivision Regulations.

[d] May not be further subdivided;

[e] Is not eligible for joint subdivision under the provisions for Rural Conservation Density Transfer (Section 19.10(c)(6));

[f] May 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:

[1] The lot was created as part of a bona fide intrafamily transfer and not with the intent of subdividing the original parcel of land for the purpose of ultimate commercial sale; and

[2] 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 (5) 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 (6) months.

(iii) Any deed for a lot created by bona fide intrafamily transfer shall contain a covenant stating that the lot is created subject to the provisions of this Section.

**(d) Rural Residential - RR**

**(1) Maximum Density**

1 du/5 acres

**(2) Minimum lot size**

2 acres

**(3) Average lot size for all lots in a subdivision**

5 acres or less

**(4) Setback \*\*\*\*\***

For lots of 2 acres or more

Front	50 feet
Rear	50 feet
Side	50 feet

For lots smaller than 2 acres

Front	50 feet
Rear	25 feet
Side	25 feet

For lots smaller than 1 acre

Front	25 feet
Rear	25 feet
Side	10 feet

From waterfront 100 feet (See Section 19.12(b)(5)(iii))

**(5) Lot Width**

200 feet

Street frontage shall be fifty (50) feet or greater. Street frontage may be reduced to not less than twenty-five (25) feet if the lot has joint access to a street with an adjacent lot.

**(e) Town Residential - TR**

**(1) Maximum Density**

1 du/1 acre without sewer

4 du/1 acre with sewer

**(2) Minimum lot size**

1 acre w/out sewer

10,000 sq. ft. with sewer \*\*

\*\*Sewer or shared facility hook-up approval required from the Public Works Department.

**(3) Average lot size for all lots in a subdivision**

2 acres or less

**(4) Setbacks**

For lots of 1 acre or more

Front	50 feet
Rear	25 feet
Side	15 feet

For lots smaller than 1 acre

Front	25 feet
Rear	25 feet
Side	10 feet

From waterfront 100 feet (see Section 19.12(b)(5)(iii))

**(5) Lot Width**

For lots of 1 acre or more - 100 feet  
 For lots smaller than 1 acre - 75 feet

Street frontage shall be fifty (50) feet or greater. Street frontage may be reduced to not less than twenty-five (25) feet if the lot has joint access to a street with an adjacent lot.

**(f) Village Center - VC**

**(1) Maximum Density**

1 du/1 acre without sewer  
 4 du/1 acre with sewer

**(2) Minimum lot size**

1 acre w/out sewer  
 10,000 sq. ft. with sewer \*\*

\*\* Sewer or shared facility hook-up approval required from the Public Works Department.

**(3) Average lot size for all lots in a subdivision**

2 acres or less

**(4) Setbacks**

For lots of 1 acre or more

Front	50 feet
Rear	25 feet
Side	15 feet

For lots smaller than 1 acre

Front	25 feet
Rear	25 feet
Side	10 feet

From waterfront 100 feet (see Section 19.12(b)(5)(iii))

**(5) Lot Width**

For lots of 1 acre or more - 100 feet  
 For lots smaller than 1 acre - 75 feet

Street frontage shall be fifty (50) feet or greater. Street frontage may be reduced to not less than twenty-five (25) feet if the lot has joint access to a street with an adjacent lot.

**(g) Limited Commercial - LC**

**(1) Maximum Density**  
 Not Applicable

**(2) Minimum lot size**  
 20,000 sq. ft.

**(3) Average lot size for all lots in a subdivision**  
 Not Applicable

**(4) Setbacks**

Front	50 feet
Rear	10 feet from LC, GC, and LI zoning districts 25 feet from all other zoning districts.
Side	10 feet from LC, GC, and LI zoning districts 25 feet from all other zoning districts.
From waterfront	100 feet (see Section 19.12(b)(5)(iii))

**(5) Lot Width**

100 feet

**(6) Site Coverage and Landscaping\***

For sites outside of the Critical Area, the maximum site coverage for all principal and accessory buildings and uses, not including parking areas and access drives, shall not be more than twenty-five (25) percent and at least twenty-five (25) percent of the site shall be landscaped in a manner acceptable to the Planning Commission.

For sites within the Critical Area see Section 19.12(b)(5)(vi)[c][I][i]a.

**(h) General Commercial - GC**

**(1) Maximum Density**  
Not Applicable

**(2) Minimum lot size**  
20,000 sq. ft.

**(3) Average lot size for all lots in a subdivision**  
Not Applicable

**(4) Setbacks**

Front                      50 feet

Rear                        10 feet from LC, GC, and LI zoning districts  
25 feet from all other zoning districts.

Side                        10 feet from LC, GC, and LI zoning districts  
25 feet from all other zoning districts

From waterfront        100 feet (see Section 19.12(b)(5)(iii))

**(5) Lot width**            100 feet

**(6) Site Coverage and Landscaping\***

The maximum site coverage for all principal and accessory buildings and uses, not including automobile parking areas and access drives, shall not be more than twenty-five (25) percent and at least twenty-five (25) percent of the site shall be landscaped in a manner acceptable to the Planning Commission.

For sites within the Critical Area see Section 19.12(b)(5)(vi)[c][1][i]a.

**(i) Limited Industrial - LI**

**(1) Maximum Density**  
Not Applicable

**(2) Minimum lot size**  
1 acre

**(3) Average lot size for all lots in a subdivision**  
Not Applicable

**(4) Setbacks**

Front 25 feet

Rear 10 feet from LC, GC, and LI zoning districts  
25 feet from all other zoning districts

Side 10 feet from LC, GC, and LI zoning districts  
25 feet from all other zoning districts

From waterfront 100 feet (See Section 19.12(b)(5)(iii))

**(5) Lot Width** 100 feet

**(6) Site Coverage and Landscaping\***

The maximum site coverage for all principal and accessory buildings and uses, not including automobile parking areas and access drives shall not be more than fifty (50) percent and at least twenty-five (25) percent of the site shall be landscaped in a manner acceptable to the Planning Commission.

For sites within the Critical Area see Section 19.12(b)(5)(vi)[c][1][i]a.

**(j) Special Setbacks from State Highway**

All setbacks from major state highways (Routes 50, 404, 333, 322, 33, 328, and 331) shall be increased to 150 feet in the RAC, RC and RR Districts, and shall be increased to fifty (50) feet in the VC, TR and LI Districts. Setbacks from all other state highways shall be increased to 100

feet in the RAC, RC and RR Districts and shall be increased to fifty (50) feet in the VC, TR, and LI Districts.\*

**(k) Special Front Yard Setbacks\***

In the RAC, RC, RR, TR and VC Districts the front yard setback for a new principal residential structure on an in-fill lot may be reduced to the average front yard 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.

**(l) Special Side Yard and Rear Yard Setbacks**

Side yard setbacks shall be doubled for structures on lots created after the effective date of this Ordinance in the VC or TR Districts that are adjacent to parcels or lots in the RAC, RC, or RR Districts that are two (2) acres or larger. In all zoning districts side and rear yard setbacks may be reduced by half for accessory residential storage structures that are 300 square feet or smaller.

**(m) Accessory Building Setback from Other Buildings**

No accessory building shall be located within ten (10) feet of any other building.

**(n) Lot Frontage**

The front of the lot shall be along the street from which the lot receives access. If there is more than one street access, then lot frontage shall be determined by the Planning Officer.

**(o) Lot Width**

Lot width shall be measured along a line parallel to the street frontage between the front and rear yard setback areas. Waterfront lot width shall be measured along a straight line drawn from the intersections of the side lot lines with the mean high water line. The width for lots with highly irregular water frontage shall be determined by the Planning Officer.

**(p) Corner Lots**

On corner lots created before the effective date of this Ordinance, the street side yard setback shall be one-half of the front yard setback provided the setback is sufficient to comply with the provisions of Section 19.10(u), Clear Vision Areas. Corner lots created after the effective date of this Ordinance shall comply with the required front yard setbacks for both street frontages.

**(q) Lot Access**

Lots in the RC, RR, and TR Districts that are five (5) acres or smaller and that are created through subdivisions (of more than two (2) lots) approved after the effective date of this

Ordinance shall not use any adjacent state highways for access. Access shall be achieved through use of County roads or private roads. The Planning Officer may agree to access to a state highway if no other reasonable alternative is available.

**(r) Lot Location in Critical Area**

Lots that are five (5) acres or smaller and that are created through subdivisions of property in the Critical Area and approved after August 13, 1989 shall be clustered. In clustering lots, the first priority shall be to minimize any alteration to Habitat Protection Areas described in the project's Habitat Protection Plan (Section 19.12(b)(5)(viii)) and the second priority shall be to minimize development activities on land that has been used for agricultural purposes within the two (2) years prior to the subdivision request.

**(s) Through Lots Between Streets and Alleys**

In the case of a through lot which lies between a street and an alley, a front yard setback shall be required from the street side of the lot and a rear yard setback shall be required from the alley side of the lot. No garage or accessory structure shall be located on such lots in a manner as to obstruct at any time access through the alley.

**(t) Front Yard Through Lots (double fronting lots)**

In any zoning district where a lot runs through a block from street to street, a front yard shall be established and a front yard setback shall be applied. A rear yard setback shall be applied for the remaining street fronting yard.

**(u) Clear-Vision Area on Corner Lots**

A clear-vision area shall be maintained on the corners of all property at the intersection of two (2) streets or a street and a railroad.

(1) A clear-vision area shall consist of a triangular area two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this Section, or, 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 (2) sides.

(2) A clear-vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half feet in height, measured from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight (8) feet above grade.

(3) The following measurements shall establish clear-vision areas:

(i) In RAC, RC, RR, TR and VC the minimum distance shall be twenty-five (25)

feet or, at intersections including an alley, ten (10) feet.

(ii) In LC, GC, and LI where yards are required, the minimum distance shall be fifteen (15) feet or, at intersections including an alley, ten (10) feet, except that when the angle of intersection between streets, other than an alley, is less than thirty (30) degrees, the distance shall be twenty-five (25) feet.

**(v) Structure to Have Access**

Every building hereafter constructed, located, enlarged, converted, or altered shall be on a parcel adjacent to a public street or road, or with access to an approved private street, and all structures shall be so located as to provide safe and convenient access for utility service and fire protection. Structures on islands are excluded from this provision.

**(w) Structures on Property Line of Contiguous Lots or Parcels Under Same Ownership\***

Where a structure(s) is constructed across the boundary line between two (2) contiguous lots or parcels which lots or parcels are under common ownership, such lots or parcels shall be treated as one lot or parcel for any future activities permitted under this Ordinance. Provided however, that should said structure(s) be removed, said lot or parcel shall revert to its pre-construction configuration, subject to all other then-applicable rules, laws and ordinances.

**(x) Structure Height**

**(1)** For all zoning districts, buildings or structures shall not exceed forty (40) feet in height above existing grade to the highest point, with the following exceptions:

(i) The following buildings or structures shall not exceed seventy-five (75) feet in height above existing grade before construction: belfries, chimneys, church spires, conveyors, private radio and television antennas. All required setbacks, for such buildings or structures exceeding forty (40) feet in height, shall be increased by at least one (1) foot for each foot of height of the building or structure over forty (40) feet.

(ii) The following buildings or structures shall not exceed 100 feet in height above existing grade before construction: elevator bulkheads, fire towers, hospitals, public or quasi-public buildings, schools, silos and public monuments. All required setbacks for such buildings or structures exceeding forty (40) feet in height, shall be increased by at least one foot for each foot of height of the building over forty (40) feet.

(iii) The following buildings or structures shall not exceed 200 feet in height above existing grade before construction; grain elevators and temporary drilling towers. Setbacks for such buildings or structures exceeding forty (40) feet in

height, shall be increased by at least one (1) foot for each foot of height of the building or structure over forty (40) feet.

(iv) Antenna towers for; radio and television broadcasting facilities, non-essential radio communications, and essential communications shall not exceed 200 feet in height above existing grade before construction. Setbacks for such towers shall be ten (10) feet greater than the height of the tower.

**(y) Parking**

Off-street parking and loading spaces shall be provided for any new building or use established, for any addition or enlargement of an existing building or use, or for any change of use of any building or the manner in which any use is conducted, subject to the following regulations:

(1) Facilities used for off-street parking and loading on the effective date of this Ordinance shall not be reduced in capacity to less than the number of spaces prescribed in this Section, or reduced in area to less than the minimum standards prescribed in this Section.

(2) For additions to or enlargements of any existing building or use, or any change of use or manner of operation that would increase the number of parking spaces required, the additional parking shall be required only for such addition, enlargement, or change and not for the entire building or use.

(3) All off-street parking and loading facilities required by this Section for five (5) or more vehicles shall be constructed and maintained in accord with the minimum standards for such facilities prescribed herein.

(4) If, in the application of the parking requirements of this Section, a fractional number is obtained, one (1) parking space shall be provided for a fraction of one-half or more, and no parking space shall be required for a fraction less than one-half. Where the loading requirements of this Section are based on units of floor area (square feet), the requirement shall apply to a major fraction of a unit of floor area but not to a minor fraction thereof.

(5) Corridors, malls, entrance ways, rest-rooms, office space up to ten (10) percent of a non-office structure, employee lounges, or similar areas in single use structures shall be included in any gross floor area (GFA) parking calculations for that use. Parking for mixed-use structures is determined by using the lowest standard applicable to any use comprising more than ten (10) percent of a non-office, warehouse or cold storage structure. Employee parking shall be calculated as the total number of employees on any one shift. Where caretaker residences are provided, required parking shall be calculated at single family residential standards.

(6) Where a structure or site contains multiple uses, parking requirements for each use shall be applied, unless it is shown to the satisfaction of the Planning Officer, that the

periods of primary parking space use associated with each activity inherently occur at different times. Examples of non conflicting use include offices (day use) and dwellings or hotels (evening use) or offices (weekday use) and churches (weekend use).

(7) 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 Officer, at a later date."

(8) Off-street parking spaces shall be provided in accord with the following Off-Street Parking Requirements. In cases not specifically covered by this Section, the Planning Officer shall have the authority to determine the parking requirements using this Section as a guide. GFA is defined as gross floor area.

Due to the particularities of any given development, the inflexible application of the parking standards set forth in Section 19.10(y) of this Ordinance may result in a development either with inadequate parking space or parking space far in excess of its needs. Therefore, the Planning Officer, after recommendation from the Planning Commission, may permit deviations from the requirements of Section 19.10(y) and may require more parking or less parking whenever it is found that such deviations are more likely to satisfy the standards set forth in Section 19.10(y) of this Ordinance.\*

**USE**

**SPACES REQUIRED**

**Agriculture**

Agricultural employee temporary housing	2 spaces per unit
Agricultural research facilities	1 space per 400 sq. ft. of GFA
Fish and game hatcheries	1 space per 400 sq. ft. of GFA
Grain processing, drying, storage, and wholesale (commercial)	1 space per 2 employees
Greenhouse and plant nursery (wholesale)	1 space per 400 sq. ft. of GFA
Greenhouse and plant nursery (retail)	1 space per 200 sq. ft. of GFA
Dairy barns, livestock feeding lots, poultry and hog houses and agricultural lagoons	No parking required
Produce stands	1 space per 200 sq. ft. of display and sales area*
Agricultural production activities including	No parking required

commercial livestock operations and timber harvesting

### **Residential**

Employee residence	2 spaces per residence
Guest residence	2 spaces per residence
Manufactured or mobile homes	2 spaces per residence
Dwelling units	2 spaces per residence
Accessory residential uses	No parking required, except 1 space per accessory apartment in the VC district

### **USE**

### **SPACES REQUIRED**

#### **Recreation**

Conservation Areas	No parking required
Ball courts or fields	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
Drive-in theaters	1 space per each car admitted
Golf courses and country clubs	3 spaces per hole plus spaces required for restaurant, lounge or other commercial facilities
Miniature golf	2 spaces per hole
Health club	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
Hunting blinds	No parking required
Parks and playgrounds	1 space per 10,000 sq. ft. of play field or other active recreation area, plus 1 space per acre of passive recreation area
Practice ranges for golf driving or batting	1 space per 10 linear feet of driving/batting line
Riding stables and horse boarding (commercial)	1 space per 4 stalls plus 1 space per 2,000 sq. ft. of riding area(s)
Skating rinks	1 space per 50 sq. ft. of rink area
Swimming pools	1 space per each 4 persons allowed by maximum design capacity
<b><u>USE</u></b>	<b><u>SPACES REQUIRED</u></b>
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
<b>Retail Sales</b>	
Automobiles, trucks, and recreational vehicles	1 space per 400 sq. ft. of GFA
Building supply and lumber yards with outside storage	1 space per 300 sq. ft. of GFA
Farm machinery and supplies	1 space per 300 sq. ft. of GFA
General retail	1 space per 200 sq. ft. of GFA
Monument and memorial stones	1 space per 200 sq. ft. of GFA
<b>Services</b>	
Animal hospital, services and boarding kennels	1 space per 200 sq. ft. of GFA
Car Washing	1 space per employee plus 6 spaces per

	bay
Fuel sales	1 space per employee plus 1 space per pumping nozzle
Broadcast facilities for radio and television	1 space per 500 sq. ft. of GFA
Building and landscaping contracting and maintenance	1 space per 400 sq. ft. of GFA
Funeral home and Crematoriums	1 space per 100 sq. ft. of GFA
Farm and marine equipment service and repairs	1 space per 500 sq. ft. of GFA
General services	1 space per 300 sq. ft. of GFA

**USE****SPACES REQUIRED**

Home occupations	Apply requirement of most similar use in this table in addition to parking required for residential use
Hotel, motel, inn	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
General professional services	1 space per 300 sq. ft. of GFA
Medical services including chiropractic medicine, clinics (medical or veterinary), dentistry, medicine, veterinary medicine	1 space per 150 sq. ft. of GFA
Restaurants, bars or nightclubs, excluding drive-through facilities	1 space per 100 sq. ft. of GFA
Restaurant with drive-through facilities	1 space per 75 sq. ft. of GFA plus 5 waiting spaces per drive-thru window
Temporary offices for on-site construction personnel	1 space per 300 sq. ft. of GFA
Vehicle and boat parking and storage	1 space per 5,000 sq. ft. of storage area

**Institutional**

Cemeteries, mausoleums and columbariums No parking required for humans and animals

Churches or temples	1 space per 4 individual seats, or 8 linear feet of bench seating, or 30 sq. ft. of principal auditorium whichever is greater
Clubs, lodges, fraternal societies	1 space per 300 sq. ft. of GFA
General community and cultural facilities	1 space per 400 sq. ft. of GFA

**USE****SPACES REQUIRED**

Auditorium	1 space per 4 individual seats, or per 8 linear feet of bench seating, or per 30 sq. ft. in the principal auditorium, whichever is greater
Recreation facilities	1 space per each 4 persons allowed under maximum design capacity
Day care, including family day care, small group day care and group day centers or facilities	1 space per employee plus 1 space per 8 clients or fraction thereof, minimum of 2 spaces
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
Government offices	1 space per 300 sq. ft. of GFA

Group homes	1 space per employee plus 1 space for each 4 residents or fraction thereof, minimum of 2 spaces
Rehabilitation residences	1 space per employee plus 1 space per each 4 residents or fraction thereof, minimum of 2 spaces
Hospital	3 spaces per bed or 1 space per each 150 sq. ft. of GFA, whichever is greater
Post Offices	1 space per 300 sq. ft. of GFA

**USE****SPACES REQUIRED**

Studios for instruction in art, music, dance, drama, crafts or physical education

1 space per employee plus 1 space per 300 sq. ft. of GFA

**Industrial**

Airports

1 space per 200 sq. ft. of GFA

Flammable liquid storage and wholesale distribution

1 space per 500 sq. ft. of GFA

Food packing and processing

1 space per 500 sq. ft. of GFA

Laboratories for scientific research and experimentation

1 space per 500 sq. ft. of GFA

Manufacturing operations

1 space per 400 sq. ft. of GFA

Mineral extraction activities

1 space per employee on the maximum shift plus 1 space per company vehicle

Paving material compounding

1 space per employee on the maximum shift plus 1 space per company vehicle

Storage of materials and equipment outside

1 space per 5,000 sq. ft. of storage area

Sawmills

1 space per employee on the maximum

	shift plus 1 space per company vehicle
Scrap metal processing	1 space per 2 employees plus 1 space per 400 sq. ft. of GFA
Trucking and freight stations	1 space per 5,000 sq. ft. of freight storage area
Wholesale business, storage and distribution, and other wholesale or retail operations	1 space per 500 sq. ft. of GFA

**USE****SPACES REQUIRED****Water Dependent Facilities**

Community piers and related boat facilities	1 space per 2 boat slips
Commercial marinas and piers	1 space per 2 boat slips, plus 1 space per 400 sq. ft. of GFA

**Utilities**

Sewage collection/treatment and disposal	3 spaces per facility
Solid waste collection and processing, junk yards and wrecking yards	1 space per 400 sq. ft. of GFA plus 1 space per 5,000 sq. ft. of storage area
Substation for electrical, natural gas or water transmission	3 spaces per facility
Water treatment	No parking required
Utility structures and services other than essential services	No parking required

**(9) Standards for off-street parking shall be as follows:**

- (i) Parking spaces, aisles, and turning areas shall be entirely within lot lines and shall not encroach on any road or other public right-of-way. No parked vehicle shall overhang any road or public right-of-way. Except for parking facilities serving single family residences and parking facilities accommodating fewer than four 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.

(ii) Vehicle accommodation areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.

(iii) The minimum dimensions of paved off-street parking facilities shall be as prescribed in the Off-Street Parking Dimension Requirements (Section 19.10(y)(9)(x)), except that a parking space located in a garage or carport shall not be less than twenty (20) feet in length and ten (10) feet in width. Dimensions for unpaved parking facilities shall be increased by ten (10) percent. Access drives in commercial or industrial districts shall have a minimum width of fifteen (15) feet to State or Federal highways or ten (10) feet to all other roads for posted one-way drives, or nineteen (19) feet respectively for two-way drives for a distance of not less than fifty (50) feet back from the highway right-of-way.

(iv) Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

(v) Each required parking space shall have unobstructed access from a road or alley, or from an aisle or drive connecting with a road or alley, without moving another vehicle.

(vi) Nonresidential parking areas, aisles, and access drives shall be compacted and paved or surfaced in conformity with County specifications so as to provide a durable surface and shall be so graded and drained as to dispose of surface water without damage to private or public property, roads, or alley, and shall conform to any additional standards for drainage prescribed in the Talbot County Stormwater Management Ordinance.

(vii) Parking spaces in areas surfaced in accordance with Section 19.10(y)(9)(iii) - (vi) shall be appropriately demarcated with painted lines or other markings.

(viii) No off-street parking space shall be located on a portion of the site which may be required to be left undisturbed or landscaped.

(ix) Vehicle accommodation areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, vehicle accommodation areas surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.

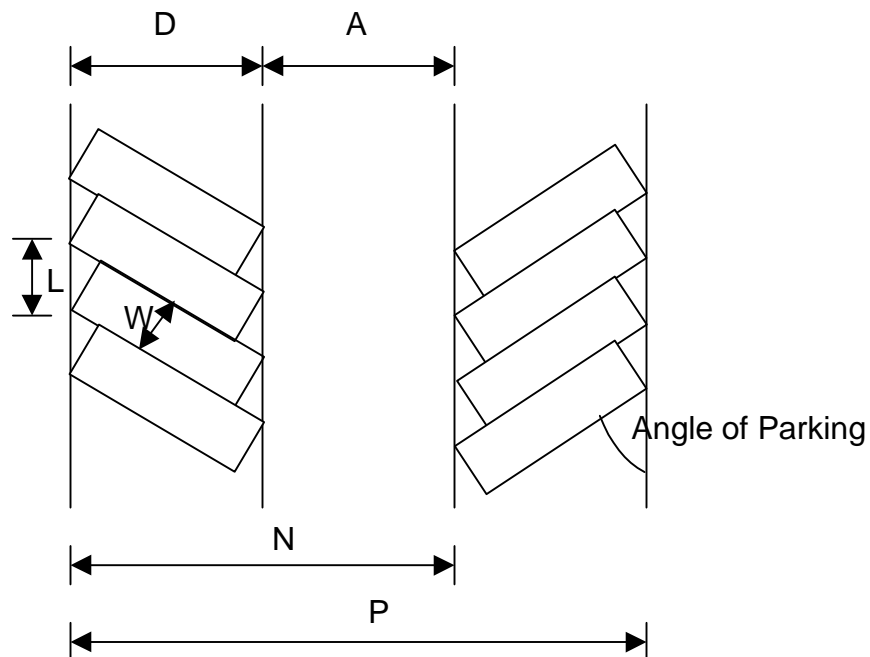
(x) Off-Street Parking Dimension Requirements

	W	L-Curb D		A		
Angle of	Stall	Length	Stall	Minimum		
Parking	Width	Per Car	Depth	Aisle Width	N	P

0 Degrees	9'	23'	9'	12'*	21'	30'
0 Degrees	10'	23'	10'	12'*	22'	32'
30 Degrees	9'	18'	17'4"	11'*	28'4"	45'8"
30 Degrees	10'	20'	18'3"	11'*	29'3"	47'6"
45 Degrees	9'	12'9"	19'10"	13'*	32'10"	52'8"

Angle of Parking	W Stall Width	L-Curb Length Per Car	D Stall Depth	A Minimum Aisle Width	N	P
45 Degrees	10'	14'2"	20'6"	13'*	33'6"	54'
60 Degrees	9'	10'5"	21'	18'*	39'	60'
60 Degrees	10'	11'6"	21'6"	18'*	39'6"	61'
90 Degrees	9'	9'	19'	24'	43'	62'
90 Degrees	10'	10'	19'	24'	43'	62'

\* For one-way aisles only; minimum width for two-way aisles shall be 19 feet



(xi) Parking areas may be required to be landscaped, in conformity with the following standards, as a condition of any site plan or subdivision approval.

[a] Landscaped borders not less than ten (10) feet in depth may be required at all edges of parking lots. Existing natural vegetation, if adequate, can be applied towards this requirement.

[b] All required landscaped areas shall be maintained.

(xii) Any exterior lighting shall be shielded so as not to shine directly on adjacent sites, public ways or rights-of-way. Lighting fixtures shall not exceed twenty (20) feet in height.

(xiii) Off-street loading berths shall be provided in accordance with the following:

[a] Whenever the normal operation of any use requires that goods, merchandise, or equipment be routinely delivered to or shipped from that use, a sufficient off-street loading and unloading area must be provided in accordance with this Section to accommodate the delivery or shipment operations in a safe and convenient manner.

[b] The loading and unloading areas must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the use in question. The following indicates the minimum number and size of spaces necessary to satisfy this requirement. However, the Planning Officer may require more or less loading and unloading area if reasonably necessary to satisfy this requirement.

[1] Structures or parts thereof having a gross floor area of 10,000 square feet or more shall be provided with a minimum of one off-street loading space.

[2] One additional such space shall be provided for each 20,000 square feet of gross floor area or major fraction thereof in excess of the first 10,000 square feet.

[c] Loading and unloading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way or any parking space or parking lot aisle.

[d] No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of

any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

[e] All off-street loading shall be located on the same lot as the use served.

[f] Each required loading berth space shall be not less than twelve (12) feet wide, forty-five (45) feet long, and if enclosed and/or covered, fourteen (14) feet high. Adequate turning and maneuvering space shall be provided within the access-ways or aisles.

[g] Access-ways not less than ten (10) feet or more than twenty (20) feet in width shall connect all loading berths to a public right-of-way. Such access-ways may coincide with access-ways to parking facilities.

**(z) Signs**

**(1) Permit Required for Signs**

(i) Except as otherwise provided in Sections 19.10(z)(2) (Signs Excluded from Regulation) and 19.10(z)(3) (Certain Temporary Signs: Permit Exceptions and Additional Regulations), no sign may be constructed, erected, moved, enlarged, illuminated or substantially altered except in accordance with the provisions of this Section. Mere repainting or changing the message of a sign shall not in, and of itself, be considered a substantial alteration.

(ii) If plans submitted for a special exception permit or site development plan include sign plans in sufficient detail that the permit-issuing authority can determine whether the proposed sign or signs comply with the provisions of this chapter, then approval of the requested special exception permit or site development plan shall constitute approval of the proposed sign or signs.

(iii) Signs not approved as provided in Subsection (ii) or exempted under the provisions referenced in Subsection (i) may be constructed, erected, moved, enlarged, illuminated or substantially altered only in accordance with a sign permit issued by the Planning Officer.

[a] Sign permit applications and sign permits shall be governed by the same provisions of this Ordinance as are applicable to special exception permits and site development plans.

[b] 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 individual business enterprise requesting a particular sign. The County may assist the owner by suggesting a formula whereby the maximum square footage of sign area allowed on the lot may be allocated equitably among all tenants, but the County shall be responsible for enforcing only the provisions of this Section and not the provisions of any allocation formula, lease, or other private restriction.

## (2) Signs Excluded From Regulation

The following signs are exempt from regulation under this Ordinance.

- (i) Signs not exceeding six (6) 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 posted on private property relating to private parking or warning the public against trespassing or danger from animals.
- (ii) Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, directional, or regulatory signs but not including state game signs or gas pricing signs.
- (iii) Official signs of a noncommercial nature erected by public utilities.
- (iv) Flags or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial operation or as an advertising device.
- (v) Signs that direct and guide traffic, either vehicular or pedestrian, to various locations upon the property on which a business is located. Such signs shall be located upon the same property as the business, shall not exceed four (4) square feet each, and shall bear no advertising matter. Examples of permitted signs include [1]"Deliveries in Rear",[2]"Customer Parking",[3]"Service Entrance".\*\*\*\*\*
- (vi) Church bulletin boards, church identification signs, and church directional signs that do not exceed one (1) per abutting street and sixteen (16) square feet in area and that are not internally illuminated.

In the Town Residential Zoning District abutting Route 50 freestanding church identification signs with a message center that have a total area of not more than

sixty (60) square feet per single side.\*\*\*\*\*

(vii) Signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as freestanding signs.

(viii) One sign identifying a home occupation provided that such sign shall not exceed six (6) square feet in area.

(ix) One property security system identification sign provided that such sign shall not exceed fifty (50) square inches in area. Further, all such signs existing at the effective date of this amendment which do not meet the size requirement shall be removed and brought into compliance by July 1, 1992.\*\*

(x) Political signs in any zoning district provided they are in compliance with the following standards:

[a] No political sign shall be erected on County owned property or County Road Right-of-Way.

[b] Before posting any political sign on private property, permission must be granted by the property owner or their representative.

[c] The size of political signs erected in the Rural Conservation, Rural Agricultural Conservation, Rural Residential and Town Residential zoning districts shall not exceed six (6) square feet in single side surface area per sign.

[d] The size of political signs erected in the Limited Commercial and Village Center zoning districts shall not exceed fifty (50) square feet in single side surface area per sign 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.

[e] The size of political signs erected in the Limited Commercial and Village Center zoning districts shall not exceed seventy-five (75) square feet in single side surface area per sign 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.

[f] The size of political signs erected in the General Commercial or Limited Industrial zoning districts shall not exceed 100 square feet in single side surface area per sign.

[g] Location and placement of political signs shall be in conformance with the State Highway Safety Manual.

[h] Lighting of political signs shall conform with Section 19.10(z)(11) of this Ordinance.

[i] No political signs shall be erected more than forty-five (45) days prior to an election.

[j] Unsuccessful candidates in the primary election must remove political signs within fifteen (15) days after a primary election. Successful candidates shall remove political signs after primary elections only if the general election is more than forty-five (45) days after the primary election.

[k] All political signs shall be removed within fifteen (15) days after general elections.

[l] Removal of signs under Subsections [j] and [k] herein shall be the joint and several responsibility of the candidate and property owner on whose land the sign is located.\*\*\*

### (3) Certain Temporary Signs: Permit Exemptions and Additional Regulations

(i) The following temporary signs are permitted without a special exception, sign permit, or site development plan. However, such signs shall conform to the requirements set forth below as well as all other applicable requirements of this Ordinance except those contained in Sections 19.10(z)(6) - (8).

[a] Signs containing the message that the real estate (including buildings) on which the sign is located is for sale, lease, or rent, together with information identifying the owner or agent. Each sign shall not exceed a total of four (4) 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 (6) square feet in area. All signs shall be removed within fourteen (14) days after sale, lease, or rental. For double fronting lots, corner lots, or waterfront lots, a single sign on each street frontage or water frontage may be erected.\*\*\*\*\*

[b] Construction site identification signs. 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. Not more than one such sign may be erected per site, and it may not exceed thirty-two (32) square feet in area. Such signs shall not be erected prior to the issuance of

a building permit and shall be removed within ten (10) days after the issuance of the final occupancy permit. For single family residential projects, one sign, not to exceed six (6) square feet in area, may be allowed.

[c] Signs attached temporarily to the interior of a building window or glass doors. Such signs, individually or collectively, may not cover more than fifty (50) percent of the surface area of the transparent portion of the window or door to which they are attached.

[d] Displays, including lighting, erected in connection with the observance of County, State, or Federally recognized holidays. Such signs shall be removed within 10 days following the holidays.

[e] Signs indicating that a special event such as a grand opening, fair, carnival, circus, festival, or similar event is to take place on the lot where the sign is located. 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. Such signs shall not exceed two (2) per event and thirty-two (32) square feet of sign area per sign.

[f] Signs identifying agricultural test plots shall not exceed four (4) square feet in area.

[g] Signs advertising produce stands. Each stand may have up to two (2) signs; one flat wall sign not to exceed fifty (50) square feet in area and one freestanding sign not to exceed thirty-two (32) square feet in area.

Produce stands located on property abutting US Route 50 shall be permitted two (2) signs, one (1) flat wall sign and one (1) freestanding sign, not to exceed a total surface area of eighty-two (82) square feet. The flat wall sign shall not exceed fifty (50) square feet in area and the freestanding sign shall not exceed sixty-four (64) square feet in area. Signs shall not be erected until April 15th and shall be removed by the end of the local produce season or no later than November 30th of each year.\*\*\*\*\*

[h] Temporary signs not covered in the foregoing categories, so long as such signs meet the following restrictions:

[1] Not more than one (1) such sign may be located on any lot.

[2] No such sign may exceed four (4) square feet in surface area.

[3] Such sign may not be displaced for longer than three (3) consecutive days nor more than ten (10) days out of any 365-day period.

(ii) 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.

#### (4) Determining Number of Signs

(i) For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device 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 single sign.

(ii) A two-sided or multi-sided sign shall be regarded as one sign so long as:

[a] With respect to a V-type sign, the two sides are at no point separated by a distance that exceeds five (5) feet; and

[b] With respect to double faced (back to back) signs, the distance between the backs of each face of the sign does not exceed three (3) feet.

#### (5) Computation of Sign Area

(i) The surface area of a sign shall be computed by including the entire area within a single, continuous, perimeter enclosing the extreme limits of the lettering, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.

(ii) If the sign consists of more than one (1) section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign area.

(iii) With respect to two-sided, multi-sided, or three-dimensional signs, the sign surface area shall be computed by including the total of all sides designed to

attract attention or communicate information that can be seen at any one time by a person from one vantage point.

**(6) Wall Sign Surface Area**

(i) Unless otherwise provided in this Subtitle, the total wall sign surface area on any lot shall not exceed the limitations set forth in this Section, and all signs except temporary signs shall be included in this calculation.

(ii) In the Village Center or Limited Commercial zoning districts, the maximum wall sign surface area on any lot fronting on one street shall be seventy-five (75) square feet for lots with less than 200 lineal feet of street frontage; 100 square feet for lots with at least 200 lineal feet of street frontage but less than 600 lineal feet, and 200 square feet for lots with 600 or more lineal feet of street frontage. For commercial or industrial uses in the RAC District, the maximum wall sign surface area shall not exceed seventy-five (75) square feet for lots fronting one street. The maximum wall sign surface area for nonconforming commercial or industrial uses in the TR, RR, RC, and RAC zoning districts shall not exceed fifty (50) square feet for lots fronting one street.\*/\*\*\*\*\*

(iii) The maximum wall sign surface area permitted on any lot in the General Commercial or Limited Industrial zoning districts fronting on one street shall not exceed 200 square feet.

(iv) If a lot has frontage on more than one (1) street, then the total sign surface area permitted shall not exceed 1.5 times the maximum wall sign area permitted for lots fronting on one street. The total wall sign surface area that is oriented toward a particular street may not exceed the maximum wall sign area permitted for a lot fronting on one street.\*\*\*\*\*

(v) Whenever a lot is situated such that it has no street frontage on any lot boundary and an applicant desires to install on such a lot a sign that is oriented toward a street, then the total wall sign surface area permitted on that lot shall be the wall sign surface area that would be allowed if the lot was fronting on a single street.

(vi) The sign surface area of any sign located on a wall of a structure may not exceed fifty (50) percent of the total surface area of the wall on which the sign is located.

(vii) A maximum of 200 square feet of wall sign surface area shall be allowed on public buildings and structures, abutting State Highways, erected on real property owned and/or leased by Talbot County.\*\*\*\*\*

(viii) Wall sign surface area may be increased ten (10) percent for each one-hundred (100) foot increment of front setback measured from the front property line to the principal building on the premises.

**(7) Freestanding Sign Surface Area**

(i) For purposes of this Section, a side of a freestanding sign is any plane or flat surface included in the calculation of the total sign surface area as provided in Section 19.10(z)(5). For example, wall signs typically have one side. Freestanding signs typically have two (2) sides (back-to-back), although four-sided and other multi-sided signs are also common.

(ii) In a Village Center or Limited Commercial zoning districts or for commercial and industrial uses in the RAC zoning district, a single side of a freestanding sign shall not exceed fifty (50) square feet in surface area if the lot on which the sign is located has less than 200 feet of frontage on the street toward which that sign is primarily oriented and seventy-five (75) square feet on lots with 200 or more feet of frontage. For nonconforming commercial or industrial uses in the TR, RR, RC and RAC zoning districts, a single side of a freestanding sign shall not exceed fifty (50) square feet in surface area.\*/\*\*\*\*

(iii) In the General Commercial or Limited Industrial zoning districts, where one (1) freestanding sign is allowed, a single side shall not exceed one-hundred (100) square feet. Where two (2) freestanding signs are allowed, the total sign surface area of the four (4) single sides shall not exceed 200 square feet, and no single side shall exceed fifty (50) square feet. Where three (3) freestanding signs are allowed, the total sign surface area of the six (6) sides shall not exceed 300 square feet and no single side shall exceed fifty (50) square feet. In shopping malls, plazas, and structures with multiple businesses, the total sign surface area shall not exceed 300 square feet, no single side shall exceed 150 square feet and only one (1) sign shall be allowed.\*\*\*\*\*

(iv) With respect to freestanding signs that have no discernible sides, such as spheres or other shapes not composed of flat planes, no such freestanding sign may exceed the maximum total surface area allowed under Subsections (ii) or (iii) for a single side of a freestanding sign.

**(8) Number of Freestanding Signs**

(i) In the Village Center and Limited Commercial zoning districts or for commercial and industrial uses in the TR, RR, RC and RAC zoning districts, no development may have more than one (1) freestanding sign.\*/\*\*\*\*

(ii) In the General Commercial or Limited Industrial zoning districts, a development may have one (1) freestanding sign if the lot on which the sign is

located has less than 200 feet of frontage on a public street; two (2) freestanding signs on a lot with 200 or more feet but less than 600 feet of frontage on a public street; and three (3) freestanding signs on a lot with 600 or more feet of frontage on a public street. Shopping malls, plazas and structures with multiple businesses are limited to one (1) freestanding sign. In no case shall a lot have more than three (3) freestanding signs.\*\*\*\*\*

**(9) Subdivision and Multi-family Development Entrance Signs**

At any entrance to a residential subdivision or multifamily development, there may be not more than one (1) sign identifying such subdivision or development. A single side of any such sign may not exceed four (4) square feet per lot or unit with a maximum size not to exceed thirty-two (32) square feet.

**(10) Location and Height Requirements**

(i) No sign may extend above any parapet or be placed upon or above any roof surface, except that for purposes of this Section, roof surfaces constructed at an angle of seventy-five (75) degrees or more from horizontal shall be regarded as wall space. 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.

(ii) No sign attached to a building may project more than three (3) feet from the building wall.

(iii) No sign or supporting structure may be located in or over any portion of a public right-of-way.

(iv) No part of a freestanding sign shall exceed a height of twenty (20) feet measured from ground level.

(v) Signs in the Village Center, Limited Commercial, General Commercial and Limited Industrial zoning districts or for nonconforming commercial or industrial uses in the Rural Conservation and Rural Agricultural Conservation zoning districts may be located in the required setback area for the affected yard in the zone in which the sign is to be located.\*/\*\*\*\*\*

**(11) Sign Illumination and Signs Containing Lights**

(i) 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 right-of-way or premises.

(ii) Signs may be backlit provided the lighting source is adequately diffused as determined by the Planning Officer.

(iii) No sign within one 150 feet of a residential zone may be illuminated between the hours of 11 p.m. and 6 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 Officer.

(iv) Subject to Subsection (vi) illuminated tubings or strings of lights that outline property lines, sales areas, roof lines, doors, windows, or similar areas are prohibited.

(v) Subject to Subsection (vi), 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.

(vi) Subsections (iv) and (v) do not apply to temporary signs erected in connection with the observance of County, State, or Federally recognized holidays.

## **(12) Miscellaneous Restrictions and Prohibitions**

(i) No off-premises signs except those exempted from regulation or from permit requirements under Sections 19.10(z)(2) or (3) may be located in any zoning district.

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

(iii) Signs that revolve or are animated or that utilize movement or apparent movement to attract the attention of the public are prohibited. Banners, streamers, animated display boards, pennants, and propellers are prohibited, but signs that only move occasionally because of wind are not prohibited if their movement [1] is not a primary design feature of the sign, and [2] is not intended to attract attention to the sign. The restriction of this subsection shall not apply to signs specified in Section 19.10(z)(2)(iv) or to signs indicating the time, date, or weather conditions.

(iv) No sign may be erected so that by its location, color, size, shape, nature, or message it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.

(v) Freestanding signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is virtually no danger that either the sign or the supportive structure may be moved by the wind or other forces of

nature and cause injury to persons or property.

**(13) Maintenance of Signs**

(i) All signs and all components thereof, including without limitation supports, braces, and anchors, shall be kept in a state of good repair.

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

(iii) 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 thirty (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. This subsection shall not be construed to alter the effect of Section 19.10(z)(15)(iii), which prohibits the replacement of a nonconforming sign. Nor shall this subsection be construed to prevent the changing of the message of a sign.

**(14) Signs: Unlawful Cutting of Trees or Shrubs**

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

(i) Within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of Talbot County or the State of Maryland.

(ii) 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.

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

**(15) Nonconforming Signs**

(i) Subject to the remaining restrictions of this Section, nonconforming signs that were otherwise lawful on the effective date of this Ordinance may be continued until they are required to be removed under Section 19.10(z)(16).

(ii) 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.

(iii) A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Ordinance.

(iv) 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 Ordinance, 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 fifty (50) percent of its present value.

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

(vi) 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 (12) month period fifty (50) percent of the value (tax value if listed for tax purposes) of such sign.

(vii) If a nonconforming sign other than a billboard advertises a business, service, commodity, accommodation, attraction, 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 thirty (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.

(viii) If a nonconforming billboard remains blank for a continuous period of 180 days, that billboard shall be deemed abandoned and shall, within thirty (30) days after such abandonment, be altered to comply with this Ordinance or be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign. For purposes of this Section, a sign is "blank" if:

[a] It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted; or

[b] The advertising message it displays becomes illegible in whole or substantial part, as determined by the Planning Officer; or

[c] The advertising copy paid for by a party other than the sign owner or promoting an interest other than the rental of the sign has been removed.

(ix) As soon as reasonably possible after the effective date of this Ordinance, the Planning Officer shall make every reasonable effort to identify all the nonconforming signs within the County's planning jurisdiction. He shall then contact the person responsible for each such sign (as well as the owner of the property where the nonconforming sign is located, if different from than former) and inform such person, that the sign is nonconforming, how it is nonconforming, what must be done to correct it and by what date, and the consequences of failure to make the necessary corrections. The Planning Officer shall keep complete records of all correspondence, communications, and other actions taken with respect to such nonconforming signs.

**(16) Amortization of Nonconforming Signs**

(i) Subject to the remaining Subsections of this Section, a nonconforming sign that exceeds the height, size, or spacing limitations by more than ten (10) percent or that is nonconforming in some other way shall, within three (3) years after the effective date of this Ordinance, be altered to comply with the provisions of this Ordinance or be removed. All existing billboards shall be removed within two (2) years of the effective date of this Ordinance. The removal of any off-premise advertising signs shall be subject to the requirements of the Annotated Code of Maryland Article 25 Section 122E., Compensation For Removed Outdoor Advertising Sign. All on-premise freestanding signs existing at the effective date of this Ordinance which have nonconforming setbacks shall be permitted to remain in their existing location subject to the provisions of Sections 19.10(z)(15)(ii), (iii), (iv), (v), (vi) and (vii).\*

(ii) If the nonconformity consists of too many freestanding signs on a single lot or an excess of total sign area on a single lot, the person responsible for the violation may determine which sign or signs need to be altered or removed to bring the development into conformity with the provisions of this Ordinance.

(iii) The following types of nonconforming signs or signs that are nonconforming in any of the following ways shall be altered to comply with the provisions of this Ordinance or be removed within ninety (90) days after the effective date of this Ordinance:

[a] Portable signs and temporary signs.

[b] Signs that are in violation of Sections 19.10(z)(11) or 19.10(z)(12)(ii), (iii) or (iv).

**(aa) Noise Standards**

Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute (ANSI S1.4-1961) "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. Measurements shall be conducted in accord with ANSI S1.2-1962 "American Standard Method for the Physical Measurements of Sound". Measurements may be made at any point along a district boundary or site boundary line.

Noises of vehicles, 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.

Noises shall not exceed the maximum sound levels prescribed in the following table beyond the site boundary lines except that in LC, GC or LI districts abutting an RAC, RC, RR, TR or VC district the fifty-five (55) dba standard shall apply.

All uses shall conform to the following standards:

**NOISE LEVEL RESTRICTIONS**

<u>Zoning District</u>	<u>Maximum Permitted Sound Level</u>
RAC, RC, RR, TR, VC	55 dba
LC, GC and LI	65 dba

The levels prescribed above may be exceeded by ten (10) dba for a single period, not to exceed fifteen (15) minutes in any one day, except in RAC, RC, RR, TR or VC districts. For the purposes of this Section, impact noises are those noises whose peak values are more than six (6) 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 (b), increased by ten (10) dba, shall govern except in RAC, RC, RR, TR or VC districts.

**(bb) Lighting**

In all zones lighting uses shall conform to following standards:

- (1) Any operation or activity producing light shall be conducted so that direct or indirect illumination from the source shall not cause excessive illumination beyond any site boundary.
- (2) Flickering and intrinsically bright sources of illumination shall be controlled by shielding or aiming the light source away from roads and neighboring properties.

(3) 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 seventy-five (75) feet away from the pier, dock or wharf at a height greater than four (4) feet above mean low water.

**(cc) Fencing for Pools**

In all zoning districts on lots less than one (1) acre in size, in-ground and above ground swimming pools shall be enclosed by a fence or wall measuring no less than four (4) feet in height.

**(dd) Floodplain Management Regulations**

See Chapter 20 of the Talbot County Code.

**(ee) Stormwater Management Regulations**

See Chapter 16A of the Talbot County Code.

**(ff) Environmental Design Standards for Sensitive Areas (Non-Critical Area)**

**(1) Stream Buffer**

(i) A one-hundred (100) foot buffer from all perennial streams and a fifty (50) foot buffer from intermittent streams shall be required for all development activity. The buffer shall be measured from the edge of the streambank.

(ii) In the case of contiguous slopes of fifteen (15) percent or greater, (measured from the edge of the stream bank to the edge of the buffer, along a line perpendicular to the stream), the buffer shall be expanded four (4) feet for every one (1) percent of slope or to the top of the slope, whichever is greater in extent.

(iii) Permanent or temporary stormwater and/or sediment control devices shall not be permitted in the buffer, unless no feasible alternative exists, or unless the Soil Conservation District finds that the devices are consistent with best management practices.

(iv) Existing structures located within the stream buffer, as of the effective date of this amendment, may be altered, repaired, or expanded along the established stream setback. All new structures shall comply with the buffer requirements.

(v) When at least fifty (50) percent of the lot area is located within the required stream buffer, the Planning Officer may allow structures within the stream buffer when no practical or feasible alternative exists for locating such structures outside the buffer, the disturbances proposed are the minimum necessary, and the lot or parcel was recorded prior to the effective date of this amendment.

(vi) The following additional uses or activities shall be permitted within the stream buffer:

[a] Agricultural practices, consistent with an approved soil conservation and water quality plan and/or nutrient management plan;

[b] Forestry or timber harvesting, subject to an approved Forest Management Plan;

[c] Transportation facilities (e.g., road crossings), utility transmission lines, sewer and water lines, and stormwater management facilities, when no practical or feasible alternative exists for locating such structures outside the buffer, and the disturbances proposed are the minimum necessary for such facilities;

[d] Other public or community facilities, provided no practical or feasible alternative exists and the disturbances proposed are the minimum necessary; and

[e] Practices or activities to maintain the health of individual trees.

**(2) Threatened and Endangered Species Habitat Protection**

(i) All development activity proposed in locations which have been identified by the Maryland Department of Natural Resources as habitat of threatened and endangered species shall develop a Habitat Protection Plan. The 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.

(ii) The Plan shall be reviewed by the Maryland Forest, Park and Wildlife Service and their comments shall be forwarded to the County Planning Office within thirty (30) days of the Plan's submission to them for review.

(iii) If necessary, the Planning Officer shall inform the Planning Commission of any comments received and shall advise the Planning Commission concerning any recommendations for changes to the Habitat Protection Plan.

(iv) The Planning Commission shall determine which recommended protection measures shall be made a condition of approval. Such measures may include, but shall not be limited to:

[a] Restrictions on siting of structures;

- [b] Establishment of undisturbed open space areas;
- [c] Restricted covenants; and
- [d] Restrictions on noise levels and timing of construction activities.

[\*Amendment, Bill 459 - Effective November 9, 1991]  
 [\*\*Amendment, Bill 465 - Effective March 28, 1992]  
 [\*\*\*Amendment, Bill 478 - Effective April 25, 1992]  
 [\*\*\*\*Amendment, Bill 479 - Effective June 13, 1992]  
 [\*\*\*\*\*Amendment, Bill 517 - Effective January 22, 1994]  
 [\*\*\*\*\*Amendment, Bill 518 - Effective January 22, 1994]  
 [\*\*\*\*\*Amendment, Bill 537 - Effective August 27, 1994]  
 [\*\*\*\*\*Amendment, Bill 557 - Effective November 12, 1994]  
 [\*\*\*\*\*Amendment, Bill 563 - Effective April 1, 1995]  
 [\*\*\*\*\*Amendment, Bill 571 - Effective June 10, 1995]  
 [\*\*\*\*\*Amendment, Bill 573 - Effective July 8, 1995]  
 [\*\*\*\*\*Amendment, Bill 534 - Effective June 25, 1994]  
 [\*\*\*\*\*Amendment, Bill 519 - Effective January 23, 1994]  
 [\*\*\*\*\*Amendment, Bill 664 - Effective May 9, 1998]  
 [\*\*\*\*\*Amendment, Bill 685 - Effective October 24, 1998]  
 [\*\*\*\*\*Amendment, Bill 689 - Effective December 26, 1998]