



Critical Area Commission Panel Public Hearing –  
November 29, 2018, 6:30PM  
Talbot County Community Center-Wye Oak Room

Talbot County Bill 1401—Zoning, Subdivision and  
Land Development Ordinance

# Purposes of Code Update

- ❑ Key step in 2016 Comprehensive Plan implementation
  - Adoption of village boundary modifications.
  - Implementing village planning policies and community character goals.
  
- ❑ Chapter 190 revisions needed for other reasons:
  - Improve clarity, ease of reading;
  - Conform to changes to State regulations and policies;
  - Improve the regulations based on “lessons learned”;
  - Improve procedures;
  - Improve quality of new development;
  - Improve environmental protection, especially water quality;
  - Responding to changing and emerging land use trends.
  
- ❑ Blue Ribbon Committee recommendations



# NextStep190 Code Update

- ❑ First Kick off meeting in November 2016
  - ❑ Over 75 events or meetings
  - ❑ Approximately 50 publicly advertised outreach efforts, with over 30 open for public participation and comment
  - ❑ Meetings were held in Easton, St. Michaels, Tilghman, Cordova and 13 other villages
  
- ❑ Webpage: [www.NextStep190.com](http://www.NextStep190.com)
- ❑ Email: [TalbotNextStep190@gmail.com](mailto:TalbotNextStep190@gmail.com)



# Critical Area Amendments

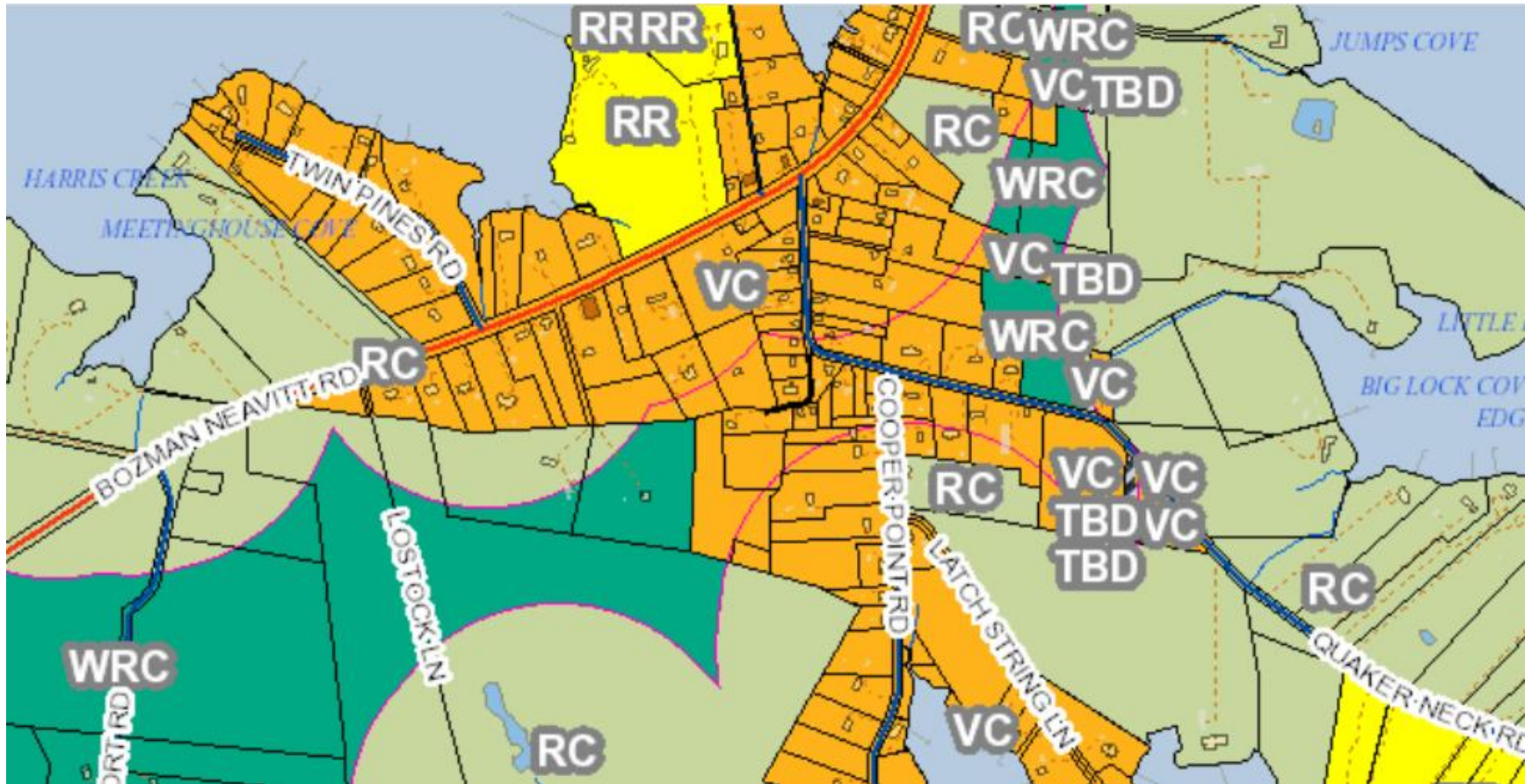
- Critical Area Overlay District (CAO)
- Criteria for LDA and IDA Lands
- Comprehensive or Sectional Map Amendments
- Forest and Developed Woodland Standards
- Buffer Expansion with Steep Slopes
- Buffer Establishment
- Conservation Uses
- Nonconforming (in-kind replacement)
- Terms Defined-Buffer Establishment Definition

# CRITICAL AREA OVERLAY ZONING

RC Critical Area Zoning District (RCA)

WRC Non-Critical Area Zoning District

VC both CA and NCA Zoning District (LDA)



# Criteria for IDA

## § 190-15.3.1

3. The following standards apply to any new or expanded IDA:
  - a. A new IDA shall be located within an LDA or adjacent to an existing IDA. An IDA shall encompass at least 20 acres, except as provided in Subsection 3.b below.
  - b. A new IDA may be less than 20 acres only if:
    - i. The area is served by public sewer;
    - ii. The proposed IDA would be for the purpose of allowing land uses consistent with Comprehensive Plan goals;
    - iii. The Comprehensive Plan land use policies for the particular location support development with density or intensity suitable for an IDA;
    - iv. The IDA would have overall economic benefit for the community; and,
    - v. The IDA designation will support the established character of a community and provide for suitable infill and redevelopment.



# Criteria for LDA

## § 190-15.3.1

4. The following standards apply to any new or expanded LDA:
  - a. LDAs should be located in areas conforming to at least one of the following criteria:
    - i. Housing density ranging from one dwelling unit per 5 acres up to four dwelling units per acre;
    - ii. Areas not dominated by agriculture, wetland, forest, barren land, surface water, or open space;
    - iii. Areas with characteristics suitable for an IDA, but having less than 20 acres; or,
    - iv. Areas having public sewer, public water, or both.
  - b. A new LDA shall be adjacent to an existing LDA or an existing IDA except as provided in Subsection 4.c below.
  - c. A new LDA may be located nonadjacent to an existing LDA or IDA only if:
    - i. The proposed revision would be for the purpose of allowing land uses consistent with Comprehensive Plan goals;
    - ii. The Comprehensive Plan land use policies for the particular location support development with density or intensity suitable for an IDA or LDA;
    - iii. The area would have overall economic benefit for the community; and,
    - iv. The area designation will support the established character of a community and provide for suitable infill and redevelopment.

# Comprehensive or Sectional Map Amendment Summary § 190-15.3.J

## Summary of J. COMPREHENSIVE OR SECTIONAL ZONING MAP AMENDMENT

A new IDA: Shall meet the adjacency standards or may include areas of less than 20 acres if the standards under § 190-15.3.l.3.b are met.

A new LDA: Shall meet at least one of the conforming location standards; and, shall be adjacent to an existing LDA or an existing IDA, or shall meet the nonadjacency standards as listed in §190-15.3.l.4.c.

New LDA or IDA in the RCA shall be located at least 300 feet beyond the landward edge of tidal wetlands or tidal waters.





# Comprehensive or Sectional Map Amendment Summary § 190-15.3.J

3. Considerations for reclassifying Critical Area land management designations from less intense to more intense land management designations:
  - a. Consistency with comprehensive plan goals and objectives;
  - b. Consistency with environmental protection policies concerning the protection of threatened and endangered species;
  - c. Impacts on a priority preservation area;
  - d. Environmental impacts;
  - e. Location in a manner that:
    - i. Minimizes impacts to habitat protection areas;
    - ii. Optimizes benefits to water quality; and,
    - iii. Minimizes impacts to agricultural land and forests.
  - f. Served by a public wastewater system or septic system that uses the best available nitrogen removal technology; and



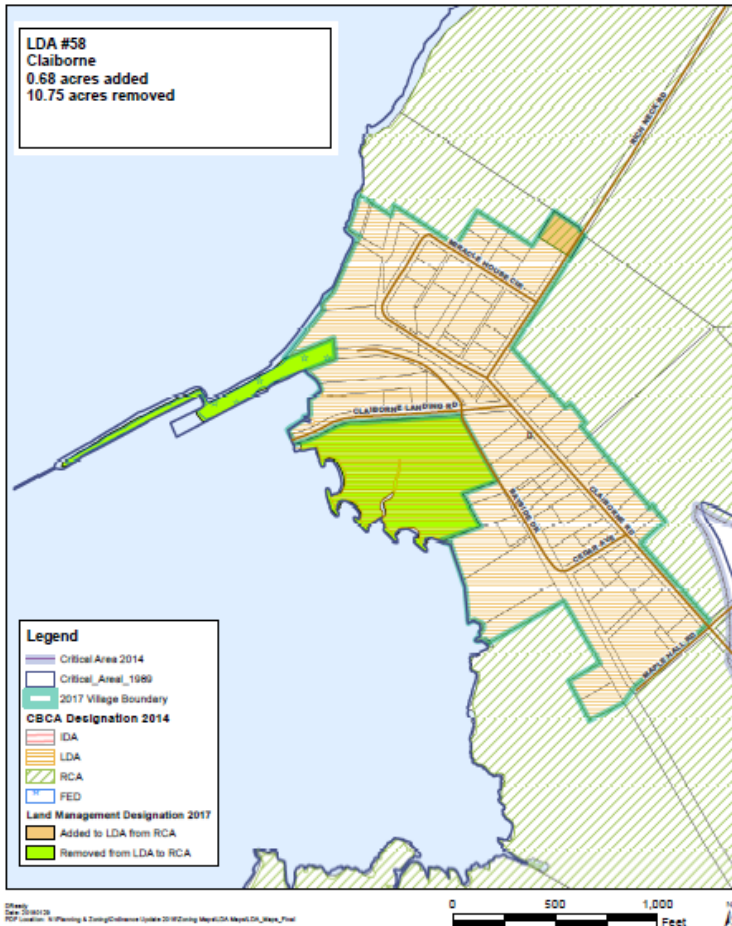
# Comprehensive or Sectional Map Amendment Summary § 190-15.3.J

- If reclassification from more intense land management designations to RCA, consistent with the purposes listed under §190-15.3.E.
- Growth allocation-deduct if less to more intense, 5% addition for more intense to RCA.
- Compliance with growth allocation process.

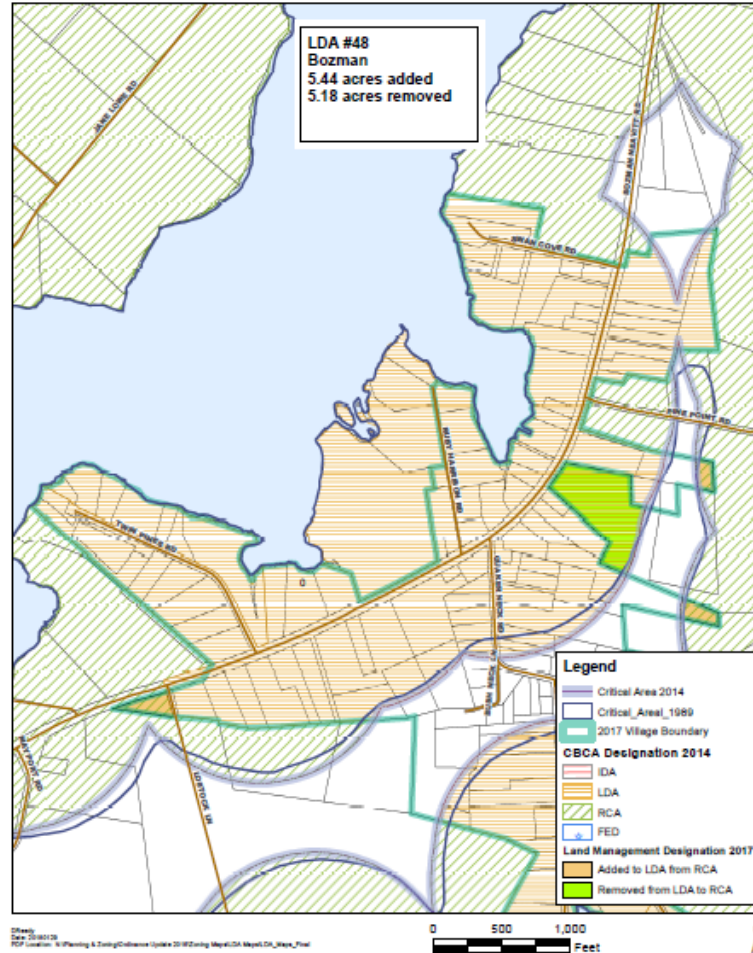


# Comprehensive Rezoning

CBCA LDA Designation Amendment, Talbot County



CBCA LDA Designation Amendment, Talbot County



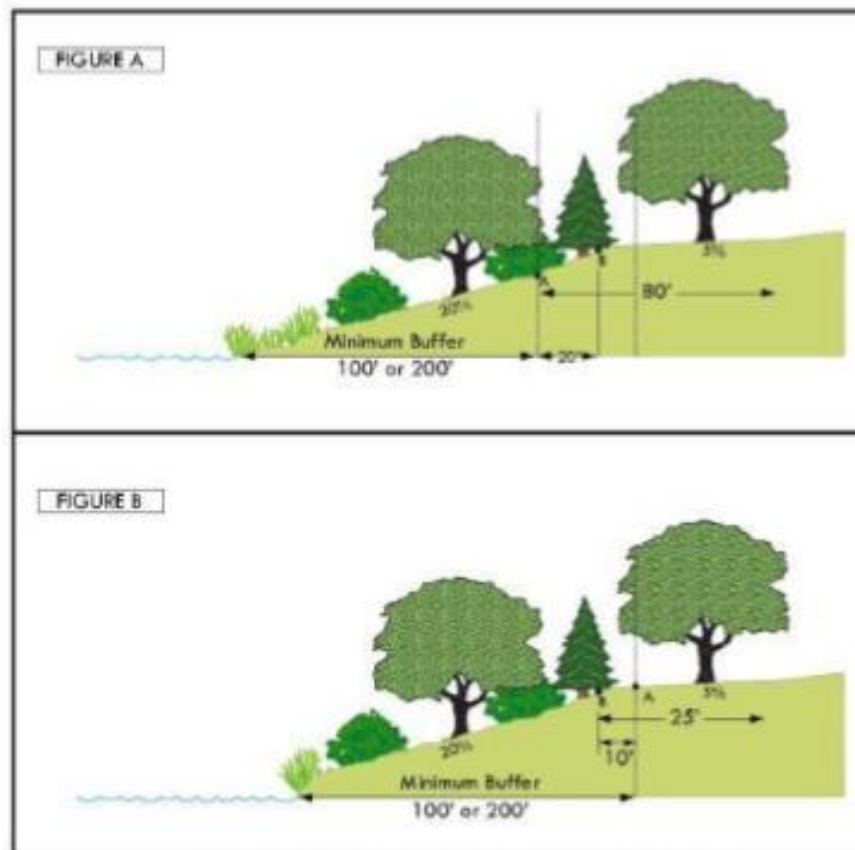
# Developed Woodland and Forests

## §190.15.6.A.e

e. Except for lots less than one acre, clearing more than 30% of any forest or developed woodland is prohibited unless authorized under a variance. See §190-58 for variance procedures. Lots less than one acre are exempt from clearing limits, provided that mitigation or fee-in-lieu are provided at 1.5 times the entire area of forest or developed woodland being removed.



**BUFFER EXPANSION (CA)** An expansion of a required Shoreline Development Buffer or stream buffer as specified in §19015.11.B (Critical Area) and §190-37.1 (non-Critical Area) due to the presence of: A. Slopes 15% or greater (See Figures A and B below). Where steep slopes are within or adjacent to the Shoreline Development Buffer or required stream buffer, the buffer shall be expanded four feet for every 1% of slope beyond the required buffer or 25 feet from top of slope, whichever is greater. B. Wetlands, hydric soils or highly erodible soils.



**DETERMINATION OF EXPANDED BUFFER**

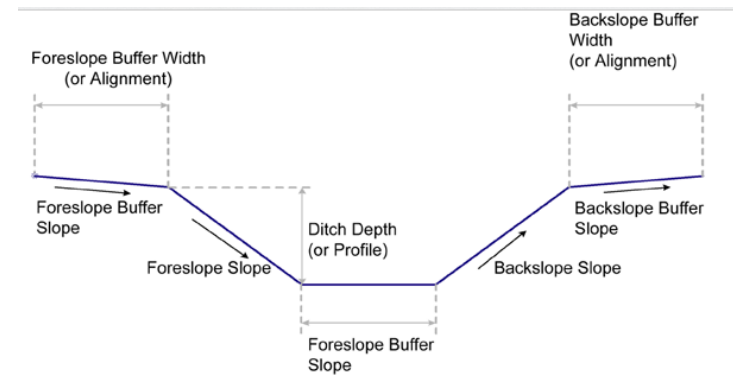
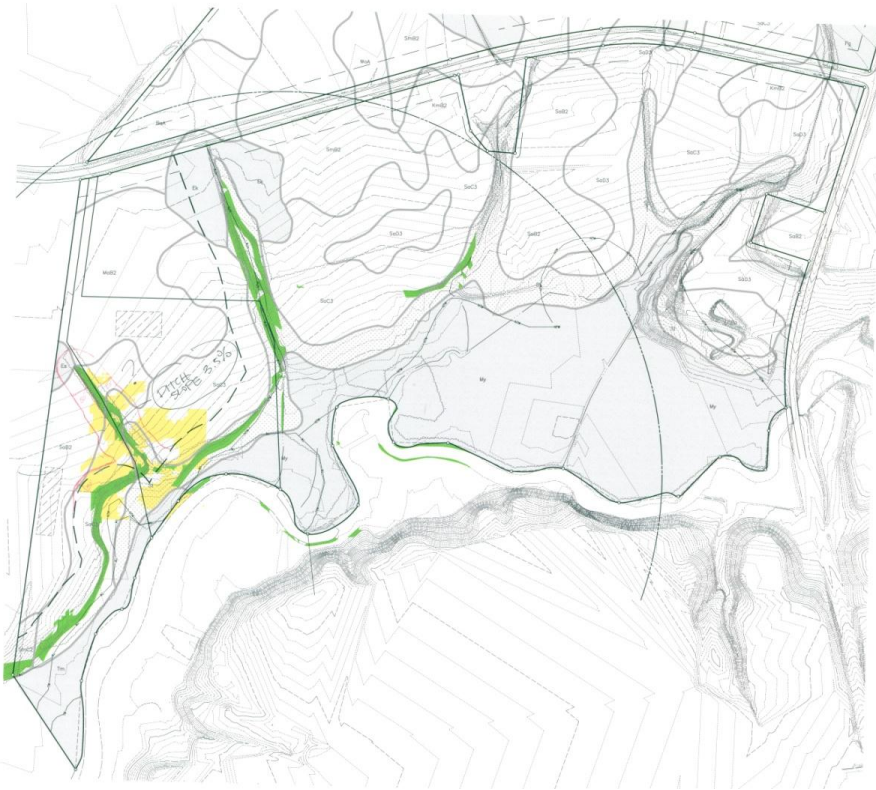
# Buffer Expansion with Steep Slopes

## §15-11.B.5

- c. The Planning Commission may approve a buffer expansion limited to 25 feet from the top of the slope, even if greater expansion would be required based on the Subsection b above, if the Planning Commission determines that the slope has one or more of the following characteristics:
- i. Steep slopes less than 10 feet in width, such as agricultural ditches;
  - ii. Steep slopes that are isolated and less than 10,000 square feet in area, irrespective of property lines;
  - iii. Steep slopes with width of less than 25 feet where the slope crosses the 100-foot Buffer boundary; or,
  - iv. Similar characteristics exists that result in a narrow and/or isolated area of steep slopes.



# Agricultural Ditches with Steep Slopes



# Buffer Establishment §15-11.D

**TABLE III-5. SHORELINE DEVELOPMENT BUFFER ESTABLISHMENT REQUIREMENTS**

DEVELOPMENT CATEGORY	LOT CREATED BEFORE 8/13/89	LOT CREATED AFTER 8/13/89
Development on a vacant lot	Establish an area of the Buffer equal to the total square footage of lot coverage outside the Buffer	Fully establish the Buffer
Subdivision	Fully establish the Buffer	
New lot with an existing dwelling unit	Establish an area of the Buffer equal to the total square footage of lot coverage outside the Buffer	
Conversion of a land use on a parcel or lot to another land use	Fully establish the Buffer	
Construction of an addition, accessory structure, or redevelopment	Establish an area of the Buffer equal to the net square footage increase in lot coverage outside the Buffer	
Substantial alteration to an existing structure	Establish an area of the Buffer equal to the total square footage of lot coverage outside the Buffer	





# Buffer Establishment

## 190-15.11.D.6

6. When the establishment requirement is based on the total square footage of lot coverage located outside of the Buffer:
  - a. At least 50% of the Buffer establishment requirement shall be located within the first 100-feet and the remainder of the requirement may be within 300-feet (as measured landward from the edge of tidal waters or the upland boundary of tidal wetlands). Plantings shall be designed in a manner that provides water quality and habitat benefits.
  - b. At least half of the canopy and understory tree requirement shall be located within the 100-foot Buffer and in accordance with Table III-8.



# Buffer Establishment

## 190.15.11.F.8

### 8. Increased Proportion of Shrubs and Perennials.

The percentage of shrubs or herbaceous perennials required by Table III-9, for the landscape stock component of Buffer establishment, may be increased:

- a. If the Buffer has existing canopy coverage of at least 50%; or,
- b. If site constraints preclude canopy planting, including severely eroding slopes, salt water intrusion, predominately sandy soils, or unconsolidated fill; or,
- c. To allow Buffer planting in shrubs and herbaceous perennials, rather than trees, within an area no wider than 15 feet located immediately adjacent to a marsh creation.



# Conservation Uses

## §28.11. CONSERVATION AREAS (PUBLIC OR PRIVATE)

- A. Includes arboretums, bird sanctuaries, demonstration forests, hunting preserves, reforestation areas, wildlife reservations and regulated hunting areas.
- B. May be open to the public for hunting or passive recreation such as walking, bicycling or boating.
- C. May include accessory offices, visitor information and storage structures.
- D. Does not include active recreation facilities (athletic fields, playgrounds).



# Conservation Uses

## 28.12. NATURAL RESOURCE-ORIENTED PUBLIC RECREATION, EDUCATION, AND RESEARCH

- A. Includes conservation areas owned by a quasi-public or private organization that include, as a principal use, visitor centers, research facilities, educational programming, and similar uses.
- B. Minimum setbacks:
  - 1. Structures: 200 feet
  - 2. Parking and outdoor displays, amphitheaters or congregating areas: 150 feet
- C. Site plan approval is required.
- D. In the Critical Area, the following regulations apply. The Board of Appeals shall review these requirements as part of the special exception.
  - 1. The requirements for water dependent uses in §190-15.14, Water-Dependent Facilities, shall be considered to the extent that they are applicable to the particular use.
  - 2. Sanitary facilities shall be provided meeting the requirements of Maryland state law.
  - 3. Permeable surfaces shall be used wherever standard engineering practices allow, if no degradation of groundwater would result.
  - 4. Not more than 15% of existing natural vegetation shall be permanently disturbed.
  - 5. All facilities, including areas for passive recreation (trails, education) shall be located outside the Shoreline Development Buffer.



# Nonconforming

## 47.4. REPLACEMENT AND RECONSTRUCTION

Nonconforming uses and structures may be replaced or reconstructed subject to the restrictions in this Article. As used in this Article:

- A. "In-kind replacement" means the replacement of a structure with another structure that is identical to or smaller than the original structure in all dimensions, including footprint area, height, width, length, and use. An in-kind replacement may include minor modifications or relocations, such as differences in roofline or small shifts in location that do not increase any nonconformity, as determined by the Planning Director.
- B. "Reconstruction" means the replacement or restoration of a structure after substantial damage has occurred due to fire, flood or other natural cause, or intentional demolition. Substantial damage is damage sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the structure's market value before the damage occurred.



# Growth Allocation

## 190-55.D

### D. ALLOWED ACREAGE FOR GROWTH ALLOCATIONS

1. Growth allocation provisions in Maryland's Critical Area law establish the following limits for Talbot County: a total of 2,554 acres, equaling 5% of the RCA acreage within the County at the time of the original Critical Area Program adoption (including incorporated towns) may be reclassified to a more intense land management designation. **The County has subsequently reclassified 107.62 acres from LDA to RCA. Therefore, five percent, or an additional 5.38 acres, shall be added to the County's growth allocation acreage totaling 2,559.38 acres.**
2. Talbot County's Critical Area Program in 1985 assigned a portion of the County's total growth allocation to the incorporated towns of Easton, Oxford and St. Michaels, as described below and as distributed among the towns by Table VII-3:
  - a. 595 acres for reclassification from RCA to LDA or IDA; and,
  - b. 92 acres for reclassification from LDA to IDA.
3. The remainder of the 2,559.38 acres, or 1,872.38 acres, may be used for growth allocation in unincorporated areas of the County through approval by the County Council and Critical Area Commission. Towns may also apply for use of growth allocation through the process for supplemental growth allocation (see §190-55.5.I below) after their original reserved allocation established in Table VII-3 has been entirely used. Supplemental growth allocation shall not exceed a cumulative total of 618 acres.



# Growth Allocation

**TABLE VII-3. CRITICAL AREA GROWTH ALLOCATION ASSIGNED TO TOWNS: ORIGINAL ALLOCATION AND AMOUNT REMAINING IN 2018**

	ACRES ALLOWED TO BE RECLASSIFIED FROM RCA TO LDA OR IDA:		ACRES ALLOWED TO BE RECLASSIFIED FROM LDA TO IDA	
	Original 1985 allocation	Remaining as of January 1, 2018	Original 1985 allocation	Remaining as of January 1, 2018
Reserved for Easton	155	0	24	16.49
Reserved for Oxford	195	179.80	44	38.20
Reserved for St. Michaels	245	173.80	24	19.13
	<b>595</b>	<b>353.58*</b>	<b>92</b>	<b>73.82*</b>

\*subject to pending applications

# Definitions

**ESTABLISHMENT, BUFFER(CA)** The planting of native vegetation or regeneration of predominately native vegetation in the Shoreline Development Buffer or stream and wetland buffers.





# Thank You

## Contact Information for Talbot County

Webpage: [www.NextStep190.com](http://www.NextStep190.com)

Email: [TalbotNextStep190@gmail.com](mailto:TalbotNextStep190@gmail.com)

## Critical Area Commission

### Contact Information and Website:

- If you have additional questions, please feel free to contact Commission staff at (410) 260-3460 for more information.
- <http://dnr.maryland.gov/criticalarea/Pages/meetings.aspx>

