

**COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND**

2025 Legislative Session, Legislative Day No.: March 11, 2025

Bill No.: 1584

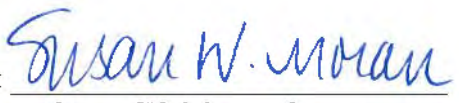
Expiration Date: May 15, 2025

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

A BILL TO REPEAL OFFICIAL ZONING MAP 32 OF TALBOT COUNTY AND REENACT THE SAME WITH AMENDMENTS TO THE ZONING CLASSIFICATIONS OF TAX MAP 32, PARCEL 36, CONSISTING OF 3.737 ACRES, MORE OR LESS, FROM TOWN RESIDENTIAL (TR) TO GENERAL COMMERCIAL (GC) AND OF A PORTION OF TAX MAP 32, PARCEL 91, CONSISTING OF 4.6603 ACRES, MORE OR LESS, FROM TR TO GC

By the Council: March 11, 2025

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, April 8, 2025, at 5:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By Order: 
Susan W. Moran, Secretary

A BILL TO REPEAL OFFICIAL ZONING MAP 32 OF TALBOT COUNTY AND REENACT THE SAME WITH AMENDMENTS TO THE ZONING CLASSIFICATIONS OF TAX MAP 32, PARCEL 36, CONSISTING OF 3.737 ACRES, MORE OR LESS, FROM TOWN RESIDENTIAL (TR) TO GENERAL COMMERCIAL (GC) AND OF A PORTION OF TAX MAP 32, PARCEL 91, CONSISTING OF 4.6603 ACRES, MORE OR LESS, FROM TR TO GC

WHEREAS, pursuant to Md. Code Ann., Land Use § 4-204 and § 190-55.1(A)(2) of the Talbot County Code (the “County Code”), the County Council of Talbot County (the “County Council”) is authorized to hear and decide on applications for amendments to the Official Zoning Maps of Talbot County, Maryland (the “County”); and

WHEREAS, pursuant to § 190-55.1(C)(3), before the County Council may consider an application for amendment to the Official Zoning Maps of the County, the Talbot County Planning Commission (the “Planning Commission”) shall first hold a public hearing and make a recommendation regarding such application to the County Council; and

WHEREAS, Tax Map 32, Parcel 36, owned by Shannahan Holdings, Inc. (“Shannahan Holdings”), consisting of 3.737± acres (“Parcel 36”), is zoned Town Residential (“TR”) and Critical Area Overlay (“CAO”) on Official Zoning Map 32 of the County; and

WHEREAS, Tax Map 32, Parcel 91, owned by Destination Lodging, LLC (“Destination Lodging”), consisting of 4.6603± acres (“Parcel 91”), is split-zoned TR, General Commercial (“GC”), and Critical Area Overlay (“CAO”) on Official Zoning Map 32 of the County; and

WHEREAS, Shannahan Holdings and Destination Lodging have jointly requested that the County Council change the zoning classification of Parcel 36 from TR to GC and the zoning classification of the portion of Parcel 91 currently zoned TR to GC; and

WHEREAS, on January 8, 2025, the Planning Commission held a duly advertised public hearing, after which it voted 4-0 to recommend that the County Council approve the application of Shannahan Holdings and Destination Lodging as aforesaid.

SECTION ONE: BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that:

SECTION TWO: AND BE IT FURTHER ENACTED, that the above recitals are hereby incorporated as if fully set forth herein.

SECTION THREE: AND BE IT FURTHER ENACTED, that the County Council hereby adopts the Findings of Fact in accordance with § 190-55.2(B) and (C) of the County Code, which Findings of Fact are attached hereto as Exhibit A and incorporated by reference herein as if fully set forth.

SECTION FOUR: AND BE IT FURTHER ENACTED, that the County Council hereby determines that changing the zoning classification of Parcel 36 from TR to GC and the zoning classification of the portion of Parcel 91 currently zoned TR to GC is appropriate based on a mistake in the existing zoning classification as set forth in § 190-55.2(C)(1)(b) of the County Code.

SECTION FIVE: AND BE IT FURTHER ENACTED, that the County Council hereby approves the application of Shannahan Holdings and Destination Lodging to change the zoning classification of Parcel 36 from TR to GC and the zoning classification of the portion of Parcel 91 currently zoned TR to GC, and further repeals Official Zoning Map 32 of the County and reenacts the same with amendments to reclassify and remap the entirety of Parcel 36 from TR to GC and the TR-zoned portion of Parcel 91 from TR to GC.

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

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

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

EXHIBIT "A"

FINDINGS OF FACT TO BILL NO. 1584 – A BILL TO REPEAL OFFICIAL ZONING MAP 32 OF TALBOT COUNTY AND REENACT THE SAME WITH AMENDMENTS TO THE ZONING CLASSIFICATIONS OF TAX MAP 32, PARCEL 36, CONSISTING OF 3.737 ACRES OF LAND, MORE OR LESS, FROM TOWN RESIDENTIAL (TR) TO GENERAL COMMERCIAL (GC) AND OF A PORTION OF TAX MAP 32, PARCEL 91, CONSISTING OF 4.6603 ACRES OF LAND, MORE OR LESS, FROM TR TO GC

1. Tax Map 32, Parcel 36 ("Parcel 36"), owned by Shannahan Holdings, Inc. ("Shannahan Holdings"), is zoned Town Residential ("TR") and Critical Area Overlay ("CAO") on Official Zoning Map 32 of Talbot County, Maryland (the "County").

2. Tax Map 32, Parcel 91 ("Parcel 91"), owned by Destination Lodging, LLC ("Destination Lodging"), is split-zoned General Commercial ("GC") and TR and CAO on the County's Official Zoning Map 32.

3. Parcel 36 is improved by an office and base of operations and parking for a well drilling company.

4. Parcel 91 is improved with a commercial hotel with a swimming pool and parking

5. Parcel 36 was developed in the 1970s. County files do not contain records for the establishment of the business on the site, which has operated continuously for approximately 50 years.

6. Parcel 91 was developed in the early 1980s. A prior owner and operator, Harold Ruff, obtained a Special Exception from the Talbot County Board of Appeals (the "Board") on November 30, 1981, in Appeal No. 461. The Board's decision in Appeal No. 461 states that Parcel 91 was located in the C-2 Zoning District, which was a commercial zoning district. In testimony, he described the neighboring commercial properties as Ocean Cove Seafood, Salty Oyster Restaurant, and Bryan Brothers Landscaping. Mr. Ruff returned to the Board on October 22, 1984, for an expansion of the hotel on Parcel 91 in Appeal No. 544. The Board's decision in Appeal No. 554 also states that Parcel 91 was located in the C-2 Zoning District. In 2007, a minor site plan for Parcel 91 stated its zoning classification as GC.

7. The County's 1987 zoning maps designated the zoning classifications of Parcels 36 and 91 as C-2, which is consistent with the current GC zoning classification. The properties maintained the C-2 zoning until 1995, when their zoning classification was changed to GC. The properties were zoned GC until 2018, when several zoning maps were updated by adoption of Bill 1402, which erroneously designated a portion of Parcel 91 and the entirety of Parcel 36 as TR. No record of an intent to change such zoning classifications in a manner that was inconsistent with their long-standing commercial use has been located.

8. The proposed change in zoning classification of Parcels 36 and 91 is consistent with the purposes and intent of the Talbot County Comprehensive Plan (the “Comprehensive Plan”). Chapter 2 of the Plan reports the land use of the subject properties on the St. Michaels Area Land Use Plan Map (Map 2-C) as “Existing Commercial.” Similarly, the Proposed Land Use Map (Map 2-K) designates both parcels as “Designated Growth Commercial”. The nature and intensity of the uses of the properties have not changed in decades.

9. The proposed change in zoning classification of Parcels 36 and 91 is compatible with existing and proposed development and land use in the surrounding area. With the exception of the rebuilding of the High’s convenience store and some minor additions to some of the commercial structures and uses, the Route 33 corridor extending to St. Michaels has not changed. The County’s Gateway Zoning has been implemented along this commercial strip to coordinate the Town and County boundaries with compatible design criteria.

10. Parcels 36 and 91 have adequate and available public facilities. Both properties are served by public sewer. The St. Michaels and Easton Volunteer Fire Departments and Talbot County Sheriff’s Office will continue to provide emergency services.

11. The proposed change in zoning classification of Parcels 36 and 91 will have no effect on present and future transportation patterns. Commercial activities have occurred on both properties consistent with the County’s commercial zoning for decades. The approval of the proposed change in zoning classification will simply restore the zoning classification that applied prior to the mistaken application of TR zoning in 2018. As such, there will be no adverse effects upon existing transportation facilities and patterns.

12. The proposed change in zoning classification of Parcels 36 and 91 will not have a have a significant impact on the population in the immediate area. There is no proposal to change or intensify the land uses on either property. The GC zoning classification will render the land uses conforming to the current County zoning.

13. The proposed change in zoning classification of Parcels 36 and 91 was supported by recommendation of the Planning Commission issued on January 8, 2025.

14. Finally, consistent with Md. Code Ann., Land Use § 4-204(b)(2) and § 190-55.2(C)(1)(b) of the Talbot County Code, the proposed change in zoning classification of Parcels 36 and 91 satisfies the “Change or Mistake Rule” because, as noted above, there is a mistake in the existing TR zoning classification. The current and surrounding land uses are commercial and have been for several years. The GC zoning classification will bring the land uses into conformity with the County’s current zoning code. The County planning staff’s research confirmed the current TR zoning classification to be the result of a mapping error, as no request to change the properties’ previous commercial zoning was part of any review by the Planning and Zoning Department in 2018. The properties were zoned GC in their entirety until the current zoning maps were adopted in 2018 without any apparent discussion or intent to change their zoning classification to TR.

PUBLIC HEARING

Having been posted and Notice of time, date, and place of hearing, and Title of Bill No. 1584 having been published, a public hearing was held on Tuesday, April 8, 2025, at 5:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

BY THE COUNCIL

Read the third time.

ENACTED: April 22, 2025

By Order 
Susan W. Moran, Secretary

Callahan - Aye

Stepp - Aye (via absentee ballot)

Leshner - Aye

Mielke - Aye

Haythe - Aye

EFFECTIVE DATE: June 21, 2025