COUNTY COUNCIL

OF

TALBOT COUNTY, MARYLAND

2021 Legislative Session, Legislative Day No. : March 9, 2021

Bill No.: 1471

Expiration Date: May 13, 2021

Introduced by: Mr. Callahan, Mr. Divilio, Mr. Lesher, Mr. Pack, Ms. Price

A BILL TO REPEAL OFFICIAL ZONING MAP 41 OF TALBOT COUNTY, AND REENACT THE SAME WITH AN AMENDMENT CHANGING THE ZONING DISTRICT ON A PORTION OF TAX MAP 41, PARCEL 68, REMAINING LANDS AND LOTS 1, 2, AND 3, CONSISTING OF 2.029 ACRES OF LAND, MORE OR LESS, FROM THE VILLAGE HAMLET (VH) ZONING DISTRCT TO THE WESTERN RURAL CONSERVATION (WRC) ZONING DISTRICT

By the Council: March 9, 2021

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, April 13, 2021 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By Order Susan W. Moran
Susan W. Moran, Secretary

A BILL TO REPEAL OFFICIAL ZONING MAP 41 OF TALBOT COUNTY, AND REENACT THE SAME WITH AN AMENDMENT CHANGING THE ZONING DISTRICT ON A PORTION OF TAX MAP 41, PARCEL 68, REMAINING LANDS AND LOTS 1, 2, AND 3, CONSISTING OF 2.029 ACRES OF LAND, MORE OR LESS, FROM THE VILLAGE HAMLET (VH) ZONING DISTRCT TO THE WESTERN RURAL CONSERVATION (WRC) ZONING DISTRICT

WHEREAS, Moores Road, LLC ("**Owner**"), the Owner of real property described as Tax Map 41, Parcel 68, Remaining Lands and Lots 1, 2, and 3 (the "**Property**"), has applied for a zoning map amendment to rezone a 2.029 acre portion of the Property from the current Village Hamlet ("**VH**") zoning district to the Western Rural Conservation ("**WRC**") zoning district; and,

WHEREAS, Owner's application has been processed pursuant to the provisions governing zoning map amendments as set forth in the Talbot County Code ("**Code**") § 190-55.1, *et seq.*; and,

WHEREAS, on January 6, 2021, the Talbot County Planning Commission unanimously recommended to the County Council support for the zoning map amendment; and,

WHEREAS, the notice and public hearing requirements for a zoning map amendment set forth in the Talbot County Code, including, without limitation, § 190-55.1 C. 5. have been met; and,

WHEREAS, a majority of the members of the County Council have made a site visit to inspect the physical features of the Property and determine the character of the surrounding area in accordance with Code § 190-55.1 C. 6.; and,

WHEREAS, the Council has considered Findings of Fact including, but not limited to, the following when making a decision on a proposed amendment to the Official Zoning Maps:

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

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

3. Availability of public facilities;

4. The effects on present and future transportation patterns; and

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

See Code § 190-55.2 B.; and,

WHEREAS, the Council has reviewed the standards for decision set forth in Code § 190-55.2 C.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that:

SECTION ONE: The above recitals are hereby incorporated as if fully set forth herein.

SECTION TWO: The Council hereby adopts the Findings of Fact in accordance with Code § 190-55.2 B., which Findings of Fact are attached hereto as Exhibit "A" and incorporated by reference herein.

SECTION THREE: The Council hereby determines that rezoning the Property as requested in the Owner's application is appropriate based both on a substantial change in the character of the neighborhood and a mistake in the existing zoning classification as set forth in Code § 190-55.2 C. 1.

SECTION FOUR: The Council hereby approves Owner's application to rezone the Property and amends the *Official Zoning Maps of Talbot County* to reclassify and remap a portion of the Tax Map 41, Parcel 68, Remaining Lands and Lots 1, 2, and 3, consisting of 2.029 acres of land, more or less, from the Village Hamlet zoning district to the Western Rural Conservation zoning district as shown on drawings prepared by the Talbot County Department of Public Works, titled "Talbot County Planning & Zoning: Rezoning Worksheet on the Lands of Moores Road, LLC", dated February 23, 2021, and attached hereto as Exhibits "B" and "C" and incorporated by reference herein.

SECTION FIVE: If any provision of this Ordinance 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 Ordinance which can be given effect without the invalid provision or application, and for this purpose the provisions of this Ordinance are declared severable.

SECTION SIX: The Publishers of the Talbot County Code, the Talbot County Office of Law, or the Talbot County Department of Planning and Zoning, in consultation with and subject to the approval of the County Manager, shall be authorized to make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any internal or external reference or citation to the Code that is 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 SEVEN: The title and summary of this Bill shall be published once on the first publication date after enactment of the Bill in accordance with County Charter § 213 (c). The title is not a substantive part of this Bill. If the Bill is amended, the title may be administratively revised to conform the title to the content of the Bill as finally enacted.

SECTION EIGHT: This Ordinance shall take effect sixty (60) days from the date of its passage.

PUBLIC HEARING

Having been posted and Notice of time, date, and place of hearing, and Title of Bill No. _____ having been published, a public hearing was held on _____ at _____ 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: _____

By Order _____
Susan W. Moran, Secretary

Callahan -

Divilio -

Lesher -

Price -

Pack -

EFFECTIVE DATE: _____

EXHIBIT "A"

MOORES ROAD, LLC
AMENDMENT TO THE TALBOT COUNTY ZONING MAPS - FINDINGS OF FACT

1. The proposed rezoning is consistent with the purposes and intent of the Talbot County Comprehensive Plan. The Western Rural Conservation planning area contains a high concentration of sensitive natural areas in close proximity to tributaries of the Chesapeake Bay. This planning area features a mix of agriculture, low -density residential and natural resource areas and is designed to protect natural resources while providing for limited, low-density residential development with appropriate safeguards for resource protection. The rezoning of 2.029 acres of predominantly nontidal wetlands from VH to WRC would create sufficient buildable area on a large parcel for one single-family residential home while protecting its significant environmental features.

2. The proposed rezoning is compatible with existing and proposed development and land use in the surrounding area. The rezoning of portions of Lots 1-3 and a small portion of the Remaining Lands parcel, totaling 2.029 acres, from VH to WRC will be added to the Remaining Lands to create a Lot 10. This larger lot will remain consistent and compatible with the surrounding, adjacent land uses of larger, environmentally sensitive parcels zoned WRC and RC.

3. The rezoning is consistent with the intent and purpose of the WRC zoning district. The rezoned portions are predominantly comprised of non-tidal wetlands and are more compatible with the WRC zoning district, which is characterized by rural agricultural and low-density residential uses that contains a high proportion of sensitive natural areas.

4. The area proposed for rezoning has adequate and available public facilities. Public sewer serves this area and the St. Michaels and Easton Volunteer Fire Departments and Talbot County Sheriff's Office provide emergency services.

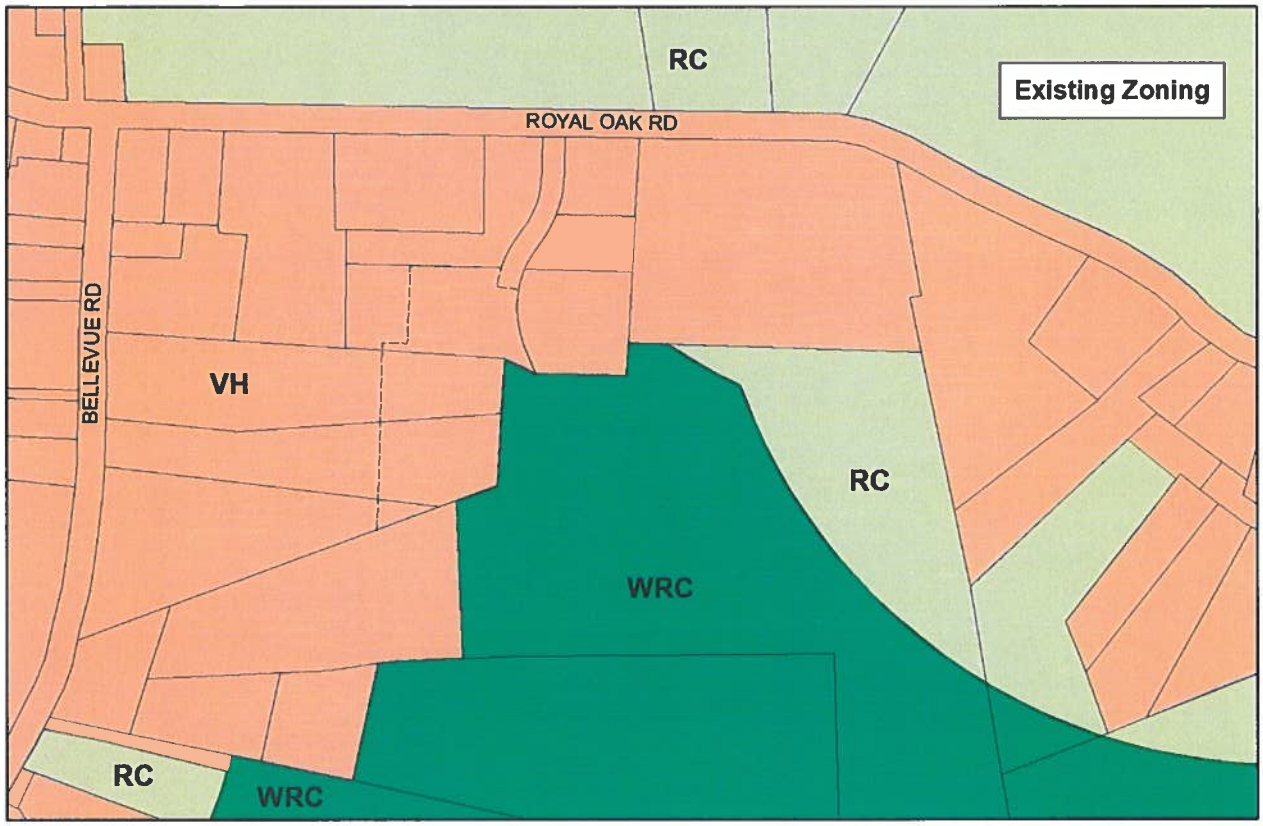
5. The effects on present and future transportation patterns from the proposed rezoning are minimal. The rezoning and Major Revision Plat will create a buildable lot for one single-family dwelling to be constructed on proposed Lot 10 with access from the existing Lindsay Lane, which is further accessed from Royal Oak Road.

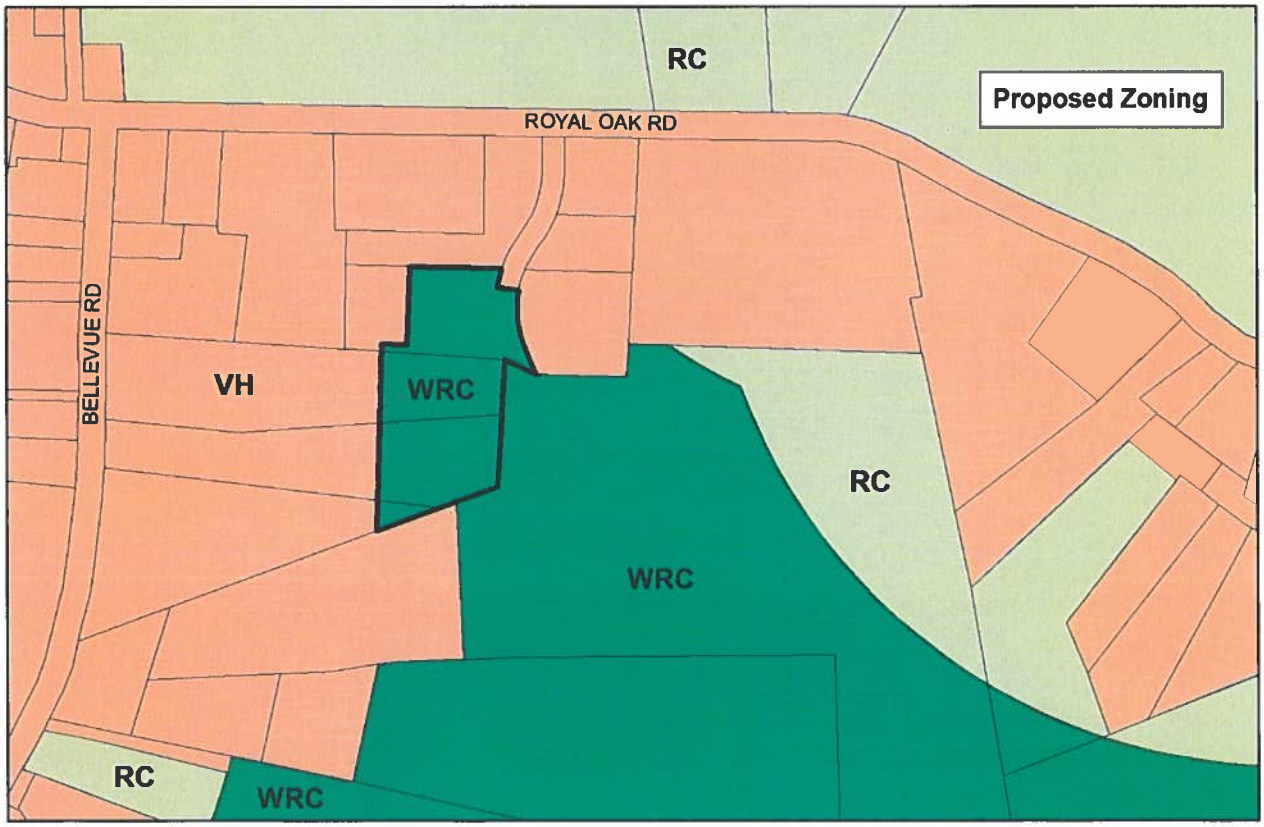
6. The rezoning and Major Revision Plat will create a buildable lot for one single-family dwelling. The rezoning will not have a significant impact on the population within the immediate area.

7. The proposed rezoning meets the "Mistake Rule" that there was a mistake in the existing zoning classification. The Comprehensive Plan's recommended Village Rezoning Guidance for Royal Oak did not take into consideration the significant tidal wetlands that exist on the subject 2.029 acres proposed for rezoning; the acreage is more consistent with the purpose and intent of the WRC zoning district.

8. The proposed rezoning meets the "Change Rule". The substantial change occurs from the effect of the applicant's Major Revision Plat such that the VH zoning district applied from the most recent comprehensive zoning amendment for villages is no longer appropriate to the setting and context of the Remaining Lands parcel.

Talbot County Planning & Zoning: Rezoning Worksheet
On the lands of Moores Road, LLC

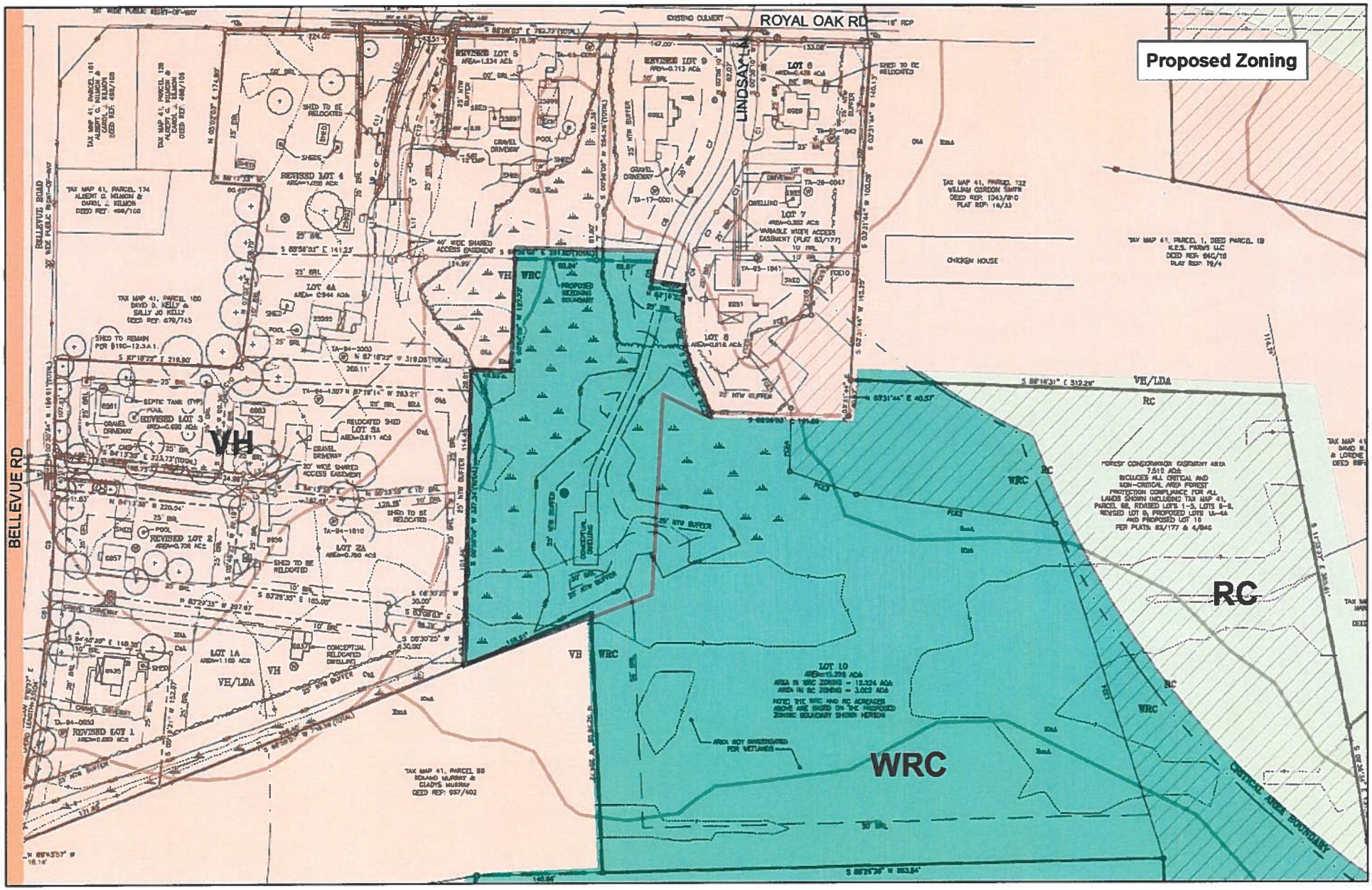




Talbot County Public Works
February 23, 2021

Exhibit B

Talbot County Planning & Zoning: Rezoning Worksheet
On the lands of Moores Road, LLC



Talbot County Public Works
February 23, 2021

Exhibit C