

COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND

2011 Legislative Session, Legislative Day No.: June 14, 2011

Resolution No.: 183 AS AMENDED

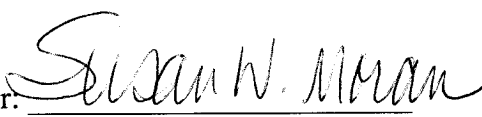
Introduced by: Mr. Bartlett, Mr. Duncan, Mr. Hollis, Mr. Pack, Ms. Price

A RESOLUTION ADOPTED BY TALBOT COUNTY, MARYLAND, PURSUANT TO ART. 23A, § 9 (C), MD. ANN. CODE, TO EXPRESSLY APPROVE OF THE EASTON TOWN COUNCIL RE-ZONING PROPERTY ANNEXED BY TOWN RESOLUTION NO. 5978. THE PROPERTY INCLUDES TWO PARCELS OWNED BY JENSEN'S, INC. LOCATED ON THE EAST SIDE OF U.S. ROUTE 50, NORTH OF THE TOWN'S EXISTING MUNICIPAL BOUNDARY, CONSISTING OF A TOTAL OF 117.994 ACRES OF LAND, MORE OR LESS ("ANNEXATION PROPERTY"). THE PROPERTY IS COMPRISED OF: TAX MAP 25, PARCEL 13, CONTAINING 94.485 ACRES OF LAND, MORE OR LESS, AND TAX MAP 17, PARCEL 39, CONTAINING 23.509 ACRES OF LAND, MORE OR LESS. THE PROPERTY IS TO BE RE-ZONED INTO THE TOWN R-10M RESIDENTIAL ZONING DISTRICT, AS PROPOSED BY EASTON ORDINANCE NO. 588, ENACTED BY THE EASTON TOWN COUNCIL ON JULY 18, 2011

By the Council: June 14, 2011

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, July 12, 2011 at 2:00 p.m. and continued on Tuesday, July 26, 2011 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, Secretary

A RESOLUTION ADOPTED BY TALBOT COUNTY, MARYLAND, PURSUANT TO ART. 23A, § 9 (C), MD. ANN. CODE, TO EXPRESSLY APPROVE OF THE EASTON TOWN COUNCIL RE-ZONING PROPERTY ANNEXED BY TOWN RESOLUTION NO. 5978. THE PROPERTY INCLUDES TWO PARCELS OWNED BY JENSEN’S, INC. LOCATED ON THE EAST SIDE OF US ROUTE 50, NORTH OF THE TOWN’S EXISTING MUNICIPAL BOUNDARY, CONSISTING OF A TOTAL OF 117.994 ACRES OF LAND, MORE OR LESS (“ANNEXATION PROPERTY”). THE PROPERTY IS COMPRISED OF: TAX MAP 25, PARCEL 13, CONTAINING 94.485 ACRES OF LAND, MORE OR LESS, AND TAX MAP 17, PARCEL 39, CONTAINING 23.509 ACRES OF LAND, MORE OR LESS. THE PROPERTY IS TO BE RE-ZONED INTO THE TOWN R-10M RESIDENTIAL ZONING DISTRICT, AS PROPOSED BY EASTON ORDINANCE NO. 588, ENACTED BY THE EASTON TOWN COUNCIL ON JULY 18, 2011

WHEREAS, Jensen’s, Inc. (“Jensen’s”) and numerous residents of the Hyde Park community have executed and caused to be filed a Petition for Annexation before the Town Council of Easton, Maryland of certain parcels of land owned by Jensen’s (“Annexation Property”) depicted by a plat entitled “ANNEXATION 2011 TOWN OF EASTON OF THE LAND OF JENSENS, INCORPORATED,” prepared by Lane Engineering, LLC (“Plat”), which is incorporated by reference herein as Exhibit A; and,

WHEREAS, pursuant to that Petition, the Easton Town Council adopted Resolution No. 5978 (“Annexation Resolution”) to annex the Annexation Property, which includes the following term:

Section 4. Zoning Classification. Jensen’s has requested that the Town apply the R-10M zoning classification to the Annexation Property. Prior to the public hearing on this Resolution, the Town Council will introduce Ordinance Number 588 to establish zoning for the Annexation Property. If Ordinance Number 588 is not enacted before the effective date of this Resolution, or, if as enacted, it contains provisions that are deemed unacceptable to Jensen’s, Jensen’s shall be free to withdraw this request for annexation by written notice delivered to the Town Clerk before the effective date of this Resolution and this Resolution shall become null and void.

WHEREAS, the Easton Town Council enacted Ordinance No. 588 to amend the Easton Zoning Ordinance to establish the R-10M Residential zoning district for the Annexation Property, which includes the following term:

Section 4. County Zoning Consent. The proposed R-10M zoning classification is consistent with the County's Town Residential (TR) District and with the Manufactured Home Development (MHD) Floating District in terms of density and uses. With respect to the application of the R-10M zoning classification to the portions of the property zoned General Commercial (GC) and Town Conservation (TC) under the County zoning, the proposed zoning classification of R-10M may require Talbot County to consent to the classification in accordance with Article 23A, Section 9(c) of the Code. Section 9(c) provides that if Talbot County expressly approves, the Town may place the annexed land in a zoning classification that permits a land use or density substantially different from the land use or density specified in the County zoning classification. The classification of the portions of the Annexation Property zoned GC and TC under County jurisdiction into the Town's R-10M zoning district is contingent upon the Town's receipt of the express consent of the County prior to the effective date of this Ordinance. In the event that such consent is required but not received prior to the effective date of this Ordinance, then Jensen's may withdraw its annexation request as provided for in the Resolution. If it chooses not to withdraw its annexation request, then the portions of the Annexation Property zoned GC and TC shall retain their County zoning classifications until such time as the Town rezones those portions of the Annexation Property in accordance with Maryland law.

WHEREAS, the Town of Easton and Jensen's, Inc. entered into an Annexation and Public Facilities Agreement dated July 21, 2011, pursuant to Section 3.1 of which the Town and Jensen's agreed that for a period of seven (7) years following the effective date of this annexation, the Town will not issue building permits for new residences or principal structures on the presently undeveloped portions of the Annexation Property. The specific language of Section 3.1 is set forth below in its entirety:

3.1 Seven-year limitation on building permits. For a period of seven (7) years following the effective date of this annexation, the Town will not issue building permit(s) for new residences or principal structures on the presently undeveloped portions of the Annexation Property. The seven-year limitation shall not restrict land planning and development review and entitlement processes or grading and infrastructure construction for future development. This limitation also shall not

restrict the construction, maintenance, operation, repair, replacement or removal of homes existing on the annexation property or accessory structures (e.g. garages, sheds, maintenance building(s), swimming pool, office, community center, etc.) or infrastructure improvements related thereto. Notwithstanding any provision herein to the contrary, the seven-year limitation shall automatically be rendered null, void and of no legal effect if, during the term of the seven-year restriction, the Town subsequently revises any applicable Town zoning laws, maps or regulations in a manner that limits, restricts, eliminates or otherwise deprives Petitioner of the uses or densities permitted (by right, special exception or otherwise) by the R-10M zoning established for the Annexation Property as of the effective date of this annexation, unless such amendment is required by state or federal law.

WHEREAS, the County has expressly relied on the existence and the continued operation and effect of the seven-year limitation of Paragraph 3.1 in making its decision to consent to the rezoning as requested by the Town of Easton and Jensen's, Inc.

SECTION ONE: BE IT RESOLVED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that, pursuant to Art. 23A, § 9 (c), Md. Ann. Code, the County hereby expressly approves the Town of Easton, upon annexation of the Annexation Property, placing the Annexation Property in the R-10M Residential zoning district, as proposed by Easton Ordinance No. 588.

SECTION TWO: This Resolution is conditioned on the operation and effect of Section 3.1 of the Annexation Agreement. If, at any time within five (5) years of the effective date of the annexation, the seven-year limitation of Section 3.1 is changed, rescinded, amended, repealed, or rendered null, void and of no legal effect according to its terms, then, pursuant to this Resolution, the County's consent to the rezoning of the affected portions of the Annexation Property, from the County zoning districts of Town Conservation and General Commercial to the Town's R-10M zoning district, shall automatically terminate and be rendered null, void and of no legal effect.

SECTION THREE: This Resolution shall take effect immediately upon the date of its passage.

PUBLIC HEARING

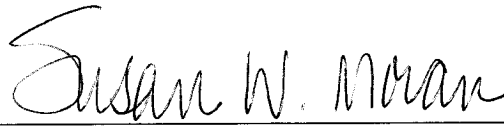
Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. 183 having been published, a public hearing was held on Tuesday, July 12, 2011 and continued on Tuesday, July 26, 2011 in the Bradley Meeting Room, South Wing, Courthouse, 11 North Washington Street, Easton, Maryland.

BY THE COUNCIL

Read the second time:

Enacted: **July 26, 2011 AS AMENDED**

By Order:



Secretary

Bartlett - Aye

Hollis - Aye

Pack - Aye

Price - Aye

Duncan - Aye

