

**WITH PROPOSED AMENDMENTS AS INTRODUCED ON 10/25/2016**

**COUNTY COUNCIL  
OF  
TALBOT COUNTY, MARYLAND**

2016 Legislative Session, Legislative Day No.: September 13, 2016

Resolution No.: 234

Introduced by: Mr. Bartlett, Mr. Callahan, Ms. Williams

**A RESOLUTION CONCERNING THE PROPOSED ANNEXATION OF PARCELS 47, 48, 80, 118, 120, 139, 140 AND 247 OF TAX MAP 34, LOCATED ON EASTON POINT, TOGETHER WITH PORTIONS OF THE PUBLIC ROAD RIGHT-OF-WAY KNOWN AS PORT STREET AND PORTIONS OF THE TRED AVON RIVER, BY THE TOWN OF EASTON, MARYLAND (THE “TOWN”) CONSISTING OF APPROXIMATELY 6.528 ACRES OF LAND, MORE OR LESS, (THE “PROPERTY), FINDING THAT THE PROPOSED REZONING FROM THE COUNTY’S EXISTING LIMITED INDUSTRIAL (“LI”) ZONE TO THE TOWN’S PROPOSED GENERAL COMMERCIAL (“GC”) ZONE WILL RESULT IN A SUBSTANTIALLY DIFFERENT USES AND SUBSTANTIALLY HIGHER DENSITY, EXCEEDING 50%, THAN COULD BE GRANTED FOR PROPOSED DEVELOPMENT UNDER EXISTING COUNTY ZONING, AND WAIVING THE 5-YEAR HOLD IN ACCORDANCE WITH LOCAL GOVERNMENT ARTICLE § 4-416, MD. ANN. CODE**

By the Council: September 13, 2016

Introduced, read first time, and ordered posted, with Public Hearing scheduled on Tuesday, October 11, 2016, at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 N. Washington St., Easton, MD 21601.

By order: \_\_\_\_\_  
Susan W. Moran, Secretary

**A RESOLUTION CONCERNING THE PROPOSED ANNEXATION OF PARCELS 47, 48, 80, 118, 120, 139, 140 AND 247 OF TAX MAP 34, LOCATED ON EASTON POINT, TOGETHER WITH PORTIONS OF THE PUBLIC ROAD RIGHT-OF-WAY KNOWN AS PORT STREET AND PORTIONS OF THE TRED AVON RIVER, BY THE TOWN OF EASTON, MARYLAND (THE “TOWN”) CONSISTING OF APPROXIMATELY 6.528 ACRES OF LAND, MORE OR LESS, (THE “PROPERTY), FINDING THAT THE PROPOSED REZONING FROM THE COUNTY’S EXISTING LIMITED INDUSTRIAL (“LI”) ZONE TO THE TOWN’S PROPOSED GENERAL COMMERCIAL (“GC”) ZONE WILL RESULT IN A SUBSTANTIALLY DIFFERENT USES AND SUBSTANTIALLY HIGHER DENSITY, EXCEEDING 50%, THAN COULD BE GRANTED FOR PROPOSED DEVELOPMENT UNDER EXISTING COUNTY ZONING, AND WAIVING THE 5-YEAR HOLD IN ACCORDANCE WITH LOCAL GOVERNMENT ARTICLE § 4-416, MD. ANN. CODE**

WHEREAS, Local Gov’t Article § 4-416, Md. Ann. Code, restricts the authority of a municipality to allow development of annexed land for a period of 5 years after annexation for land uses substantially different than the authorized uses, or at substantially higher densities, exceeding 50%, than could be granted for development in accordance with the county zoning classification applicable at the time of the annexation; and,

WHEREAS, the Town of Easton (the “Town”) is proposing to annex Parcels 47, 80, 118, 120, 139, 140, and 247 with portions of the public road right-of-way known as Port Street and portions of the Tred Avon River (the “Annexation Properties”), pursuant to Ordinance No. 690 and Resolution No. 6071 introduced before the Easton Town Council and pending final approval and adoption. The Annexation Properties are more particularly described in a metes and bounds description prepared by Rauch, Inc., entitled “ANNEXATION TOWN OF EASTON OF THE LANDS OF 930 PORT STREET, INC.; THE BOATHOUSE AT EASTON POINT, LLC; PORT STREET VENTURES, LLC; TIMOTHY M. MILLER AND AMY M. MILLER; JASON M. WEBB AND MARIA A. WEBB AND A PORTION OF PORT STREET” dated June 23, 2016, a copy of which is attached hereto as Exhibit “A”; and,

WHEREAS, the Annexation Properties are currently in the Limited Industrial (“LI”) zone; upon annexation the Town proposes to rezone the Annexation Properties into the General Commercial (“GC”) zone; and,

WHEREAS, the Town has requested the County to determine: (1) whether rezoning the Annexation Properties from County “LI” to Town “GC” would allow development for land uses substantially different than the authorized uses in the “LI” zone; or, (2) at a substantially higher density, exceeding 50%, than could be granted for development in the “LI” zone; and, if the “GC” rezoning would permit either (1) or (2), above, the Town has requested the County to waive the 5-year hold.

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

1. The County Council finds that the rezoning of the annexed land from its current Limited Industrial (“LI”) zoning classification to the proposed General-Commercial (“GC”) zoning classification would: (1) allow land uses substantially different from the authorized uses in the “LI” zone; and, (2) permit development of the Annexation Properties at a substantially higher density, exceeding 50%, than could be granted for development in the County’s Limited Industrial (“LI”) zone.

2. To remove an impediment to the County Council’s waiver of the 5-year hold, members of the Town Council have unanimously expressed support for the Town taking ownership of Port Street “as is” and to continue its use as a public street following the annexation.

3. Upon the effective date of the annexation, Talbot County will execute a quitclaim deed to convey to the Town any right, title, or interest the County may have in the existing road, roadway, or right-of-way known as Port Street, as depicted on Annexation Plat, and the Town will accept this road into the Town inventory of public streets and will thereafter provide routine maintenance and upkeep.

4. The Town Planning Commission and the County Planning Commission have scheduled joint meetings to discuss future development of the Port Street area. The need for timely action by the County Council on the present question does not allow a realistic opportunity for those joint meetings to bear fruit, but this Council believes, and now wishes to formally indicate, that a shared planning vision thoughtfully developed by both the Town and County is in the public interest, and that ongoing joint planning by the Town and County is desirable, necessary, and essential as a predicate for future annexations and development of the Port Street area.

~~4.~~5. Pursuant to Local Gov’t Article § 4-416, Md. Ann. Code, upon annexation of the property, the County hereby expressly approves the Town placing the property into a zoning classification, the General Commercial (“GC”) zoning district as proposed by Ordinance No. 690 and Resolution No. 6071, that will allow land uses that are substantially different and density substantially higher, greater than 50%, than the density specified in the Limited Industrial (“LI”) zoning classification of the County.

AND BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon the date of its passage.

**PUBLIC HEARING**

Having been posted, and a Notice of the Time and Place of the Public Hearing, and the Title of Resolution No. \_\_\_\_\_ having been published, a public hearing was held on \_\_\_\_\_ at \_\_\_\_\_ p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 N. Washington St., Easton, Maryland.

**BY THE COUNCIL**

Read second time:

Enacted: \_\_\_\_\_

By order: \_\_\_\_\_  
Susan W. Moran, Secretary

- Pack -
- Williams -
- Bartlett -
- Price -
- Callahan -

Effective Date: \_\_\_\_\_