COUNTY COUNCIL

OF

TALBOT COUNTY, MARYLAND

2017 Legislative Session, Legislative Day No.: November 28, 2017

Resolution No.: 255

Introduced by: Mr. Callahan

A RESOLUTION CONCERNING THE PROPOSED REZONING OF PARCELS 47, 48, 80, 118, 120, 139, 140 AND 247 OF TAX MAP 34, LOCATED ON EASTON POINT, 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 TOWN'S EXISTING GENERAL COMMERCIAL ZONE TO THE TOWN'S PROPOSED MIXED USE WATERFRONT ("MXW") ZONE WILL RESULT IN SUBSTANTIALLY DIFFERENT USES AND SUBSTANTIALLY HIGHER DENSITY, EXCEEDING 50%, THAN COULD BE GRANTED FOR PROPOSED DEVELOPMENT UNDER THE PRE-ANNEXATION COUNTY ZONING, AND WAIVING THE 5-YEAR HOLD IN ACCORDANCE WITH LOCAL GOVERNMENT ARTICLE § 4-416, MD. ANN. CODE

By the Council: November 28, 2017

Introduced, read first time, and ordered posted, with Public Hearing scheduled on Tuesday, December 19, 2017 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
Susan W. Moran, Secretary

A RESOLUTION CONCERNING THE PROPOSED REZONING OF PARCELS 47, 48, 80, 118, 120, 139, 140 AND 247 OF TAX MAP 34, LOCATED ON EASTON POINT, 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 TOWN'S EXISTING GENERAL COMMERCIAL ZONE TO THE TOWN'S PROPOSED MIXED USE WATERFRONT ("MXW") ZONE WILL RESULT IN SUBSTANTIALLY DIFFERENT USES AND SUBSTANTIALLY HIGHER DENSITY, EXCEEDING 50%, THAN COULD BE GRANTED FOR PROPOSED DEVELOPMENT UNDER THE PRE-ANNEXATION 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") has annexed Parcels 47, 48, 80, 118, 120, 139, 140, and 247 of Tax Map 34, located on Easton Point, comprising 6.528 acres of land, more or less, with portions of the public road right-of-way known as Port Street (the "Annexation Properties"); and,

WHEREAS, upon annexation, the Town rezoned the Annexation Properties from the pre-annexation County Limited Industrial ("LI") zone to the Town General Commercial ("CG"[1]) zone; and,

WHEREAS, on November 15, 2016, the County adopted Resolution 243, as amended, finding that the proposed rezoning to the Town CG zone would allow substantially different uses and substantially higher densities than under the County LI zone, and waived the 5-year hold, thereby authorizing the proposed rezoning of the Annexation Properties to the Town CG zone; and,

WHEREAS, within the 5-year hold period, the Town subsequently developed a new zoning district for the Easton Point area, including the Annexation Properties, referred to as the Mixed Use Waterfront ("MXW") zone. The Town has requested that the County waive the 5-year hold to allow the rezoning of the Annexation Properties from their current Town CG zoning to the Town MXW zone pursuant to Town Ordinance No. 717.

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

1. The above recitals are hereby incorporated as if fully set forth herein.

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[1] The Town of Easton abbreviates its General Commercial zone "CG", not "GC". *See* Town of Easton Zoning Code § 406. References in this Resolution to the Town "CG" zone are intended.

2. The County Council finds that the rezoning of the Annexation Properties to the Town MXW zone would: (1) allow land uses substantially different from the authorized uses in the pre-annexation County 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 pre-annexation County LI zone.

3. Pursuant to Local Gov't Article § 4-416, Md. Ann. Code, the County hereby expressly approves the Town placing the property into a zoning classification, the MXW zoning district as proposed by Town Ordinance No. 717, that will allow land uses that are substantially different and density substantially higher, greater than 50%, than the density specified in the pre-annexation County LI zoning classification.

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

Williams -

Pack -

Bartlett -

Price -

Callahan -

Effective Date: _____