

COUNTY COUNCIL

OF

TALBOT COUNTY

2023 Legislative Session, Legislative Day No.: December 12, 2023

Resolution No.: 352

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

**A RESOLUTION CONCERNING THE PROPOSED ANNEXATION BY THE TOWN OF TRAPPE, MARYLAND (THE "TOWN") OF CERTAIN REAL PROPERTY LOCATED ON THE NORTH SIDE OF THE TOWN, EAST OF MARYLAND HIGHWAY NO. 565 AND SOUTH OF BACKTOWN ROAD, IN THE THIRD ELECTION DISTRICT OF TALBOT COUNTY, MARYLAND, CONSISTING OF 5.125 ACRES OF LAND, MORE OR LESS, AND BEING A PORTION OF PARCEL 302, SHOWN ON TAX MAP 54 (THE "PROPERTY"), FINDING THAT THE PROPERTY'S PROPOSED REZONING FROM TALBOT COUNTY'S TOWN RESIDENTIAL ("TR") ZONING TO THE TOWN'S INDUSTRIAL ("M") ZONING UPON ITS ANNEXATION WILL RESULT IN SUBSTANTIALLY DIFFERENT USES OR SUBSTANTIALLY HIGHER DENSITY, EXCEEDING 50%, THAN COULD BE GRANTED FOR PROPOSED DEVELOPMENT UNDER THE COUNTY'S TR ZONING, AND WAIVING THE FIVE-YEAR HOLD IN ACCORDANCE WITH § 4-416 OF THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND**

By the Council: December 12, 2023

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, January 9, 2024 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 CONCERNING THE PROPOSED ANNEXATION BY THE TOWN OF TRAPPE, MARYLAND (THE “TOWN”) OF CERTAIN REAL PROPERTY LOCATED ON THE NORTH SIDE OF THE TOWN, EAST OF MARYLAND HIGHWAY NO. 565 AND SOUTH OF BACKTOWN ROAD, IN THE THIRD ELECTION DISTRICT OF TALBOT COUNTY, MARYLAND, CONSISTING OF 5.125 ACRES OF LAND, MORE OR LESS, AND BEING A PORTION OF PARCEL 302, SHOWN ON TAX MAP 54 (THE “PROPERTY”), FINDING THAT THE PROPERTY’S PROPOSED REZONING FROM TALBOT COUNTY’S TOWN RESIDENTIAL (“TR”) ZONING TO THE TOWN’S INDUSTRIAL (“M”) ZONING UPON ITS ANNEXATION WILL RESULT IN SUBSTANTIALLY DIFFERENT USES OR SUBSTANTIALLY HIGHER DENSITY, EXCEEDING 50%, THAN COULD BE GRANTED FOR PROPOSED DEVELOPMENT UNDER THE COUNTY’S TR ZONING, AND WAIVING THE FIVE-YEAR HOLD IN ACCORDANCE WITH § 4-416 OF THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND**

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

**WHEREAS**, on September 6, 2023, the Town of Trappe (the “Town”) introduced Resolution No. 4-2023 for the purpose of annexing certain real property owned by Brian K. Hause located on the north side of the Town, east of Maryland Highway No. 565 and south of Backtown Road, in the Third Election District of Talbot County, Maryland, consisting of 5.125 acres of land, more or less, and being a portion of Parcel 302, shown on Tax Map 54 (the “Property”); and

**WHEREAS**, the Property is shown and depicted as “PROPOSED ANNEXATION AREA 5.125 AC±” on a plat titled “ANNEXATION PLAT TOWN OF TRAPPE ON THE LANDS OF BRIAN KEITH HAUSE TOWN OF TRAPPE TALBOT COUNTY, MARYLAND TAX MAP 54, GRID 12, PARCEL 302”, prepared by Lane Engineering, LLC, dated May 10, 2022 (the “Annexation Plat”), which is attached hereto and incorporated herein by reference as Exhibit A; and

**WHEREAS**, the Property is also described in a metes and bounds description prepared by Lane Engineering, LLC entitled “DESCRIPTION OF TOWN OF TRAPPE ANNEXATION PART OF THE LANDS OF BRIAN KEITH HAUSE IN THE THIRD ELECTION DISTRICT OF TALBOT COUNTY, MARYLAND,” dated August 11, 2023 (“Annexation Description”), which is attached hereto and incorporated herein by reference as Exhibit B; and

**WHEREAS**, the Property is currently zoned Town Residential (“TR”) on the Talbot County Zoning Map; and

**WHEREAS**, on September 15, 2023, the Town submitted a letter to the County Council of Talbot County (the “County Council”) requesting that the County Council waive the five-year

zoning restriction set forth in Md. Code Ann., Local Gov't § 4-416 for the purpose of authorizing the Town to zone the Property Industrial ("M") upon its annexation into the Town; and

**WHEREAS**, on September 6, 2023, the Town introduced Ordinance No. 6-2023 for the purpose of zoning the Property as M upon its annexation into the Town.

**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.
2. The County Council finds that rezoning the Property to the Town's M zoning upon its annexation into the Town would allow land uses substantially different from the authorized uses in the County's TR zoning and/or permit development of the Property at a substantially higher density, exceeding 50 percent, than could be permitted in the County's TR zoning.
3. Pursuant to Md. Code Ann., Local Gov't § 4-416, the County Council hereby expressly approves the Town placing the Property into the Town's M zoning upon its annexation into the Town as proposed by Town Resolution No. 4-2023 and Town Ordinance No. 6-2023, which zoning will allow land uses substantially different from the authorized uses under the County's TR zoning and/or permit development of the Property at a substantially higher density, exceeding 50 percent, than could be permitted under the County's TR zoning.

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately upon its date of adoption.

**PUBLIC HEARING**

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. \_\_\_ having been published, a public hearing was held on Tuesday, \_\_, 2024 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

**BY THE COUNCIL**

Read the second time:

Adopted: \_\_\_\_\_

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

Callahan -

Stepp -

Leshner -

Mielke -

Haythe -

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