

ORDINANCE NO. 690

AN ORDINANCE OF THE TOWN OF EASTON AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF EASTON TO APPLY THE GENERAL COMMERCIAL (CG) ZONING DISTRICT TO CERTAIN LOTS OR PARCELS OF LAND ANNEXED TO THE TOWN OF EASTON BY RESOLUTION NO. 6071 LOCATED ALONG PORT STREET AND CONSISTING, COLLECTIVELY, OF 6.533 ACRES OF LAND, MORE OR LESS

Introduced by: \_\_\_\_\_

WHEREAS, the Town of Easton (“Town”) is authorized by §§ 4-416 and 5-213 of the Local Government Article and § 4-102 of the Land Use Article of the Maryland Annotated Code (“Code”) to exercise planning and zoning jurisdiction in areas annexed by it and to enact and administer a zoning ordinance, which ordinance is Chapter 28 of the Easton Town Code; and

WHEREAS, the Town is authorized by § 4-201 of the Land Use Article of the Code to divide land within the municipal boundaries into zoning districts in a manner it deems best suited to execute the purposes of the Land Use Article; and

WHEREAS, the Town is authorized by § 4-204 of the Land Use Article of the Code to amend, supplement, modify or repeal sections of the zoning ordinance; and

WHEREAS, the Town has acted pursuant to its authority under §4-401 *et. seq.* of the Local Government Article of the Code to introduce Resolution No. 6071 (the “Resolution”) to expand its municipal boundaries by annexing lands adjacent to the present Town boundaries as requested by Jason M. Webb and Maria Webb Gomes (f/k/a Maria A. Webb), Port Street Ventures, LLC, The Boathouse at Easton Point, LLC, Timothy M. Miller, Amy M. Miller and 930 Port Street, Inc. (collectively, the “Petitioners”). The area proposed for annexation is generally located along Port Street, consists of a total of 6.533 acres of land, more or less, and is comprised of Talbot County Tax Map 34, Parcels 47, 48, 80, 118, 120, 139, 140, and 247 and portions the public road right-of-way known as “Port Street” and a portion of the Tred Avon River (“Annexation Property”). The Annexation Property is shown on a plat entitled “2016 ANNEXATION TOWN OF EASTON OF THE LANDS OF 930 PORT STREET, INC; THE BOATHOUSE AT EASTON POINT, LLC; PORT STREET VENTURES, LLC; TIMOTHY MILLER AND AMY MILLER; JASON WEBB AND MARIA WEBB; AND A PORTION OF PORT STREET, FIRST ELECTION DISTRICT, TALBOT COUNTY, MARYLAND,” prepared by Rauch inc. and dated July, 2016 (“Annexation Plat”), which is Exhibit A, to this Ordinance; and

WHEREAS, the Town Planning Commission considered the annexation and zoning requests during its public meeting on August 18, 2016 and recommended that the Town annex the Annexation Property and zone such land as General Commercial (CG) for several reasons, including:

(1) The consistency of the proposed annexation and zoning with the Municipal Growth Chapter of the 2010 Town of Easton Comprehensive Plan (“Plan”), which designates the Annexation Property as “Priority 1” or “Boundary Refinement Areas”. The Plan generally characterizes these areas as presenting an “opportunity for redevelopment... or an intensification of development as a result of moving from the zoning and health department regulations (i.e. septic systems and the limitations thereof) of Talbot County to those of the Town of Easton...” (Plan p. 49-50); and

(2) Connection of public utilities to and rezoning of the Annexation Property will facilitate reinvestment in these properties through redevelopment. Connecting to public utilities will permit abandonment of existing septic systems, which the Plan recognizes as “both potentially environmentally damaging and inefficient given the relative close proximity and availability of Town water and sewer” (Plan p. 257); and

(3) Annexation and rezoning will facilitate redevelopment of the westerly end of the Port Street Corridor, which is designated as a “Redevelopment Area” by the Future Land Use Map of the Plan and which is a focal point of the Easton Economic Development Corporation’s proposed “Port Street and Easton Point Small Area Master Plan”; and

(4) The Annexation Properties are designated as Priority Funding Area Comment Areas and are located adjacent to the mapped Easton Priority Funding Area.

WHEREAS, the Easton Town Council finds that it is in the best interest of the Town to amend the Official Zoning Map of the Town to include the Annexation Property and to establish the General Commercial (CG) zoning for such lands; and

WHEREAS, the Easton Town Council held a duly noticed public hearing on this Ordinance on Monday, September 6, 2016.

Now, therefore, the Town of Easton hereby ordains as follows:

Section 1. Incorporation. The Annexation Plat attached hereto as Exhibit A is incorporated herein by reference.

Section 2. Modification of Official Zoning Map Boundaries and Designation of Zoning. The Official Zoning Map of the Town of Easton is hereby amended to add those certain parcels or tracts of land annexed pursuant to the Annexation Resolution and designated among the Talbot County Tax Records and by the plat attached hereto as Exhibit A as Tax Map 34, Parcels 47, 48, 80, 118, 120, 139, 140, and 247 and portions of the public road right-of-way known as “Port Street” and a portion of the Tred Avon River. The Annexation Property shall be assigned classification of General Commercial (CG). In accordance with Section 107 of the Zoning Ordinance, the amendment shall be made on the Official Zoning Map promptly after the effective date of this Ordinance by the Easton Town Council with an entry on the Official Zoning Map as follows: “On \_\_\_\_\_, 2016, by official action of the Town Council, the following changes were made in the Official Zoning Map: (1) 6.533 acres, more or less, located along Port Street, Easton, Maryland and lying contiguous to the corporate boundaries of the Town of Easton, were added hereto; (2) 6.533 acres, more or less, of said lands were zoned and designated General Commercial (CG),” which entry shall be signed by the Mayor and Council attested by the Town Clerk.

Section 3. County Zoning Consent. The proposed General Commercial (CG) zoning classification permits land uses that are different from the land uses allowed under the current County zoning classifications applicable to the Annexation Property. In accordance with §4-416 of the Local Government Article of the Code, if Talbot County expressly approves, the Town can place the annexed land in zoning classifications that allow different land uses and/or allows a density greater than 50% of the density allowed under the current Talbot County zoning classification applied to the Annexation Property. The classification of the Annexation Property in the General Commercial (CG) zoning district is contingent upon the Town receiving the express consent of the County prior to the effective date of this Ordinance. On November 15, 2016, Talbot County enacted Resolution 234 approving the Town’s application of General Commercial (CG) zoning to the Annexation Property.

Section 4. Survival. Except as amended herein, the remainder of the Official Zoning Map and the remaining terms of existing ordinances shall remain in full force and effect.

Section 5. Effective Date. In accordance with § 4-416 of the Local Government Article of the Code, § 4-203 of the Land Use Article of the Code and Article II, Section 9 of the Easton Town Charter, this Ordinance shall become effective upon the later of: (a) the effective date of the Resolution pursuant to which the land area that is the subject of this Ordinance is annexed to the Town of Easton, (b) ten (10) days after the Town Council's public hearing on this Ordinance, or (c) twenty (20) calendar days after approval by the Mayor or passage of this Ordinance by the Council over the Mayor's veto.

Section 6. Severability. The Easton Town Council intends that, if a court of competent jurisdiction issues a final decision holding that any part of this ordinance is invalid, the remaining provisions hereof remain in full force and effect.

Silverstein -  
Leshner -  
Engle -  
Cook -  
Ford -

I hereby certify that the above Ordinance was passed by a yea and nay vote of the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
John F. Ford, President

Delivered to the Mayor by me this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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Kathy M. Ruf, Town Clerk

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APPROVED:  
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Date: \_\_\_\_\_

\_\_\_\_\_  
Robert C. Willey, Mayor

EFFECTIVE DATE: \_\_\_\_\_, 2016.