

**THE TOWN OF GALENA
ORDINANCE NO. 2025-03**

AN ORDINANCE OF THE TOWN OF GALENA AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF GALENA TO APPLY ORIGINAL ZONING CLASSIFICATIONS OF R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT), R-2 (MULTI-FAMILY DISTRICT) AND C-2 (COMMERCIAL) TO CERTAIN LAND ANNEXED TO THE TOWN OF GALENA BY ANNEXATION RESOLUTION NO. 2024-03

WHEREAS, the Mayor and Council of Galena are authorized by §4-416 of the Local Government Article of the Maryland Annotated Code (the “Code”), to exercise planning and zoning jurisdiction in any area annexed into the Town of Galena (the “Town”); and

WHEREAS, the Mayor and Council are further authorized by §4-101 *et seq.* of the Land Use Article of the Code to enact and administer a zoning ordinance, and they have done so, which ordinance has been codified as Chapter 105 of the Town Code, as amended; and

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

WHEREAS, the Town has acted pursuant to the authority of §4-401 *et. seq.* of the Local Government Article of the Code to introduce and enact Resolution No. 2024-03 (the “Resolution”) to expand the Town's municipal boundaries by annexing lands contiguous to and adjoining the present Town boundaries; and

WHEREAS, pursuant § 4-203 of the Land Use Article of the Code, a legislative body shall hold at least one public hearing on a proposed zoning regulation or boundary at which parties in interest and citizens have an opportunity to be heard, and the legislative body shall publish notice of the time and place of the public hearing, together with a summary of the proposed zoning regulation or boundary, in at least one (1) newspaper of general circulation in the local jurisdiction once (1) each week for two (2) successive weeks, and the legislative body shall publish the first notice of the hearing at least fourteen (14) days before the hearing, and the zoning regulation or boundary may not become effective until ten (10) days after the

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THE TOWN OF GALENA

hearing or hearings; and

WHEREAS, the Town Charter in Section 308 provides that no ordinance shall be passed at the meeting at which it is introduced, and at any regular or special meeting of the Council held not less than six (6) nor more than sixty (60) days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date, but in cases of emergency, the above requirement may be suspended by the affirmative votes of four (4) members of the Council, and every ordinance, unless it be passed as an emergency ordinance, shall become effective at the expiration of twenty (20) calendar days following approval by the Mayor or passage by the Council over the Mayor's veto; and

WHEREAS, the Town Charter in Section 308 further provides that a fair summary of each ordinance shall be published at least twice (2) in a newspaper or newspapers having general circulation in the municipality and that an emergency ordinance shall become effective on the date specified in the ordinance, but no ordinance shall become effective until approved by the Mayor or passed over the Mayor's veto by the Council; and

WHEREAS, the Mayor and Council find that pursuant to Section 116 of the Zoning Ordinance that in considering proposed changes recommended by the Planning Commission in the text of the Zoning Ordinance or in the zoning map, the Mayor and Council acts in its legislative capacity and must proceed in accordance with the requirements of Article XVI (Amendments) and that in accordance with Section 121, public hearings pertaining to the amendment shall be conducted in accordance with the provision of Ordinance 97-03; and

WHEREAS, the area proposed for annexation includes certain land situated east and south near the intersection of the Galena-Sassafras Road (MD 290/East Cross Street) and Galena Road (MD 313/S. Main Street) comprising the real property commonly known as Parcel 3 (Tax Account Number 1501004344) also situated north of Jim Davis Road (CO 13) and west of Olivet Circle (CO 390), and comprising collectively 103.53 acres, more or less ("the Annexation Area"); and

WHEREAS, said Parcel 3 (Map 15), the Annexation Area, is owned in its entirety by SIVAD, LLC pursuant to a deed from Francis Ward and Jarman Davis, dated November 26, 2005, and recorded among the Land Records for Kent County, Maryland in Liber M.L.M. No. 449, folio 187; and

WHEREAS, the Annexation Area is shown on a plat entitled "REZONING PLAN,"

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THE TOWN OF GALENA

prepared by Becker Morgan Group Inc., dated August 16, 2024, which is Exhibit A to this Ordinance; and

WHEREAS, the Annexation Area is described by a metes and bounds in a description prepared by Becker Morgan Group for SIVAD, LLC entitled “Rezoning Plan,” dated August 16, 2024, which is Exhibit B to this Ordinance; and

WHEREAS, according to the approved Annexation Agreement dated March 3, 2025, “the zoning classification requested for the Annexed Property shall be R-1, R-2, and a limited amount of C-2 Commercial District, conditioned upon the Town obtaining a waiver from the County Commissioners of Kent County of the requirements of Section 4-416(b) of the Local Government Article of the Annotated Code of Maryland...[and]...the parties agree and understand that the Annexation Property shall be developed as a mostly residential development, with approximately 7 acres as commercial (the "Development")...[and] [t]he parties acknowledge that duplexes or multifamily housing units are not permitted under the current zoning regulations in the portion of the proposed development that is currently within the Town limits [but] [a] re-zoning or the enactment of a zoning text amendment would be required for such use...” and

WHEREAS, the Applicant, SIVAD, LLC, has filed a Rezoning Application dated November 15, 2024, prior to seeking subdivision approval by requesting a change of zoning from R-1 (Single-Family Residential District) to R-2 (Multi-Family District) and C-1 (Commercial District) for the property indicated as Parcel 3, Tax Map 15 with a proposed use of a “Subdivision community with commercial frontage on [MD] 290” having an estimated population of 300 persons in order to “allow a mix of unit types including duplex in a new community of singles [single family dwellings] along with road frontage commercial;” and

WHEREAS, the Mayor and Council finds that in the R-1 (Single-Family Residential District) zone pursuant to Article V (District Regulations), Part I. (Zoning Districts) of Ordinance No. 2020-01 adopted on June 17, 2020, that the permitted uses by right found in Section 12.2 for R-1 (Permitted Uses) includes “Dwelling – Duplex,” and in Section 13.2 for R-2 (Permitted Uses) it also includes “Dwelling – Duplex;” and the R-2 zoning district also permits “Dwelling – Townhouse;” and

WHEREAS, the Applicant further stated in its Zoning Application that it attached a survey indicating exact acreages of the zones requested specifically R-2 And C-1, which is Exhibit B to this Ordinance.

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THE TOWN OF GALENA

WHEREAS, the Town Planning Commission considered the annexation and zoning requests during its public meeting on March 7, 2024, and recommended that the Town annex the Annexation Area and zone such land as R-1, R-2, and C-1 as indicated herein; and

WHEREAS, the Mayor and Council have determined that the requested changes to the zoning classifications are consistent with relevant provisions of the Town Comprehensive Plan; and

WHEREAS, the Mayor and Council find that it is in the best interest of the Town to amend the Official Zoning Map of the Town to include the Annexation Area and to establish R-1 (Single-Family Residential District) to R-2 (Multi-Family District) and C-1 (Commercial District) for said Annexation Area; and

WHEREAS, the proposed zoning classifications permit land uses that are different from the land uses allowed under the current Kent County zoning classification and/or permits development at a density that exceeds the density allowed under the current Kent County zoning classification applicable to the Annexation Property by 50%, and in accordance with §4-416 of the Local Government Article of the Code, the Town may place the annexed land in zoning classification that allows different land uses and/or a density greater than 50% than the current Kent County zoning classification applied to the property only with the consent of the County; and

WHEREAS, the Mayor and Council held a duly noticed public hearing on this Zoning Amendment Application on October 6, 2025.

NOW, THEREFORE, the Mayor and Council of the Town of Galena hereby ordain and enact as follows:

Section 1. Incorporation. The Annexation Plan or plat attached hereto as Exhibit A including the Metes and Bounds Description is incorporated herein by reference along with any other exhibits referenced herein including the above recitals.

Section 2. Modification of Official Zoning Map Boundaries. The Official Zoning Map of the Town found in Appendix I – Zoning District Map of Galena, Maryland 2020 adopted by Ordinance 2021-01 is hereby amended to add the Annexation Area described in Exhibits A & B including the colorized zoning districts of existing C-2 (pink), Rezoned C-2 (red) and Rezoned R-2 (orange) depicted on Exhibit B, provided that as a matter of clarification all lands labeled as existing R-1 zoning (tan) including parks (light green), and open spaces (dark or blue green)

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THE TOWN OF GALENA

shall remain in the R-1 zone despite being shaded a greenish hue or color. The Zoning District Map of Galena, Maryland 2020 is hereby amended and supplemented as set forth herein until such time as a new replacement map is prepared and adopted.

Section 3. Designation of Zoning for Annexation Property. The Annexation Area shall be assigned the classifications of R-1 (Single-Family Residential District), R-2 (Multi-Family District) and C-2 (Commercial) as depicted. In accordance with Section 119 *et seq.* of the Town of Galena Zoning Ordinance and Zoning District Map of Galena, Maryland, adopted June 17, 2020, by Ordinance No. 2020-01. The amendment shall be made on the Official Zoning Map of the Town promptly upon the effective date of this Ordinance with an entry or insertion of the Official Zoning Map of the Town as follows: The table of contents (pg. x) of said ordinance shall be read as follows:

Town of Galena Zoning Ordinance and Zoning District Map of Galena, Maryland
Adopted June 17, 2020
Ordinance No. 2020-01

APPENDIX I - Zoning District Map of Galena, Maryland 2020, AS AMENDED (2025) ... 130

- i. ZONING DISTRICT MAP OF GALENA, MARYLAND ADOPTED JUNE 17, 2020, AND
- ii. REZONING EXHIBIT [COLORIZED] PREPARED BY BECKER MORGAN GROUP FOR SIVAD, LLC DATED AUGUST 16, 2024, ADOPTED PURSUANT TO ORD. 2025-03.

Section 4. County Zoning Consent. The County Commissioners of Kent County, Maryland granted a waiver on December 17, 2024, for a different land use of density as required by Section 4-416(b) of the Local Government Article and Section 4-204 of the Annotated Code of Maryland, which is hereby accepted and ratified by the Town.

Section 5. Survival. Except as amended herein, the remainder of the Official Zoning Map of the Town and the remaining terms of existing ordinances shall remain in full force and effect.

Section 6. Effective Date. This Ordinance shall become effective upon the date hereinbelow written.

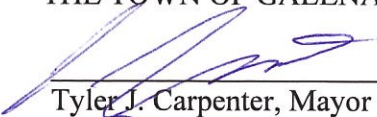
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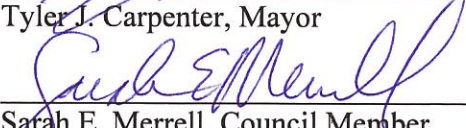
THE TOWN OF GALENA

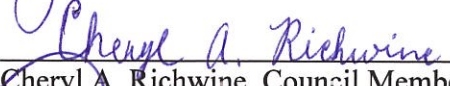
AND BE IT FURTHER ORDAINED AND ENACTED, that a fair summary of this ordinance shall be published at twice (2) after the date of passage in a newspaper or newspapers having general circulation in the Town.

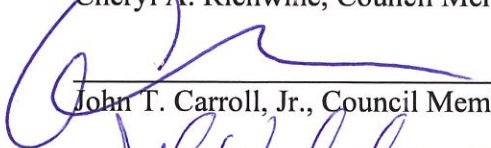
HAVING BEEN DULY ADOPTED on the 1 day of December 2025, to be effective at the expiration of twenty (20) calendar days following approval on 1 day of December 2025, we hereby affix our signatures. Following adoption, a fair summary of this Ordinance will be published at least twice (2) in a newspaper having circulation in the area.

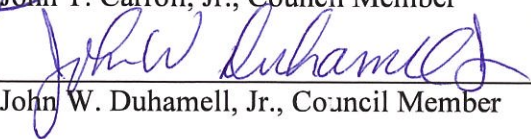
THE TOWN OF GALENA


Tyler J. Carpenter, Mayor

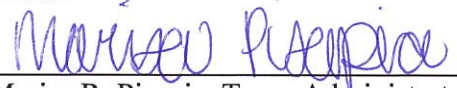

Sarah E. Merrell, Council Member


Cheryl A. Richwine, Council Member

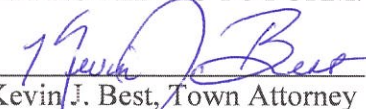

John T. Carroll, Jr., Council Member


John W. Duhamell, Jr., Council Member

Attest:


Marisa R. Pisapia, Town Administrator

APPROVED AS TO FORM:


Kevin J. Best, Town Attorney

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