

ORDINANCE NO. 6-2023

AN ORDINANCE OF THE COUNCIL OF TRAPPE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF TRAPPE TO APPLY AN ORIGINAL ZONING CLASSIFICATION OF M INDUSTRIAL TO CERTAIN LAND ANNEXED TO THE TOWN OF TRAPPE BY RESOLUTION NO. 4-2023 LOCATED ON NORTH SIDE OF TRAPPE, EAST OF MARYLAND HIGHWAY NO. 565 AND SOUTH OF BACKTOWN ROAD, IN THE THIRD ELECTION DISTRICT, TALBOT COUNTY, MARYLAND AND CONSISTING OF 5.125 ACRES OF LAND, MORE OR LESS

WHEREAS, the Council of Trappe (the "Council") is 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 Trappe (the "Town"); and

WHEREAS, the Council is authorized by § 4-101 *et seq.* of the Land Use Article of the Code to enact and administer a zoning ordinance, which ordinance is Chapter 171 of the Town Code; and

WHEREAS, the Council 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 Council is 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 Council has acted pursuant to its authority under §4-401 *et. seq.* of the Local Government Article of the Code to introduce Resolution No. 4-2023 (the "Resolution") to expand its municipal boundaries by annexing lands adjacent to the present Town boundaries. The area proposed for annexation includes certain land located on the east side of Maryland Highway No. 565 and south of Backtown Road, consisting of a total of 5.125 acres of land, more or less, which is a portion of the parcel shown as Parcel 302 on Talbot County Tax Map 54 (the "Annexation Property"). The Annexation Property is owned by Brian K. Hause. The Annexation

Property is shown 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,” dated May 10, 2022, and prepared by Lane Engineering, LLC (the “Annexation Plat”), which is Exhibit ‘1’ to this Ordinance and to the Resolution; and

WHEREAS, M Industrial zoning is consistent with the current zoning of the portion of Parcel 302 that is already within the Town; and

WHEREAS, the Town Planning Commission considered the annexation and zoning requests during its public meeting on 7/18/2023 and recommended that the Council annex the Annexation Property and zone such land as M Industrial as indicated herein; and

WHEREAS, the 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 M Industrial zoning for such Annexation Property; and

WHEREAS, the Council held a duly noticed public hearing on this Ordinance on Nov. 1, 2023.

NOW, THEREFORE, the Council hereby ordains as follows:

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

Section 2. Modification of Official Zoning Map Boundaries. The Official Zoning Map of the Town is hereby amended to add the Annexation Property that has been annexed pursuant to Resolution No. 4-2023, which Annexation Property is described on the Annexation Plat and is also described in a metes and bounds description prepared by Lane Engineering, LLC entitled “Brian Keith House”, dated Aug. 11, 2023, which is Exhibit ‘2’ to the Resolution.

Section 3. Designation of Zoning for Annexation Property. The Annexation Property, as depicted by the Annexation Plat, shall be assigned the classification of M Industrial. In accordance with Section 8 of the Town's Zoning Ordinance, the amendment shall be made on the Official Zoning Map of the Town promptly after adoption of this Ordinance by the Council with an entry on the Official Zoning Map of the Town as follows: "On Nov. 1, 2023, by official action of the Council of Trappe, the following change was made in the Official Zoning Map: 5.125 ± acres, located generally on the east side of Maryland Highway No. 565 and south of Backtown Road, and lying contiguous to the corporate boundaries of the Town, are added hereto," which entry shall be signed by the Council and attested to by the Town Clerk.

Section 4. County Zoning Consent. The proposed M Industrial zoning classification permits land uses that are different from the land uses allowed under the current Talbot County zoning classification. 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 classification that allows different land uses and/or a density greater than 50% than the current Talbot County zoning classification applied to the property. The classification of the Annexation Property in the M Industrial zoning district is contingent upon the Town receiving the express consent of Talbot County prior to the effective date of this Ordinance.

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. Public Hearing and Public Notice. The Council shall conduct a public hearing on this Ordinance No. 6-2023 on Nov. 1, 2023 at 6:00 p.m. at the Town Office, or such other location as set forth in a public notice, to consider the same. Prior to the

hearing, the Town Clerk shall arrange for the publication of a legally sufficient notice of the hearing in the Easton Star-Democrat for two (2) times at not less than weekly intervals, the date of publication of the last such notice to be at least fifteen (15) days prior to the date of the hearing, in accordance with §4-203 of the Land Use Article of the Code.

Section 7. Effective Date. In accordance with § 4-203 of the Land Use Article of the Code, this Ordinance shall become effective upon the later of: (a) the effective date of the Annexation Resolution pursuant to which the Annexation Property that is the subject of this Ordinance is annexed to the Town or (b) ten (10) calendar days after approval by the Council.

Section 8. Severability. The 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.

absent
Nicholas Newnam

[Signature]
Brian Schmidt

[Signature]
Rosalee Potter

[Signature]
Michael Sullivan

[Signature]
Walter Chase

I hereby certify that the foregoing Ordinance Number 6-2023 of the Town of Trappe was duly read and enacted in accordance with the applicable provisions of the Charter of the Town of Trappe.

Attest: [Signature]
Erin Braband, Administrator/Clerk
Town of Trappe

EFFECTIVE DATE: 2/13/24

