

**RESOLUTION #2024-008**

**A RESOLUTION CONCERNING THE PROPOSED ANNEXATION BY THE TOWN OF FEDERALSBURG, MARYLAND (THE “TOWN”) OF CERTAIN REAL PROPERTY CONTAINING 9.796 ACRES OF LAND, MORE OR LESS, BELONGING TO DENNIS F. FISHELL AND KAREN V. FISHELL, WHICH IS COMPRISED OF PARCEL 407 ON CAROLINE COUNTY TAX MAP 61, AND A PORTION OF THE PUBLIC ROAD RIGHT-OF-WAY KNOWN AS “RELIANCE ROAD” (THE “PROPERTY”), FINDING THAT THE PROPERTY’S PROPOSED REZONING FROM CAROLINE COUNTY’S SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL (“R-2”) ZONING TO THE TOWN’S GENERAL COMMERCIAL (“C-2”) 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 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 January 2, 2024, the Town of Federalsburg (the “Town”) introduced Resolution No. 2024-01 for the purpose of annexing 9.796 acres of land, more or less, belonging to Dennis F. Fishell and Karen V. Fishell, which is comprised of Parcel 407 on Caroline County Tax Map 61, and a portion of the public road right-of-way known as “Reliance Road” (hereinafter collectively referred to as the “Annexation Property”); and

**WHEREAS**, the Annexation Property is more particularly depicted on a plat titled “PLAT SHOWING PROPOSED ANNEXATION TOWN OF FEDERALSBURG ON THE LANDS OF DENNIS F. FISHELL AND KAREN V. FISHELL IN THE FIFTH ELECTION DISTRICT CAROLINE COUNTY, MARYLAND TAX MAP 61 GRID 22, PARCEL 407” prepared by Lane Engineering, LLC, dated November 8, 2023 (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 THE LANDS TO BE ANNEXED INTO THE TOWN OF FEDERALSBURG IN THE FIFTH ELECTION DISTRICT CAROLINE COUNTY, MARYLAND,” dated November 9, 2023 (“Annexation Description”), which is attached hereto and incorporated herein by reference as Exhibit B; and

**WHEREAS**, the Property is currently zoned R-2 on the Caroline County Zoning Map; and

**WHEREAS**, on January 4, 2024, the Town submitted a letter to the County Commissioners and County Planning Commission requesting that the County Commissioners 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 C-2 upon its annexation into the Town; and

**WHEREAS**, on January 4, 2024, the Town introduced Ordinance No. 2024-01 for the purpose of zoning the Property as C-2 upon its annexation into the Town.

**NOW, THEREFORE, BE IT RESOLVED** by the County Commissioners of Caroline County, Maryland that:


1. The above recitals are hereby incorporated as if fully set forth herein.
2. The County Commissioners find that rezoning the Property to the Town's C-2 zoning upon its annexation into the Town would allow land uses substantially different from the authorized uses in the County's R-2 zoning and/or permit development of the Property at a substantially higher density, exceeding 50 percent, than could be permitted in the County's R-2 zoning.
3. Pursuant to Md. Code Ann., Local Gov't § 4-416, the County Commissioners hereby expressly approve the Town placing the Property into the Town's C-2 zoning upon its annexation into the Town as proposed by Town Resolution No. 2024-01 and Town Ordinance No. 2024-01, which zoning will allow land uses substantially different from the authorized uses under the County's R-2 zoning and/or permit development of the Property at a substantially higher density, exceeding 50 percent, than could be permitted under the County's R-2 zoning.

**BE IT FURTHER RESOLVED** by the County Commissioners of Caroline County, Maryland that, in the event any portion of this Resolution is found to be unconstitutional, illegal, null or void, it is the intent of the County Commissioners to sever only the invalid portion or provision, and that the remainder of the Resolution shall be enforceable and valid.

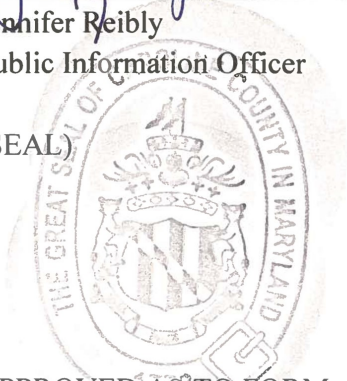
BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its date of adoption.

ADOPTED/EFFECTIVE: February 6, 2024

ATTEST:

  
\_\_\_\_\_  
Jennifer Reibly  
Public Information Officer

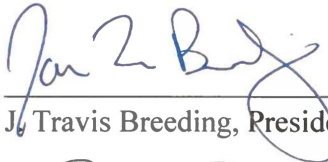
(SEAL)



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
Stewart Barroll  
County Attorney

COUNTY COMMISSIONERS OF  
CAROLINE COUNTY, MARYLAND

  
\_\_\_\_\_  
J. Travis Breeding, President

  
\_\_\_\_\_  
Larry C. Porter, Vice President

  
\_\_\_\_\_  
N. Franklin Bartz III, Member

State of Maryland, Caroline County  
Filed for Record at 4:00pm on February  
6, 2024 in Liber 7 Folio 80-82 one of the  
Resolution Books for the aforesaid and

 Clerk