Introduction June 24, 2015
Public Hearing July 8, August 12, August 26, 2015
Adopted September 9, 2015
Effective September 30, 2015

ORDINANCE NO. 463

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF ST. MICHAELS; CHAPTER 333 (WATERWAYS MANAGEMENT), TO RENAME THE WATERWAYS ADVISORY COMMISSION TO THE WATERWAYS MANAGEMENT ADVISORY BOARD; TO INCLUDE THE METHODS FOR ESTABLISHING USEABLE WATER AREAS TO OTHER WATERS OF THE TOWN; TO INCLUDE CONSIDERATION FOR THE PLACEMENT OF WATERWAY IMPROVEMENTS BASED ON POTENTIAL IMPACT TO NEIGHBORING PROPERTY IN OTHER WATERS OF THE TOWN AND TO REQUIRE THAT THE WATERWAYS MANAGEMENT ADVISORY BOARD MAKE RECOMMENDATIONS TO THE ZONING INSPECTOR FOR SUCH PLACEMENT; TO PROPOSE THE ESTABLISHMENT OF A HERITAGE WATERMEN'S PARK AND TO ESTABLISH EXEMPTIONS FOR PIER LENGTH AND THE EXTENSION LIMITATION OF THE BODY OF WATER FOR PIERS IN A DESIGNATED HERITAGE WATERMEN'S PARK AND GENERALLY RELATING TO REGULATION OF THE HARBOR AND OTHER WATERWAYS OF THE TOWN OF ST. MICHAELS.

WHEREAS, the State of Maryland holds title to State tidal wetlands in a proprietary capacity, in trust for the benefit of the people of Maryland; and

WHEREAS, subject to reasonable regulations, the owners of land bounding on navigable water are entitled to make certain improvements into the water in front of the land to preserve access to the navigable water or protect the shore against erosion, and after an improvement has been constructed, the improvement is thereafter considered the property of the owner of land to which the improvement is attached; and

WHEREAS, the Commissioners of St. Michaels (the "Commissioners"), a municipal corporation, has been delegated certain police powers pursuant to the Maryland Annotated Code, Local Government Code, Division II, and Land Use Article, Division II to govern the placement of improvements within its waters, and the right to control the use and development of riparian property including the ability to zone and regulate submerged land; and

WHEREAS, the Commissioners hereby find that the resources and public areas of all of the publicly accessible bodies of water within or adjacent to the boundaries of the Town, including the Miles River and San Domingo Creek, substantially contribute to the Town's charm, character, attraction as a place to visit and reside, and economic viability; and

WHEREAS, it is the desire of the Commissions to amend Chapter 333 (Waterways Management) of the Code of the Town of St. Michaels to provide clear and definable guidance for all persons wishing to seek building permits/zoning certificates for waterway improvements

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within the mapped harbor and defined other waters of the Town to incorporate into local law the public policy of the State; and

WHEREAS, the Commissioners wish to recognize the historic contribution of the Talbot County watermen to the character and development of the Town of St. Michaels and their continued efforts to preserve the culture and a way of life indigenous to the Chesapeake; and

WHEREAS, for the reasons stated herein, the Commissioners deem it in the interest of the public health, welfare and safety of the citizens of the Town, and for good government of the Town, to enact the following Ordinance.

NOW, THEREFORE BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 333 (Waterway Management) of the Code of the Town of St. Michaels is hereby amended as follows, with new language shown in *italics and* underlined and deleted language shown in (parenthesis) and with a ~~strikethrough.~~

SECTION I

§ 333-1 Title.

This chapter shall be known and may be cited as the "Waterways Management Ordinance."

§ 333-2 Adoption of standards; policy statements.

A. This chapter was passed after full, open and public hearings upon prior notice and opportunity to all interested persons, including riparian property owners, to be heard, and upon careful consideration by the Commissioners.

B. Policy statements. The following policy statements are factors which shall be considered and followed in making decisions relating to the waterways of the Town:

(1) The waterways within the Town are a finite resource;

(2) The resources of the waterways within or adjacent to the boundaries of the Town substantially contribute to the Town's charm, character, attraction as a place to visit and reside, and economic viability;

(3) Open spaces, spatial relationships and vistas created by the waterways substantially contribute to the character and charm of the Town;

(4) The harbor and the other waterways are of primary importance to the character of the Town;

(5) History has demonstrated that, without regulation, management and control of waterway improvements in the harbor, there would have been over-development and an unreasonable and unacceptable reduction of public waterway area in the harbor available for safe navigation,

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support of marine life and wildlife, for preservation of the charm and character of the harbor and the Town, for maintaining the attraction of the Town as a place to reside and visit, and for maintaining the economic viability of the Town;

(6) This chapter is intended to assist in balancing the competing interests and demands for and preserving public area in the waterways of the harbor and the other waters of the Town;

(7) Adequate public waterway areas must be preserved for safe navigation, visual access, public enjoyment, natural habitat, charm and character of the Town, for maintaining the attraction of the Town as a place to reside and to visit, and for maintaining the economic viability of the Town;

(8) The demands for the private use of space in the harbor have increased since the initial enactment of the Harbor Management Ordinance, and it is anticipated that similar demands will increase for the private use of space in the other waterways within the Town;

(9) The construction and expansion of privately owned waterway improvements removes public waterway area that was previously available for the public use, benefit and enjoyment;

(10) When a waterway improvement is erected or placed in a waterway by a riparian property owner, the submerged land and the waters taken and encompassed by and in connection with that waterway improvement, which previously belonged to the state and were available for public use and benefit, for all practical purposes come under the permanent and exclusive use of the riparian owner as an extension of that riparian property owner's fast land;

(11) Once control of open waterway space is given by permit to a private riparian property owner, the space needed for public use, benefit and enjoyment is taken forever, and there is no opportunity to regain that waterway area relinquished to private use;

(12) As the public waterway areas are reduced, the remaining public waterway areas become more precious in the face of equal or greater demands for public use and benefits within a reduced area;

(13) The continual increase of vessel traffic and development within the waterways since the initial enactment of the Harbor Management Ordinance have resulted in continual increase in demand upon public waterway areas for the placement of privately owned waterway improvements;

(14) It is reasonable for local government to regulate, manage and control the taking of public waterway areas for private use, and the Commissioners saw the wisdom of such regulation related to the harbor by the initial enactment of the Harbor Management Ordinance;

(15) The reasons and purposes for this chapter are at least as valid today, related to all waterways in and adjacent to the Town, as they were, related to the harbor, at the time the Harbor Management Ordinance was first enacted;

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(16) In balancing the interests of the public against those of an applicant for increased private use of a waterway, as the demand for public space in a waterway remains equal or becomes greater and the public space within the waterway is finite, the Town must be more protective of public rights and public waterway areas, and hold applicants for increased private use of the waterway to a higher standard to demonstrate in each case that the right of public access, use and enjoyment of a waterway should be forever relinquished to a single private property owner;

(17) If a private property owner has reason to believe his application for expansion of his private waterway improvements into a public waterway area will be approved, there is little economic incentive for the property owner to go to the expense of reconfiguring his existing waterway improvements so as to make more efficient use of space in the waterway which he or she already occupies or controls;

(18) When an existing waterway improvement is not adequate to serve the needs or purposes of the owner thereof, giving rise to an application to expand such existing improvements or to install new improvements, before a public waterway area should be relinquished to private use, to the effective permanent exclusion of the public, as the available public space decreases, an applicant's burden should increase to show that he or she has first explored and pursued ways to make more efficient use of the waterway space which he or she already controls, including reconfiguring his existing waterway improvements; and

(19) This chapter shall be considered as a continuation of the Harbor Management Ordinance insofar as its application to the harbor is concerned. Any use or structure which was legally constructed prior to March 28, 2012, the adoption date of the Waterways Management Ordinance, shall be considered a legal nonconforming use and/or structure and subject the regulations set out in Chapter 340 Zoning, Article III, Nonconforming Lots, Uses of Land, Structures and Premises, of the Town Code.

§ 333-3 Purpose

Purpose. The purpose of this chapter is to provide regulations for the orderly development, control and management of the waterways and shoreline and waterway improvements to:

A. Preserve waterways as a finite public resource;

B. Balance the competing interests in, and the demands for space in, the waterways;

C. Conform private waterway improvements and uses to the same requirements imposed by Chapter 340, Zoning, on the waterfront property to which such private waterway improvements are appurtenant;

D. Pursue achievement of the goals of the Comprehensive Plan; and

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E. Preserve the tidal wetlands within the Town, to limit the loss and despoliation of wetlands within the Town, and strive for a net resource gain in tidal wetland acreage and function.

§ 333-4 Applicability and exemptions.

A. Applicability. To achieve the purposes of this chapter, the provisions of this chapter, and any rules and regulations adopted pursuant thereto, shall apply to and shall govern all activities in the waterways, including, but not limited to:

(1) Dredging, filling or grading of any bed, shoreline or embankment of the waterways, and the construction, installation, placement and use of all structures, objects, floats and mooring buoys at a fixed location, as allowed by the applicable state or local regulations, in, upon, under or over the waterways;

(2) Navigation, movement, mooring and storage of vessels in the waterways; and

(3) Water quality in the waterways.

B. Exemptions.

(1) This chapter is not intended to deprive a riparian owner of any use, right or privilege associated with riparian ownership of land; or any waterway improvement which was lawfully installed or placed at a fixed location on the date on which this chapter took effect at such location, and which waterway improvement has continued to be so placed at such location without interruption.

(2) The provisions of this chapter do not transfer the title, ownership, or riparian rights of any waterway or interest in any waterway among riparian property owners.

(3) "Watermen's Heritage Park" shall only be designated on public land adjacent to Other Waters of the Town. A pier located within a designated "Watermen's Heritage Park" may exceed the maximum pier length as previously set out in §333-6 of this Chapter, but shall comply with all state and federal permits as noted in § 333-14-C. In designing either a new pier or expansion of an existing pier, consideration shall be given to the berthing and mooring requirements of the watermen who are permitted to anchor thereon.

§ 333-5 Definitions and word usage.

A. For the purposes of this chapter, the following words, terms, phrases, and their derivations, shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense, words used in the plural number include the singular number, words used in the singular number include the plural number, and pronouns of any gender shall include all other genders. The word "shall" is always mandatory and not merely directory.

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B. As used in this chapter, the following terms shall have the meanings indicated:

ANCHOR - To secure or make fast a vessel to the bed of a body of water or to fast land by means of cables, chains, lines and/or ropes attached to an anchor, hook, weight and/or other ground tackle.

BATHYMETRY - The measurement of water depth at various places in a body of water; also the information derived from such measurements, often depicted on a map showing contour lines connecting the points on the bottom of a body of water where the water is the same depth.

BOAT LIFT - Any device, except a boat ramp and/or a boat trailer, located in, under and/or over a waterway designed, intended, suitable or used for lifting a boat or vessel from a waterway.

BULKHEAD - A structure or partition to prevent erosion, retain or prevent the sliding of soil into a waterway, or to protect fast land from wave or tidal action.

COMMISSIONERS - The collective body of persons elected as the governing body of a Maryland municipal corporation known as "The Commissioners of St. Michaels."

COMPREHENSIVE PLAN - The most recent St. Michaels Comprehensive Plan, as adopted and amended by the Commissioners from time to time.

DELEGATION OF AUTHORITY - The authority given to the Commissioners of St. Michaels by the Maryland Department of Natural Resources assigning the responsibility of controlling the placement of private mooring buoys within the harbor of St. Michaels.

DEVELOPABLE HARBOR WATERWAY AREA - The waterway area lying between the shoreline, the mapped harbor line and the two side property line extensions, referred to as "lateral lines," within which the owner of the contiguous waterfront property may be permitted by the Zoning Inspector, based on the criteria set forth in this chapter, to place objects and/or carry on activities controlled by this chapter.

DEVELOPABLE WATERFRONT LAND - Any waterfront property contiguous to a waterway.

DEVELOPABLE WATERWAY AREA (OTHER WATERS) - The waterway area in which the owner of the contiguous waterfront property may be permitted by the Zoning Inspector, based on the criteria set forth in this chapter and those listed below, to place objects and/or carry on activities.

(1) The lateral lines and lateral line setbacks shall be determined in accordance with § 333-7.*1 and §333-7.2 of* this chapter.

(2) No new pier or expansion of an existing pier shall extend into any body of water a distance greater than 150 feet measured from the mean high-water line. *Such limitation shall not apply to existing or proposed piers in a Watermen's Heritage Park.*

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Notwithstanding any other section of this chapter, this limitation shall not be subject to modification by a variance.

(3) In no case shall any parts of a pier exceed 1/2 of the distance from the mean high water line to the center line of the body of water. *Such limitation shall not apply to existing or proposed piers in a Watermen's Heritage Park.*

(4) In no case shall any parts of a pier impede the natural channel of the waterway.

(5) Shoreline improvements as defined herein shall not be subject to lateral line setbacks.

FAST LAND - That land which is not submerged land.

FILLING - The displacement of tidal water by the depositing into state or private tidal wetlands of soil, sand, gravel, shells, or other materials, including pilings, piers, boathouses, deadweights, or riprap; the artificial alteration of tidal water levels by any physical structure, drainage ditch, or otherwise; or storm drainage projects which flow directly into tidal waters of the state. The term "filling" shall not include:

(1) The drainage of agricultural land;

(2) The in-place replacement or repair of functional shore erosion control structures using substantially similar materials and construction design;

(3) The planting of wetlands vegetation when no grading or fill in state or private tidal wetlands s necessary; or

(4) Marking channels and harbors and establishing aids to navigation if approval has been granted by the United States Coast Guard, Maryland Department of Natural Resources and the Town.

FLOAT - Any object which is totally or partially suspended or supported in or on the surface of a waterway, which is not ordinarily used or intended for use as a means of transportation on water or ice, and which is held in place by ropes, lines, anchors and/or other similar and readily detachable means. A float is considered a structure for the purposes of this chapter.

FLOATING HOME - Any vessel, whether self-propelled or not, that is used, designated, designed or occupied primarily as a permanent dwelling unit or place of business or for any private or social club. "Floating home" also includes a structure that is constructed on a barge that is primarily immobile and out of navigation; or functions substantially as a land structure while the vessel is moored or docked in the Town.

HARBOR - All tidal waters and the bed of all tidal waters, from shoreline to shoreline, within the corporate limits of the Town of St. Michaels and which ebb into and flow from the Miles

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River; located to the west of the municipal boundary which runs between Three Cedars Point and Parrot's Point, including Church Cove and Fogg's Cove.

HARBOR DEVELOPMENT LINE - The line, as determined by this chapter, defining the maximum channelward limit within the harbor in which structures or improvements may be permitted by the Zoning Inspector to be constructed, installed or placed in or upon a waterway in the Town. Amendments to the harbor development line shall not be permitted as such expansion has been determined to be in conflict with the standards, policies and purpose as set forth in §§ 333-2 and 333-3 of this chapter.

HARBOR MANAGEMENT ORDINANCE - Ordinance No. 131, which was replaced by the Waterways Management Ordinance (Ordinance No. 256), as it may hereafter be amended from time to time).

LATERAL LINE - The extensions of the side property line of a waterfront property, as located by this chapter.

LIVING SHORELINE(S) - A suite of stabilization and erosion control measures that preserve the natural shoreline and are designed to minimize shoreline erosion, maintain coastal processes, and provide aquatic habitat. Measures must include marsh plantings and may include the use of sills, sand containment structures, breakwaters or other natural components.

LOCATION OF WATERWAY IMPROVEMENTS – The Waterways Advisory Board shall make a recommendation to the Zoning Inspector as to the location of a pier and/or mooring piling based on the method of establishing lateral lines that has the least impact on the adjacent properties as set forth in 333-7 of this Chapter.

MEAN HIGH WATER - The average of all the high-water levels observed over the national tidal datum epoch.

MEAN HIGH-WATER LINE - The line where the land meets the water surface at the elevation of mean high water. In the case of a shoreline improvement, the mean high-water line shall be the line where the water surface at the elevation of mean high water meets channelward vertical surface, as defined by this chapter, of the shoreline improvement, exclusive of pilings, swales and other support structures channelward of the channelward vertical surface.

MOOR - To secure or make fast a vessel by temporary and readily detachable means, such as lines or ropes, to mooring buoys, mooring piles, wharves and other objects secured to land or in the bed of a waterway.

MOORING BUOY - A float or other appliance secured to the bed of a waterway by means of an anchor, hook, weight or other ground tackle and provided with attachments to which vessels may be moored.

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NATIONAL TIDAL DATUM EPOCH - The specific nineteen-year period adopted by the National Ocean Service as the official time segment over which tidal observations are taken and reduced to obtain mean values for tidal datums.

OPERATE - To navigate or otherwise use.

OPERATOR - The person who operates or has charge of the navigation or use of a vessel upon a waterway.

OTHER WATERS OF THE TOWN - Those waters which lie outside the mapped harbor but which have been made a part of the Town through annexation or other legal mechanisms and are included in the Waterway Development Maps as Sheet 2, and identified as "Other Waters of the Town."[1]

OWNER - A person, other than a lien holder, having a property interest in or title to a vessel. The term includes a person entitled to use or possess a vessel subject to an interest in another person, reserved or created by agreement and securing payment for performance of an obligation.

PERSON - A person, partnership, corporation or other legal entity.

PUBLIC WATERWAY AREA - The area in a waterway which is not occupied or controlled by a privately owned waterway improvement, and which is available for public use, benefit and enjoyment.

REVETMENT; RIP-RAP - A layer, facing or protective mound of stones placed against the shoreline to prevent shore erosion, scour or sloughing of a structure, embankment or fast land by wave or tidal action.

RIPARIAN AREA - That area of a body of water adjacent to the shoreline of a waterfront property, and the submerged land under said area, within which the riparian rights appurtenant to that waterfront property may be exercised, subject to the limitations of this chapter.

RIPARIAN RIGHTS - That group of rights which are appurtenant to the ownership of a waterfront property, which rights entitle the owner of that waterfront property (subject to the limitations of this chapter) to the use and enjoyment of a body of water adjacent to that waterfront property, including the flow, quantity and quality of water and the submerged land thereunder, including the right to make improvements extending from that waterfront property into the water in front of that waterfront property and the right of access from that waterfront property to navigable water, and which rights must be exercised without undue interference with the riparian rights appurtenant to other waterfront land and the public.

SHORELINE - The mean high-water line:

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(1) At a natural beach, embankment, fast land; or

(2) At a legally existing bulkhead, riprap, or other shoreline improvement.

SHORELINE IMPROVEMENT - A bulkhead, riprap, gabion, living shoreline or other structure or improvement designed, intended, placed or used to control shoreline erosion into a waterway. A shoreline improvement is not a waterway improvement.

SLIP - Any arrangement of one or more wharves, finger-piers and/or mooring piles, designed and intended to be used for the wet storage (mooring) of a vessel.

STRUCTURE - Anything constructed, erected, installed or placed in a permanent or fixed location on land or in the bed of a waterway. Anchors, hooks and other ground tackle, floats, mooring buoys, and vessels are not structures for the purposes of this chapter.

SUBMERGED LAND - Tidal wetlands as that term is defined by this chapter.

THIS CHAPTER - Chapter 333 of the Code of the Town of St. Michaels as hereafter amended by the Commissioners from time to time.

TIDAL WETLANDS - Any land under the navigable waters below the mean high tide, affected by the regular rise and fall of the tide.

TOWN - The Maryland municipal corporation known as "The Commissioners of St. Michaels," or the geographic area contained within the corporate boundaries of that municipal corporation.

USE - to operate, navigate or employ. A vessel is in use whenever it is upon a waterway.

VESSEL - Every description of watercraft, other than a seaplane, ordinarily used or intended for use as a means of transportation or conveyance on water or ice.

WATERFRONT PROPERTY - A single lot, parcel or piece of fast land, as described in a recorded deed or other effective conveyance of said land, which land:

(1) Has as one or more of its boundaries a body of tidal water, which body of tidal water also binds upon, abuts or is adjacent and contiguous to a parcel of land owned by another person; and

(2) Has appurtenant to it a riparian area which is located partially or wholly within the Town.

WATERMEN'S HERITAGE PARK – A designation granted by the Commissioners of St. Michaels in recognition and appreciation of the historic contribution of Talbot County watermen to the character and development of the Town of St. Michaels and their continued efforts to

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preserve the culture and a way of life indigenous to the Chesapeake Bay. "Watermen's Heritage Park" shall only be designated on public lands adjacent to Other Waters of the Town.

WATERWAY - All portions of a body of water, and the bed (regardless of whether publicly or privately owned) of all portions of a body of tidal water, located within *or adjacent to* the corporate boundaries of the Town, including rivers, creeks, harbors and streams, from shoreline to shoreline or from shoreline to municipal boundary line, as the case may be.

WATERWAY DEVELOPMENT MAPS - The map or series of maps entitled "St. Michaels Waterway Development Maps," which are inclusive of the Harbor Development Map and the Map of the Other Waters of the Town. These maps graphically show the location within a waterway of shorelines, harbor development lines and municipal boundaries of those waters annexed into the Town, and those structures located within the mapped harbor. The Waterway Development Maps shall also set forth all notations, dimensions, references and other data shown thereon, as well as properly attested amendments thereto. This map is made a part of this chapter unless and until amended or replaced. The Waterway Development Maps are based on aerial photography dated 2010. These maps may be periodically updated to reflect current aerial photography without the need of additional legislative review unless changes to the Harbor Development Line or additional waters associated with annexation into the Town are required. [2]

WATERWAY IMPROVEMENT - Any dredging, filling or grading of the bed of a waterway; any constructing, installing, placing or maintaining of a structure, object, float or mooring having (or being attached to an object having) a fixed location in the bed of a waterway.

WHARF - A structure, including a dock, pier or finger-pier, built alongside, upon, in or over a waterway, and used or intended to be used for the mooring of vessels or for vessels to lie alongside for the loading and/or unloading of persons and/or property.

ZONING INSPECTOR - The person authorized to enforce the provisions of this chapter, who shall be appointed by resolution of, and serve at the pleasure of, the Commissioners.

ZONING ORDINANCE - Chapter 340 of the Code of the Town of St. Michaels, as hereafter repealed and reenacted and/or amended by the Commissioners from time to time.

§ 333-6 - Developable waterway areas.

The developable waterway area is circumscribed by the shoreline and the harbor development line or, in those waters which lie outside the harbor the waterway development line as defined and located by this chapter, and the lateral lines or the substitute lateral lines (whichever is the shortest), as defined and located by this chapter. The fact that any harbor development line, waterway development line, lateral line, and/or developable waterway area is located, placed, determined or established at a particular location does not imply or vest any rights to the bottom

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of a waterway, or ay riparian rights related to the waterway, in the owner of contiguous waterfront property.

A. Harbor development line.

Harbor development line. The harbor development line is the controlling boundary for a waterfront property in the harbor. No new piers or expansion of existing piers shall extend into the harbor beyond the harbor development line. The harbor development line shall be as follows: that line or series of lines shown and delineated on the official Town Waterway Development Line Map, which line or series of lines traverse the riparian area appurtenant to the subject waterfront property, from lateral line to lateral line

B. Waterway development line (outside the harbor).

(1) Unless dictated by circumstances to the contrary, such as recorded agreement, court order, or prescriptive use no new pier or expansion of an existing pier, *with the exception of a new or expanded pier in a "Watermen's Heritage Park" as previously set forth in §333-4-B(3),* shall extend into any body of water a distance greater than 150 feet measured from the mean high-water line or the municipal boundary, whichever is less.. In no case shall any part of the pier exceed 1/2 of the distance from the mean high-water line to the center line of the body of water, said line herein established as the waterway development line.

(2) The fact that any harbor development line, waterway development line, lateral line, and/or developable waterway area is located, placed, determined or established at a particular location does not imply or vest any rights to the bottom of a waterway, or any riparian rights related to the waterway, in the owner of contiguous waterfront property.

§333.7 Lateral lines ((~~and setbacks~~)) determination *in the Harbor*

A. In calculating the useable water area in ((~~either~~)) the harbor (~~or other waters of the Town~~)), the following procedures for establishing lateral lines and lateral line setbacks shall be used: Lateral lines shall be established utilizing the following calculations and further described in Figures A and B

(1) Intersect all side property lines of the subject property (Points D and E on Figure A) and of the adjacent waterfront properties with the shoreline (Points A, B, C, and F on Figure A).

(2) From the points at which the side property lines of the subject property intersect with the shoreline (Points D and E on Figure A), draw a radius of 200 feet intersecting with the shoreline 200 feet distant from Point D and draw a line intersecting with the shoreline 200 feet distant from Point E (resulting in Points 1 and 2 on Figure A).

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(3) From the subject property, connect with straight lines in succession at all of the side property line/shoreline intersection points, between Point 1 and Point 2, including Points 1 and 2 (i.e., Lines 1-B, B-C, C-D, and E-2 on Figure A.)

(4) Bisect each of the respective angles formed by the successive straight lines along the shoreline drawn pursuant to Subsection A (3) above, and extend the side property lines by bisecting the angles from the shoreline to the waterway development line. These are the lateral lines (Lines B-G, C-H, D-I, and E-J on Figure A).

B. Substituted waterway development lines, lateral lines and developable waterway area. The developable waterway area related to a waterfront property (hereinafter referred to as the "subject property") for the purposes of defining waterway development lines, lateral lines, and developable waterway area shall be substituted as follows for such lines and area otherwise determined by this chapter under the following conditions:

(1) If the lateral lines of the subject property or the adjacent properties extending to the waterway development line result in the waterway development line for the subject property, and the waterway development lines for each of the adjacent properties (Lines G-H, H-I, and I-J on Figure A), having distance of 20 feet or more, then the lateral lines are satisfactory, and they shall be used to determine the developable waterway area related to the subject property.

(2) Drawing of substitute lines.

(a) If any pair of lateral lines of the subject property or the adjacent properties (Lines B-G and C-H, C-H and D-I, or D-I and E-J on Figure A) extending toward the waterway development line intersect with each other before reaching the waterway development line as otherwise established by this chapter (Line G-H, H-I and I-J on Figure A), or when extended result in a waterway development line segment (Line G-H, H-I, or I-J on Figure A) of less than 20 feet in length, the waterway development line shall be moved toward and parallel to the shoreline of the affected property (Line D-E on Figure B) until a twenty-foot length is obtained between the extensions of the lateral lines before they intersect, to form a substitute waterway development line (Line N-O on Figure B) for the subject property; and

(b) Each substitute lateral line (Lines N-P and O-Q on Figure B) shall be drawn from the corresponding end of the substitute waterway development line (Line N-O on Figure B), perpendicular to the substitute waterway development line and extending toward the shoreline until it intersects with the corresponding lateral line (Lines D-I and E-J on Figure B). The amended lateral lines (Lines D-N-P and E-O-Q on Figure B) are the amended lateral lines for the subject property and the adjacent waterfront properties. For all amended lateral lines, construction shall be limited to the area enclosed by the shoreline, the shortened lateral lines (Lines D-N and O-E on Figure B) and the substitute

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waterway development line (Line N-O on Figure B), as determined by Subsection B(2) of this section. This procedure is intended to insure adequate clearance for waterway improvements in a waterway appurtenant to adjacent waterfront properties. The shortened lateral lines, the substitute waterway development line and the shoreline define the developable waterway area for the subject property. The amended lateral lines for the subject property shall be used for purposes of defining the developable waterway area of the waterfront properties adjacent to the subject property.

(3) Short substitute waterway development lines.

(a) If the procedure described in Subsection B(2) results in a substituted waterway development line (Line N-O on Figure B) in which the distance from Point N to Point O is shorter than the lesser of 20 feet or the length of the shoreline of the subject property (Line D-E on Figure A), then the substituted waterway development line of the subject property, and substituted waterway development lines for the adjacent properties to the extent necessary, shall be so located by the Zoning Inspector such that, in his or her judgment, there is an equitable division of the available riparian rights among the affected waterfront properties and there is reasonable access to the channel from the affected waterfront properties; and

(b) Each substitute lateral line (Lines N-D and O-E on Figure B) shall be drawn from the corresponding end of the substitute waterway development line (Line N-O on Figure B), extending to the corresponding end of shoreline of the subject property at the intersection of the corresponding side property line.

(c) Waterway setbacks. Waterway and harbor development setbacks. All piers, T-heads, L-heads, mooring piles, mooring buoys and/or private anchorages must be set back from the waterway and/or harbor development line an appropriate distance, as determined on a case-by-case basis, to assure that no moored vessel, or other permanent or temporary obstruction, extends channelward beyond the waterway/harbor development line. This provision shall not prohibit the continuation of legal nonconforming improvements and/or uses regulated by this chapter that existed prior to the effective date of this chapter and have continued to exist thereafter.

§ 333-7.1 Lateral line ((~~and setbacks~~))determinations in the Other Waters of the Town

A. In calculating the useable waterway in the other waters of the Town, the Waterways Management Advisory Board shall recommend the positioning of the lateral lines and setbacks utilizing the method that has the least impact on the adjacent properties to the Zoning Inspector for his/her utilization in permit issuance (See Figures C-G).

(1) from the side lot line at a 90-degree angle to the shoreline;

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(2) from the extension of the last course of the lot line into the water;

(3) from the side lot lines to the center of cove; or

(4) from the side lot lines generally parallel with existing piers located on adjacent lots.

§333-7.2 Lateral line setback.

[1] Except as otherwise provided for herein, the following setbacks from a lateral line shall be maintained in a waterway:

[a] For lots having a width of 30 feet or less at the shoreline, a four-foot setback shall be maintained from each lateral line; and

[b] For lots having a width of more than 30 feet, an eight-foot setback shall be maintained from each lateral line.

[2] The following exceptions shall apply to the setback requirement contained herein:

[a] Parallel docks adjacent to the shoreline.

[b] Shoreline improvements as described herein.

[c] A lateral line setback may be reduced if a letter of no objection is obtained from the adjacent property owners and filed with the Zoning Inspector, provided that the portion of the structure attached to land meets all setbacks required for issuance of a building permit.

[d] The mutual use of piers and/or mooring pilings by adjacent property owners, provided that such mutual use shall be memorialized by mutual cross-easements, in form and substance acceptable to the Town Attorney and recorded among the land records of Talbot County.

§ 333-8 Restricted mooring and anchorage areas.

For the promotion of public and navigational safety the United States Coast Guard, the Maryland Department of Natural Resources, the Army Corp of Engineers and the Commissioners, as allowed by law, may establish channels within a waterway so as to facilitate unobstructed and safe movement of vessel traffic. Such channels as may be established by the Commissioners shall be designated by markers or other devices. No person shall cause any vessel to be anchored or moored in any such established and designated channel in a waterway, nor shall any person intentionally obstruct the flow of vessel traffic in any such established and designated channel in a waterway. In accordance with COMAR 08.14.13.02.C and § 333-2, the Town does not allow any private mooring buoy in the jurisdictional waters of St. Michaels Harbor.

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§ 333-9 Navigational safety.

A. No person shall intentionally place any vessel in such a position as to obstruct navigation or the free flow of vessel traffic within an established and designated channel of a waterway.

B. No person shall intentionally place a vessel in such a position as to obstruct or prevent the free ingress and egress by vessel to any public or private slip or mooring by a person having a right of ownership or use in said slip or mooring in a waterway.

C. No vessel shall be abandoned in or upon the waters of a waterway. For the purposes of this section, a vessel is abandoned if it is not securely moored to a slip or mooring or if it is left at anchor and remains unattended at anchor for more than 90 days in a waterway. Any vessel abandoned in a waterway shall constitute a public nuisance and shall be subject to the Department of Natural Resources guidelines for the removal of derelict and abandoned vessels.

§ 333-10 Prohibited acts.

The following acts are prohibited by this chapter:

A. Discharge of refuse. No person shall cause to be discharged, deposited or abandoned in the waters of a waterway any human or animal waste, petroleum products, toxic material, debris or refuse matter of any description.

B. Floating homes. No floating home shall be anchored, moored, docked, occupied, or stored in the waters of a waterway, except:

(1) As reasonably required for waterfront construction when temporarily and periodically secured to or moored adjacent to construction sites; or

(2) When undergoing bona fide manufacture, repair, restoration, or refitting, provided that the period of such process does not exceed 30 days.

C. Sewage pipes. No pipe, line, conduit or other conveyance of raw human sewage shall run over, under or through the waters of a waterway except for purposes of operating an authorized and approved pump-out station to drain holding tanks of vessels on a periodic basis. No vessel shall be connected to any sewage pipe, line, conduit or other conveyance for any purpose other than temporary pumping of such holding tanks. There shall be no permanent connection of any vessel to any land-based sewage system in the Town.

D. Boat lifts. Boat lifts are prohibited within a waterway except when operated at and in connection with a commercial boatyard or marina permitted by Chapter 340, Zoning, for the purpose of hauling vessels out of a waterway for repair and/or storage or for the securing of the fire/rescue vessel owned and operated by the St. Michaels Fire Department.

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E. Dredging, filling, grading, modifying or altering the bed of a waterway; placing any mooring buoy or float in a waterway; or constructing, erecting, installing or placing any structure or improvement in a waterway beyond the harbor and/or waterway development line.

F. The placement of private mooring buoys in the Harbor of St. Michaels.

§ 333-11 Waterway Development Maps. [1]

The Waterway Development Maps which are inclusive of the Harbor Map of St. Michaels and Other Waters of the Town shall be identified by the signature of the President of the Commissioners under the following words: "This is to certify that this is the official Waterway Development Maps referred to in this Chapter of the Code of the Town of St. Michaels," together with the date of the adoption of this chapter or any amendment hereof involving a change in the Waterway Development Line Map(s).

§ 333-12 Preexisting improvements and uses.

Any improvement and/or use regulated by this chapter that was existing and lawfully conforming to all of the provisions of the laws regulating the placement and existence of such improvement and/or use immediately before this chapter takes effect at the location of such improvement or use shall be considered as lawfully installed.

§ 333-13 Legal nonconforming waterway improvements and uses.

A legal nonconforming waterway improvement or use regulated by this chapter which existed and is not in full compliance with all applicable laws at the date this chapter took effect may be continued, maintained, replaced and/or renewed, subject to the following:

A. A legal nonconforming waterway improvement which is nonconforming as to a waterway lateral line or lateral line setback requirement shall not be added to or enlarged in any manner unless the additions or enlargements are made so that the resulting improvement conforms to the waterway setback provisions of this chapter.

B. A waterway improvement which is being used for a nonconforming use or which is a nonconforming improvement and is destroyed by fire, ice, neglect, casualty or act of God may be restored to its original configuration, provided that:

(1) The damage does not exceed 50% of the cost to replace the existing waterway improvement, at current prices;

(2) All required permits are obtained for restoration of the destroyed improvement; and

(3) Substantial construction toward restoration of the destroyed waterway improvement is lawfully commenced within one year from the date of the destruction and continued to completion within the time required under the applicable permits.

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C. If use of a legal nonconforming waterway improvement is discontinued continuously for a period of one year; a permit therefor shall not be renewed.

D. A legal nonconforming waterway improvement shall not be enlarged, expanded, extended or changed so as to enlarge, extend or expand the nonconforming aspects of such waterway improvement.

§ 333-14 Zoning Inspector.

A. Jurisdiction. The Zoning Inspector shall regulate dredging, filling, grading, modifying and altering of the bed, bottom and shoreline of the harbor and the other waters of the Town, placement of moorings and floats in the harbor, and the construction, erection, installation and placement of shoreline and waterway improvements, structures and other barriers in the bed of the waterways and under, in, upon and over the waters of the waterways. The Zoning Inspector shall regulate the manner, materials and construction of all such dredging, filling, grading, modifying, altering, construction, erection, installation and placement in the waterways to the extent necessary to carry out the policy and purpose statements of this Chapter.

B. Powers. In considering applications, the policy statements contained in § 333-2 of this chapter shall be considered true statements of fact which are part of the record in each case.

C. The Zoning Inspector, *after receiving a recommendation from the Waterways Management Advisory Board* and all required local, State and Federal permits may approve, or approve with conditions and/or restrictions, as he or she deems necessary to protect the public interest, an application to permit the following activities within the developable waterway area: dredge, fill, grade, modify or alter the bed of a waterway; place any mooring buoy or float in a waterway; or construct, erect, install or place any structure or improvement in a waterway, only upon evidence and findings of fact, and in consideration of the policy and purpose statements of this chapter as set forth in §§ 333-2 and 333-3.

§ 333-15 Permits required.

The following permits shall be required:

A. Dredge, fill and grading permit. No person shall cause any dredging, filling, grading, modification, or alteration to the bed of a waterway, the depth of the water in a waterway, or to the contour of any shoreline or embankment of a waterway, without first having obtained approval therefor by the Zoning Inspector.

B. Structure permit. No person shall cause any structure to be constructed, erected, installed, placed, altered, enlarged, modified or repaired which is located in the bed of a waterway, or under, in, upon or over waters of a waterway, or to cause or permit a shoreline improvement to be constructed, placed, repaired, removed or replaced at or within 30 inches of the shoreline, without first having obtained approval therefor by the Zoning Inspector.

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C. Building permit/zoning certificate. No person shall cause or permit any waterway improvement or structure to be constructed, erected, installed, placed, altered, enlarged, modified, repaired, occupied or used which is located in the bed of a waterway, or under, in, upon or over waters of a waterway, without first having obtained those zoning and occupancy permits as required for the occupation and use of real property and/or exercise of the riparian rights and improvements appurtenant thereto, under the provisions of Chapter 340, Zoning. No such zoning and/or occupancy permit shall be issued without the approvals of the Zoning Inspector as required by this chapter.

D. Shoreline improvements. No person shall cause or permit a shoreline improvement to be placed, constructed, repaired, altered, removed or replaced, or cause or permit any filling to occur, without first obtaining approval from the Zoning Inspector, and a valid permit having been issued by the Zoning Inspector therefor. An application for the placement, construction, repair, alteration, removal or replacement of a shoreline improvement or for dredging or filling of a waterway shall comply with the following requirements: An applicant shall design a project to first avoid, and then minimize, the loss or despoliation of tidal wetlands. If the Zoning Inspector determines that the loss of tidal wetlands is unavoidable and may be licensed or permitted, the permit or license shall require mitigation in accordance with the Code of Maryland Regulations (COMAR) Title 26 (Department of the Environment), Subtitle 24 (Tidal Wetlands), Chapter 05 (Mitigation), as amended from time to time, pursuant to the Maryland Annotated Code, Environment Article, Title 16 (Wetlands and Riparian Rights), as amended from time to time.

§ 333-16 Information to accompany applications for building permit/zoning certificate.

A. Permit requirements for improvements within the mapped harbor.

(1) Site plan. The applicant shall submit a scale drawing prepared, signed and dated by a registered land surveyor or other qualified entity, showing the natural shoreline (before any dredging or artificial filling, as nearly as can be determined) and showing the following:

(a) The shoreline and bathymetry, at two-foot intervals at mean low water, of the area between the shoreline and the harbor development line adjacent to the subject property.

(b) The harbor development line.

(c) Lateral lines and lateral line setbacks. Such lines shall be established in accordance with § 333-7 *and §333-7.2* and further illustrated in Figures A and B of this Chapter. [1]

(d) Wetlands, if any.

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(e) The location and dimensions of all existing and proposed structures.

(f) The location and dimensions of all areas to be dredged, filled, graded, modified or altered.

(g) The volume of dredge spoils to be removed and dimensions of the disposal area, or volume of materials to be filled.

(h) Proposed re-graded surface of the land.

(i) Location, dimensions and proposed use of all existing and proposed site improvements to the land, including buildings, storm drains, culverts, retaining walls, fences, and all other structures affecting the waterway.

(j) The location of fuel docks and fuel storage tanks.

(k) The location and the dimensions of all water-oriented structures adjacent to the subject property and the harbor development line, and beyond.

(l) Stormwater management, including grading and sediment control.

(m) Required state and federal permits.

(2) The Zoning Inspector may seek the advice of a registered professional engineer, who may examine the relevant information and provide technical advice to the Zoning Inspector for consideration in determining whether to issue the requested permit. The cost of said engineer shall be assessed to the applicant and shall be payable prior to the issuance of the permit.

B. Permit requirements for improvements in the other waters of the Town.

(1) Site plan. The applicant shall submit a scale drawing prepared, signed and dated by a registered land surveyor or other qualified entity, showing the natural shoreline (before any dredging or artificial filling, as nearly as can be determined) and showing the following:

(a) The shoreline and bathymetry, at two-foot intervals at mean low water, of the area between the shoreline and the waterway development line adjacent to the subject property.

(b) Lateral lines and lateral line setbacks. Such lines shall be established in accordance with § *333-7.1* and *333-7.2* and further illustrated in Figures ((~~A~~)) C– *G* ((~~and B~~)) of this Chapter. [2]

(c) Wetlands, if any.

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(d) The location and dimensions of all existing and proposed structures.

(e) The location and dimensions of all areas to be dredged, filled, graded, modified or altered.

(f) The volume of dredge spoils to be removed and dimensions of the disposal area, or volume of materials to be filled.

(g) Proposed re-graded surface of the land.

(h) Location, dimensions and proposed use of all existing and proposed site improvements to the land, including buildings, storm drains, culverts, retaining walls, fences, and all other structures affecting the waterway.

(i) The location and the dimensions of all floats and mooring buoys between the shoreline adjacent to the subject property and the waterway development line, and beyond.

(j) Stormwater management, including grading and sediment control.

(k) Shoreline protection and erosion controls.

(l) Required state and federal permits.

(2) The Zoning Inspector may seek the advice of a registered professional engineer, who may examine the relevant information and provide technical advice to the Zoning Inspector for consideration in determining whether to issue the requested permit. The cost of said engineer shall be assessed to the applicant and shall be payable prior to the issuance of the permit, if any.

C. Permit requirements for the repair/replacement of waterway improvements.

(1) Application. Any person who wishes to repair or replace a shoreline improvement, as defined in § 333-5 herein, due to natural wear and tear, storm damage, ice damage or other casualty shall apply for a zoning certificate. Repair or replacement of the structure must be done without expanding the size of the structure or, in the event of replacement, without changing the location. Replacement pilings and piers must be returned to their exact locations or as reasonably possible. Bulkhead replacement shall be constructed no more than 18 inches water ward of the existing bulkhead and shall not result in any encroachments beyond the harbor development line. In completing the application for the zoning certificate, all information as required on the form shall be provided, in addition to a statement of why the repair or replacement is necessary, together with any drawings of the contemplated repair and/or replacement, a photograph or photographs sufficient to show the current location and condition of the structure to be repaired or replaced and the

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application fee as established and revised from time to time by the Commissioners of St. Michaels. The application shall be filed in the Town Office. All appropriate permits must be approved by the Zoning Inspector.

(2) Other permits. Copies of all required state and federal permits must accompany the above noted application.

(3) Action on the application. The application shall be acted on by the Zoning Inspector, after individually viewing the application and the site.

(4) Placement, construction, repair, alteration and/or replacement of a shoreline improvement. The issuance of a permit therefor shall not constitute the legal or factual basis for approval or issuance of a permit to dredge or fill a waterway, shoreline or waterway embankment except temporarily to the extent necessary to accomplish such placement, construction, repair, alteration and/or replacement.

(5) For the purposes of this section, the placement or location of a waterway improvement to be placed, constructed, repaired, altered, removed or replaced pursuant to a permit issued in accordance with this chapter shall be considered in compliance if it meets the following construction tolerances as compared to the approved drawings:

(a) A piling or other construction component shall not be more than three inches out of line; and

(b) A vertical construction component shall not be more than 2% out of plumb.

(6) Time of completion. Upon approval of the zoning certificate, the repairs and/or replacement as described therein must be completed within 180 days of such approval.

D. Permit requirements for the expansion of finger-piers.

(1) Application. Any person who wishes to expand an existing finger-pier shall apply for a zoning certificate. In completing the application for the zoning certificate, all information as required on the form shall be provided, in addition to a statement of why the expansion is necessary, together with any drawings of the contemplated construction, a photograph or photographs sufficient to show the current location and configuration of the finger-pier and the application fee as established and revised from time to time by the Commissioners of St. Michaels. The application shall be filed in the Town Office. All appropriate permits must be approved by the Zoning Inspector.

(2) Construction shall not involve the installation or relocation of existing pilings.

(3) If the finger-pier is jointly shared, written approval from the non-applicant shall be secured and submitted with the above noted application.

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(4) Other permits. Copies of all required state and federal permits must accompany the above noted application.

(5) Action on the application. The application shall be acted on by the Zoning Inspector, after individually viewing the application and the site.

(6) The issuance of the permit shall not constitute the legal or factual basis for approval or issuance of a permit to dredge or fill a waterway, shoreline or waterway embankment.

§ 333-17 Documentation of completion.

A. Upon completion of the permitted construction, repair and/or replacement, the applicant shall submit to the Town Office such photograph or photographs necessary to adequately show the completed construction, repair and/or replacement, and shall submit a dated and signed written statement, containing the permit number, that the construction, repairs and/or replacement is complete. The Zoning Inspector shall conduct a site visit to confirm that such repair and/or replacement was completed within the required time and in the manner approved. If the applicant fails to complete the construction, repairs and/or replacement within the time and in the manner required by the permit, then the permit shall be revoked by the Zoning Inspector and the applicant and his principal shall be in violation of this chapter. If the construction, repairs and/or replacements are not completed in compliance with the approved permit, the applicant agrees that the Zoning Inspector can require the removal of all construction, repairs and/or replacement at the applicant's expense.

§ 333-18 Expiration and transferability of permits.

A. No dredge, fill and grading permit or structure permit issued pursuant to this chapter shall be valid unless work is commenced thereunder within a period of six months after issuance of such permit, and unless the project for which the permit was issued is completed within 18 months from the date the permit is issued, unless a longer period of time is specified in the permit or unless an extension thereof is approved by the Zoning Inspector for good cause shown.

B. No buoy permit, dredge, fill and grade permit, or structure permit issued pursuant to this chapter shall be transferable without the approval of the Zoning Inspector upon a request for transfer of such permit submitted in writing, signed by the original applicant and the proposed transferee.

§ 333-19 Compliance with permits required.

No person shall place or anchor any buoy or float in the bed of a waterway, dredge, fill or grade the bed, shoreline or embankment of a waterway, or construct, erect, install, place, alter, enlarge, modify or repair any structure which is located in the bed of a waterway, or under, in, upon or over a waterway without, or in violation of the terms, conditions and restrictions or beyond the

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scope of the work described in, a permit issued by the Town pursuant to approval by the Zoning Inspector.

§ 333-20 Issuance of citation; notification of Zoning Inspector.

The Zoning Inspector or any sworn police officer of the Town may issue a citation to anyone who violates this chapter. No such citation shall be issued except upon first-hand knowledge of the issuing officer. The Zoning Inspector shall be promptly notified of the issuance of any such citation. Procedures set forth in Chapter 33, Municipal Infractions, as amended from time to time, for issuance of citation, payment of fines, election to stand trial, and court proceedings shall apply.

§ 333-21 Appeals from decisions of Zoning Inspector.

A. Any party aggrieved by a decision of the Zoning Inspector may appeal such a decision to the Board of Zoning Appeals. Such appeal shall be taken within 20 days from the date the decision appealed from was made in writing, by filing with the Town Clerk/Manager (with a copy to the entity appealed from) a notice of appeal specifying the grounds thereof and payment of such appeal fee as the Commissioners of St. Michaels may determine by resolution from time to time. The entity appealed from shall forthwith transmit to the Board of Zoning Appeals all papers constituting the record upon which the action appealed from was taken.

B. The Board of Zoning Appeals shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and begin the public hearing within 90 days from the date of filing the notice of appeal. At least 15 days' notice of the time and place of such hearing shall be published in a paper of general circulation in the Town and by posting the property. At the hearing, any party may appear in person or by agent or attorney. The Board shall decide the appeal within 45 days from the last to occur of the close of the public hearing or the cutoff date for receiving written public comment.

§ 333-22 Violations and penalties.

A. Any person who shall violate any provision of this chapter shall be guilty of a municipal infraction and shall be subject to a fine of $100 for each violation of this chapter. Each day a violation of this chapter continues shall constitute a separate offense.

B. In addition to the penalties herein described, the Zoning Inspector may avail himself of any and all civil and equitable remedies for the purpose of stopping continuing offenses and/or otherwise enforcing this chapter.

§ 333-23 Liability.

Any person using any pier, dock, bulkhead or other facility owned or operated by the Town, within a waterway or along the shores of a waterway shall assume all risk of injury, damage or

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loss to person and/or property. The Town assumes no liability for injury, damage or loss to person and/or property within a waterway.

§ 333-24 Severability.

It is hereby declared to be the legislative intent that:

A. This chapter is not intended to nullify the regulatory powers of any other governmental agencies, including, but not necessarily limited to, the United States Army Corps of Engineers and the Department of Natural Resources of the State of Maryland; except that this chapter shall be deemed to supersede legislation adopted by the County Council of Talbot County covering the same subject matter.

B. If a court of competent jurisdiction declares any provision of these regulations to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of these regulations shall continue to be separately and fully effective.

C. If a court of competent jurisdiction finds that application of any provision or provisions of these regulations to any lot, building, or other structure, or tract of land, is invalid or ineffective, in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property, or situations shall not be affected.

SECTION II

AND BE IT FURTHER ORDAINED AND ENACTED, that this Ordinance shall take effect twenty (20) days from the date of its enactment, having been read at two (2) meetings of The Commissioners of St. Michaels and having been passed by a yea and nay vote of The Commissioners of St. Michaels

HAVING BEEN READ for the second time and passed by a yea and nay vote of The Commissioners of St. Michaels at a Public Meeting of the Commissioners of St. Michaels held on this 9th day of September, 2015 in the meeting room of the Edgar M. Bosley, Jr. Municipal Administration Building (Town Office), St. Michaels, Maryland.

BORDERS	_yea__
CLARK	_yea__
HARROD	_yea__
MYERS	_yea__
WINDON	_absent_

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Introduction June 24, 2015
Public Hearing July 8, August 12, August 26, 2015
Adopted September 9, 2015
Effective September 30, 2015

I HEREBY CERTIFY that the above Ordinance No. 463 was passed by a yea and nay vote of The Commissioners of St. Michaels on the 9th day of September, 2015.

ATTEST

THE COMMISSIONERS OF ST. MICHAELS

_____

By: _____(SEAL)

Jean R. Weisman,
Town Clerk / Manager

Joanne R. Clark, President

I HEREBY CERTIFY that an exact copy of this Ordinance was posted from the 10th day of September, 2015, at 8:30 o'clock a.m. to the 29th day of September, 2015, at 4:30 o'clock p.m., on the bulletin board at the Town Office in St. Michaels, Maryland, and that a summary of the aforesaid Ordinance No 463, the date of its passage, its effective date and the fact that the entire text of the Ordinance may be read on the bulletin board of the Town Office, St. Michaels, Maryland, for at least twenty (20) days following the passage, has been published at least once each week for two (2) consecutive weeks following the passage of said Ordinance in a newspaper having general circulation in the Town of St. Michaels.

Date: _____, 2015

_____ (Seal)

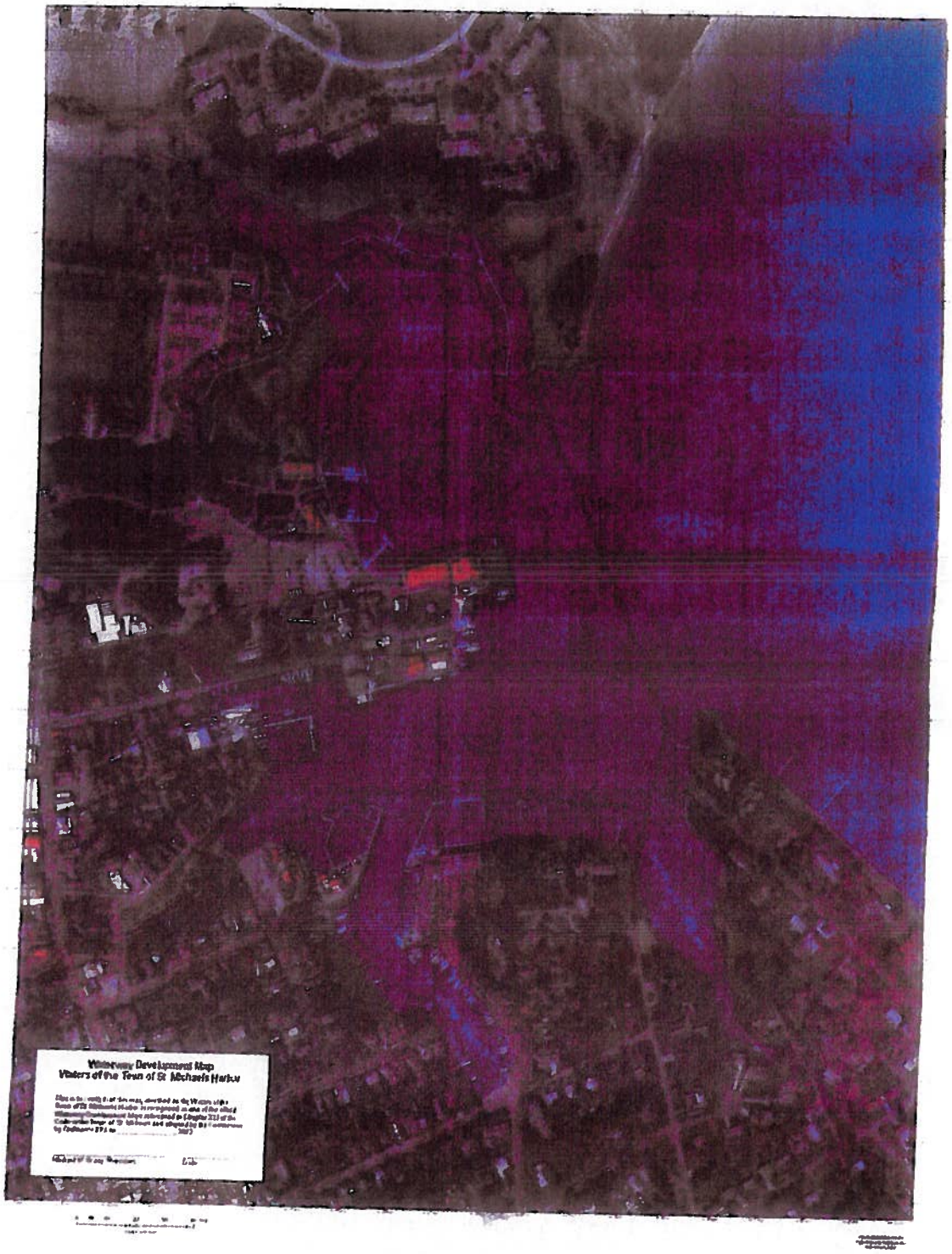
Jean R. Weisman

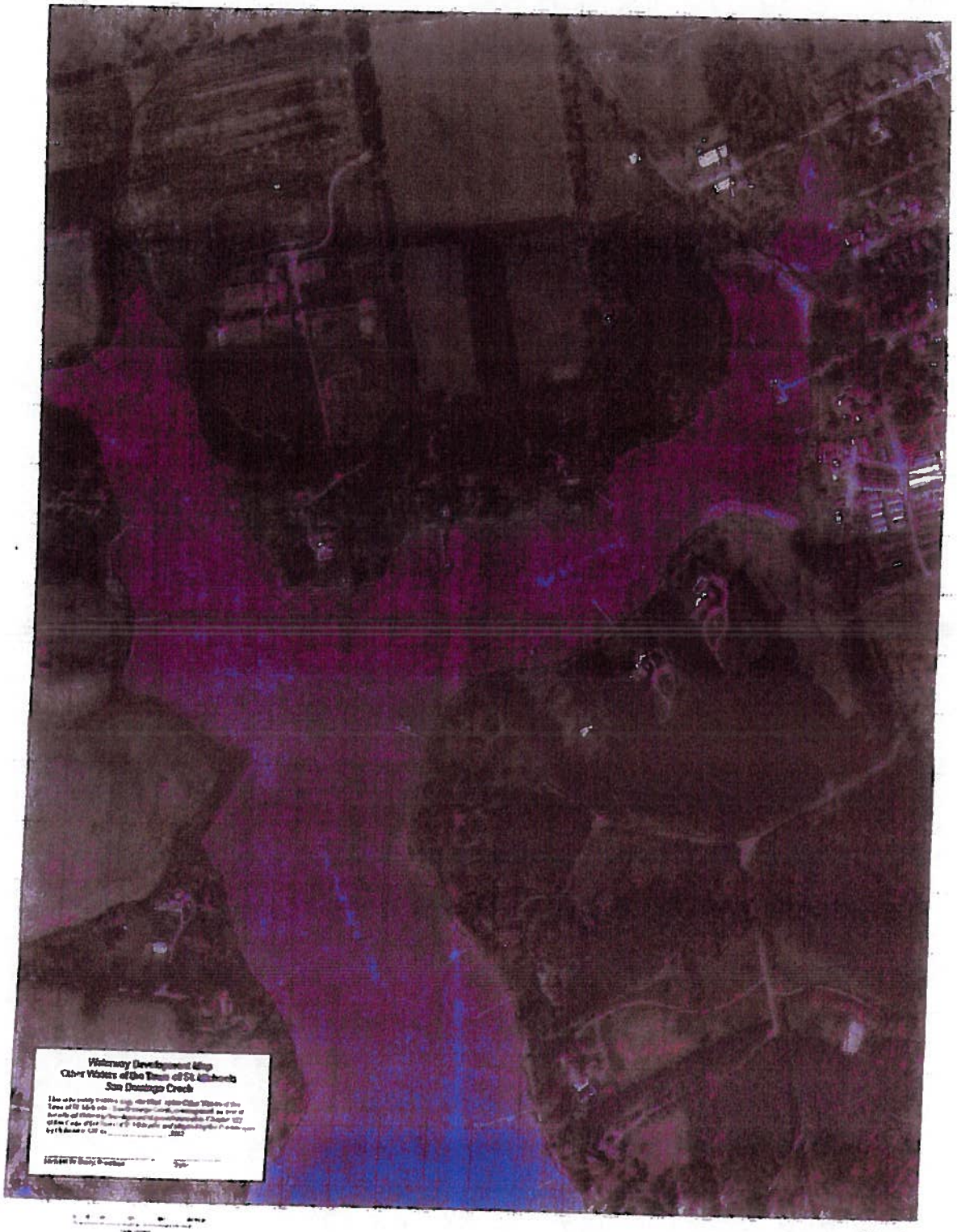
Town Clerk/Manager

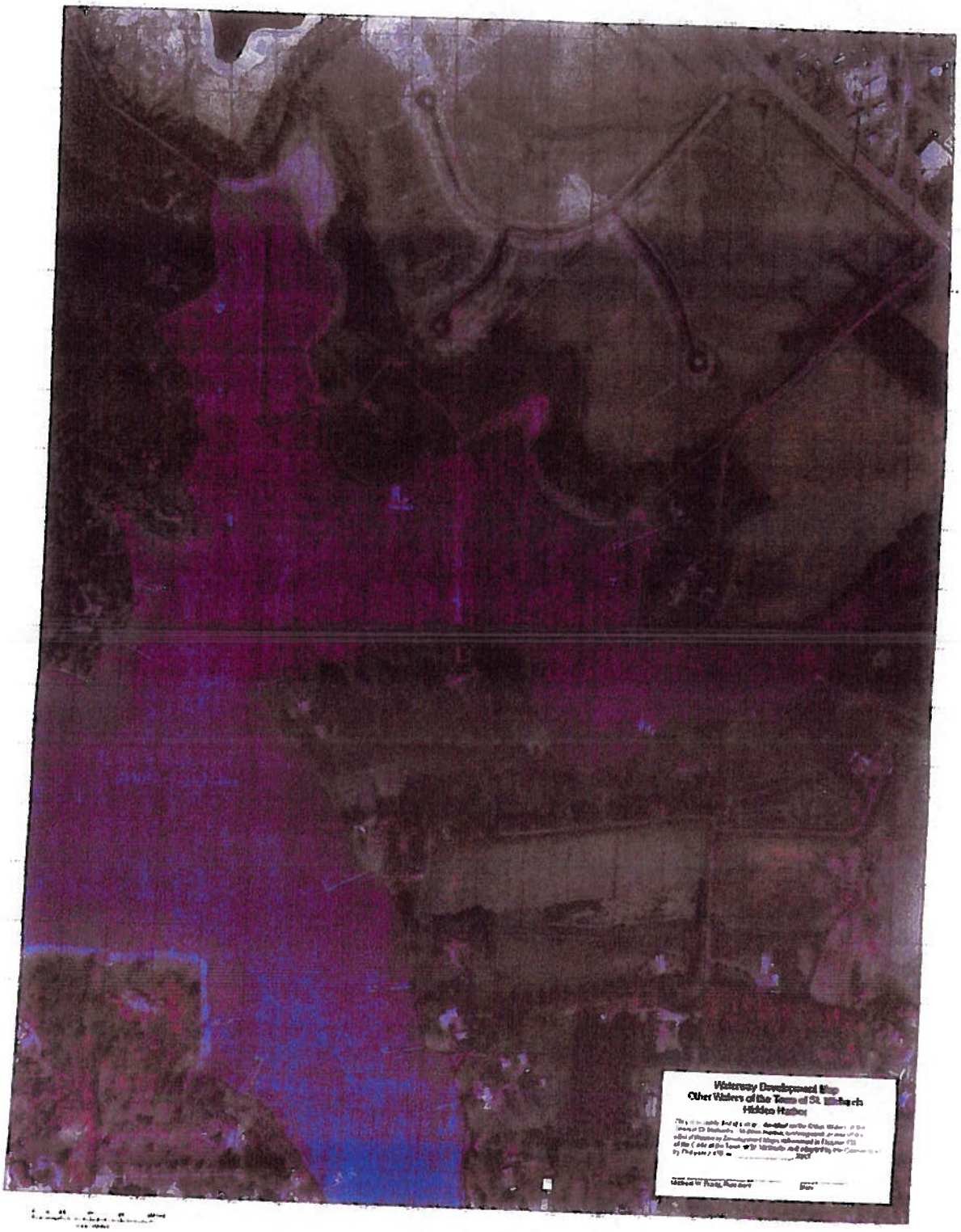
[1]: Editor's Note: Copies of the Waterway Development Maps are included at the end of this chapter.
[2]: Editor's Note: Copies of the Waterway Figures A-G for useable water area methods are included at the end of this chapter.

333 Attachment 3

Town of St. Michaels




Waterway Development Map
Other Waters of the Town of St. Michaels
San Domingo Creek


Waterway Development Map
Other Waters of the Town of St. Michaels
Hidden Harbor

Waterway Development Map
Other Waters of the Town of St. Michaels
Broad Creek

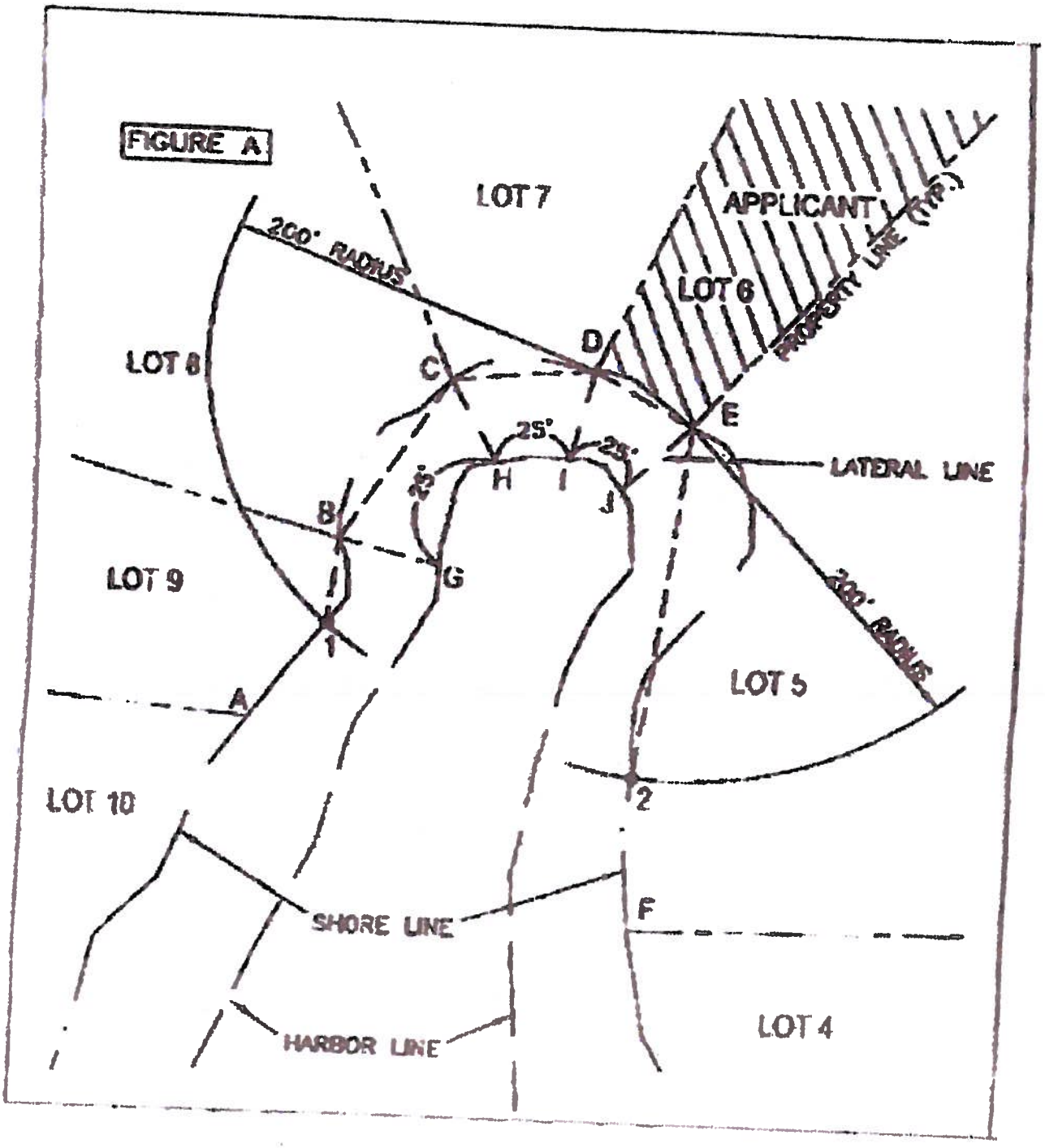


FIGURE A
LOT 7
APPLICANT
PROPERTY LINE (TYP.)
200' RADIUS
LOT 6
LOT 8
D
C
E
25'
25'
25'
LATERAL LINE
H
I
J
B
G
LOT 9
300' RADIUS
1
LOT 5
A
2
LOT 10
SHORE LINE
F
HARBOR LINE
LOT 4

FIGURE A

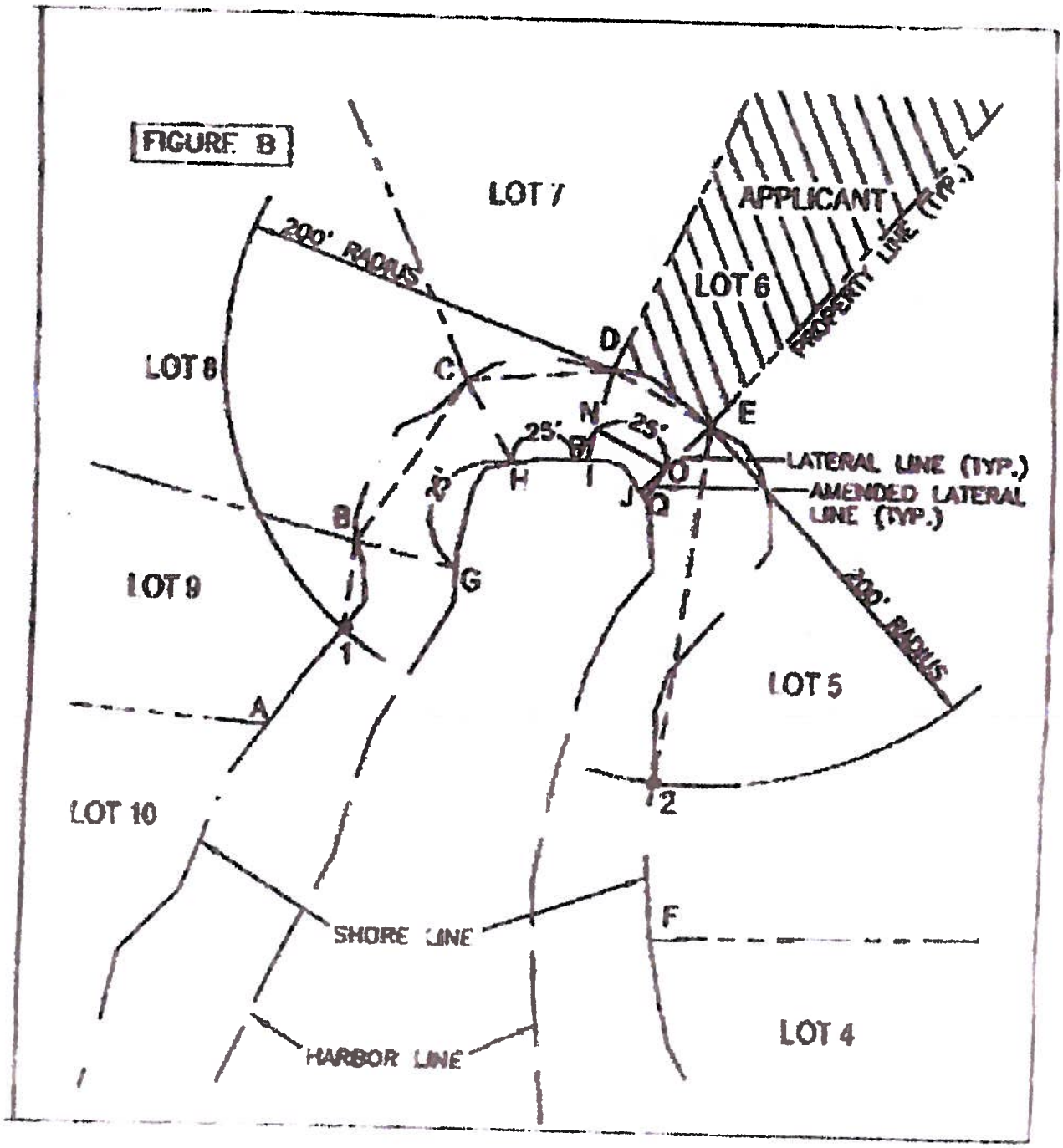


FIGURE B
LOT 7
APPLICANT
PROPERTY LINE (TYP.)
200' RADIUS
LOT 6
LOT 8
D
C
N
E
25'
25'
25'
H
I
O
J
Q
LATERAL LINE (TYP.)
AMENDED LATERAL LINE (TYP.)
B
G
LOT 9
200' RADIUS
1
LOT 5
A
2
LOT 10
SHORE LINE
F
HARBOR LINE
LOT 4

FIGURE B

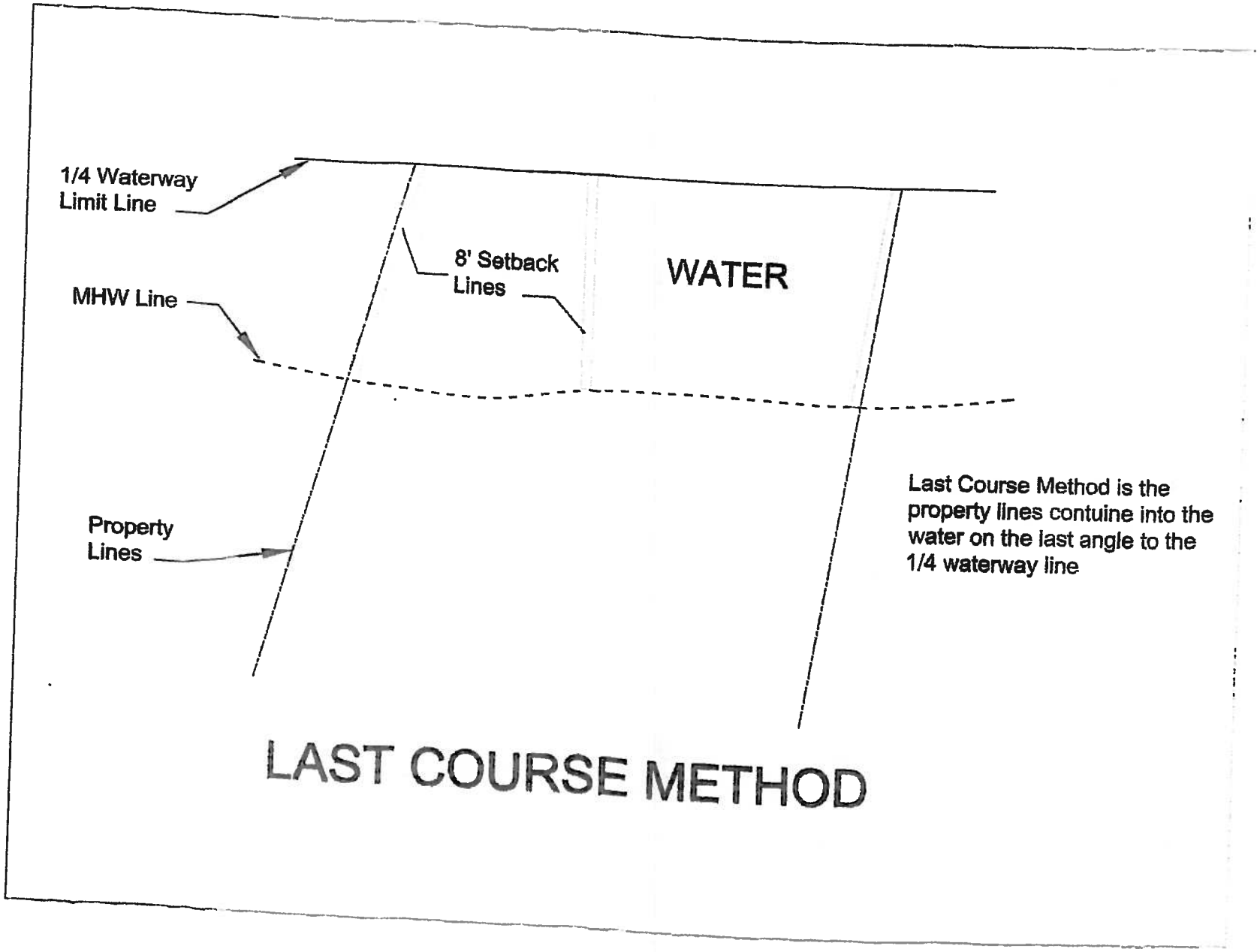
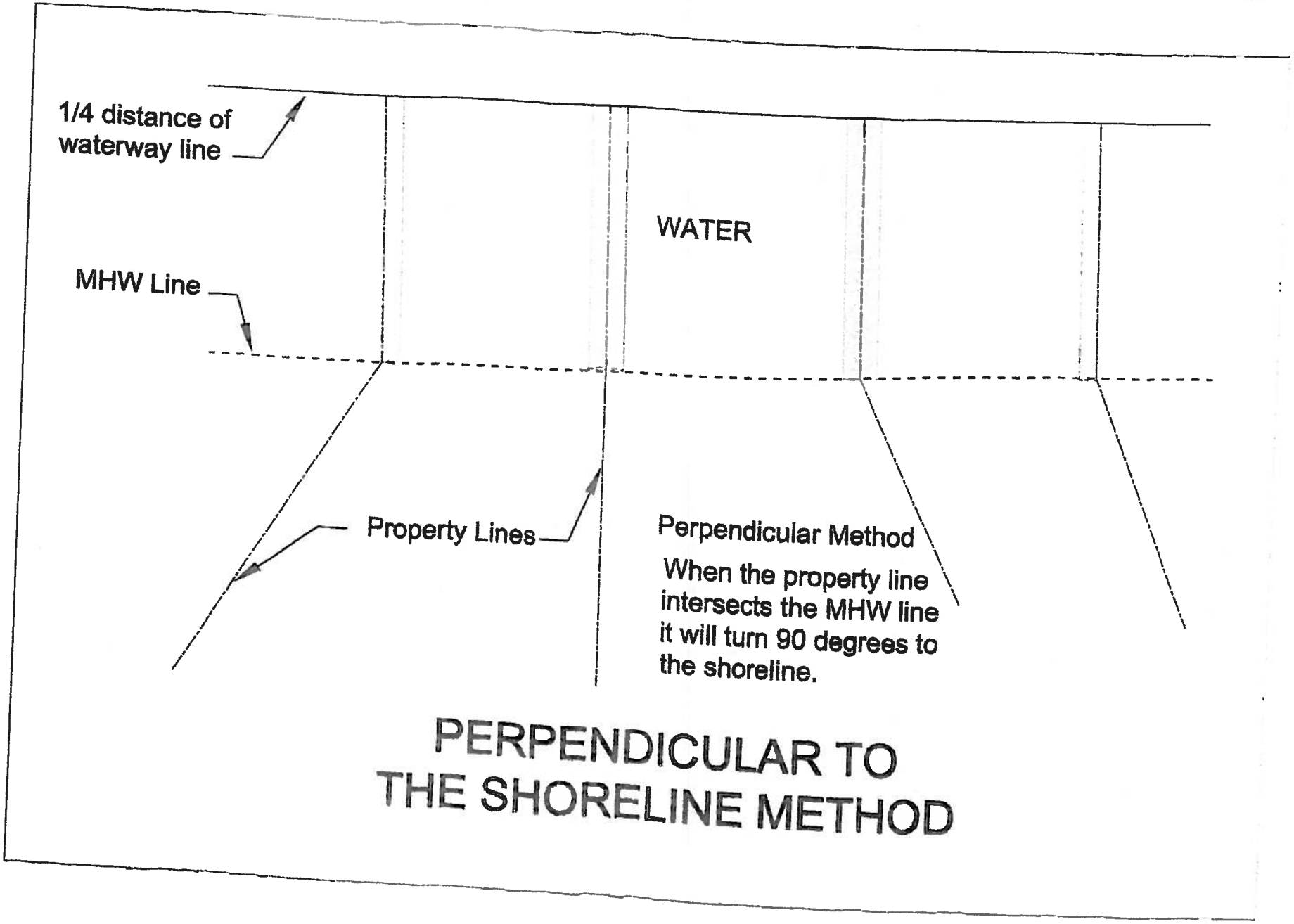
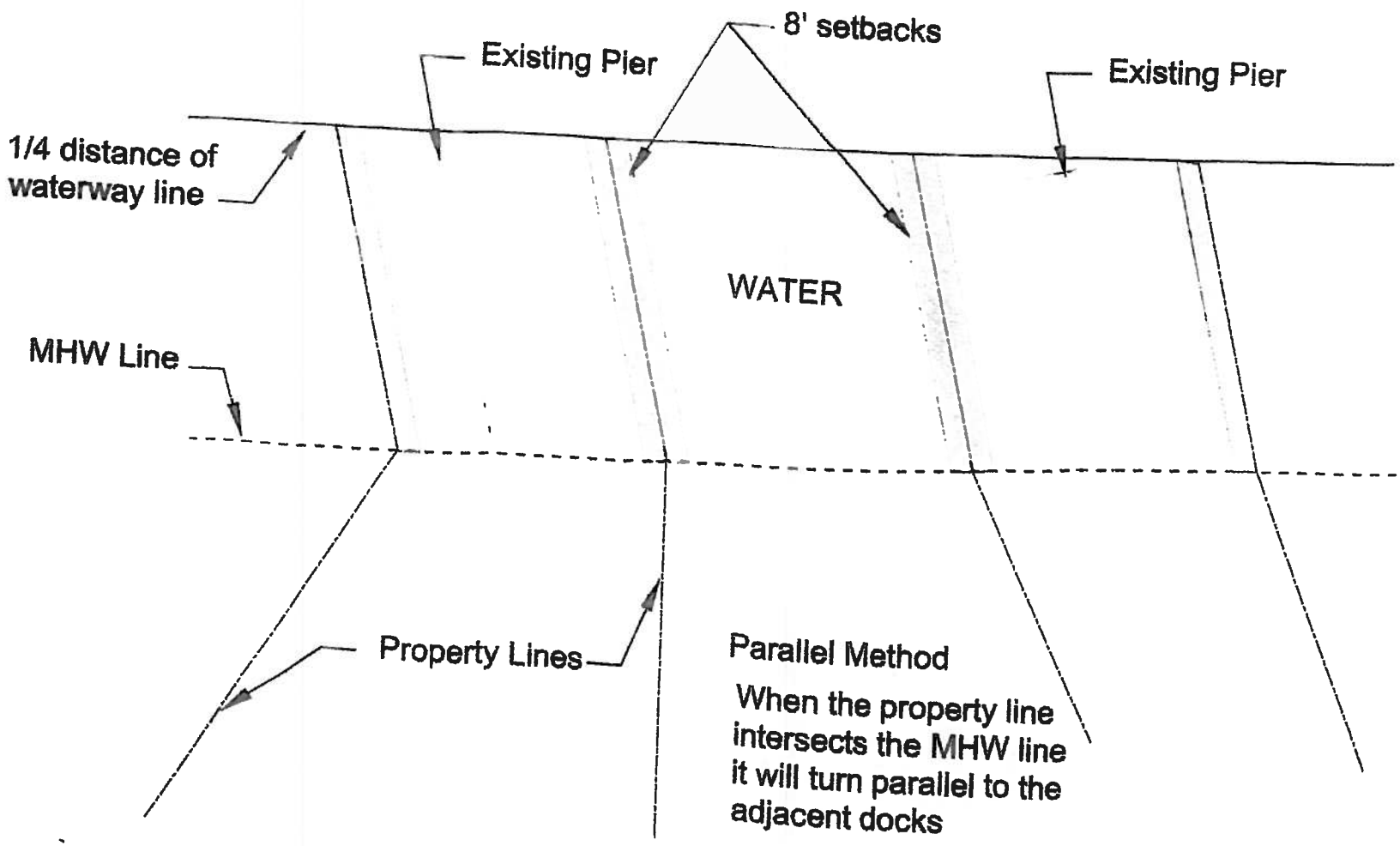

1/4 Waterway
Limit Line
MHW Line
8' Setback
Lines
WATER
Property
Lines
Last Course Method is the
property lines contuine into the
water on the last angle to the
1/4 waterway line
LAST COURSE METHOD

FIGURE C



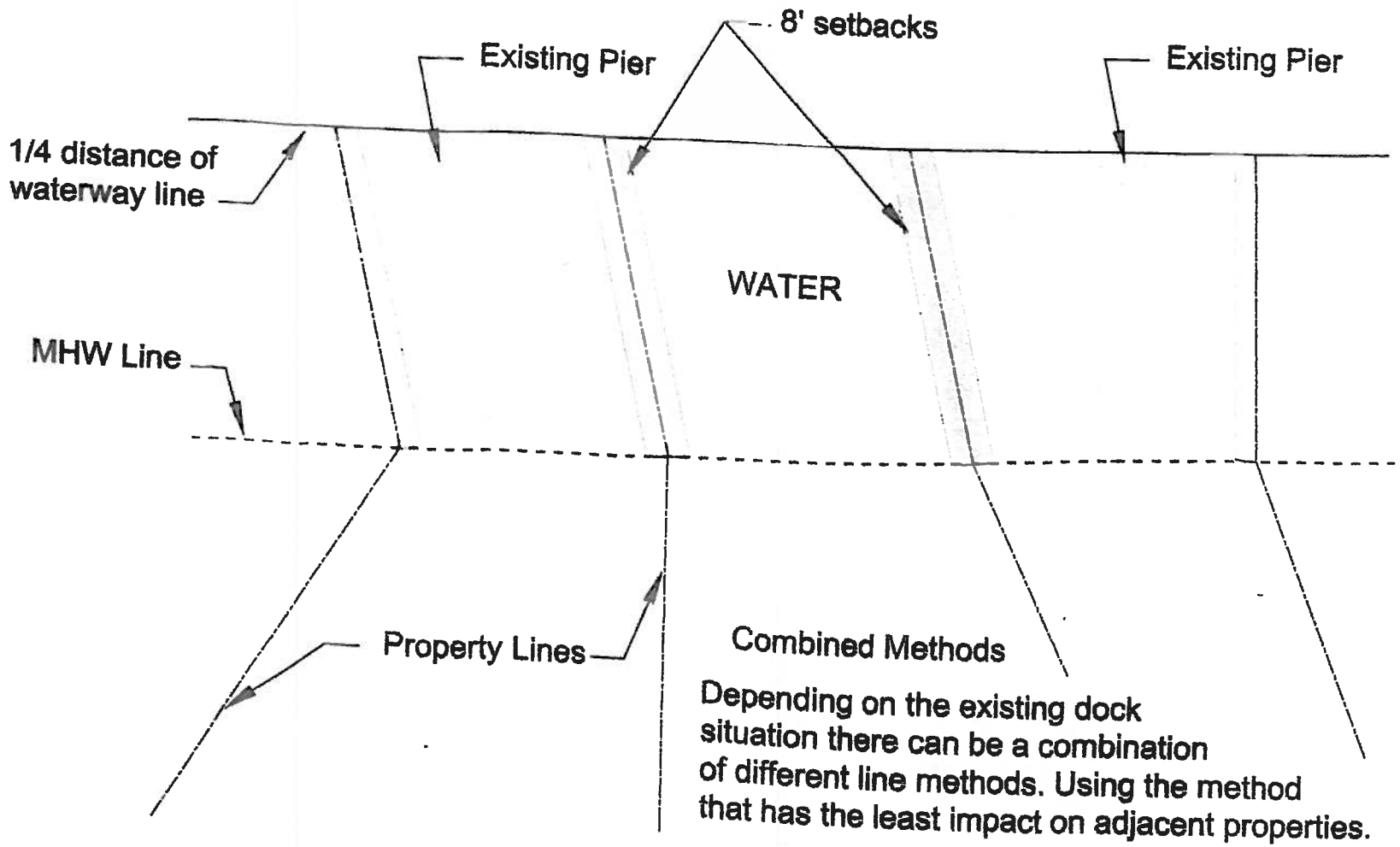
PERPENDICULAR TO THE SHORELINE METHOD

FIGURE D



PARALLEL TO THE EXISTING DOCKS METHOD

FIGURE E

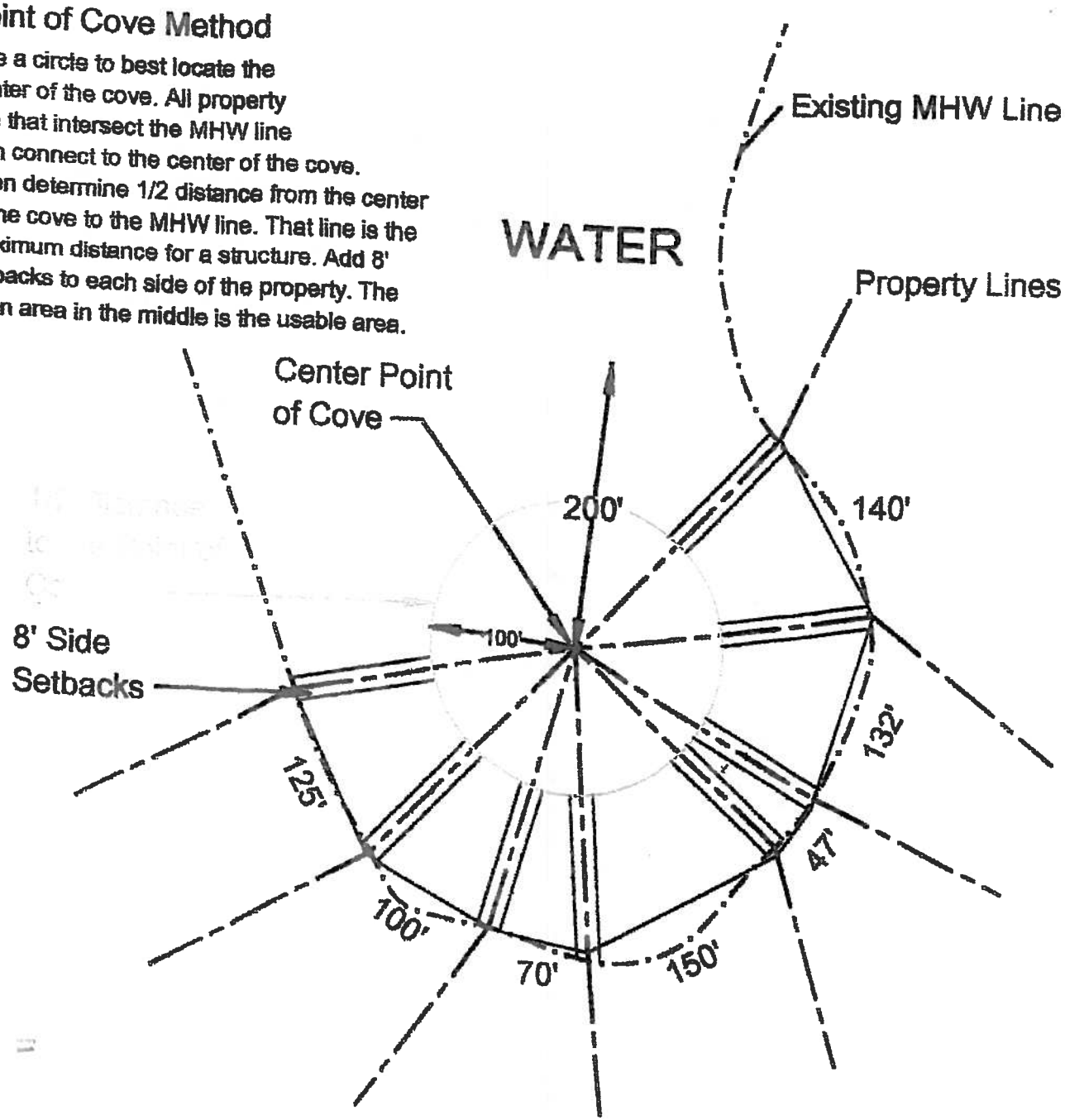


COMBINED METHODS

FIGURE F

Point of Cove Method

Use a circle to best locate the center of the cove. All property line that intersect the MHW line with connect to the center of the cove. Then determine 1/2 distance from the center of the cove to the MHW line. That line is the maximum distance for a structure. Add 8' setbacks to each side of the property. The open area in the middle is the usable area.



POINT OF COVE METHOD

FIGURE G