

Introduction – 1/13/16  
Public Hearing - 1/13/2016  
Adopted - 1/27/2016  
Effective – 2/17/2016

**ORDINANCE NO. 470**

**AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF ST. MICHAELS, CHAPTER 340 ZONING, SUBSECTION 340-23; TO REVISE THE MINIMUM SIDE YARD SETBACK REQUIREMENT FROM 100’ TO 65’ IN THE WATERFRONT DEVELOPMENT (WD) ZONE.**

WHEREAS, the Commissioners of St. Michaels (the “Commissioners”), a Municipal Corporation, has been delegated certain powers pursuant to the Maryland Annotated Code, Local Government Code, Division II, and Land Use Article, Division II to govern the zoning and land use within its municipal boundaries; and

WHEREAS, the Commissioners have the power to amend the Chapter 340 Zoning of the St. Michaels Town Code under §340-88 Power to amend, and shall do so under the provisions of §340-90 Text amendments; and

WHEREAS, the Planning Commission discussed and proposed a 65 foot side setback amendment for all permitted uses in the Waterfront Development Zone (WD) by vote of 5-0 in favor at the December 16, 2015 regular meeting; and

WHEREAS, the Commissioners hereby find the proposed a 65 foot side setback amendment in the Waterfront Development Zone (WD) consistent with the 2015 Comprehensive Plan as adopted; and

WHEREAS, the Commissioners further determine that the land uses permitted within the Waterfront Development Zone substantially contribute to the Town’s charm and character, and attract people to reside and visit the Town of St. Michaels; and

WHEREAS, the Commissions determine that expansion of tourism within the Town of St. Michaels positively impacts the local and regional economy; and

WHEREAS, the Commissioners wish to preserve the natural environments and neighboring properties in the Waterfront Development Zone; and

WHEREAS, the Commissioners recognize that various water quality and habitat regulations further limit development, and shall supersede any minimum setbacks permitted, in the Waterfront Development Zone; and

WHEREAS, the Commissioners hereby find that a 65 foot side setback is appropriate given the adjacent zones and land uses to the Waterfront Development Zone; and

WHEREAS, the Commissioners recognize that any uses or expansion of uses in the Waterfront Development Zone shall be subject to the Site Plan Review process under Chapter 110 Site plan review of the St. Michaels Town Code; and

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

WHEREAS, the Commissioners of St. Michaels held a public hearing on this 13th day of January, 2016 in the meeting room of the Edgar M. Bosley, Jr. Municipal Administration Building (Town Office), St. Michaels, Maryland.

NOW, THEREFORE BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 340 Zoning of the Code of the Town of St. Michaels is hereby amended as follows, with all revisions shown in **red**, new language shown in *italics* and underlined and deleted language shown with a ~~strike through~~ and in *italics*.

Chapter 340. Zoning  
Article IV. Zone Regulations

§ 340-23. Waterfront Development Zone WD.

[Added 6-27-1980 by Ord. No. 124; amended by 10-11-1983 by Ord. No. 137; 10-8-1985 by Ord. No. 171; 9-8-1997 by Ord. No. 181; 6-14-188 by Ord. No. 185; 5-8-2001 by Ord. No. 259; 10-9-2001 by Ord. No. 266; 6-7-2006 by Ord. No. 337; 9-12-2007 by Ord. No. 368; 11-19-2008 by Ord. No. 394; 4-28-2010 by Ord. No. 413; 5-26-2010 by Ord. No. 416]

The regulations of the Waterfront Development Zone are intended to promote the development of the tourist trade in the area adjacent to the Town harbor to take advantage of the unique natural attraction of scenic tidewater which is not appropriate for maritime use, while preserving historic features and protecting adjacent residential areas. Uses not specifically enumerated in this chapter are excluded.

A. Lot size, setbacks and lot width:

(1) Minimum lot size: five acres.

(2) Maximum density: hotels shall maintain a density of no more than one sleeping room per 1,500 square feet of lot area.

(3) Minimum setbacks:

(a) Front: 100 feet.

(b) Side: ~~100 feet. Side yard setbacks of townhouses are applicable to noncommon wall sides only. Townhouses having only one common wall must comply with the six foot minimum setback.~~ 65 feet or distance of any environmental buffers, whichever is greater.

(c) Rear: 100 feet.

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- (d) The required minimum setback from any lot line bordering the Museum (MM) Zone shall be 20 feet.
- (e) Buffer setbacks refer to § 340-27.13, Buffer Management Area (BMA) provisions.  
[Amended 1-23-2013 by Ord. No. 436]
- (4) Structure height: 35 feet. The height limitations shall be the vertical distance in feet, and in stories, from average grade of the lot (as defined in § 340-108) to the highest exterior point of the building.
- (5) Height in stories: 2 1/2.
- (6) Maximum lot coverage: 72%.
- (7) Lot width: 400 feet.
- (8) Lot depth: 400 feet.

NOW, THEREFORE BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS 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;

AND BE IT FURTHER ORDAINED AND ENACTED, that if any provisions of this Ordinance or the application thereof to any person(s) or circumstance(s) is held invalid for any reason in a court of law, the invalidity does not affect other provisions or any other applications of this Ordinance which can be given effect without the invalid provision(s) as contested, and for this purpose the provisions of Ordinance 470 of the Town of St. Michaels are declared severable;

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 27<sup>th</sup> day of January, 2016 in the meeting room of the Edgar M. Bosley, Jr. Municipal Administration Building (Town Office), St. Michaels, Maryland on Ordinance 470.

|         |         |
|---------|---------|
| BORDERS | __yea__ |
| CLARK   | __yea__ |
| HARROD  | __yea__ |
| MYERS   | __yea__ |
| WINDON  | __yea__ |

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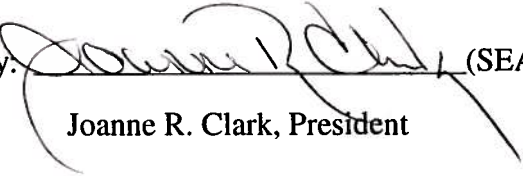
I HEREBY CERTIFY that the above Ordinance No. 470 was passed by a yea and nay vote of The Commissioners of St. Michaels on this 27<sup>th</sup> day of January, 2016.

ATTEST

THE COMMISSIONERS OF ST. MICHAELS



Jean R. Weisman,  
Town Clerk / Manager

By:  (SEAL)  
Joanne R. Clark, President

I HEREBY CERTIFY that an exact copy of this Ordinance was posted from the 28<sup>th</sup> day of January, 2016, at 8:30 o'clock a.m. to this 16<sup>th</sup> day of February, 2016, 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 470, 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.

 (Seal)

Jean R. Weisman,  
Town Clerk / Manager