

Introduction – November 12, 2014  
Public Hearing – December 10, 2014  
Adopted – January 28, 2015  
Effective – February 18, 2015

**ORDINANCE NO. 457**

**AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF ST. MICHAELS TO AMEND CHAPTER 340-27 (CHESAPEAKE BAY CRITICAL AREA OVERLAY DISTRICT, SECTION 6 (GROWTH ALLOCATION) TO DELETE THE CONVERSION ALLOCATIONS ASSOCIATED WITH FUTURE GROWTH IN THE INTENSELY AND LIMITED AREAS AND TO INSERT THE ADOPTION DATE OF ORDINANCE 436, AS SET FORTH THEREIN. THIS AMENDMENT WILL NOT AFFECT THE TOTAL ACRES OF ALLOCATION FOR USE FOR FUTURE GROWTH AS EITHER INTENSELY DEVELOPED OR LIMITED DEVELOPMENT AREAS, AND GENERALLY RELATING TO THE AWARD OF GROWTH ALLOCATION.**

WHEREAS, it is the desire of the Commissioners of the Town of St. Michaels (the “Commissioners”) to amend Chapter 340- 27 (Chesapeake Bay Critical Area Overlay District) of the Code of the Town of St. Michaels by making textual changes to delete the conversion allocations associated with future growth in the Intensely Developed and Limited Development Areas; and

WHEREAS, The Commissioners are authorized by Md. Code Ann., Local Gov’t §5-202 to enact such ordinances as it deems necessary to assure the good government of the Town, and to protect the health, comfort and convenience of the citizens of the Town; and

WHEREAS, The Commissioners, by adoption of Ordinance 436, did repeal in its entirety Chapter 340-27 of the Town Code and did by same Ordinance, re-enact Chapter 340-27 which contained Critical Area Law and Regulations as required by Chapter 119 of the 2008 Regular Session of the Maryland General Assembly and

WHEREAS, the Commissioners of St. Michaels recognize that the deletion of the conversion allocations will not violate the intent of the Critical Area Regulations as set out in Chapter 119 of the 2008 Regular Session of the Maryland General Assembly ; and

WHEREAS, the Commissioners understand that by the removal of the conversion allocations, future requests for growth allocation will still need to satisfy the locational criteria as set out in Chapter 340-27; and

WHEREAS, the Commissioners have determined the textual changes to Chapter 340-27 do not require Planning Commission review;

WHEREAS, public notice was published on November 26, 2014 and December 3, 2014, that a public hearing would be held by the Commissioners on December 10, 2014 concerning amendments to Chapter 340 of the Code of the Town of St. Michaels substantially in the form as hereafter set forth; and

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WHEREAS, after having given due public notice, the Commissioners conducted a public hearing on December 10, 2014, to receive public comment on the aforesaid amendments; and

WHEREAS, all the requirements of the Land Use Article of the Annotated Code as amended, and Article XII of Chapter 340 of the Code of the Town of St. Michaels, have been satisfied; and

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

SECTION 1. NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 340-27 (Chesapeake Bay Critical Area Overlay District) Section 6 (Growth Allocation) be amended to delete the conversion allocations associated with future growth in the Intensely Developed and Limited Development Areas and to insert the adoption date of Ordinance 436 as follows, with new language shown in *italics* and underlined and deleted language shown in ((double parentheses)) and as a ~~strike through~~:

#### §340-27.6 Growth Allocation

##### A. “Description

(1) Growth Allocation” means the number of acres of land in the Chesapeake Bay Critical Area that the Town may use to create new Intensely Developed and new Limited Development Areas. The area of Town within the Critical Area comprises about 458 acres or 64.5%. Within the Critical Area, 276 acres of land were classified as IDA and 66 acres were classified as LDA. One hundred sixteen acres were classified as RCA. The purpose of growth allocation is to permit expansion and/or intensification of the originally mapped land use management districts. This is accomplished through the conversion of an existing district (RCA or LDA) to a more intense district (LDA or IDA). However the expansion and/or intensification is subject to an overall acreage limitation and to the guidelines, application requirements, process, and deduction methodology outlined below.

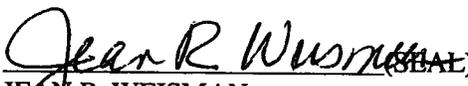
(2) The State Critical Area Law permits the County to allocate 5% of its RCA for use for future growth as either IDA or LDA. Of this 5%, 245 acres were given to the Town of St. Michaels. As of ((the adoption date of this amendment)) January 23, 2013, ((185.34 acres remain for conversion from RCA to LDA. Zero acres remain for conversion from RCA to IDA, and 21.1 acres remain for conversion of LDA to IDA.)) 206.44 acres remain for conversion.

#### SECTION 2

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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 INTRODUCED, read for the first time and ordered posted on the Town bulletin board at the Public Meeting of The Commissioners of St. Michaels held on the 12<sup>th</sup> day of November, 2014, at 5:00 o'clock p.m., in the meeting room at the Edgar M. Bosley, Jr. Building (Town Office), St. Michaels, Maryland.

  
JEAN R. WEISMAN  
Town Clerk / Manager

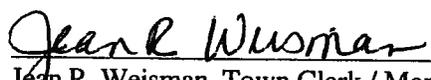
HAVING BEEN READ for the second time and passed by a yea and nay vote of The Commissioners of St. Michaels at a Public Meeting of The Commissioners of St. Michaels held on this 28<sup>th</sup> day of January, 2015, at 5:00 o'clock p.m., in the meeting room of the Edgar M. Bosley, Jr. Building (Town Office), St. Michaels, Maryland.

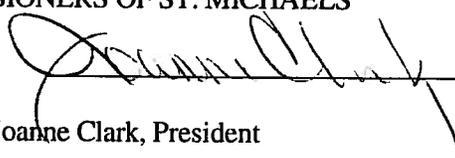
BORDERS	-	___ yea ___
CLARK	-	___ yea ___
HARROD-		___ absent ___
MYERS	-	___ yea ___
WINDON	-	___ yea ___

I HEREBY CERTIFY that the above Ordinance No.457 was passed by a yea and nay vote of The Commissioners of St. Michaels on the 28<sup>th</sup> day of January, 2015.

ATTEST:

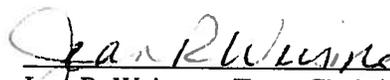
THE COMMISSIONERS OF ST. MICHAELS

  
Jean R. Weisman, Town Clerk / Manager

By:  (Seal)  
Joanne Clark, President

I HEREBY CERTIFY that an exact copy of this Ordinance was posted from the 29<sup>th</sup> day of January, 2015, at 8:30 o'clock a.m. to the 17<sup>th</sup> day of February, 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. 457, 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: Feb 18, 2015

 (Seal)  
Jean R. Weisman, Town Clerk / Manager