

ST. MICHAELS ORDINANCE NO. 445

AN ORDINANCE OF THE COMMISSIONERS OF THE TOWN OF ST. MICHAELS APPROVING A PLANNED REDEVELOPMENT OVERLAY DISTRICT FOR PROPERTY IDENTIFIED AS PARCELS 1660, 1661, 1662, 1663, 1657, 1658 OWNED BY 29TH STREET 77 SPEEDBOAT LLC AND PARCEL 1656 OWNED BY WALTER H. HAWES AND SHOWN ON TALBOT COUNTY TAX MAP 200 WHICH ARE FURTHER IDENTIFIED AS PROPERTIES FRONTING ON THE CORNER OF DODSON AND TALBOT STREET AND FRONTING ALONG TALBOT STREET. THE PROPERTY UNDER REVIEW CONSISTS OF 58,370 SQUARE FEET AND LYING WITHIN THE TOWN OF ST. MICHAELS; AUTHORIZING THAT THE TOWN ZONING MAP BE AMENDED ACCORDINGLY; PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED A FAIR SUMMARY OF THE ORDINANCE; AND ALL MATTERS GENERALLY RELATING TO THE ESTABLISHMENT OF A PLANNED REDEVELOPMENT OVERLAY DISTRICT FOR THE AFOREMENTIONED PROPERTY

RECITALS

WHEREAS, the Commissioners of St. Michaels (“Commissioners”) constitute the body corporate and politic known as the Town of St. Michaels (the "Town"), which is a Maryland municipal corporation empowered by Maryland Constitution, Art. 11-E (Municipal Corporations); by Maryland Code (1957) Art. 23A (Municipal Corporations), as amended; and by the Charter of the Town of St. Michaels, Article I, § C-3. (Incorporation, General Powers) and Article III, (General Powers), § C-19 (Powers of Commission enumerated); and

WHEREAS, pursuant to Md. Annotated Code, Article 23A, §2, the Commissioners have the express authority to pass such ordinances as it deems necessary to provide reasonable zoning regulations, subject to the referendum of the voters at regular or special elections, and to regulate the orderly development and use of land and structures through the implementation of planning and zoning controls; and

WHEREAS, pursuant to this authority, the Town Commissioners enacted Town Code, §340-33. 2 Planned Redevelopment Zone (PR) Overlay District; and

WHEREAS, the purpose of the Planned Redevelopment Overlay District (PR) is to provide a mechanism for the redevelopment, rehabilitation, and general improvement of certain areas within the Town of St. Michaels that have fallen into a somewhat neglected or dilapidated state or have simply been used for a purpose that no longer serves the health, safety or general welfare of the neighborhood; and

WHEREAS, in accordance with Town Code, §34033.2 Brookland Homes LLC , contractual purchaser has submitted an Application for Planned Redevelopment Overlay Zoning for those properties reflected on Talbot County Tax Map 201 as Parcels 1660, 1661, 1662, 1663, 1656, 1657 and 1658 St. Michaels, Maryland (collectively referred to hereinafter as the “Property”) (the “Application”); and

WHEREAS, the Property is currently zoned Central Commercial and Residential 1 (R-1); and

WHEREAS, the Commissioners requested the Planning Commission to review this matter in accordance with §340-33. 2 of the Town Code and to forward a recommendation to the Commissioners; and

WHEREAS, the Planning Commission reviewed the matter as requested and recommends that the Town Commissioners establish a Planned Redevelopment Overlay District for the Properties; and

WHEREAS, pursuant to Town Code, §340-33.2.B (9), the Commissioners conducted a public hearing regarding the Application on April 9, 2014. Public comments were sought in accordance with Article XII (Amendments) of the Town Code; and

WHEREAS, the Town 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 this Ordinance and to take the actions as described herein.

SECTION 1.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that the Town Commissioners have reviewed the Application for Planned Redevelopment Overlay District Zoning of the Property, and hereby make the following findings:

1. The above Recitals are incorporated herein by reference as if fully set forth herein and shall be deemed a substantive part of this Ordinance.
2. The Application for the PR District was filed by Brookland Homes LLC, contractual purchaser, in accordance with the requirements of §340-33.2 of the Town Code.
3. The area proposed for the PR Overlay District Zoning consists of 58,370 square feet or 1.34 Acres. The size of the Property exceeds the minimum area required for a PR Zone. The PR Overlay District Zoning requested is not an extension of an existing PR Overlay District.
4. The structures within the proposed PR District, with the exception of “Big Al’s”, are vacant lands and unoccupied residential buildings which in recent years were converted to commercial uses. All structures are in need of rehabilitation or deteriorated. The proposal is to demolish the existing structures and construct single family dwelling units.
5. The properties under review lie within the mapped Sustainable Community Area.
6. The proposed PR District will allow for the rehabilitation, development and redevelopment of an area of the Town in a manner that is consistent with the goals and objectives of the Town’s Comprehensive Plan
 - The project is infill development on a site with minimal sensitive resources.
 - The project will alleviate traffic congestion by encouraging the homeowners to use alternative modes of transport such as walking and/or bicycles rather than automobiles to use Town stores and restaurants.
 - The project will enhance the northern gateway into Town by

providing a vibrant residential area rather than vacant dilapidated commercial structures.

7. The creation of the PR Overlay District will not overburden the Town's community facilities (water, sewer, solid waste, etc.).
While it recognized that the properties lie outside the described Historic District, the Developer acknowledges that the project is in close proximity to properties which do lie within the district, and as such has expressed his willingness to consult with the Historic District Commission regarding the project in an effort to complement the historic character of the Town.
8. Single family dwellings are permitted in both the Central Commercial and Residential 1 (R-1) zoning classifications.
9. The Planning Commission is charged with assuring that the development of the property is in compliance with the design principles and standards as set forth in Chapter 290 (Subdivision of Land) Chapter 110 (Site Plan) and Chapter 340 (Zoning) of the Town Code unless waived by the Planning Commission..
10. The Property is partially located within the Chesapeake Bay Critical Areas.
11. Given existing and reasonably foreseeable development, and as discussed hereinabove relative to the Town's Comprehensive Plan, the Property is located in an area suitable for such development and redevelopment
12. The proposed PR District may encourage appropriate and sustainable economic growth in accordance with the Town's Comprehensive Plan as discussed hereinabove.
13. The Applicant shall meet all of the Development standards set forth in Town Code, §340-33.2. The Town Planning Commission shall make findings regarding the development standards during the site plan review process.
14. The Applicant shall comply with all of the requirements of Town Code, §340-33.2, including the timing of construction.

SECTION 2.

AND BE IT FURTHER ORDAINED AND ENACTED by the Commissioners of the Town of St. Michaels, that the Application for a Planned Redevelopment Zone (PR) Overlay District for the Property as set forth herein is hereby approved with the following conditions:

1. There shall be a Homeowners Association established for this project. The Applicant shall prepare and submit for Town Attorney review and approval the Homeowner Association Documents which will govern the ownership and maintenance of the stormwater management features, any streets not accepted by the Town and other amenities commonly owned by the property owners. Such documents shall be recorded concurrent with the filing of the subdivision plat in the Land Records of Talbot County.
2. Perimeter sidewalks shall be of brick and constructed in accordance with ADA and Town standards.
3. That the property be developed with single family dwellings, at a density no greater than that presented with the application for the PR Overlay District.

The Commissioners also offer the following recommendations for consideration during the required site plan reviews by the St. Michaels Planning Commission:

1. The Developer agrees to consult with the Historic District Commission regarding the project in an effort to complement the historic character of the Town.
2. Require that the developer in designing the Dodson Street entrance into the project consider the future design plans of the State Highway Administration for the Dodson/Talbot Street area.

SECTION 3.

AND BE IT FURTHER ORDAINED AND ENACTED by the Commissioners of the Town of St. Michaels, that the Town of St. Michaels Zoning Map shall be, and is hereby amended to show that Parcels 1660, 1661, 1662, 1663, 1656, 1657 and 1658 as shown on Talbot County Tax Map 200 shall be designated as a Planned Redevelopment Zone (PR) Overlay District.

SECTION 4.

AND BE IT FURTHER ORDAINED AND ENACTED, that this Ordinance shall take effect when the amendments to the Official Town Zoning Map have been duly entered thereon, but in no event less than 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 for public review at a Public Meeting of The Commissioners of St. Michaels held on the 16th day of April, 2014, at 3:00 o'clock p.m., in the meeting room at the Edgar M. Bosley, Jr. Municipal Building, (Town Office), 300 Mill Street, St. Michaels, Maryland.

I HEREBY CERTIFY THAT A COPY OF THE ORDINANCE AS INTRODUCED WAS POSTED for public review in the lobby of the Town Office from 8:30 a.m. on the 9th day of April, 2014 to 8:30 a.m. on the 23rd day of April, 2014.

_____ (SEAL)

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 23rd day of April, 2014, at 5:00 o'clock _p.m. in the meeting room at the Town Office, St. Michaels, Maryland.

Borders - _____yea_____

Clark - _____yea_____

Harrod - _____yea_____

Myers - _____yea_____

Vlahovich - _____yea_____

I HEREBY CERTIFY that the above Ordinance No. 445 was passed by a yea and nay vote of The Commissioners of St. Michaels on the 23rd day of April, 2014.

ATTEST:

THE COMMISSIONERS OF ST. MICHAELS

By: _____(Seal)

Jean R. Weisman, Town Clerk / \Manager

A. Michael Vlahovich, President

I HEREBY CERTIFY that an exact copy of this Ordinance, as adopted, was posted for public review from the 24th day of April, 2014, at 8:30 o'clock a.m. to the 13th day of May, 2014, at 4:30 o'clock p.m., in the lobby of the Town Office in St. Michaels, Maryland, and that a summary of the aforesaid Ordinance No. 445, the date of its passage, its effective date and the fact that the entire text of the Ordinance may be read in the lobby 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: _____, 2014

_____(Seal)

Jean R. Weisman, Town Clerk / Manager