

For Discussion - 03/14/2018, 05/09/2018
Introduction - 03/14/2018
Public Hearing - 04/11/2018
Adopted – 5/16/2018
Enacted – 6/6/2018

ORDINANCE NO. 489

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AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF ST. MICHAELS, CHAPTER 340 ZONING, SUBSECTION 340-108 DEFINITIONS; TO AMEND THE DEFINITIONS OF “DWELLING UNIT (HOUSEKEEPING UNIT)” “FAMILY” AND “IMMEDIATE FAMILY” TO FUTURE DEFINE A SINGLE FAMILY DWELLING UNIT; AND TO LIMIT THE TOTAL NUMBER OF UNRELATED PERSONS THAT MAY DWELL AS A FAMILY.

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 the matter at their December 21, 2017 regular meeting and proposed a text amendment to §340-108 Definitions of the Town Code, specifically of “dwelling unit (housekeeping unit)” and “family” be considered by the Commissioners of St. Michaels; and

WHEREAS, the Commissioners have determined that the definition of “dwelling unit (housekeeping unit)” should clarify an unrelated group of persons living together as a family; and

WHEREAS the Commissioners have further determined that a “family” shall be defined to allow for an immediate family or unrelated group to dwell together but shall limit the number of unrelated persons living together as a family; and

WHEREAS, the Commissioners are empowered to safeguard the health, safety and welfare of the citizens of the Town; and

WHEREAS, the Commissioners desire to ensure all citizens are offered a fair, safe and quality place to live in St. Michaels; and

WHEREAS, the Commissioners wish to preserve the feel and character of residential neighborhoods in the Town of St. Michaels; and

WHEREAS, the Commissioners recognize that family structures are changing and a group of unrelated persons living together as a family is not uncommon in St. Michaels; and

WHEREAS, the Commissioners hereby find that permitting unrelated persons to live together as a family is needed in St. Michaels; and

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37 WHEREAS, the Commissioners find that the total number of unrelated persons living as a family
38 should be limited to protect the health, safety and welfare of the citizens and the character of
39 residential neighborhoods of St. Michaels; and

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

43 WHEREAS, the Commissioners of St. Michaels held a public hearing on the 11th day of April,
44 2018 in the meeting room of the Edgar M. Bosley, Jr. Municipal Administration Building (Town
45 Office), St. Michaels, Maryland.

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

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Chapter 340. Zoning

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Article XV. Definitions

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§ 340-108. Definitions.

54 In this chapter, the following terms are used according to stipulated definitions. For most of these
55 terms, the definition is stipulated with the term in the list below. For some of these terms, the
56 definition is stipulated elsewhere in this chapter, at a location indicated in the list below by a
57 reference, after the term, in the form "For definition see § _____ of this chapter."
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DWELLING UNIT (HOUSEKEEPING UNIT)

60 A room or suite of rooms, contained within the same structure, used, designed or intended to be
61 used, or suitable for use as the residence of one family. A structure in which there is a sleeping
62 room, a full bathroom, and food storage and preparation facilities available to the same person or
63 family shall constitute a dwelling unit. *A single family dwelling unit shall be occupied by an*
64 *immediate family, or an unrelated group of persons living together as a family.* Except for one
65 dwelling unit for the owner or resident manager, no dwelling unit shall be located in a hotel, inn,
66 lodge, motel, or other accommodation for guests, travelers or transients. No dwelling unit shall be
67 located in a trailer. The occupancy of a dwelling unit or a portion thereof, by a person or persons
68 for a time period of four consecutive months or less in exchange for compensation, shall constitute
69 a commercial activity not permitted in any residential zone, except as follows:

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A. Legal nonconforming bed-and-breakfasts;

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B. Bed-and-breakfast inns;

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C. Vacation cottages licensed by the Town to be used for short-term rentals in the R-2 Zone.

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FAMILY

75 ~~One or more persons occupying the premises and living as a single nonprofit housekeeping unit.~~

76 *A family shall qualify as: 1) An immediate family of one or more persons occupying the premises*

77 *and living in a dwelling unit; or 2) An unrelated group of no more than five (5) total persons or*

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78 the total number of occupants permitted by minimum square foot floor area required as per
79 Chapter 191 Housing Standards of this code, whichever is less, living together under a joint
80 agreement signed by all persons living in a dwelling unit and sharing the dwelling unit.

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82 IMMEDIATE FAMILY

83 ~~A father, mother, son, daughter, grandfather, grandmother, grandson or granddaughter.~~
84 Person or persons related by blood, marriage, domestic partnership and or legal custody.

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86 NOW, THEREFORE BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF
87 ST. MICHAELS that this Ordinance shall take effect twenty (20) days from the date of its
88 enactment, having been read at two (2) meetings of The Commissioners of St. Michaels and having
89 been passed by a yea and nay vote of The Commissioners of St. Michaels;

90 AND BE IT FURTHER ORDAINED AND ENACTED, that if any provisions of this Ordinance
91 or the application thereof to any person(s) or circumstance(s) is held invalid for any reason in a
92 court of law, the invalidity does not affect other provisions or any other applications of this
93 Ordinance which can be given effect without the invalid provision(s) as contested, and for this
94 purpose the provisions of Ordinance 489 of the Town of St. Michaels are declared severable;

95 HAVING BEEN READ for the second time and passed by a yea and nay vote of the
96 Commissioners of St. Michaels at a Public Meeting of the Commissioners of St. Michaels held on
97 this 16 day of May, 2018 in the meeting room of the Edgar M. Bosley, Jr. Municipal
98 Administration Building (Town Office), St. Michaels, Maryland on Ordinance 489.

99 BIBB Aye
100 BOOS Aye
101 HARROD Aye
102 MYERS Aye
103 WINDON Aye

104 I HEREBY CERTIFY that the above Ordinance No. 489 was passed by a yea and nay vote of The
105 Commissioners of St. Michaels on this 16 day of May, 2018.

106 ATTEST THE COMMISSIONERS OF ST. MICHAELS

107
108 Jean R. Weisman (Seal)

By: WE Boos

109 Jean R. Weisman,
110 Town Clerk / Manager
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William E. Boos, President

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113 I HEREBY CERTIFY that an exact copy of this Ordinance was posted from the 21 day of
114 May, 2018, at 8:30 o'clock a.m. on this ___ day of _____, 2018, at 4:30
115 o'clock p.m., on the bulletin board at the Town Office in St. Michaels, Maryland, and that a
116 summary of the aforesaid Ordinance No 489, the date of its passage, its effective date and the fact
117 that the entire text of the Ordinance may be read on the bulletin board of the Town Office, St.
118 Michaels, Maryland, for at least twenty (20) days following the passage, has been published at
119 least once each week for two (2) consecutive weeks following the passage of said Ordinance in a
120 newspaper having general circulation in the Town of St. Michaels.

121

122 _____ (Seal)

123 Jean R. Weisman,
124 Town Clerk / Manager