

For Discussion - 05/11/2016
Introduction – 05/11/2016
Public Hearing – 05/25/2016
Adopted – 5/25/2016
Enacted – 6/15/2016

ORDINANCE NO. 473

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF ST. MICHAELS; CHAPTER 340 ZONING, §340-27 CHESAPEAKE BAY CRITICAL AREA OVERLAY DISTRICT, TO AMEND ATTACHMENT 2, APPENDIX B FOR “SUMMARY OF NOTIFICATION REQUIREMENTS CRITICAL AREA COMMISSION” TO FOLLOW STATE OF MARYLAND CRITICAL AREA COMMISSION NOTIFICATION REQUIREMENTS FOR LOCAL GOVERNMENTS, UNDER COMAR 14.20.

WHEREAS, The Commissioners of St. Michaels (the “Commissioners”), a Municipal Corporation, have 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 State of Maryland Critical Area Commission staff notified us on the 19th day of February that minor corrections needed to be made to the Town of St. Michaels Zoning Code, Summary of Notification Requirements Critical Area Commission to match COMAR 14.20; and

WHEREAS, The Commissioners hereby find the proposed changes consistent with the State notification requirements and concurrent with the Town’s Chesapeake Bay Critical Area Overlay District regulations; and

WHEREAS, The Commissioners wish to improve both the water quality and habitat in the Town of St. Michaels, and desire to work in partnership with the State Critical Area Commission on such improvements; and

WHEREAS, The Commissioners hereby find Chapter 340 Zoning, Attachment 2, Appendix B consistent with the State Critical Area Commission Notification Requirements under COMAR 14.20; and

WHEREAS, The Commissioners recognize that development applications that fall under the enacted notification categories shall be subject to review by the Critical Area Commission and/or their staff; and

WHEREAS, The Commissioners of St. Michaels held a public hearing on this 25th day of May, 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

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amended as follows, with all revisions shown in **red**, new language shown in *italics*, and deleted language shown with a ~~strikethrough~~ and *italics*.

Town of St. Michaels
Chapter 340 Zoning, Attachment 2, Appendix B
~~340-Attachment-2~~
~~Town of St. Michaels~~
~~Appendix B~~

Summary of Notification Requirements Critical Area Commission (COMAR 14.20)
 [Amended 1-23-2013 by Ord. No. 436, *Amended _5_-25_-2016_ by Ord. No. 473*]

| Type of Application | Require Notification to Critical Area Commission (Yes/No) | | |
|--|---|-----|-----|
| | IDA | LDA | RCA |
| 1. Disturbance to habitat protection areas | Y | Y | Y |
| 2. Physical disturbance to Buffer, <i>excluding buffer management areas (BMAs)</i> | Y | Y | Y |
| 3. Variance from Critical Area Zoning Ordinance Program , <i>excluding removing lot coverage</i> | Y | Y | Y |
| 4. Development resulting in less than 5,000 square feet of disturbance | N | N | N |
| 5. Development resulting in between 5,000 and 15,000 square feet of disturbance | N | N | Y |
| 6. Development resulting in greater than 15,000 square feet of disturbance | Y | Y | Y |
| 7. Subdivision of one to four lots | Y N | N | Y |
| 8. Subdivision of five to 10 <i>ten</i> lots | Y N | Y | Y |
| 9. Subdivision of greater than 10 <i>ten</i> lots | Y | Y | Y |
| 10. Subdivision affecting growth allocation | N/A | Y | Y |
| 11. Single family dwelling (building permit) | N | N | N |
| 12. Accessory structures (building permit) | N | N | N |
| 13. Intrafamily transfer | N | N | Y |
| 14. Rezoning that would occur wholly or partially within the Critical Area | Y | Y | Y |
| 15. Special exception or conditional use for industrial, commercial, institutional nonresidential or multifamily | N | Y | Y |
| 16. Substantial alteration to applications previously submitted to Critical Area Commission | Y | Y | Y |

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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 25th day of May, 2016 in the meeting room of the Edgar M. Bosley, Jr. Municipal Administration Building (Town Office), St. Michaels, Maryland on Ordinance 473.

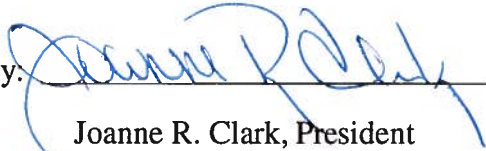
| | |
|---------|--------|
| BORDERS | _yea__ |
| CLARK | _yea__ |
| HARROD | _yea__ |
| MYERS | _yea__ |
| WINDON | _yea__ |

I HEREBY CERTIFY that the above Ordinance No. 473 was passed by a yea and nay vote of The Commissioners of St. Michaels on this 25th day of May, 2016.

ATTEST

THE COMMISSIONERS OF ST. MICHAELS

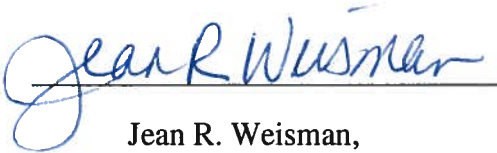
 (Seal)
Jean R. Weisman,
Town Clerk / Manager

By: 
Joanne R. Clark, President

I HEREBY CERTIFY that an exact copy of this Ordinance was posted from the 26th day of May, 2016, at 8:30 o'clock a.m. until this 14th day of June, 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 473, 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

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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