

Ordinance 499
Introduced-
Public Hearing-
Adopted-

ORDINANCE No. 499

AN ORDINANCE TO AMEND CHAPTER 340-34 C. (n) TO CHANGE THE PARKING REQUIREMENT FOR OFFICES, AND TO ADD A NEW SUBSECTION v. THAT WILL ALLOW THE PLANNING COMMISSION TO REVIEW PARKING NEEDS AND PERMIT A DEVIATION FROM THE PARKING REQUIREMENTS

WHEREAS, The Commissioners of St. Michaels (hereafter the "Commissioners") have adopted the codification and revision of the charter, ordinances and certain resolutions of the Town of St. Michaels, County of Talbot, State of Maryland; providing for the maintenance of said Code, establishing a penalty for altering or tampering with the Code; and making certain changes in previously adopted Ordinances (Ordinance 337, adopted June 7, 2006). The Commissioners are empowered to enact a zoning ordinance by Maryland Code (1957) Art. 23A, Section 2, as amended; by Maryland Code (1957) Article 66B, as amended; and by the Charter of the Town of St. Michaels (1980), as amended; and

WHEREAS, It is the intention of the Commissioners of St. Michaels and it is hereby ordained that the provisions of this ordinance shall be included in the Code of the Town of St. Michaels, that the sections and subsections of this ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "ordinance" shall be changed to "section" or other appropriate word, as required for codification; and

WHEREAS, by St. Michaels Ordinance No. 109, dated December 9, 1975, (now known as Chapter 340 of the Code of the Town of St. Michaels) the Commissioners deemed it necessary and did enact a zoning ordinance for the purpose of promoting the public health, safety, morals and general welfare of the Town of St. Michaels (hereinafter referred to as the "Town"); and

WHEREAS THE Code of the Town of St. Michaels, inclusive of Chapter 340, Zoning, was adopted on June 7, 2006; and

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WHEREAS, it is the desire of the Commissioners to amend Chapter 340 of the Code of the Town of St. Michaels by making textual changes to the parking requirements for offices, and to allow the Planning Commission to reduce parking requirements as set out in Chapter 340-34 of the Town Code; and

WHEREAS, on December 13, 2018, the Commissioners referred this Ordinance to the St. Michaels Planning Commission for review; and

WHEREAS, after taking into consideration the comments made at a public meeting, the Planning Commission recommended to the Commissioners that Chapter 340 of the Code of the Town of St. Michaels be amended by textual changes substantially in the form as hereafter set forth; and

WHEREAS, after receiving the aforesaid recommendation of the Planning Commission, public notice was published on ___, 2109 and _____ 2019 that a public hearing would be held by the Commissioners on February __, 2019 concerning amendments to Chapter 340 of the Code of the Town of St. Michaels substantially in the form as hereafter set forth; and

WHEREAS, after having given due public notice, the Commissioners conducted a public hearing on February __, 2019 to receive public comment on the aforesaid amendment; and

WHEREAS, all the requirements of the Maryland Code (1957) Article 66B, 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 I

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that certain provisions contained within Chapter 340 of the Code of the Town of St. Michaels is hereby, amended, with the language intended to be added indicated in underlined italics and the language intended to be deleted indicated in ~~strikethroughs~~ as follows:

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Amend - 340-34 C. (n)

(n) Offices for business, banking, professional, or governmental use: One parking space for every ~~300~~ 400 square feet of gross floor area.

Add- **340-34 C. v.**

v. The Town of St. Michaels recognizes that due to the particularities of any given development, the strict application of the parking standards set forth herein may result in a development with parking in excess of the use's needs. The Planning Commission may reduce the required parking if one or more of the following conditions apply, and the applicant can clearly demonstrate to the Planning Commission via plans, studies or other data that such conditions better reflect the actual parking demand:

[1] A residential development is deed restricted to residents 55 years of age or older.

[2] A use has a majority of its occupants not of driving age.

[3] The proposed development is located in the CC Central Commercial District; WD Waterfront Development District; MM Maritime Museum District; GC Gateway Commercial District; MC Maritime Museum Zone, or HR Historic Redevelopment District.

[4] On-street parking is located directly in front to the property.

[5] A public parking lot is located within 300 feet of the lot.

In no case shall the Planning Commission reduce the parking requirement to less than 50% of the amount required under Section 340-34 C prior to any reduction.

Whenever the Planning Commission allows a deviation from the parking requirements set forth herein, it shall entered on the zoning certificate and/or site plan the parking requirement that it imposes and the reasons for allowing or requiring the deviation.

Amend 340-34 B. (2) (b) to read as follows:

(b) Pre- existing structures. Any commercial use permitted by this chapter in the applicable zone may be continued, altered, changed, established, expanded, or decreased ~~within the confines of an existing structure without meeting the current on-site parking requirements.~~ without meeting the current on-site parking requirements if the Planning Commission determines that the change does not significantly increase the parking demand of the use.

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SECTION II

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 this _____, 2019 at _____ o'clock p.m., in the meeting room at the Edgar M. Bosley, Jr. (Town Office), 300 Mill Street, St. Michaels, Maryland.

_____(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 _____, at _____ o'clock p.m., in the meeting room of the Town Office, St. Michaels, Maryland.

Bibb	-	_____
Boos	-	_____
Gorman	-	_____
Harrod	-	_____
Windon	-	_____

I HEREBY CERTIFY that the above Ordinance No. 499 was passed by a yea and nay vote of The Commissioners of St. Michaels on the _____ day of _____, 2019

ATTEST:

THE COMMISSIONERS OF ST. MICHAELS

_____(Seal) _____ By:

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Jean R. Weisman, Town Clerk\Manager

William E. Boos, President

I HEREBY CERTIFY that an exact copy of this Ordinance was posted from the _____ day of _____, 2019, at _____ o'clock ____m. to the _____ day of _____, 2019 at _____ o'clock ____m., on the bulletin board at the Town Office in St. Michaels, Maryland, and that a summary of the aforesaid Ordinance No. _____, 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: _____, 20____

_____(Seal)

Jean R. Weisman. Town Clerk\Manager