

For Discussion - 03/14/2018
Introduction - 03/14/2018
Public Hearing - 04/11/2018
Adopted - 04/18/2018
Effective - 05/09/2018

ORDINANCE NO. 486

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP FOR THE TOWN OF ST. MICHAELS AS PER CHAPTER 340 ZONING, ARTICLE I ZONING MAPS AND BOUNDARIES; APPLICABILITY OF THE ST. MICHAELS TOWN CODE; TO INCLUDE LANDS ANNEXED ALONG BROOKS LANE AS PER RESOLUTION NO. 2017-03; TO CLARIFY THE OFFICIAL MUNICIPAL BOUNDARIES OF THE TOWN AS DESCRIBED IN § C-4 DESCRIPTION OF CORPORATE BOUNDARIES, RESOLUTION NO. 2005-23, AND RESOLUTION NO. 99-04 AND AS PER SURVEY PREPARED BY RAUCH ENGINEERING; AND TO SHOW THE HISTORIC DISTRICT OUTLINE AS REQUIRED BY § 340-52A.

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, §340-42B of the Town Code states “The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Zoning Ordinance or any subsequent amendment thereof. The Planning Commission shall certify as to the accuracy of the new Official Zoning Map prior to its adoption by the Town Commissioners”; and

WHEREAS, the St. Michaels Town Code, §340-91 Map amendments for piecemeal rezoning establishes a procedure for the Town to amend Official Zoning Map through a piecemeal rezoning; and

WHEREAS, the Commissioners of St. Michaels adopted Resolution No. 2017-03 on the 13th day of December, 2017 for the purpose of annexing nine parcels of real property consisting of 2.692 acres of land, more or less, located in the second election district of Talbot County, Maryland, along the western boundary of the town; and

WHEREAS, the Commissioners of St. Michaels adopted Resolution No. 2005-23 on the 22nd day of March, 2016 to annex 94.78 acres of land more or less, known as the land of Hatton’s Garden Limited Partnership and certain adjacent ways and lands of the San Domingo Creek; and

WHEREAS, the Commissioners of St. Michaels adopted Resolution No. 99-04 on the 14th day of September, 1999 to amend the town boundaries to annex the properties known as 301, 303, 305 and 307 E. Chew Avenue; and

WHEREAS, during the drawing of the zoning map for Resolution No. 2017-03 it was discovered that the zoning map was drawn incorrectly following the adoption of Resolution No. 2005-23 and Resolution No. 99-04; and

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WHEREAS, §340-52A of the Town Code states “The Historic District of St. Michaels consists of an area as outlined on the Official St. Michaels Zoning Map”; and

WHEREAS, the Commissioners of St. Michaels contracted with Rauch Engineering Inc as Town Engineer and Professional Land Surveyor to survey and prepare an official municipal boundary plat of the Town to clarify the official town boundary as described in C-4 of the Town Charter; and

WHEREAS, in accordance with § 340-2. Replacement of Official Zoning Map of the Town Code, the St. Michaels Planning Commission, at the March 22, 2018 meeting, made a motion certifying to the accuracy of the draft Official Zoning Map, subject to the Town’s engineer/surveyor certifying and recording an updated municipal boundary plat with Land Records; and

WHEREAS, the Commissioners of St. Michaels held a public hearing on this 11th day of April, 2018 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 the zoning map reflecting the above enumerated changes, attached hereto and incorporated by reference herein, shall become the Official Zoning Map for the Town of St. Michaels;

AND BE IT FURTHER ORDAINED AND ENACTED, that the Official Zoning Map of the Town of St. Michaels shall be and is hereby amended as follows:

- A. To include lands annexed along Brooks Lane as per resolution no. 2017-03; and
- B. To clarify the official municipal boundaries of the Town; and
- C. To show the historic district outline as required by § 340-52a.

AND BE IT FURTHER ORDAINED AND ENACTED, that the Commissioners have found that there is no substantial or comprehensive change to the zoning map;

AND BE IT FURTHER ORDAINED AND ENACTED, that the Commissioners have found that the metes and bounds of the Official Zoning Map made a part of this Ordinance are drawn as described in § C-4 description of corporate boundaries ;

AND BE IT FURTHER ORDAINED AND ENACTED, that the Commissioners have found that the changes herein to correctly reflect boundary changes are related to annexations of lands approved under Resolution No. 2017-03, Resolution No. 2005-23, and Resolution No. 99-04;

AND BE IT FURTHER ORDAINED AND ENACTED, that the Commissioners have found that § 340-52A of the Town Code required that the Historic District shall be shown on the Official Zoning Map;

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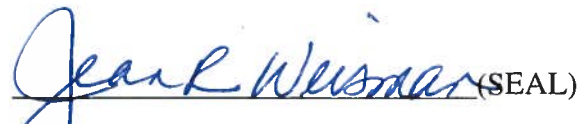
AND BE IT FURTHER ORDAINED AND ENACTED, that no new zones are being introduced or zoning being taken away from the zoning permitted by Chapter 340 of the St. Michaels Town Code;

AND BE IT FURTHER ORDAINED AND ENACTED, that changes are being made to the on the Official Zoning Map for the Town of St. Michaels under Ordinance No. 486 and no other zoning, boundary or designations changes are being approved;

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 486 and the Official Zoning Map of the Town of St. Michaels are declared severable;

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 public notice posted on the Town bulletin board for a public hearing of the Commissioners of St. Michaels held on the 14th day of March, 2018, at 6:00 o'clock p.m., in the meeting room at the Edgar M. Bosley, Jr. Municipal Administration Building (Town Office), St. Michaels, Maryland.



Jean R. Weisman
Town Clerk / Manager

HAVING BEEN READ for the second time with no substantial changes, 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 18th day of April, 2018 in the meeting room of the Edgar M. Bosley, Jr. Municipal Administration Building (Town Office), St. Michaels, Maryland.

BIBB	__yea__
BOOS	__yea__
HARROD	__yea__
MYERS	__yea__
WINDON	__yea__

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I HEREBY CERTIFY that the above Ordinance No. 486 was passed by a yea and nay vote of The Commissioners of St. Michaels on this 18th day of April, 2018.

ATTEST



Jean R. Weisman,
Town Clerk / Manager

THE COMMISSIONERS OF ST. MICHAELS

By:  (SEAL)

William E. Boos, President

I HEREBY CERTIFY that an exact copy of this Ordinance was posted from the 12th day of April, 2018, at 8:30 o'clock a.m. to this 8th day of May, 2018, 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. 486, 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.

 (Seal)

Jean R. Weisman,
Town Clerk / Manager