

~~Article I. Zoning Maps and Boundaries; Applicability.~~

Article I. General Provisions.

[§ 340-1. Title.

This chapter shall be known and may be cited as the "St. Michaels Zoning Ordinance."

§ 340-2. Authority.

This chapter is enacted under the authority granted by the General Assembly of Maryland, as provided in the Land Use Article, Annotated Code of Maryland, as amended.

§ 340.3. Purpose.

This chapter has been prepared in accordance with the St. Michaels Comprehensive Plan and is designed to control congestion in the streets; to secure the public safety; to promote health and the general welfare; to provide adequate light and air; to promote the conservation of natural resources; to prevent environmental pollution; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, recreation, parks, and other public requirements. Such regulations shall be made with reasonable consideration, among other things, to the character of the district and its suitability for particular uses and with a view to conserving the value of buildings and encouraging the orderly development and the most appropriate use of land throughout the jurisdiction.

§ 340.4. Severability.

It is hereby declared to be the intention of the Commissioners of St. Michaels, Maryland that the sections, paragraphs, sentences, clauses, and phrases of this Zoning Chapter are severable, and if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Zoning Chapter since the same would have been enacted without the incorporation into this Zoning Chapter of such unconstitutional or invalid sections, paragraphs, sentences, clauses, or phrases.]

§ 340-5. Official Zoning Map.

- A. The incorporated areas of the Town are hereby divided into zones as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter.

- B. The Official Zoning Map shall be identified by the signature of the Town Commissioners attested by the Town Clerk and bearing the Seal of the Town under the following words: "This is to certify that this is the Official Zoning Map referred to in Chapter 340 of the Code of the Town of St. Michaels, Maryland" together with the date of the adoption of this chapter.
- C. If in accordance with the provisions of this chapter and the Land Use Article, Annotated Code of Maryland, changes are made in zone boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map promptly after the amendment has been approved by the Town Commissioners, together with an entry on the Official Zoning Map as follows: "on (date), by official action of the Town Commissioners, the following (change or changes) were made in the Official Zoning Map: (brief description of nature of change)" which entry shall be signed by the Town Commissioners and attested by the Town Clerk. The amending ordinance shall provide that such changes or amendments shall not become effective until they have been duly entered upon the Official Zoning Map. No amendment to this chapter which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.
- D. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this chapter and punishable as provided under §340-106 of this chapter.
- E. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Town Clerk shall be the final authority as the current zoning status of land and water areas, buildings, and other structures in the Town.

§ 340-6. Replacement of Official Zoning Map.

- A. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Town Commissioners may by resolution adopt a new Official Zoning Map.
- B. 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. The new Official Zoning Map shall be identified by the signatures of the Town Commissioners attested by the Town Clerk, and bearing the Seal of the Town under the following words: "This is to certify that this Official Zoning Map supersedes and replaces

the Official Zoning Map adopted (date of adoption of map being replaced) as part of Chapter 340 of the Code of Town of St. Michaels, Maryland."

§ 340-7. Official Critical Area Overlay District Maps.

Official Critical Area Overlay District Maps shall be prepared and maintained in force as part of the Official Zoning Maps of the Town. They shall delineate the extent of the Critical Area Overlay District ("0") that shall correspond to the Chesapeake Bay Critical Area.

- A. The Critical Area Overlay District shall include all lands and waters defined in § 8-1807 of the Natural Resources Article, Annotated Code of Maryland. They include:
- (1) All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the state wetlands maps, and all state and private wetlands designated under Title 9 of the Natural Resources Article, Annotated Code of Maryland;
 - (2) All lands and water areas within 1,000 feet beyond the landward boundaries of state or private wetlands and the heads of tides designated under Title 9 of the Natural Resources Article, Annotated Code of Maryland; and
 - (3) Modification to these areas through inclusion or exclusions proposed by the Town of St. Michaels and approved by the Commission as specified in § 8-1807 of the Natural Resources Article, Annotated Code of Maryland.
- B. Within the designated Critical Area all land shall be assigned one of the following land use management classifications:
- (1) Intensely Developed Area (IDA).
 - (2) Limited Development Area (LDA).
 - (3) Resource Conservation Area (RCA).
 - (4) The land use management classification shall be as designated in §§ 340-27 through and inclusive of 340-27.15 of the Town Code. The Critical Area Overlay District Maps may be amended by the Town Commissioners in compliance with amendment provisions in this chapter, the Maryland Critical Area Law and Critical Area Criteria.

§ 340-8. Changing the Official Critical Areas Overlay District Maps.

The Town Commissioners may elect to adjust the Critical Area boundary to delete areas of the Town from the Critical Area District. The Town Commissioners may also elect to add areas to the Critical Area. Any adjustments or changes shall be treated as amendments to the Critical Area Overlay District ("0") on the Official Critical Area Overlay District Map for the Town of St.

Michaels and may be approved only after review and approval by the Critical Area Commission. Procedures and requirements for amending the Critical Area District Maps are as set forth in **Article XII**.

§ 340-9. Rules for interpretation of zone boundaries.

Where uncertainty exists as to the boundaries of zones as shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following Town limits shall be construed as following Town limits.
- D. Boundaries indicated as following railroad lines or former railroad lines shall be construed as following the center line of the existing or former right-of-way.
- E. Boundaries as indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
- F. Boundaries indicated as parallel to or extensions of features indicated in Subsections A through E above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- G. Where a lot is divided by one or more zone boundary lines:
 - (1) For a lot of one (1) acre or less in total area and where at least 50% of the lot area lies within a single zone, the owner may apply for and receive a zoning certificate to use the entire lot for a use permitted in the zone which covers at least 50% of the lot area. This subsection, and any zoning action or use of property pursuant thereto, shall not constitute a rezoning, evidence of mistake or change in the character of the neighborhood. This provision shall not apply to any lot created or reconfigured after the date of enactment of this provision.
 - (2) For all other lots of record divided by one or more zone boundary lines, each of said divisions of the lot shall be subject to the regulations of the zone in which it is located, but in any event the entire lot shall contain only one principal use unless approval to the contrary is obtained by special exception **[except as may otherwise be permitted by**

this chapter]. This subsection, any zoning action or use of property pursuant thereto, shall not constitute a rezoning, evidence of mistake or change in the character of the neighborhood.

- H. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections A through G above, the Board of Zoning Appeals shall interpret the zone boundaries **[as provided in §340-*]**.

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