

Public Hearing – July 14 2020  
Introduced – July 14 2020 Bibb and Harrod  
Passed – July 27 2020  
Effective – August 17 2020

## ORDINANCE NO. 512

**AN ORDINANCE TO REPEAL AND REENACT CHAPTER 340 (ZONING) OF THE CODE OF THE TOWN OF ST. MICHAELS AS THE TOWN'S ZONING ORDINANCE; PROVIDING THAT THE TITLE OF THIS SUMMARY SHALL BE DEEMED A FAIR SUMMARY AND GENERALLY RELATING TO ZONING IN THE TOWN OF ST. MICHAELS.**

**WHEREAS**, pursuant to Md. Code Ann., Local Gov't § 5-202 and § C-19(A) of the Charter of the Town of St. Michaels, the Commissioners of St. Michaels (the "Commissioners") are authorized and empowered to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as they may deem necessary for the good government of the Town of St. Michaels (the "Town"); for the protection and preservation of the City's property, rights, and privileges; for the preservation of peace and good order; to secure persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of and visitors in the Town; and

**WHEREAS**, pursuant to Md. Code Ann., Local Gov't § 5-213 and § C-19(B)(53) of the Charter, the Commissioners are authorized and empowered to pass ordinances exercising the power as to planning and zoning conferred upon municipal corporations in the Annotated Code of Maryland, subject to the limitations and provisions thereof; and

**WHEREAS**, pursuant to Md. Code Ann., Land Use §§ 4-201, 4-202, and 4-204, the Commissioners are authorized and empowered to enact and amend, from time to time, zoning regulations and boundaries for the Town; and

**WHEREAS**, beginning in May of 2018, an *ad hoc* Zoning Update Committee (the "Zoning Committee") appointed by the Commissioners and consisting of members of the St. Michaels Planning Commission (the "Planning Commission"), Town staff, representatives of the Commissioners, and a consultant engaged by the Town, undertook a complete update of the Town's Zoning Ordinance codified as Chapter 340 of the Code of the Town of St. Michaels (the "Zoning Ordinance") whereby each section of the Zoning Ordinance and recommended revisions thereto were reviewed and discussed; and

**WHEREAS**, the Zoning Committee held over 30 workshops to discuss proposed revisions to the Zoning Ordinance, all of which were publicly advertised and open to the public; and

WHEREAS, the Zoning Committee also solicited and considered comments and recommendations from the public; and

WHEREAS, on October 24, 2019, the Planning Commission released a draft revised Zoning Ordinance incorporating the revisions and recommendations of the Zoning Committee and the public; and

WHEREAS, on November 14, 2019 and November 23, 2019, the Planning Commission held public information sessions regarding the draft revised Zoning Ordinance; and

WHEREAS, the Planning Commission recommended that the Commissioners approve a text amendment repealing and reenacting the Zoning Ordinance to incorporate the revisions and recommendations of the Zoning Committee, the Planning Commission, and the public; and

WHEREAS, on July 14, 2020, the Commissioners held a public hearing, notice of which was published in the Star Democrat, a newspaper of general circulation in the Town, on July 1, 2020 and July 8, 2020 in accordance with Md. Code Ann., Land Use § 4-203(b) and § 340-90 of the Town Code; and

WHEREAS, having considered the recommendations of the Planning Commission and Staff, as well as the comments made during the July 14, 2020 public hearing, the Commissioners are desirous of repealing Chapter 340 (Zoning) of the Town Code and reenacting the same to incorporate the revisions and recommendations of the Zoning Committee, the Planning Commission, and the public; and

WHEREAS, 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 this Ordinance and to take the actions as described herein.

**SECTION 1.** 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 repealed in its entirety and reenacted to read as set forth in the Chapter 340 (Zoning ) attached hereto as Exhibit A and incorporated herein by reference as if fully set forth.

**SECTION 2.** The recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

**SECTION 3.** In this Ordinance, unless a section of the Town Code is expressly repealed in its entirety and reenacted, new or added language is underlined and in boldface type, and deleted text is crossed out with a single strikethrough. With respect to the substantive provisions

of this Ordinance set forth in Section 1, language added after the date of introduction is in bold, italicized font and language deleted after the date of introduction is crossed out with a double strikethrough.


**SECTION 4.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the Commissioners of St. Michaels that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

**SECTION 5.** All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 6.** The title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

**SECTION 7.** 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 14<sup>th</sup> day of \_\_July\_\_, 2020, at 6 o'clock p.m., in the meeting room at the Edgar M. Bosley, Jr. Municipal Building (Town Office), 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 Hearing of The Commissioners of St. Michaels held on this 27<sup>th</sup> day of July, 2020, at 4 o'clock p.m., in the meeting room at the Edgar M. Bosley, Jr. Municipal Building (Town Office), St. Michaels, Maryland.

Boos -   \_yea    
Bibb -   \_yea    
Harrod -   \_yea    
Winton -   \_yea    
Glackin -   \_yea  

I HEREBY CERTIFY that this Ordinance was passed by a yea and nay vote of The Commissioners of St. Michaels on the 27<sup>th</sup> day of July, 2020 , and that the Exhibit attached hereto is a true copy of the Exhibit referred to in this Ordinance.

ATTEST:

THE COMMISSIONERS OF ST. MICHAELS

  
Jean R. Weisman, Town Clerk\Manager

BY:  (SEAL)  
William E. Boos, President

I HEREBY CERTIFY that an exact copy of the above Ordinance was posted from the   28th   day of   July  , 2020, at 8:30 o'clock a.m. to the   16th   day of   August  , 2020, 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 above Ordinance, 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 three (3) consecutive weeks following the passage of said Ordinance in a newspaper having general circulation in the Town of St. Michaels.

Date: \_\_\_\_\_, 2020

\_\_\_\_\_  
Jean R. Weisman, Town Clerk\Manager (SEAL)