

For Discussion – 9/28/2022  
Introduction – 9/28/22 – Harrod and Whittington  
Public Hearing – 11/9/22  
Adopted – 11/29/22  
Enacted – 11/30/22

**ORDINANCE NO. 536**

**AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF ST. MICHAELS;  
CHAPTER 340 ZONING, SECTIONS §340-56 TABLE OF PERMITTED USES, §340-11  
DEFINITIONS, §340-83 TEMPORARY USES AND STRUCTURES TO ADD  
REGULATIONS FOR TENTS FOR USE AS TEMPORARY STRUCTURES.**

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 §340-193 Power to amend, and shall do so under the provisions of §340-195 Text amendments; and

WHEREAS, concern was raised over the use and safety of tents and membrane structures on a long term basis; and

WHEREAS, after taking into consideration the comments made at the public meetings, the Planning Commission has recommended to the Commissioners that sections 340-56, 340-11, and 340-83 of the Code of the Town of St Michaels be amended as shown herein; and

WHEREAS, The Commissioners of St. Michaels introduced Ordinance No. 536 on September 28, 2022

WHEREAS, public notice was published on November 2, 2022 and November 6, 2022, that a public hearing would be held by the Commissioners on November 9, 2022 concerning amendments to Chapters 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 November 9, 2022 to receive public comment on the aforesaid amendments; and

WHEREAS, for the reasons stated herein, the Commissioners deem it in the interest of the public health, welfare and safety of the citizens of the Town, and for good government of the Town, to enact the following Ordinance.

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 amended as follows, with all revisions shown in **bold**

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## Chapter 340. Zoning

**Bold = new text**

### AMENDMENT 1.

**Amend §340-56. Table of Permitted Uses, Other Uses as follows:**

#### **§ 340-56. Table of Permitted Uses – Temporary Uses**

	<b>A</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>RG</b>	<b>WD</b>	<b>CC</b>	<b>HR</b>	<b>SLC</b>	<b>GC</b>	<b>MC</b>	<b>MM</b>	<b>PF</b>
<b>TENTS</b>													
<b>Private Events</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>Public Events</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>N</b>
<b>Outdoor Dining Areas</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>N</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>N</b>

### AMENDMENT 2.

**Amend §340-11. Definitions as follows:**

**Accessory use - A lawfully permitted use located on the same site with, and of a nature customarily incidental and subordinate to, the principal use or structure.**

**Tents - A portable structure covered or enclosed with canvas, plastic, or similar materials, and supported by poles, stakes, beams, hoops, ropes or cables, whether or not fully enclosed, including but not limited to a membrane structure, sail, or canopy.**

### AMENDMENT 3.

**Amend §340-83 Temporary Uses and Structures as follows:**

#### **D. Tents.**

##### **1. Tent uses permitted as specified in Table**

<b>Tent Use</b>	<b>Duration</b>
<b>Private Events</b>	<b>7 days including setup and breakdown.</b>

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	<b>Exempt: Waterfront Development (WD) zone</b>
<b>Public Events</b>	<b>Duration of the event. Shall be based on public event permit approved by Commissioners.</b>
<b>Over existing outdoor dining areas</b>	<b>April 1<sup>st</sup> to October 31<sup>st</sup> – Requires annual permit</b>

2. Tents cannot be placed in parking areas unless as approved under a public event permit.
3. Annual permits for tents over outdoor dining areas requires Fire Marshall approval and Historic district Commission approval.
4. Tents for private events longer than 7 days require Planning Commission approval.
5. In the Waterfront Development (WD) Zone, tents are not required to be taken down within seven (7) days following an event provided that the tent is located over a hardscaped surface and is generally screened from view from Talbot Street.
6. A violation of this Section shall be punishable as provided in Section 340-212 of this Chapter.

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 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 29<sup>th</sup> day of November, 2022.

WHITTINGTON                      \_\_yea\_\_

BREIMHURST                      \_\_yea\_\_

DUPONT                              \_\_yea\_\_

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HARROD

\_\_yea\_\_

MERCIER

\_\_yea\_\_

I HEREBY CERTIFY that the above Ordinance No. 536 was passed by a yea and nay vote of The Commissioners of St. Michaels on this 29th day of November, 2022.

ATTEST

Rob Straebel (Seal)

Rob Straebel,  
Town Administrator

THE COMMISSIONERS OF ST. MICHAELS

By:

David Breimhurst

David Breimhurst, President

I HEREBY CERTIFY that an exact copy of this Ordinance was posted from the 10<sup>th</sup> day of November, 2022, at 8:30 o'clock a.m. to this 30<sup>th</sup> day of November, 2022, 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, the date of its passage, its effective date and the fact that the entire text of the Ordinance may be read on the website 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.

Rob Straebel (Seal)

Rob Straebel,  
Town Administrator