

ORDINANCE NO. 539

AN ORDINANCE AMENDING CHAPTER 340, “ZONING”, TO RESTRICT THE ESTABLISHMENT OF CERTAIN BUSINESSES COMMONLY KNOWN AS FRANCHISES, CHAINS, AND FORMULA BUSINESSES IN THE TOWN IN ORDER TO PROTECT THE TOWN’S GENERAL CHARACTER.

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)(S3) 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, the Town Commissioners wish to restrict the establishment of certain business entities commonly known as franchises, chains, and formula businesses to protect the Town’s charm and general character and to preserve and enhance the image of the Town as a unique destination.

SECTION 1. AND BE IT FURTHER ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 340, “Zoning”, of the Town Code, Section 340-11, “Definitions,” is amended to read as follows:

* *

FORMULA BUSINESS

A. A RETAIL OR WHOLESALE SALES ESTABLISHMENT, INCLUDING BUT NOT LIMITED TO A HOTEL, MOTEL, CONVENIENCE STORE, DRIVE-IN ESTABLISHMENT, RETAIL STORE, WHOLESALE STORE, RESTAURANT, BAR, PUB, DANCE HALL, NIGHTCLUB, COCKTAIL LOUNGE, OR TAVERN, THAT:

1. IS IN COMMON OWNERSHIP WITH 12 OR MORE OTHER ESTABLISHMENTS OF THE SAME NATURE THAT ARE OPERATING AS A SINGLE BRAND; OR

UNDERLINED YELLOW HIGHLIGHT SMALL CAPS : Indicate matter added to existing law.

Asterisks * * * : Indicate matter remaining unchanged in existing law but not set forth herein.

2. IS A FRANCHISED ESTABLISHMENT OF A BUSINESS ENTITY WITH 12 OR MORE OTHER LOCATIONS OPERATING AS A SINGLE BRAND, WHETHER FRANCHISED OR DIRECTLY OWNED BY A PARENT ENTITY; OR

3. REGARDLESS OF OWNERSHIP, IS REQUIRED BY CONTRACTUAL OR OTHER BUSINESS ARRANGEMENT TO MAINTAIN IN COMMON WITH 12 OR MORE OTHER ESTABLISHMENTS, ANY TWO OR MORE OF THE FOLLOWING SUBSTANTIALLY IDENTICAL FEATURES:

a. STANDARDIZED MENU OR STANDARDIZED ARRAY OF MERCHANDISE WITH 50% OR MORE OF IN-STOCK MERCHANDISE FROM A SINGLE DISTRIBUTOR BEARING UNIFORM MARKINGS.

b. TRADEMARK OR SERVICE MARK, DEFINED AS A WORD, PHRASE, SYMBOL OR DESIGNS THAT IDENTIFIES AND DISTINGUISHES THE SOURCE OF THE GOODS FROM ONE PARTY FROM THOSE OF OTHERS, ON PRODUCTS OR AS PART OF STORE DESIGN;

c. STANDARDIZED INTERIOR DÉCOR INCLUDING, BUT NOT LIMITED TO STYLE OF FURNITURE, WALL-COVERINGS, DISPLAYS OR PERMANENT FIXTURES;

d. STANDARDIZED COLOR SCHEME USED THROUGHOUT THE INTERIOR OR EXTERIOR OF THE ESTABLISHMENT;

e. STANDARDIZED UNIFORM FOR ANY GROUP OF STAFF MEMBERS, INCLUDING BUT NOT LIMITED TO, APRONS, PANTS, SHORTS, SHIRTS, SMOCKS OR DRESSES, HAT AND PINS (OTHER THAN NAME TAGS); OR

f. STANDARDIZED BUILDING FAÇADE, FLOOR AREA DESIGN OR LAYOUT.

B. THE TERM FORMULA BUSINESS SHALL NOT BE INTERPRETED TO INCLUDE (1) BANKS; (2) REAL ESTATE BROKERAGES OR AGENCIES; (3) GROCERY STORE;

* * *

SECTION 2. AND BE IT FURTHER ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 340, “Zoning”, of the Town Code, Section 340-56, “Table of Uses”, be and hereby is amended to read as follows:

§ 340-56. Table of Permitted Uses

UNDERLINED SMALL CAPS : Indicate matter added to existing law.
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Use Description	Zoning District												
	A	R-1	R-2	R-3	RG	WD	CC	HR	SLC	GC	MC	MM	PF
* * *													
COMMERCIAL													
* * *													
Financial service	N	N	N	N	N	N	P	N	N	P	N	N	N
FORMULA BUSINESSES	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>
Funeral and mortuary service													
* * *													
OTHER USES													
* * *													
FORMULA BUSINESSES	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>
* * *													

SECTION 3. AND BE IT FURTHER ORDAINED 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.

SECTION 4. AND BE IT FURTHER ORDAINED all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. AND BE IT FURTHER ORDAINED 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 6. AND BE IT FURTHER ORDAINED that this Ordinance shall take effect twenty (20) days after adoption, having been introduced on the ___ day of _____, 2022, and passed by a majority vote of The Commissioners of St. Michaels following a public hearing of The Commissioners of St. Michaels on the ___ day of _____, 2023, which latter date shall be at least six and no more than 70 days after the date of its introduction.

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Breimhurst ___
Harrod ___
DuPont ___
Whittington ___
Mercier ___

ATTEST:

THE COMMISSIONERS OF ST. MICHAELS

Vickie Sharp, Town Clerk

David Breimhurst, President

(SEAL)

I HEREBY CERTIFY that this Ordinance was passed by a yea and nay vote of The Commissioners of St. Michaels on _____ day of _____, 2023.

I HEREBY CERTIFY that an exact copy of the above Ordinance was posted from the ____ day of _____, 2023, at 8:30 a.m. to the ____ day of _____, 2023, at 4:30 p.m., on the bulletin board at the St. Michaels Town Office, and that a summary of the above Ordinance, the date of its passage, its effective date, and a statement that the entire text of the Ordinance will appear 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

Date

Robert Straebel, Town Administrator

(SEAL)

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