

Discussion – March 8, 2023  
Introduction – April 12, 2023  
Public Hearing –  
Adopted –  
Enacted –

**ORDINANCE NO. 544**

**AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF ST. MICHAELS;  
CHAPTER 340 ZONING, TO AMEND ARTICLE IX DENSITY AND DIMENSIONAL  
REGULATIONS §340-101 ACCESSORY STRUCTURES IN RESIDENTIAL DISTRICTS  
AND FOR PURPOSES OF UPDATING THE CODE IN REGARD TO SETBACKS IN R1  
ZONING DISTRICT**

**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**, the Planning Commission reviewed proposals for such, discussed the issue and made recommendations on the proposed amendments at their meeting on April 6, 2023 including opening the meeting for public comment and consideration of such and made a recommendation to the Town Commissioners; and

**WHEREAS**, for the reasons stated herein, the Commissioners deem it is in the interest of the public health, safety and welfare of the citizens of the Town, and for good of the government of the Town, to enact such ordinances; and

**Chapter 340 Zoning  
AMENDMENT 1  
Article IX Density and Dimensional Regulations**

Proposed revisions are shown in yellow and ~~stricken through~~ for omissions and underlined for additions.

**§ 340-101. Accessory structures in residential districts.**

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G. Residential Accessory Use and Structures. The following additional regulations apply to buildings that are accessory to principal residential uses:

- (1) Accessory uses and structures are prohibited in front or street setbacks except as provided in [§340-96.B](#).
- (2) No more than three (3) detached accessory uses or structures are allowed on any lot.

- (3) Accessory uses or structures are subject to minimum side setback of three (3) feet and minimum rear setback of five (5) feet. **Duplex and Townhouse type of development may have an accessory use structure side yard setback of (1) foot.**
- (4) Lots with rear lot lines abutting alleys. On any lot used for residential purposes whose rear lot line abuts upon an alley, customary accessory uses are permitted without regard to rear yard requirements, provided that no portion of any structure obstructs the alley or in any way reduces the public or private access for customary use.
- (5) The aggregate footprint or coverage of all accessory uses or structures on a lot may not exceed the gross floor area of the principal building.
- (6) Residential accessory structures may not exceed the height of the principal structure or twenty-six (26) feet in height, whichever is more restrictive.
- (7) Accessory structures shall be distant at least ten (10) feet from any other principal structure and three (3) feet from any other accessory structure on the same lot.
- (8) Where a corner lot adjoins in the rear a lot fronting on a side street, no accessory structure on such corner lot shall be closer to the side street line than the required front yard depth of the adjoining lot (see Figure 101-1).
- (9) Attached or detached garages in the R-1 and R-2 Districts shall be setback a minimum of ten (10) feet from an adjacent street from which access is taken.

**SECTION 1. 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 2. AND BE IT FURTHER ORDAINED** that all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 3. AND BE IT FURTHER ORDAINED** that 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 4. AND BE IT FURTHER ORDAINED**, that this Ordinance shall take effect twenty (20) days after adoption, having been introduced on the \_\_\_\_ day of \_\_\_\_\_, 2023, 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.

BREIMHURST \_\_\_\_\_  
DUPONT \_\_\_\_\_  
HARROD \_\_\_\_\_  
MERCIER \_\_\_\_\_  
WHITTINGTON \_\_\_\_\_

**I HEREBY CERTIFY** that this Ordinance was passed by a yea or nay vote of The Commissioners of St. Michaels on \_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST

THE COMMISSIONERS OF ST. MICHAELS

\_\_\_\_\_  
Vickie Sharp, Town Clerk

\_\_\_\_\_(SEAL)  
David Breimhurst, President

**I HEREBY CERTIFY** that an exact copy of this Ordinance was posted from the \_\_\_\_ day of \_\_\_\_\_, 2023, to the \_\_\_\_ day of \_\_\_\_\_, 2023, 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

\_\_\_\_\_(SEAL)  
Robert Straebel, Town Administrator