

Discussion – March 22, 2023
Introduction – April 12, 2023
Public Hearing – May 10, 2023
Enacted – May 10, 2023
Adopted – May 31, 2023

ORDINANCE NO. 543

AN ORDINANCE OF THE TOWN OF ST. MICHAELS AMENDING TOWN CODE, CHAPTER 340, “ZONING”, ARTICLE VIII, “SUPPLEMENTAL USE REGULATIONS,” SECTION 340-91 “REQUIREMENT FOR FIRE APPARATUS ACCESS FOR NEW DEVELOPMENTS” FOR THE PURPOSE OF IMPROVING EMERGENCY AND FIRE ACCESS SERVICES TO LARGE DEVELOPMENT PROJECTS AND FOR THE SAFETY AND WELL BEING OF THE CITIZENS 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., 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, pursuant to the aforestated authority and the additional authority contained in Md. Code Annotated, Land Use Article, Division 1, “Single Jurisdiction Planning and Zoning,” Title 4, “Zoning”, the Commissioners have enacted Chapter 340, “Zoning”, of the Town Code (“the Zoning Ordinance”); and

WHEREAS, §§ 340-193, “Power to Amend”, and 340-195, “Text Amendments”, of the Zoning Ordinance §§ set forth the procedures for amending the text of the Zoning Ordinance; and

WHEREAS, it has come to the attention of the Commissioners that the public good will be best served by legislation which improves fires safety and emergency services access for new developments within the Town; and

Section 1: NOW THEREFORE BE IT ENACTED AND ORDAINED by the Commissioners of St. Michaels, that Chapter 340, “Zoning”, of the Town Code, Article VIII, “Supplemental Use Regulations,” §340-91, “Requirement for Fire Apparatus Access for New Developments”, be and is hereby amended to read as follows:

§ 340-91. REQUIREMENT FOR FIRE APPARATUS ACCESS FOR NEW DEVELOPMENTS

A. EMERGENCY SERVICES ACCESS

1. THE REQUIREMENT FOR A FIRE APPARATUS ACCESS ROAD SHALL APPLY TO ANY NEW COMMERCIAL DEVELOPMENT OUTSIDE THE HISTORIC DISTRICT THAT IS IN EXCESS OF 10,000 SQUARE FEET IN SIZE.

2. A FIRE APPARATUS ACCESS ROAD MUST:

- A. BE AT LEAST 20 FEET WIDE;**
- B. HAVE A VERTICAL CLEARANCE OF AT LEAST 13 FEET, SIX INCHES;**
- C. BE DESIGNED TO WITHSTAND THE IMPOSED LOAD OF A FIRE TRUCK APPARATUS AS APPROVED BY THE TOWN'S ENGINEER IN CONSULTATION WITH THE TOWN FIRE DEPARTMENT OR COUNTY EMERGENCY SERVICES DEPARTMENT;**
- D. BE DESIGNED AS AN ALL-WEATHER SURFACE;**
- E. HAVE A TURNING RADIUS ADEQUATE TO PERMIT FIRE TRUCK APPARATUS TO NEGOTIATE ANY TURNS;**
- F. HAVE NO DEAD-END ACCESS ROAD GREATER THAN 150 FEET WITHOUT ADEQUATE TURN AROUNDS;**
- G. PROVIDE ACCESS TO ALL SIDES OF THE BUILDING; AND**
- H. BE WITHIN 50 FEET OF AT LEAST ONE EXTERIOR DOOR OF THE BUILDING WHICH DOOR IS ABLE TO BE OPENED FROM THE OUTSIDE AND PROVIDES ACCESS TO THE INTERIOR OF THE BUILDING.**

3. ALL COVERED OR UNDERGROUND PARKING CEILINGS MUST BE AT LEAST TEN FEET SIX INCHES (10'6") HIGH TO ALLOW INGRESS AND EGRESS OF EMERGENCY VEHICLES.

* * *

Section 2. AND BE IT FURTHER ORDAINED that 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 3. 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 4. 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.

Yellow highlighted underlined text in **SMALL CAPS**: Indicate matter added to existing law


Section 5. AND BE IT FURTHER ORDAINED that this Ordinance shall take effect twenty (20) days after adoption, having been introduced on the 12th day of **April, 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 10th day of **May, 2023**, which latter date shall be at least six and no more than 70 days after the date of its introduction.

Breimhurst	<u>Yea</u>
Harrod	<u>Yea</u>
DuPont	<u>Yea</u>
Whittington	<u>Yea</u>
Mercier	<u>Yea</u>

ATTEST:

THE COMMISSIONERS OF ST. MICHAELS


Vickie Sharp, Town Clerk

 (SEAL)
David Breimhurst, President

I HEREBY CERTIFY that this Ordinance was passed by a yea and nay vote of The Commissioners of St. Michaels on the 10th day of **May, 2023**.

I HEREBY CERTIFY that an exact copy of the above Ordinance was posted from the 11th day of **May, 2023**, at 8:30 a.m. to the 31st day of **May, 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.

5/11/23
Date

 (SEAL)
Robert Straebel, Town Administrator

Yellow highlighted underlined text in **SMALL CAPS**: Indicate matter added to existing law