

Discussion – March 8, 2023
Introduction – April 12, 2023
Public Hearing – May 10, 2023 & May 24, 2023
Adopted – May 24, 2023
Enacted – June 14, 2023

ORDINANCE NO. 544

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF ST. MICHAELS; CHAPTER 340, "ZONING," ARTICLE IX, "DENSITY AND DIMENSIONAL REGULATIONS", §340-101, "ACCESSORY STRUCTURES IN RESIDENTIAL DISTRICTS," FOR PURPOSES OF PERMITTING A REDUCTION OF SIDE YARD SETBACKS IN THE RESIDENTIAL ZONING DISTRICTS UNDER CERTAIN CIRCUMSTANCES.

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 c5-213 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, it has come to the attention of the Town Commissioners that the side yard setbacks prescribed by the Town's Zoning Ordinance pose a hardship in some cases to owners of side-by-side duplex dwellings and townhouses in the siting of certain accessory structures; and

WHEREAS, the Town Commissioners believe that homeowners' associations that regulate the exterior appearance of duplexes and townhouses subject to the authority of such associations are best suited to determine the appropriate side-yard setbacks for such units, provided that the association prescribes by regulation a side-yard setback no less than one foot (1'); and

WHEREAS, the Planning Commission considered the question of side yard setbacks for duplex and townhouses at its meeting on April 6, 2023, at which it conducted a public hearing and accepted public comment, and made a recommendation to the Town Commissioners; and

UNDERLINED SMALL CAPS

Asterisks * * *

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Indicate matter added to existing law.

Indicate matter remaining unchanged in existing law but not set forth in the Ordinance.

WHEREAS, for the reasons stated herein, the Commissioners deem the interest of the public health, safety, and welfare of the residents of the Town best served by amendment the of Zoning Ordinance to permit a reduction in the side yard setback for duplexes and townhouses under certain circumstances,

SECTION 1. NOW THEREFORE BE IT ORDAINED AND ENACTED that Chapter 340, "Zoning" of the Code of St. Michaels, Section §340-101, "Accessory structures in residential districts," be and hereby is amended as follows:

§340-101. Accessory structures in residential districts

* * *

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. NOTWITHSTANDING THE FOREGOING, A HOMEOWNER'S ASSOCIATION MAY, BY REGULATION, PROVIDE FOR A MINIMUM SIDE YARD SETBACK OF NO LESS THAN ONE (1) FOOT FOR ACCESSORY STRUCTURES FOR DUPLEXES AND TOWNHOUSES.

* * *

SECTION 2. 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. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. 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.


UNDERLINED SMALL CAPS : Indicate matter added to existing law.
Asterisks * * * : Indicate matter remaining unchanged in existing law but not set forth in the Ordinance.

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 & 24th** day of **May, 2023**, which latter date shall be at least six and no more than 70 days after the date of its introduction.


I HEREBY CERTIFY that this Ordinance was passed by a yea or nay vote of The Commissioners of St. Michaels on **24th** day of **May, 2023**.

Breimhurst Yea
Harrod Yea
DuPont Yea
Whittington Yea
Mercier Yea

ATTEST:

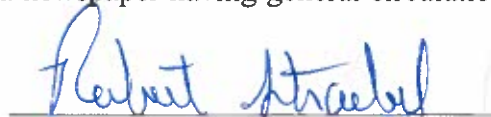

Vickie Sharp, Town Clerk

THE COMMISSIONERS OF ST. MICHAELS


David Breimhurst, President

I HEREBY CERTIFY that an exact copy of the above Ordinance was posted from the **25th** day of **May, 2023**, at 8:30 a.m. to the **14th** day of **June, 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: June 2, 2023


Robert Straebel, Town Administrator

UNDERLINED SMALL CAPS :

Asterisks * * *

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