

ORDINANCE NO. 549

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF ST. MICHAELS; CHAPTER 340, "ZONING," ARTICLE IX, "DENSITY AND DIMENSIONAL REGULATIONS", §340-101G (3), "ACCESSORY STRUCTURES IN RESIDENTIAL DISTRICTS," FOR PURPOSES OF CLARIFICATION OF EXTENSIONS OF ARCHITECTURAL ELEMENTS INTO SETBACKS

WHEREAS, pursuant to Md. Code Ann., Local Gov't § 5-213 and § C-19(B)(53) 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 extension of certain architectural elements such as eaves, chimney and other features for accessory structures should be further clarified in Chapter 340 "Zoning Ordinance"; and

WHEREAS, the Town Commissioners believe that it is appropriate to allow for the minor extension of certain architectural elements of accessory structures into certain setback areas; and

WHEREAS, the Planning Commission considered the question of allowing these architectural extensions into setbacks at its meeting on July 6, 2023, at which it conducted a public meeting and made a recommendation for approval with revisions to the Town Commissioners; and

WHEREAS, 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 such extension of architectural elements into setback areas,

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:

* * *

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

- (1) Accessory uses or structures are subject to minimum side setback of three feet and minimum rear setback of five feet; PROVIDED, HOWEVER, THAT ARCHITECTURAL ELEMENTS, SUCH AS EAVES, AWNINGS, SILLS, CORNICES, FLUMES OR CHIMNEYS, CANOPIES, CANTILEVERS, WINDOW SEATS, BAY WINDOWS, AND OTHER SIMILAR ARCHITECTURAL FEATURES ON ACCESSORY STRUCTURES LOCATED ABOVE GROUND LEVEL MAY EXTEND ONE FOOT INTO ANY MINIMUM REQUIRED SETBACK. PERMITTED ARCHITECTURAL PROJECTIONS SHALL BE IDENTIFIED ON ANY SITE PLAN, ZONING CERTIFICATE, OR BUILDING PERMIT APPLICATION.

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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.

AND BE IT FURTHER ORDAINED that this Ordinance shall take effect twenty (20) days after adoption, having been introduced on the 13th day of September, 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 11th day of October, 2023, which latter date shall be at least six and no more than 70 days after the date of its introduction.

Breimhurst Yea
Harrod Yea
DuPont Yea
Whittington Yea
Mercier Yea

ATTEST:

Vickie Sharp
Vickie Sharp, Town Clerk

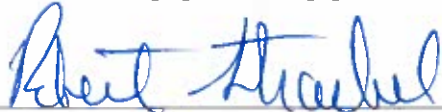
THE COMMISSIONERS OF ST. MICHAELS

David Breimhurst (SEAL)
David Breimhurst, President

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~~Stricken through~~ : Indicate matter to be removed.

I HEREBY CERTIFY that an exact copy of the above Ordinance was posted from the 12th day of October, 2023, at 8:30 a.m. to the 1st day of November, 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: 11/01/23


Robert Straebel, Town Administrator

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