

Introduction – March 13, 2024
Public Hearing -
Adopted -
Enacted –

ORDINANCE NO. 555

AN ORDINANCE OF THE TOWN OF ST. MICHAELS AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF ST. MICHAELS TO APPLY AN ORIGINAL ZONING CLASSIFICATION OF R1 - RESIDENTIAL TO CERTAIN LAND ANNEXED TO THE TOWN OF ST. MICHAELS BY RESOLUTION NO. 2024-01.

WHEREAS, the Commissioners of St. Michaels (“COSM”) are authorized by § 4-416 of the Local Government Article of the Maryland Annotated Code (the “Code”), to exercise planning and zoning jurisdiction in any area annexed into the Town of St. Michaels (the “Town”); and

WHEREAS, the COSM are authorized by § 4-101 *et seq.* of the Land Use Article of the Code to enact and administer a zoning ordinance, and they have done so, which ordinance has been codified as Chapter 340 of the Town Code; and

WHEREAS, the COSM are authorized by § 4-201 of the Land Use Article of the Code to divide land within the municipal boundaries into zoning districts in a manner it deems best suited to execute the purposes of the Land Use Article; and

WHEREAS, the COSM are authorized by § 4-204 of the Land Use Article of the Code to amend, supplement, modify or repeal sections of the Town zoning ordinance; and

WHEREAS, the Town has acted pursuant to the authority of §4-401 *et. seq.* of the Local Government Article of the Code to introduce Resolution No. 2024-01 (the “Resolution”) to expand the Town’s municipal boundaries by annexing lands contiguous to and adjoining the present Town boundaries; and

WHEREAS, the area proposed for annexation includes certain land comprising a portion of the real property commonly known as 201 Boundary Lane, together with a portion of the right-of-way of Boundary Lane abutting said property, and comprising collectively 4.633 acres, more or less (“the Annexation Area”); and

WHEREAS, 201 Boundary Lane is owned in its entirety by The Commissioners of St. Michaels pursuant to a deed from Environmental Concern Inc. to the Town, dated September 28, 2023 and recorded among the Land Records of Talbot County at Liber 3076, Folio 201; and

WHEREAS, the Annexation Area is shown on a plat titled “ANNEXATION PLAT OF A PORTION OF THE LAND OF THE COMMISSIONERS OF ST. MICHAELS, TAX MAP 201, 1952, AND A PORTION OF THE LAND OF STATE OF MARYLAND AND A PORTION OF BOUNDARY LANE, IN THE SECOND ELECTION DISTRICT TALBOT COUNTY, MARYLAND” (the “Annexation Plat”), prepared by Fink, Whitten & Associates, LLC, dated December 20, 2023, which is Exhibit A to this Ordinance; and

Introduction – March 13, 2024

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WHEREAS, the Annexation Area is described by a metes and bounds in a description prepared by Fink, Whitten & Associates, LLC entitled “DESCRIPTION OF ANNEXATION 2024 THE COMMISSIONERS OF ST. MICHAELS AND A PORTION OF THE LAND OF STATE OF MARYLAND AND A PORTION OF BOUNDARY LANE IN THE SECOND ELECTION DISTRICT TALBOT COUNTY, MARYLAND”, dated December 7, 2023, which is Exhibit B to this Ordinance.

WHEREAS, the Town Planning Commission considered the annexation and zoning requests during its public meeting on **March 7, 2024** and recommended that the COSM annex the Annexation Area and zone such land as R-1 Residential as indicated herein; and

WHEREAS, the COSM have determined that R-1 Residential zoning is consistent with relevant provisions of the Town Comprehensive Plan and with the current zoning of the portion of Parcel 1952 that is already within the Town; and

WHEREAS, the COSM finds that it is in the best interest of the Town to amend the Official Zoning Map of the Town to include the Annexation Area and to establish R-1 Residential zoning for said Annexation Area; and

WHEREAS, the proposed R-1 Residential zoning classification permits land uses that are different from the land uses allowed under the current Talbot County zoning classification and/or permits development at a density that exceeds the density allowed under the current Talbot County zoning classification applicable to the Annexation Property by 50%. In accordance with §4-416 of the Local Government Article of the Code, the Town may place the annexed land in zoning classification that allows different land uses and/or a density greater than 50% than the current Talbot County zoning classification applied to the property only with the consent of the County; and

WHEREAS, the COSM held a duly-noticed public hearing on this Ordinance on _____, 2024.

NOW, THEREFORE, the COSM hereby ordains as follows:

Section 1. Incorporation. The Annexation Plat attached hereto as Exhibit A and the Metes and Bounds Description attached hereto as Exhibit B are incorporated herein by reference.

Section 2. Modification of Official Zoning Map Boundaries. The Official Zoning Map of the Town is hereby amended to add the Annexation Area.

Section 3. Designation of Zoning for Annexation Property. The Annexation Area shall be assigned the classification of R-1 Residential. In accordance with Section 340-5 of the Town’s Zoning Ordinance, the amendment shall be made on the Official Zoning Map of the Town promptly upon the effective date of this Ordinance with an entry on the Official Zoning Map of the Town as follows: “On _____, 2024, by official action of the Town Commissioners, the following change was made in the Official Zoning Map: **4.633** ± acres, comprising a portion of

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the parcel known as 201 Boundary Lane, a portion of a parcel owned by the State of Maryland abutting 201 Boundary Lane to the east, and a portion of the right-of-way of Boundary Lane abutting 201 Boundary Lane to the south, all lying contiguous to and adjoining the corporate boundaries of the Town, are added hereto,” which entry shall be signed by the COSM and attested to by the Town Clerk.

Section 4. County Zoning Consent. The classification of the Annexation Area as R-1 Residential is contingent upon the Town receiving the consent of Talbot County prior to the effective date of this Ordinance. Should such consent not be granted, this Ordinance will be null and void as of the date that would otherwise be the effective date

Section 5. Survival. Except as amended herein, the remainder of the Official Zoning Map of the Town and the remaining terms of existing ordinances shall remain in full force and effect.

Section 6. Effective Date. This Ordinance shall become effective upon the effective date of the Annexation Resolution pursuant to which the Annexation Property that is the subject of this Ordinance is annexed to the Town.

AND BE IT FURTHER ORDAINED AND ENACTED, that this Ordinance shall take effect concurrent with the effective date of Resolution No 2024-01, having been read at two (2) meetings of The Commissioners of St. Michaels and having been passed by a yea and nay vote of The Commissioners of St. Michaels

HAVING BEEN READ for the second time and passed by the following vote of The Commissioners of St. Michaels at a Public Meeting of the Commissioners of St. Michaels held on this ____ day of _____, 2024.

MERCIER _____

BREIMHURST _____

DUPONT _____

HARROD _____

WHITTINGTON _____

I HEREBY CERTIFY that the above Ordinance No. ____ was passed by a yea and nay vote of The Commissioners of St. Michaels on this ____ day of _____, 2024.

ATTEST

THE COMMISSIONERS OF ST. MICHAELS

(Seal)

By: _____

Robert Straebel,
Town Administrator

David Breimhurst, President

Introduction – March 13, 2024

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I HEREBY CERTIFY that an exact copy of this Ordinance was posted from the ____ day of _____, 2024, at 8:30 o'clock a.m. on this ____ day of _____, 2024, at 4:30 o'clock p.m., on the bulletin board at the Town Office in St. Michaels, Maryland, and that a summary of the aforesaid Ordinance No ____, the date of its passage, its effective date and the fact that the entire text of the Ordinance may be read on the website 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.

Robert Straebel,
Town Administrator