

Discussion – December 14, 2022
Introduction – April 10, 2023
Public Hearing –
Adopted –
Enacted –

ORDINANCE NO. 542

AN ORDINANCE OF THE TOWN OF ST. MICHAELS AMENDING TOWN CODE, CHAPTER 340, “ZONING”, AMENDING ARTICLE XVII, “DESIGN”, SECTION 340-183, “STATEMENT OF INTENT”, SECTION 340-184, “APPLICABILITY”, AND SECTION 340-185, “COMPATIBILITY STANDARDS”, FOR THE PURPOSE OF PRESERVING THE CHARACTER OF THE TOWN’S COMMERCIAL DISTRICTS AND PROTECTING THE TOWN’S ECONOMIC WELL BEING.

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 aforesated 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 minimizing the location of certain types of business in certain areas of the Town; and

WHEREAS, the Planning Commission reviewed proposals for such restrictions, discussed the issue, and made recommendations on the proposed amendments at its meeting on March 2, 2023, which included the opportunity for public comment, and again on April 6, 2023; and

Section 1: AND BE IT FURTHER ORDAINED AND ENACTED by the Commissioners of St. Michaels, that Chapter 340, “Zoning”, of the Town Code, Article XVII, “Design”, Section 340-183, “Statement of Intent”, be and is hereby amended to read as follows:

§ 340-183 Statement of Intent

The physical details of the Town, which include building and landscaping elements, intimate views, walkability, and expansive vistas, are essential to the definition of the Town’s character. These details influence how residents and visitors feel about the Town and need to be preserved and protected.

- A. This Article intends to implement the recommendations of the St. Michaels Comprehensive Plan to encourage design qualities that reinforce the Town’s unique character and identity; and
- B. Create design guidelines for development that are sensitive to existing housing and neighborhoods.

C. TO ENSURE THAT NEW DEVELOPMENT, REDEVELOPMENT AND INFILL DEVELOPMENT ALONG THE MAIN COMMERCIAL CORRIDOR AND PARTICULARLY IN THE GC GATEWAY COMMERCIAL ZONING DISTRICT ARE CONSISTENT WITH THE DESIGN QUALITY OF SURROUNDING DEVELOPMENT AND COMPATIBLE WITH THE CHARACTER OF THE TOWN.

Section 2: AND BE IT FURTHER ENACTED AND ORDAINED by the Commissioners of St. Michaels, that Chapter 340, “Zoning”, of the Town Code, Article XVII, “Design”, Section 340-184, “Applicability”, be and is hereby amended to read as follows:

§ 340-184 Applicability

- A. The provisions of this Article apply to all proposed development requiring site plan or subdivision approval. ~~The compatibility standards in § 340-185 are strongly recommended but not required.~~ IN APPROVING ANY SUBDIVISION APPLICATION OR SITE PLAN IN A COMMERCIAL ZONE IN THE TOWN, CONSIDERATION SHALL BE GIVEN TO COMPATIBILITY STANDARDS IN § 340-185.
- B. All land uses, and development shall be located and developed per the applicable provisions of this Chapter and all other applicable land development regulations except as modified by this Article.
- C. Development Incentive - The Planning Commission, at their sole discretion, may modify specific minimum standards as outlined below for qualifying projects if it is demonstrated to the satisfaction of the Planning Commission, that such designs represent significant furtherance of the legislative intent of this article:

- (1) Minimum lot area – decrease up to ten (10) percent;
- (2) Minimum lot width – decrease up to five (5) feet;
- (3) Minimum lot depth – decrease up to ten (10) feet;
- (4) Minimum setback/yards – decrease up to two (2) feet provided no yard is less than five (5) feet;
- (5) Maximum building coverage – increase up to fifteen (15%) percent; and
- (6) Maximum impervious surface – increase up to fifteen (15%) percent. May not be applicable in a Limited Development Area (LDA) and Resource Conservation Area (RCA).

Section 3: AND BE IT FURTHER ENACTED AND ORDAINED by the Commissioners of St. Michaels, that Chapter 340, “Zoning”, of the Town Code, Article XVII, “Design”, Section 340-185, “Compatibility Standards”, be and is hereby amended to read as follows:

§ 340-185 Compatibility Standards

The collective visual images and sensory experiences offered residents, visitors, pedestrians, and motorists stem from the visual identity and character of the town. Context, sensitive design of new and renovated buildings, presents opportunities to enhance the visual identity and character and contribute to a definite sense of place in the Town. Conversely, a design that ignores the characteristics created by existing defining features of its surroundings can introduce discordant visual and functional elements to the neighborhoods that detract from place experience and sense of community. The following design criteria are not intended to restrict creative solutions or to dictate all design details. They are intended to inform the applicant of items that should be the underlying design objectives for every project. They also form the basis for judging whether the Planning Commission will exercise its authority to grant relief from specific development standards required in this Chapter, as provided in subsection § 340-184. C. **THESE STANDARDS ARE TO BE APPLIED STRICTLY TO REVIEW OF DEVELOPMENT APPLICATIONS INCLUDING SITE PLANS IN THE GC GATEWAY COMMERCIAL ZONING DISTRICT.** The Planning Commission will evaluate the design of all proposed development projects based on the following criteria:

Section 4. 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 5. 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 6. 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 7. 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, which latter date shall be at least six and no more than 70 days after the date of its introduction.

Breimhurst ___
Harrod ___
DuPont ___
Whittington ___
Mercier ___

ATTEST:

THE COMMISSIONERS OF ST. MICHAELS

Vickie Sharp, Town Clerk

_____(SEAL)
David Breimhurst, President

I HEREBY CERTIFY that an exact copy of the above Ordinance was posted from the ___ day of _____, 2023, at 8:30 a.m. to the ___ day of _____, 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

_____(SEAL)
Robert Straebel, Town Administrator