

**ORDINANCE NO.: 399**

AN ORDINANCE OF THE COMMISSIONERS OF ST. MICHAELS TO AMEND THE CODE OF THE TOWN OF ST. MICHAELS, CHAPTER 340 (ZONING), ARTICLE IV (ZONE REGULATIONS) §340-20 (RESIDENTIAL ZONE R-2), PARAGRAPH B (ACCESSORY USES) TO PERMIT THE SALE OF EVENT PACKAGES; TO AMEND CHAPTER 340 (ZONING), ARTICLE V (SUPPLEMENTAL ZONE REGULATIONS), TO ADD A NEW §340-51.3 (BED-AND-BREAKFAST INNS –EVENT PACKAGES) TO PROVIDE FOR THE SALE OF EVENT PACKAGES AS AN ACCESSORY USE TO THE OPERATION OF A BED AND BREAKFAST INN, UNDER CERTAIN CONDITIONS, AS PART OF A PACKAGE OF SERVICES FOR WEDDING RECEPTIONS, FAMILY REUNIONS, BUSINESS ACTIVITIES AND OTHER EVENTS SIMILAR IN NATURE; TO AMEND CHAPTER 340 (ZONING), ARTICLE V (SUPPLEMENTAL ZONE REGULATIONS), TO ADD A NEW §340-51.4 (HOTELS – EVENT PACKAGES) TO PROVIDE FOR THE SALE OF EVENT PACKAGES UNDER CERTAIN CONDITIONS; TO AMEND THE DEFINITION OF BED AND BREAKFAST INN AND HOTEL AS SET FORTH IN ARTICLE IV, §340-108 (DEFINITIONS) TO INCLUDE PROVISIONS FOR THE SALE OF EVENT PACKAGES-PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE A FAIR SUMMARY AND GENERALLY RELATING TO THE OPERATION OF BED AND BREAKFAST INNS AND HOTELS IN THE TOWN OF ST. MICHAELS.

WHEREAS, it is the desire of the Commissioners of the town of St. Michaels (the “Commissioners”) to amend Chapter 340 of the Code of the town of St. Michaels by making textual changes to provide for the sale of “event packages” as an accessory use to the operation of bed and breakfast inns and hotels as defined herein; and

WHEREAS, “event packages” shall be defined to allow the sale of a package of services relating to weddings, wedding receptions, family reunions, business activities and other events similar in nature; and

WHEREAS, the Commissioners referred the proposed textual changes substantially in the form as hereafter set forth to the St. Michaels Planning Commission for their review and recommendation, which recommendation was favorable; and

WHEREAS, public notice was published on February 12, 2009 and March 2, 2009 that a public hearing would be held by the Commissioners on March 11, 2009 concerning amendments to Chapter 340 of the Code of the Town of St. Michaels substantially in the form as hereafter set forth; and

WHEREAS, after having given due public notice, the Commissioners conducted a public hearing on March 11, 2009 to receive public comment on the aforesaid amendments; and

WHEREAS, all the requirements of the Maryland Code (1957) Article 66B, as amended, and Article XII of Chapter 340 of the Code of the Town of St. Michaels, have been satisfied; and

WHEREAS, for the reasons stated above the Commissioners deem it in the interest of the public and for the good government of the Town, to enact the following Ordinance.

Ordinance No. 399

SECTION 1

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 340 (Zoning) Article IV (Zone Regulations) Section 340-20 (Residential Zone R-2), §B (Accessory Uses) of the Code of the Town of St. Michaels is hereby repealed and reenacted as follows, with new language shown in *italics* and underlined and deleted language shown in (parenthesis) and with a ~~strikethrough~~:

Article IV – Zone Regulations  
§ 340-20 Residential Zone R-2. \*\*\*\*\*

~~(B. Accessory uses as permitted in the R-1 Zone.)~~

B. Accessory uses

(1) Accessory uses as permitted in the R-1 Zone.

(2) For Bed-and-Breakfast Inns, accessory uses may include the leasing of part or all of the premises (exclusive of the innkeeper's dwelling as required in this chapter) for weddings, wedding receptions, family reunions, business activities and other events similar in nature (hereinafter "Event Packages"), providing that such Event Packages are a part of a contract for services which shall include the rental of at least one sleeping room in the Inn and shall not constitute a separate commercial use. Event Packages permitted to be sold by this section shall be subject to and further regulated by Article V (Supplemental Zone Regulations), §340-51.3 (Bed-and-Breakfast Inns – Event Packages). Violation of the regulations in this section and/or §340-51.3 may result in the loss of the B&B-Inn license.

SECTION 2

NOW, THEREFORE, BE IT FURTHER ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 340 (Zoning) Article IV (Zone Regulations) Section 340-25 (Maritime Commercial Zone MC), §B (Accessory uses and structures) of the Code of the Town of St. Michaels is hereby repealed and reenacted as follows, with new language shown in *italics* and underlined and deleted language shown in (parenthesis) and with a ~~strikethrough~~:

~~(B. Accessory uses and structures permitted are uses clearly incidental and customary to and associated with the permitted uses.)~~

B. Accessory uses and structures

(1) Accessory uses and structures permitted are uses clearly incidental and customary to and associated with the permitted uses.

(2) For Bed-and-Breakfast Inns, accessory uses may include the leasing of part or all of the premises (exclusive of the innkeeper's dwelling as required in this chapter) for weddings, wedding receptions, family reunions, business activities and other events similar in nature (hereinafter "Event Packages"), providing that such Event Packages are a part of a contract for services which shall include the rental of at least one sleeping room in the Inn and shall not constitute a separate commercial use. Event Packages permitted to be sold by this section shall be subject to and further regulated by Article V (Supplemental Zone Regulations), §340-51.3 (Bed-and-Breakfast Inns – Event Packages). Violation of

the regulations in this section and/or §340-51.3 may result in the loss of the B&B-Inn license.

SECTION 3

NOW, THEREFORE, BE IT FURTHER ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 340 (Zoning) Article IV (Zone Regulations) Section 340-26 (Central Commercial Zone CC), §B (Accessory Uses) of the Code of the Town of St. Michaels is hereby repealed and reenacted as follows, with new language shown in *italics* and underlined and deleted language shown in (parenthesis) and with a ~~strikethrough~~:

~~(B. Accessory uses and structures permitted are those which are clearly incidental and customary to and associated with the permitted use.)~~

B. Accessory uses and structures

- (1) Accessory uses and structures permitted are those which are clearly incidental and customary to and associated with the permitted use.
- (2) For Bed-and-Breakfast Inns, accessory uses may include the leasing of part or all of the premises (exclusive of the innkeeper's dwelling as required in this chapter) for weddings, wedding receptions, family reunions, business activities and other events similar in nature (hereinafter "Event Packages"), providing that such Event Packages are a part of a contract for services which shall include the rental of at least one sleeping room in the Inn and shall not constitute a separate commercial use. Event Packages permitted to be sold by this section shall be subject to and further regulated by Article V (Supplemental Zone Regulations), §340-51.3 (Bed-and-Breakfast Inns – Event Packages). Violation of the regulations in this section and/or §340-51.3 may result in the loss of the B&B-Inn license.

SECTION 4

NOW, THEREFORE, BE IT FURTHER ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 340 (Zoning) Article IV (Zone Regulations) Section 340-30 (Limited Commercial Zone LC), §B (Accessory Uses) of the Code of the Town of St. Michaels is hereby repealed and reenacted as follows, with new language shown in *italics* and underlined and deleted language shown in (parenthesis) and with a ~~strikethrough~~:

~~(B. Accessory uses and structures permitted which are clearly incidental, customary to and associated with the permitted use.)~~

B. Accessory uses and structures

- (1) Accessory uses and structures which are clearly incidental, customary to and associated with the permitted use.
- (2) For Bed-and-Breakfast Inns, accessory uses may include the leasing of part or all of the premises (exclusive of the innkeeper's dwelling as required in this chapter) for weddings, wedding receptions, family reunions, business activities and other events similar in nature (hereinafter "Event Packages"), providing that such Event Packages are a part of a contract for services which shall include the rental of at least one sleeping room in the Inn and shall not constitute a separate commercial use. Event Packages permitted to be sold by this section shall be subject to and further regulated by Article V (Supplemental

Zone Regulations), §340-51.3 (Bed-and-Breakfast Inns – Event Packages). Violation of the regulations in this section and/or §340-51.3 may result in the loss of the B&B-Inn license.

SECTION 5

NOW, THEREFORE, BE IT FURTHER ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 340 (Zoning) Article V (Supplemental Zone Regulations) of the Code of the Town of St. Michaels is hereby amended as follows, to add a new section §340-51.3 Bed-and-Breakfast Inns - Event Packages; with new language shown in *italics* and underlined:

Article V- Supplemental Zone Regulations \*\*\*\*\*

§340-51.3 Bed-and-Breakfast Inns – Event Packages

A. Purpose.

To allow as an accessory use to the operation of a Bed-and-Breakfast Inn, the leasing of part or all of the Inn's premises, under certain conditions, as part of a package of services for weddings, wedding receptions, family reunions, business activities and other events similar in nature (hereinafter, "Event Packages"). Bed-and-Breakfast Inns and the sale of Event Packages are further addressed in §340-20 (Residential Zone R-2), §340-25 (Maritime Commercial MC), §340-26 (Central Commercial CC) and §340-30 (Limited Commercial Zone LC).

B. Requirements.

- (1) Events resulting from the sale of Event Packages (Events) and all sales related thereto shall be contracted by a guest of the B&B- Inn and shall include, at a minimum, the rental of at least one sleeping room in the B&B-Inn.
- (2) Attendance at Events shall be limited to the maximum occupancy numbers permitted by the Talbot County Fire Marshall or 50 persons, whichever is less.
- (3) Food and beverages shall be consumed on the premises during the Event.
- (4) All services associated with the Event and all goods used or consumed during the Event shall be made a part of the Event package contract. There shall be no cash bar or other goods or services sold directly to the Event attendees or any direct retail sales outside of the Event package.
- (5) The premises so leased shall not include the owner's/innkeeper's dwelling unit.
- (6) Events permitted herein shall begin no earlier than 8:00 a.m., including set-up and preparation and shall end no later than 9:00 p.m., including cleanup of the exterior premises of the B&B-Inn (if necessary).
- (7) All items and services sold as part of an Event Package shall be subject to all required federal, state and local permits.
- (8) In the R-2 Zone, commercial vehicles related to the services associated with Events shall not park on the street except to unload and load equipment and supplies.

SECTION 6

NOW, THEREFORE, BE IT FURTHER ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 340 (Zoning) Article V (Supplemental Zone Regulations) of the Code of the Town of St. Michaels is hereby amended as follows, to add a new section §340-51.4, Hotels – Sale of Event Packages; with new language shown in *italics* and underlined:

Article V- Supplemental Zone Regulations \*\*\*\*\*

Ordinance No. 399

§340-51.4 Hotels – Sale of Event Packages

A. Purpose.

To allow as an accessory use to the operation of a Hotel, the leasing of part or all of the Hotel's premises, under certain conditions, as part of a package of services for weddings, wedding receptions, family reunions, business activities and other events similar in nature (herein after "Event Packages").

B. Requirements.

(1) Events resulting from the sale of Event Packages (Events) shall be contracted by a guest of the Hotel and shall include, at a minimum, the rental of at least one sleeping room in the Hotel.

(2) Attendance at Events shall be limited to the maximum occupancy numbers permitted by the Talbot County Fire Marshall or 75 persons, whichever is less.

(3) Food and beverages shall be consumed on the premises during the Event.

(4) All sales and services shall be subject to all required federal, state and local permits.

SECTION 7

NOW, THEREFORE, BE IT FURTHER ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 340 (Zoning) Article XV (Definitions) of the Code of the Town of St. Michaels is hereby amended as follows, to amend the definitions of the terms "BED-AND-BREAKFAST INN" and "HOTEL"; with new language shown in *italics* and underlined and with deleted language shown in (parenthesis) and with a ~~strikethrough~~:

Article XV- Definitions\*\*\*\*\*

BED-AND-BREAKFAST INN (hereinafter referred to as "bed-and-breakfast inn") -- One or more structures on a lot or parcel of land which contains: 1) a dwelling unit for exclusive use of the owners of the property, or the resident (~~B&B inn~~) Bed-and-Breakfast Inn manager, as their permanent residence; 2) at least three but no more than eight guest rooms; and 3) at least one full bathroom for the exclusive use of the occupants of the guest; which shall be accessible from each guest room without going through another guest room or sleeping room. Bed-and-Breakfast Inns are subject to the following conditions:

A. ~~A (B&B inn)~~ Bed-and-Breakfast Inn may provide breakfast (but not other meals) in exchange for compensation only to occupants of the guest rooms.

B. Where the dwelling unit exists in a separate structure from some or all of the guest rooms, a structure with four or more guest rooms, no dwelling unit, and a common dining area for guests, may include a kitchen to be used by management in the preparation of breakfast for guests between the hours of 6:00 a.m. and 10:30 a.m. This kitchen shall not be accessible to guests.

C. "A" and "B" above notwithstanding, a Bed-and-Breakfast Inn may sell "Event Packages" as defined and regulated by Article V (Supplemental Zone Regulations), §340-51.3 (Bed-and-Breakfast Inns – Event Packages).

D. A B&B inn shall contain no food-storage or food-preparation facilities in any guest room and shall not permit occupants of guest rooms to prepare meals upon the premises.

E. The commencement of the use of a B&B inn shall constitute a new or different use requiring an occupancy permit from the Town.

HOTEL --(*this definition is not applicable to motels.*)Any building or group of buildings containing nine

or more guest rooms under the same management and the same ownership, with said guest rooms intended or designed to be used, or which are used, hired out, or are to be occupied by guests, travelers or transients for sleeping purposes. Hotels are subject to the following conditions:

- A. In the CC and LC Zones, buildings comprising a hotel may occupy multiple lots.
- B. A hotel shall contain a registration area and shall be staffed 24 hours a day with at least one individual who has the authority to accept, reject, oversee the conduct of, and expel guests, so as to maintain order at the hotel.
- C. A hotel may provide breakfast (but not other meals without a permitted restaurant) in exchange for compensation only to occupants of the guest rooms.
- D. "C" above notwithstanding, hotels may sell "Event Packages" as defined and regulated by Article V (Supplemental Zone Regulations), §340-51.4 (Hotels – Event Packages).
- E. The owner shall comply with the licensing, food storage and preparation guidelines as set forth in the Code of Maryland Regulations (COMAR) 10.15.03, "Food Service Facilities." A hotel shall contain no cooking facilities in the guest rooms or available for use by guests. ~~(This definition is not applicable to motels.)~~

SECTION 9

AND BE IT FURTHER ORDAINED AND ENACTED, that this Ordinance shall take effect twenty (20) days from the date of its enactment, 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 INTRODUCED, read for the first time and ordered posted on the Town bulletin board at the Public Meeting of The Commissioners of St. Michaels held on the 11th day of March, 2009, at 5:00 o'clock p.m., in the meeting room at the St. Michaels Free Library, 106 Fremont Street, St. Michaels, Maryland.

 (SEAL)  
 CHERIL S. THOMAS  
 Town Clerk/Manager

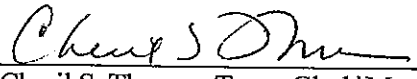
HAVING BEEN READ for the second time and passed by a yea and nay vote of The Commissioners of St. Michaels at a Public Meeting of The Commissioners of St. Michaels held on this 8th day of April, 2009, at 5:00 o'clock p.m. in the meeting room of the Town Office, St. Michaels, Maryland.

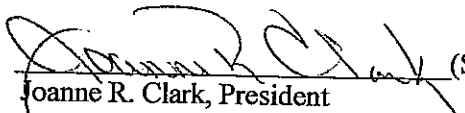
BRADY	-	<u>yea</u>
CLARK	-	<u>yea</u>
DINKEL	-	<u>nay</u>
HUNT	-	<u>yea</u>
SNYDER	-	<u>yea</u>

I HEREBY CERTIFY that the above Ordinance No. 399 was passed by a yea and nay vote of The Commissioners of St. Michaels on the 8th day of April, 2009.

ATTEST:

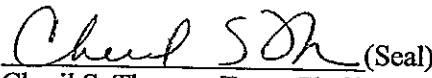
THE COMMISSIONERS OF ST. MICHAELS

  
Cheril S. Thomas, Town Clerk\Manager

By:  (Seal)  
Joanne R. Clark, President

I HEREBY CERTIFY that an exact copy of this Ordinance was posted from the 9th day of April, 2009, at 8:30 o'clock a.m. to the 29th day of April, 2009, 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. 399, the date of its passage, its effective date and the fact that the entire text of the Ordinance may be read 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: April 29, 2009

 (Seal)  
Cheril S. Thomas, Town Clerk\Manager