

**ORDINANCE NO. 413**

AN ORDINANCE OF THE COMMISSIONERS OF THE TOWN OF ST. MICHAELS AMENDING THE CODE OF THE TOWN OF ST. MICHAELS, CHAPTER 340 (ZONING), §340-18 “AGRICULTURE ZONE A”, §340-19 “RESIDENTIAL ZONE R-1”, §340-20 “RESIDENTIAL ZONE R-2”, §340-21 “RESIDENTIAL ZONE R-3”, §340-22 “NEIGHBORHOOD COMMERCIAL ZONE NC”, §340-23 “WATERFRONT DEVELOPMENT ZONE WD”, §340-24 “SELECT LIGHT COMMERCIAL ZONE SLC”, §340-25 “MARITIME COMMERCIAL ZONE MC”, §340-26 “CENTRAL COMMERCIAL ZONE CC”, §340-29 “MUSEUM ZONE MM”, §340-30 “LIMITED COMMERCIAL ZONE LC”, §340-31 “AGRICULTURE ZONE B LOW DENSITY” AND §340-33.1 “RESIDENTIAL GATEWAY RG ZONE” TO PERMIT CARNIVALS IN ALL OF THE AFOREMENTIONED ZONES PURSUANT TO A TEMPORARY USE PERMIT ISSUED BY THE COMMISSIONERS; AMENDING THE CODE OF THE TOWN OF ST. MICHAELS, CHAPTER 340 (ZONING), §340-108 (DEFINITIONS) TO ADD A DEFINITION OF “TEMPORARY USE PERMIT”; PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED A FAIR SUMMARY OF ORDINANCE NO.413; AND MATTERS GENERALLY RELATING TO CARNIVALS AND TEMPORARY USE PERMITS IN THE TOWN OF ST. MICHAELS

WHEREAS, the Commissioners of the Town of St. Michaels (the “Commissioners”) desire to support fundraising activities conducted by nonprofit tax-exempt entities operating fire, ambulance and/or rescue services and, to that end, the Commissioners desire to establish provisions to allow carnivals in all zoning districts within the Town when, in the sole discretion of the Commissioners, it is in the best interest of the Town and its citizens so to permit; and

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 Sections 340-18 (Agriculture Zone A), 340-19 (Residential Zone R-1) 340-20 (Residential Zone R-2), 340-21 (Residential Zone R-3), 340-22 (Neighborhood Commercial Zone NC), 340-23 (Waterfront Development Zone WD), 340-24 (Select Light Commercial Zone SLC), 340-25 (Maritime Commercial Zone MC), 340-26 (Central Commercial Zone CC), 340-29 (Museum Zone MM), 340-30 (Limited Commercial Zone LC), 340-33 (Agriculture Zone B Low Density) and 340-33.1 (Residential Gateway RG Zone) to permit carnivals in these zones by way of a temporary use permit issued by the Commissioners; and

WHEREAS, the Commissioners find that by the adoption of this Ordinance the objective of supporting fundraising activities conducted by a nonprofit tax-exempt entity operating a fire, ambulance and/or rescue service will be satisfied; and

WHEREAS, the Commissioners find that the use is not in conflict with the Town’s Comprehensive Plan; and

WHEREAS, due to the temporary status of the permits to be issued the Commissioners have determined the textual changes to Chapter 340 contained herein does not require Planning Commission review; and

WHEREAS, the Commissioners conducted a public hearing on April 14, 2010 to receive public comment on the amendments contained in this legislation; and

WHEREAS, the Commissioners deem it to be in the interest of the public and the good government of the Town, to enact this Ordinance.

**SECTION 1.** NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 340 (Zoning), Section 340-18 (Agriculture Zone A) of the Code of the Town of St. Michaels is hereby amended to add carnivals as a permitted temporary use as follows, with new language shown in *italics* and underlined and deleted language shown in **bold** and with a ~~strikethrough~~:

§ 340-18. Agriculture Zone A.

*D. The following use is permitted as a Temporary Use upon issuance of a permit by the Commissioners of St. Michaels. Conditions for such issuance are set out in Article V (Supplemental Zone Regulations) §340-51.5 Carnivals.*

*(1) Carnivals, when such use is conducted as a fundraising activity by a nonprofit tax-exempt entity operating a fire, ambulance and/or rescue service.*

**SECTION 2.** NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 340 (Zoning), Section 340-19 (Residential Zone R-1) of the Code of the Town of St. Michaels is hereby amended to add carnivals as a temporary use as follows, with new language shown in *italics* and underlined and deleted language shown in **bold** and with a ~~strikethrough~~:

§ 340-19. Residential Zone R-1.

The regulations of this zone are intended to provide for a pleasant, quiet, hazard-free residential environment permitting residential and related uses. Presently developed single-family residential areas are included in this zone as well as land which will develop in this manner in the future.

*D. The following use is permitted as a Temporary Use upon issuance of a permit by the Commissioners of St. Michaels. Conditions for such issuance are set out in Article V (Supplemental Zone Regulations) §340-51.5 Carnivals.*

*(1) Carnivals, when such use is conducted as a fundraising activity by a nonprofit tax-exempt entity operating a fire, ambulance and/or rescue service.*

**SECTION 3.** NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 340 (Zoning), Section 340-20 (Residential Zone R-2) of the Code of the Town of St. Michaels is hereby amended to add carnivals as a temporary use as follows, with new language shown in *italics* and underlined and deleted language shown in **bold** and with a ~~strikethrough~~:

§ 340-20. Residential Zone R-2.

The regulations of this zone are intended to accomplish the same purposes of the R-1 Zone while permitting higher density and a variety of dwelling types.

*D. The following use is permitted as a Temporary Use upon issuance of a permit by the Commissioners of St. Michaels. Conditions for such issuance are set out in Article V (Supplemental Zone Regulations) §340-51.5 Carnivals.*

*(1) Carnivals, when such use is conducted as a fundraising activity by a nonprofit tax-exempt entity operating a fire, ambulance and/or rescue service.*

SECTION 4. NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 340 (Zoning), Section 340-21 (Residential Zone R-3) of the Code of the Town of St. Michaels is hereby amended to add carnivals as a temporary use as follows, with new language shown in *italics* and underlined and deleted language shown in **bold** and with a ~~strikethrough~~

§ 340-21 – Residential Zone R-3

The regulations of this zone are intended to accomplish the same purposes as the R-2 Zone while permitting a higher density and a wider variety of housing types.

*D. The following use is permitted as a Temporary Use upon issuance of a permit by the Commissioners of St. Michaels. Conditions for such issuance are set out in Article V (Supplemental Zone Regulations) §340-51.5 Carnivals.*

*(1) Carnivals, when such use is conducted as a fundraising activity by a nonprofit tax-exempt entity operating a fire, ambulance and/or rescue service.*

SECTION 5. NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 340 (Zoning), Section 340-22 (Neighborhood Commercial Zone NC) of the Code of the Town of St. Michaels is hereby amended to add carnivals as a temporary use as follows, with new language shown in *italics* and underlined and deleted language shown in **bold** and with a ~~strikethrough~~

§ 340-22 Neighborhood Commercial Zone NC

The regulations of this zone are intended to provide areas in which the daily shopping needs of nearby residents can be met. The zone permits retail and service uses, which serve the needs of the neighboring population.

*E. The following use is permitted as a Temporary Use upon issuance of a permit by the Commissioners of St. Michaels. Conditions for such issuance are set out in Article V (Supplemental Zone Regulations) §340-51.5 Carnivals.*

*(1) Carnivals, when such use is conducted as a fundraising activity by a nonprofit tax-exempt entity operating a fire, ambulance and/or rescue service.*

SECTION 6. NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 340 (Zoning), Section 340-23 “Waterfront Development Zone WD” of the Code of the Town of St. Michaels is hereby amended to add carnivals as a temporary use as follows, with new language shown in *italics* and underlined and deleted language shown in **bold** and with a ~~strikethrough~~

§ 340-23. Waterfront Development Zone WD. [Added 6-27-1980 by Ord. No. 124]

The regulations of this zone are intended to promote the development of the tourist trade in the area adjacent to the Town harbor to take advantage of the unique natural attraction of scenic

tidewater which is not appropriate for maritime use, while preserving historic features and protecting adjacent residential areas. Uses not specifically enumerated in this section are excluded.

*E. The following use is permitted as a Temporary Use upon issuance of a permit by the Commissioners of St. Michaels. Conditions for such issuance are set out in Article V (Supplemental Zone Regulations) §340-51.5 Carnivals.*

*(1) Carnivals, when such use is conducted as a fundraising activity by a nonprofit tax-exempt entity operating a fire, ambulance and/or rescue service.*

SECTION 7. NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 340 (Zoning), Section 340-24 "Select light Commercial Zone SLC" of the Code of the Town of St. Michaels is hereby amended to add carnivals as a temporary use as follows, with new language shown in *italics* and underlined and deleted language shown in **bold** and with a ~~strikethrough~~

§ 340-24. Select Light Commercial Zone SLC. [Added 10-11-1983 by Ord. No. 137]  
The Select Light Commercial Zone is intended to provide land adjacent to residential areas for uses which are not detrimental to adjacent residential neighborhoods by functioning within the general standards and limitations set forth in Subsection D of this section. The intent of the zone is to create the potential for employment opportunities in Town, especially agricultural and seafood-related activities. Uses not specifically enumerated in this section are not permitted.

*E. The following use is permitted as a Temporary Use upon issuance of a permit by the Commissioners of St. Michaels. Conditions for such issuance are set out in Article V (Supplemental Zone Regulations) §340-51.5 Carnivals.*

*(1) Carnivals, when such use is conducted as a fundraising activity by a nonprofit tax-exempt entity operating a fire, ambulance and/or rescue service.*

SECTION 8. NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 340 (Zoning), Section 340-25 "Maritime Commercial Zone MC" of the Code of the Town of St. Michaels is hereby amended to add carnivals as a temporary use as follows, with new language shown in *italics* and underlined and deleted language shown in **bold** and with a ~~strikethrough~~

§ 340-25. Maritime Commercial Zone MC.

The regulations of this zone are intended to provide areas in which water-related commercial activities can be conducted. Care must be taken to ensure that activities in this zone do not detrimentally affect uses conducted in areas adjacent to the Marine Commercial Zone.

*D. The following use is permitted as a Temporary Use upon issuance of a permit by the Commissioners of St. Michaels. Conditions for such issuance are set out in Article V (Supplemental Zone Regulations) §340-51.5 Carnivals.*

*(1) Carnivals, when such use is conducted as a fundraising activity by a nonprofit tax-exempt entity operating a fire, ambulance and/or rescue service.*

SECTION 9. NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 340 (Zoning), Section 340-26 "Central Commercial Zone CC" of the Code of the Town of St. Michaels is hereby amended to add carnivals

as a temporary use as follows, with new language shown in *italics* and underlined and deleted language shown in **bold** and with a ~~strikethrough~~

§ 340-26. Central Commercial Zone CC. [Amended 1-8-1985 by Ord. No. 157; 10-8-1985 by Ord. No. 171; 7-12-1994 by Ord. No. 213; 8-12-2003 by Ord. No. 291]

The regulations of this zone are intended to promote, protect and provide for the retail services center of the community and the surrounding regions.

*D. The following use is permitted as a Temporary Use upon issuance of a permit by the Commissioners of St. Michaels. Conditions for such issuance are set out in Article V (Supplemental Zone Regulations) §340-51.5 Carnivals.*

*(1) Carnivals, when such use is conducted as a fundraising activity by a nonprofit tax-exempt entity operating a fire, ambulance and/or rescue service.*

SECTION 10. NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 340 (Zoning), Section 340-29 “Museum Zone MM” of the Code of the Town of St. Michaels is hereby amended to add carnivals as a temporary use as follows, with new language shown in *italics* and underlined and deleted language shown in **bold** and with a ~~strikethrough~~

§ 340-29 Museum Zone MM

*D. The following use is permitted as a Temporary Use upon issuance of a permit by the Commissioners of St. Michaels. Conditions for such issuance are set out in Article V (Supplemental Zone Regulations) §340-51.5 Carnivals.*

*(1) Carnivals, when such use is conducted as a fundraising activity by a nonprofit tax-exempt entity operating a fire, ambulance and/or rescue service.*

SECTION 11. NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 340 (Zoning), Section 340-30 “Limited Commercial Zone LC” of the Code of the Town of St. Michaels is hereby amended to add carnivals as a temporary use as follows, with new language shown in *italics* and underlined and deleted language shown in **bold** and with a ~~strikethrough~~

§ 340-30. Limited Commercial Zone LC. [Added 2-13-1996 by Ord. No. 225]

The regulations of this zone are intended to provide retail services and accommodations to both the immediate community and its visitors without encouraging negative impacts on residential uses, while serving in intensity and scale as a transition between the Central Commercial and Neighborhood Commercial Zones.

*D. The following use is permitted as a Temporary Use upon issuance of a permit by the Commissioners of St. Michaels. Conditions for such issuance are set out in Article V (Supplemental Zone Regulations) §340-51.5 Carnivals.*

*(1) Carnivals, when such use is conducted as a fundraising activity by a nonprofit tax-exempt entity operating a fire, ambulance and/or rescue service.*

SECTION 12. NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 340 (Zoning), Section 340-33 “Agriculture Zone B Low Density” of the Code of the Town of St. Michaels is hereby amended to add carnivals

as a temporary use as follows, with new language shown in *italics* and underlined and deleted language shown in **bold** and with a ~~strikethrough~~

§ 340-33. Agriculture Zone B Low Density. [Added 8-24-2005 by Ord. No. 322]

This zone is intended to promote and protect agricultural land use and related activities that are compatible with neighboring residential and commercial uses. The Agricultural Zone B may provide a greenbelt around the Town's outer limits or may simply preserve farmland. The Agricultural Zone B may also provide a land reserve for future development.

*D. The following use is permitted as a Temporary Use upon issuance of a permit by the Commissioners of St. Michaels. Conditions for such issuance are set out in Article V (Supplemental Zone Regulations) §340-51.5 Carnivals.*

*(1) Carnivals, when such use is conducted as a fundraising activity by a nonprofit tax-exempt entity operating a fire, ambulance and/or rescue service.*

SECTION 13. NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 340 (Zoning), Section 340-33.1 "Agriculture Zone B Low Density" of the Code of the Town of St. Michaels is hereby amended to add carnivals as a temporary use as follows, with new language shown in *italics* and underlined and deleted language shown in **bold** and with a ~~strikethrough~~

§ 340-33.1. Residential Gateway (RG) Zone. [Added 3-22-2006 by Ord. No. 333]

This zone is intended to serve as a transitional zone from the more rural county development patterns to the more intense development patterns of the Town. In addition, this zone is intended to promote natural looking vistas entering and leaving the Town boundaries. The extents and limits of the Residential Gateway Zone shall be shown on the Official Zoning Map for the Town of St. Michaels.

*D. The following use is permitted as a Temporary Use upon issuance of a permit by the Commissioners of St. Michaels. Conditions for such issuance are set out in Article V (Supplemental Zone Regulations) §340-51.5 Carnivals.*

*(1) Carnivals, when such use is conducted as a fundraising activity by a nonprofit tax-exempt entity operating a fire, ambulance and/or rescue service.*

SECTION 14. BE IT FURTHER ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 340 (Zoning), Section 340-108 "Definitions" of the Code of the Town of St. Michaels is hereby amended to add a definition for "Temporary Use Permit" as follows, with new language shown in *italics* and underlined.

*§340-108 Definitions.*

*Temporary Use Permits – Temporary use permits may be approved by the Commissioners of St. Michaels for specific uses identified in Article IV (Zone Regulations) of this Chapter.*

SECTION 15. 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 to add a new subsection §350-51.5 "Carnivals, conditions of approval" as follows, with new language shown in *italics* and underlined.

§340-51.5 Carnivals

A. Purpose. To support fundraising activities conducted by nonprofit tax-exempt entities operating fire, ambulance and/or rescue services and, to that end, the Commissioners desire to establish provisions to allow carnivals in all zoning districts within the Town when, in the sole discretion of the Commissioners, it is in the best interest of the Town and its citizens.

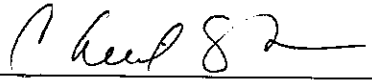
B. Conditions of Approval

1. A temporary use permit may be issued only upon the favorable findings of the Commissioners.
2. The findings shall be based on whether:
  - a. in the sole determination of the COSM, the location selected for the carnival is adequate for the purposes for which it is to be used; and
  - b. minimum standards of sanitation, health, safety and fire safety will be provided and that the carnival will be conducted in an orderly fashion and that the physical safety of property and persons in attendance and in surrounding area will be adequately protected; and
  - c. certificates/permits from the Talbot County Health Officer, Fire Marshal and Police Chief have been secured; and
  - d. proof of comprehensive and liability insurance from the Applicant has been submitted.

SECTION 16. 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 for public review at a Public Meeting of The Commissioners of St. Michaels held on the 24th day of March, 2010, at 6:30 o'clock p.m., in the meeting room at the Edgar M. Bosley, Jr. Municipal Building, (Town Office), 300 Mill Street, St. Michaels, Maryland.

I HEREBY CERTIFY THAT A COPY OF THE ORDINANCE AS INTRODUCED WAS POSTED for public review in the lobby of the Town Office from 8:30 a.m. on the 25<sup>th</sup> day of March, 2010 to 8:30 a.m. on the 14th day of April, 2010.

 (SEAL)  
CHERIL S. THOMAS  
Town Clerk\Manager

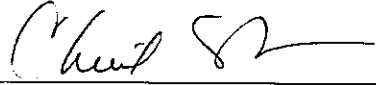
HAVING BEEN READ for the second time and passed by a yea and nay vote of The Commissioners of St. Michaels at a Public Meeting of The Commissioners of St. Michaels held on this 28<sup>th</sup> day of April, 2010, at 6:30 o'clock p.m., in the meeting room at the Town Office, St. Michaels, Maryland.


Brady	-	<u>yea</u>
Clark	-	<u>yea</u>
Dinkel	-	<u>yea</u>
Hunt	-	<u>yea</u>
Snyder	-	<u>yea</u>

I HEREBY CERTIFY that the above Ordinance No. 413 was passed by a yea and nay vote of The Commissioners of St. Michaels on the 28<sup>th</sup> day of April, 2010.

ATTEST:

THE COMMISSIONERS OF ST. MICHAELS

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

By:   
\_\_\_\_\_  
Michael W. Brady, President

I HEREBY CERTIFY that an exact copy of this Ordinance, as adopted, was posted for public review from the 29<sup>th</sup> day of April, 2010, at 8:30 o'clock a.m. to the 19<sup>th</sup> day of May, 2010, at 8:30 o'clock a.m., in the lobby of the Town Office in St. Michaels, Maryland, and that a summary of the aforesaid Ordinance No. 413, the date of its passage, its effective date and the fact that the entire text of the Ordinance may be read in the lobby 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: May 19, 2010

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