

ORDINANCE NO. 415

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF ST. MICHAELS, TO OVERLAY A TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) ZONE ON THE UNDERLYING R-1 ZONING ON THE LAND IDENTIFIED ON TALBOT COUNTY TAX MAP 23 AS PARCEL 111, WHICH IS GENERALLY BORDERED BY PERRY CABIN DRIVE, YACHT CLUB ROAD, MD ROUTE 33, AND THE MILES RIVER AND ENCOMPASSES APPROXIMATELY 72 ACRES, PURSUANT TO THE CODE OF THE TOWN OF ST. MICHAELS, CHAPTER 340 (ZONING)

WHEREAS, the Commissioners of St. Michaels ("Commissioners") constitute the body corporate and politic known as the Town of St. Michaels (the "Town"), which is a Maryland municipal corporation empowered by Maryland Constitution, Art. 11-E (Municipal Corporations); by Maryland Code (1957) Art. 23A (Municipal Corporations), as amended; and by the Charter of the Town of St. Michaels, Article I, § C-3. (Incorporation, General Powers) and Article III, (General Powers), § C-19 (Powers of Commission enumerated); and

WHEREAS, Maryland Code (1957) Article 66B, as amended, empowers the Town to enact, amend, modify and repeal land-use laws; and

WHEREAS, in October 2009, the owner and the developer of what is commonly referred to as the Miles Point III-150 Project, TND, Development, Inc. and Miles Point Property LLC ("Applicant"), submitted an application for a Traditional Neighborhood Development ("TND") Overlay Zone not to exceed 238 Lots and 247 Units (the "238/247 Application"); and

WHEREAS, the property that is the subject of the Application is owned by Miles Point Property LLC and is comprised of approximately 71.667± acres of land platted as Parcels 2 and 2A on a Plat titled "Growth Allocation Plat, the Lands of Miles Point Property LLC and Part of the Lands of Perry Cabin Associates, Second Election District, Talbot County, Maryland; Prepared for the Midland Companies," which was prepared by McCrone, Inc. (the "Perry Cabin Property" or the "Property"). The Property also is identified on Talbot County Tax Map 23 as Parcel 111, and is generally bordered by Perry Cabin Drive, Yacht Club Road, Maryland Route 33 (*i.e.*, N. Talbot Street) and the Miles River; and

WHEREAS, The Commissioners referred the Application to the St. Michaels Planning Commission for consideration pursuant to Section 340-32B(2) of the Code of the Town of St. Michaels; and

WHEREAS, the Planning Commission conducted a duly advertised public hearing to consider and to receive public comment on the Application; and

WHEREAS, after receipt of public comment on and consideration of the Application, the Planning Commission prepared and submitted a written recommendation to the Commissioners that was generally in favor of granting a TND Overlay Zone on the Property for the purpose of implementing the Miles Point III-150 Project; and

WHEREAS, the Commissioners announced their intent to hold a quasi-judicial public hearing on the 238/247 Application at their public meeting on December 16, 2009 and issued a Scheduling Order relative to the quasi-judicial public hearing at that meeting;

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WHEREAS, public notice was published on December 28, 2009 and January 4, 2010 that a quasi-judicial hearing would be held by the Commissioners on January 13, 2010 to consider the Application in light of the recommendation of the Planning Commission; and

WHEREAS, the Commissioners conducted a quasi-judicial public hearing on the Application on January 13-14, 2010 and received evidence in support of and against the Application; and

WHEREAS, the Commissioners, after the close of the administrative record of decision, considered all of the evidence presented in the administrative record of decision and publicly discussed such evidence during its deliberative sessions held on January 24, 2010 and February 24, 2010; and

WHEREAS, in designating and establishing a TND Overlay Zone for the Property pursuant to a written decision titled: *Decision on Miles Point III – 150 Application for a TND Overlay Zone For a 238 Lot/247 Unit Subdivision*, which was adopted and approved on February 24, 2010, the Commissioners approved the Application subject to the conditions set forth therein (the “238/247 TND Decision”); and

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

WHEREAS, by letter dated March 4, 2010 from T. J. Pecorak and Richard A. DeTar to Cheril S. Thomas, Applicant accepted the 238/247 TND Decision; and

WHEREAS, the Commissioners conducted a public hearing on Ordinance 415 on May 19, 2010; and

WHEREAS, the Commissioners enact this Ordinance as required by the Code of the Town of St. Michaels to effect and complete the 238/247 Decision.

SECTION 1.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that the Official Zoning Map of St. Michaels be, and the same is hereby, amended to designate the Subject Land as a Traditional Neighborhood Development Overlay Zone for the purpose of developing such land in accordance with the 238/247 TND Decision and subject to the terms and conditions as stated in the 238/247 TND Decision and the Growth Allocation Decision dated March 22, 2006.

SECTION 2.

AND BE IT FURTHER ORDAINED AND ENACTED, that upon the effective date of this Ordinance, the Town Clerk is hereby authorized and instructed to amend the Town’s Official Zoning Map in accordance herewith, and in accordance with the procedures prescribed by the Code of the Town of St. Michaels, Chapter 340 (Zoning).

SECTION 3.

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.

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Adopted 05-26-10

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 14th day of April, 2010, at 5:00 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 15th day of April, 2010 to 8:30 a.m. on the 28th 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 26th day of May, 2010, at 6:30 o'clock p.m., in the meeting room at the Town Office, St. Michaels, Maryland.


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

I HEREBY CERTIFY that the above Ordinance No. 415 was passed by a yea and nay vote of The Commissioners of St. Michaels on the 26th day of May, 2010.

ATTEST:

THE COMMISSIONERS OF ST. MICHAELS

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


Michael W. Brady, President

I HEREBY CERTIFY that an exact copy of this Ordinance, as adopted, was posted for public review from the 27th day of May, 2010, at 8:30 o'clock a.m. to the 17th day of June, 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. 415, 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: 6/17, 2010

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