

TOWN OF ROCK HALL, MARYLAND

ORDINANCE No. 2022-01

AN ORDINANCE concerning

Chapter 225 (Zoning) of the Code of the Town of Rock Hall, Maryland

ZONING MAP AMENDMENT – CRITICAL AREA OVERLAY DISTRICT

FOR the purposes of approving and adopting the proposed Critical Area Map for the Town of Rock Hall provided by the Maryland Department of Natural Resources and the Critical Area Commission as the Official Critical Area Overlay District Map for the Town of Rock Hall; providing that the title of this Ordinance shall be deemed a fair summary, and generally relating to critical area zoning in the Town of Rock Hall.

RECITALS

WHEREAS, pursuant to § 502(55) of the Charter of the Town of Rock Hall, and in accordance with the Land Use Article of the Annotated Code of Maryland, the Council of the Town of Rock Hall (the “Council”) is authorized to exercise the powers as to planning and zoning conferred upon municipal corporations; and

WHEREAS, in accordance with § 8-1808 of the Natural Resources Article of the Annotated Code of Maryland (the “Natural Resources Article”), the Town of Rock Hall (the “Town”) has adopted a Critical Area Program, which is set forth in the Rock Hall Zoning Ordinance (the “Zoning Ordinance”), including in Article V, Section 11, titled “Critical Area Overlay”; and

WHEREAS, in accordance with § 8-1808(c)(1)(iii)(1) of the Natural Resources Article, as part of the Official Zoning District Map of the Town of Rock Hall, the Town has adopted a Critical Area Overlay District Map designating the critical area land within the Town; and

WHEREAS, in accordance with Code of Maryland Regulations (“COMAR”) 27.01.11.06, the Department of Natural Resources (“DNR”) and the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays (the “CAC”) have provided the Town with an updated critical area map titled “Rock Hall Proposed Critical Area,” which is attached hereto as Exhibit A and incorporated by reference herein (the “Draft Critical Area Map”), which identifies the shoreline and landward boundary of tidal wetlands by use of the most recent aerial imagery, and ensures that the 1,000 foot critical area boundary is accurate as to a scale of one inch equals 100 feet; and

WHEREAS, the Draft Critical Area Map also incorporates growth allocation amendments, which are also shown separately on a map titled “Rock Hall Proposed Growth Allocations,” which is attached hereto as Exhibit B and incorporated by reference herein, wherein a total of 44.6 acres of critical area would be reclassified from Limited Development Area (“LDA”) to Intensely

Developed Area (“IDA”) as follows: “Area 1 - CLC Marine” (Tax Map 500; Parcel 299); “Area 2 - Haven Court” (Tax Map 500 parcel 331, Lots 1-8); “Area 3 - Caroline Avenue” (Tax Map 500, Parcels 463 and 464); “Area 4 - Waterman’s Estates/W. Sharp St.” (Tax Map 501, Parcels 343, 411, 419, 414, 415, and 416); and “Area 5 - Chesapeake Villa Road” (Tax Map 501, Parcels 449, 962, 963, 970, 981, 982, 983, 1024, and 1026; and

WHEREAS, the Draft Critical Area Map also incorporates one amendment intended to fix a mapping mistake identified by the CAC, which is shown separately on a map titled “Rock Hall Proposed Mapping Mistakes,” which is attached hereto as Exhibit C and incorporated by reference herein, being known as Tax Map 500, Parcel 320 and to be reclassified from LDA to IDA so that the new classification properly reflects its actual intensively developed condition; and

WHEREAS, the Town of Rock Hall Planning Commission (the “Planning Commission”) held a public hearing on the Draft Critical Area Map on February 9, 2022 and, following the public hearing, voted to recommend that the Council adopt the same with all of the above-referenced amendments; and

WHEREAS, the Council, having reviewed the Draft Critical Area Map and having held a public hearing thereon on March, 10, 2022, which concluded on May 12, 2022, in accordance with COMAR 27.01.11.06, notice of which was duly published in the Kent County News on February 24, 2022, March 3, 2022, March 24, 2022, March 31, 2022, April 14, 2022, and April 21, 2022, has determined that the Critical Area Map is accurate and should be adopted.

NOW, THEREFORE BE IT HEREBY ORDAINED AND ENACTED by the Council of the Town of Rock Hall that:

SECTION 1. The Draft Critical Area Map attached hereto and incorporated herein by reference as Exhibit A, which is a composite map encompassing all the changes recommended by the CAC and reviewed and recommended for approval by the Planning Commission, is hereby approved.

SECTION 2. To more clearly administer the amendment process, two additional maps attached hereto and incorporated herein by reference as Exhibits B and C are hereby approved. The first map, titled “Rock Hall Proposed Growth Allocations,” labels the proposed growth allocation amendments, and the second map, titled “Rock Hall Proposed Mapping Mistakes,” labels the proposed amendment fixing the mapping mistake.

SECTION 3. The Draft Critical Area Map shall be forwarded to the CAC for final approval in accordance with COMAR 27.01.11.06.G. Upon final approval by the CAC, the Draft Critical Area Map shall be deemed to be the Official Rock Hall Critical Area Overlay District Map and shall be an official Zoning District Map as referenced in the Zoning Ordinance.

SECTION 2. The recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION 3. In this Ordinance, unless a section of the Code of the Town of Rock Hall is expressly repealed in its entirety and reenacted, new or added language is underlined and in boldface type, and deleted text is crossed out and enclosed in brackets. Substantive language added after the date of introduction is in bold, italicized font, and substantive language deleted after the date of introduction is crossed out with a double strikethrough.

SECTION 4. 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, it being the intent of the Council that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 5. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. 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.

This Ordinance was introduced at a public meeting of the Council of the Town of Rock Hall, held on the 10th day of March, 2022 and having been reviewed and considered for final action after public hearings on the 10th day of March, 2022 and on the 12th day of May, 2022 was duly passed and enacted on the 12th day of May, 2022.

AND BE IT FURTHER ENACTED BY THE COUNCIL OF THE TOWN OF ROCK HALL, MARYLAND, that this Ordinance shall become effective on the 2nd day of June, 2022.

Dawn Jacobs, Mayor (VOTE)

Carolyn Jones, Vice Mayor (VOTE)

Timothy Edwards, Councilmember (VOTE)

Eleanor Collyer, Councilmember (VOTE)

James Cook, Councilmember (VOTE)

Approved as to form:

Patrick Thomas, Town Attorney