

TOWN OF ROCK HALL, MARYLAND

ORDINANCE No. 2014-08

AN ORDINANCE concerning

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

ZONING MAP AMENDMENT

FOR THE PURPOSE of amending the Zoning District Map of the Town of Rock Hall by rezoning a parcel of real property located at 5693 Main Street and identified on Tax Map 501 as Parcel 879 from R-1 (Low Density Residential) to C-3 (Town Center Commercial); providing that the title of this Ordinance shall be deemed a fair summary; and generally relating to the Zoning Ordinance and Zoning District Map of the Town of Rock Hall.

RECITALS

WHEREAS, the current Zoning Ordinance of the Town of Rock Hall, codified as Chapter 225 of the Code of the Town of Rock Hall (the “Zoning Ordinance”), was enacted by the Council of the Town of Rock Hall (the “Council”) in October 1994 as Ordinance No. 94-08; and

WHEREAS, the Town of Rock Hall’s (the “Town”) zoning districts and Zoning District Map are established under Sections 1 and 2, respectively, of Article III of the Zoning Ordinance and, pursuant to Article XI of the Zoning Ordinance, the Council or the Planning Commission may initiate an amendment to the boundaries of the Town’s zoning districts; and

WHEREAS, pursuant to Md. Code Ann., Land Use § 4-204(b), the Council are authorized to change zoning classifications; and

WHEREAS, on April 29, 2014, Jayne Nonn (the “Applicant”) submitted an Application for Zoning Map Amendment in which the Applicant requested that the Council amend the Zoning District Map for the purpose of changing the zoning of a parcel of real property located at 5693 Main Street and identified on Tax Map 501 as Parcel 879 (the “Property”) from R-1 (Low Density Residential) to C-3 (Town Center Commercial) on the grounds that the Property’s R-1 zoning was in error; and

WHEREAS, pursuant to Article XI, Section 1.C.1 of the Zoning Ordinance, on June 11, 2014, the Planning Commission of the Town of Rock Hall (the “Planning Commission”) held a public hearing concerning the Applicant’s requested rezoning of the Property; and

WHEREAS, pursuant to Article XI, Section 1.A of the Zoning Ordinance, by letter dated June 12, 2014, the Planning Commission unanimously recommended that the Council deny the Applicant’s requested rezoning of the Property on the grounds that no evidence had been

submitted to the Planning Commission to support a finding that the Property's R-1 zoning was in error; and

WHEREAS, on August 14, 2014, the Council held a public hearing concerning the Applicant's requested rezoning of the Property; and

WHEREAS, pursuant to Md. Code Ann., Land Use § 4-204(b), in a separate written decision, the Council made findings of fact addressing the following: (a) population change; (b) the availability of public facilities; (c) present and future transportation patterns; (d) compatibility with existing and proposed development for the area; (e) the recommendation of the Planning Commission; (f) the relationship of the proposed Zoning District Map Amendment to the Comprehensive Plan; and (g) whether there has been a substantial change in the character of the neighborhood where the Property is located or a mistake in the Property's existing zoning classification; and

WHEREAS, consistent with the findings of fact and based in part upon the public comments from the August 14, 2014 public hearing and any written comments submitted, the Council has determined that it is in the best interests of and consistent with the health, safety, and welfare of the citizens of Rock Hall to amend the Zoning District Map under the Zoning Ordinance, Chapter 225 of the Code of the Town of Rock Hall as set forth herein.

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

SECTION 1. Chapter 225 (Zoning) of the Code of the Town of Rock Hall and the Zoning District Map of the Town be and they are hereby amended as follows:

The zoning district classification of the parcel of real property located at 5693 Main Street and identified on Tax Map 501 as Parcel 879 ~~be and it~~ is hereby amended from R-1 (Low Density Residential) to C-3 (Town Center Commercial). The Zoning District Map shall be revised accordingly to reflect the foregoing amendment.

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 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. Language added after the date of introduction is in bold, italicized font and 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 July, 2014** and having been reviewed and considered for final action after a public hearing on the **14th day of August, 2014**, was duly passed and enacted on the **14th day of August, 2014**.

AND BE IT FURTHER ENACTED BY THE COUNCIL OF THE TOWN OF ROCK HALL, MARYLAND, that this Ordinance shall become effective on the **4th day of September, 2014**.

VOTE

Robert E. Willis, Mayor

YEAS_____

Brian L. Jones, Council Vice President

NAYS_____

ABSTAINING_____

Olin B. Price, Councilmember

Susan A. Francis, Councilmember

Brian S. Nesspor, Councilmember

Approved as to form:

Charles D. MacLeod, Town Attorney

Date of Introduction: **July 10, 2014**
Date of Public Hearing: **August 14, 2014**
Date of Enactment: **August 14, 2014**
Effective Date: **September 4, 2014**