

Subject: Zoning - To Amend §70.3 of Chapter 285 of the Code of St. Mary's County, Maryland, to Clarify the Exemption of Small Non-residential Development from Adequate Public Facilities Requirements

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ORDINANCE

TO AMEND §70.3 OF CHAPTER 285 OF THE CODE OF ST. MARY'S COUNTY, MARYLAND, TO CLARIFY THE EXEMPTION OF SMALL NON-RESIDENTIAL DEVELOPMENT FROM ADEQUATE PUBLIC FACILITIES REQUIREMENTS

WHEREAS, pursuant to §§4-101 through §4-104 of the *Land Use Article* of the *Annotated Code of Maryland*, the Commissioners of St. Mary's County are authorized to establish zoning districts and prescribe and amend regulations applicable in such districts; and

WHEREAS, a notice of a public hearing was advertised on October 11, 2013 and October 18, 2013 in *The Enterprise*, a newspaper of general circulation in St. Mary's County, and a public hearing was held on October 29, 2013 to receive public comment and consider an amendment of §70.3 of Chapter 285 of the *Code of St. Mary's County, Maryland*, to clarify the exemption of small non-residential development from Adequate Public Facilities requirements; and

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland, finds that it is in the best interest of the health, safety and welfare of the citizens of St. Mary's County to amend §70.3 of Chapter 285 of the *Code of St. Mary's County, Maryland*, to clarify the exemption of small non-residential development from Adequate Public Facilities requirements; and

NOW, THEREFORE, BE IT ORDAINED, by the Commissioners of St. Mary's County, Maryland, pursuant to §§4-101 through 4-104 of the *Land Use Article* of the *Annotated Code of Maryland*, that:

SECTION I. §70.3 of Chapter 285 of the *Code of St. Mary's County, Maryland*, is amended to read as follows:

70.3. Exemptions.

Except for a determination of the adequacy of sewer and water service, this Chapter does not apply to a residential subdivision that creates no more than two (2) family lots from a parcel or from a lot of record as of September 4, 2008, or a site plan for non-residential developments containing less than 5,000 square feet of floor area.

SECTION II. This Ordinance shall be effective upon the date written below.

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Those voting Aye: _____

Those voting Nay: _____

Those Abstaining: _____

Date of Adoption: _____

Effective Date: _____

ATTEST:

COMMISSIONERS OF ST. MARY'S COUNTY

Rebecca B. Bridgett
County Administrator

Francis Jack Russell, President

Lawrence D. Jarboe, Commissioner

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Cynthia L. Jones, Commissioner

George R. Sparling
County Attorney

Todd B. Morgan, Commissioner

Daniel L. Morris, Commissioner