



William B. Hunt, AICP, Director
Harry Knight, Deputy Director

May 3, 2021

Landings at Piney Point HOA
PO Box 167
Tall Timbers MD 20690

RE: A proposed amendment to the County Zoning Ordinance on private piers

Dear Homeowners' Association:

The Commissioners of St. Mary's County have scheduled a public hearing to consider an amendment to the County zoning ordinance regarding private piers. A copy of the proposed amendment is enclosed with this letter. The proposed amendment would make it possible for individual homeowners in subdivisions with a community pier to build their own private pier. This provision, if approved, would only apply to properties in subdivisions that were platted before 1995.

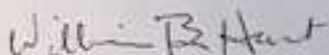
A homeowner in a subdivision platted before 1995 that has a community pier who wants to build a private pier would need to follow all local, state, and federal regulations to obtain a permit to build their own private pier. Your subdivision might have homeowners' association rules regarding private piers that would also have to be followed. The County does not enforce the rules of homeowner associations.

The purpose of this letter is to inform you about the upcoming public hearing. Please make copies of this information available to the property owners in your subdivision/homeowners' association. The copy of the legal notice enclosed with this letter has the details on how your association, and the individual property owners, can contact the Commissioners to express their opinions for or against the proposed amendment.

The Commissioners value the opinions of the residents of St. Mary's County and seek your input on the proposed amendment. However, you are not required to attend the public hearing or send any communication to the Commissioners regarding the proposed amendment.

Thank you for your attention to this matter.

Sincerely,



William B. Hunt, Director



James R. Guy, President

Eric Colvin, Commissioner

Michael L. Hewitt, Commissioner

Todd B. Morgan, Commissioner

John E. O'Connor, Commissioner

William B. Hunt, AICP, Director
Harry Knight, Deputy Director

April 27, 2021

To: Commissioners of St. Mary's County
Dr. Rebecca Bridgett, County Administrator
From: William B. Hunt, Director *WBH*

Subject: Request for Public Hearing to amend the St. Mary's County Comprehensive Zoning Ordinance to allow private piers in subdivisions platted before December 31, 1994, that have or could have a community pier

Background: Maryland Code Annotated, § 8-1808.5(c)(6), "Community Pier in Buffer," allows subdivisions platted before December 31, 1994, that have a community pier to also allow individual piers. The St. Mary's County Zoning Ordinance at § 71.9.1 Standards for Shoreline Resources, prohibits private piers in all subdivisions that have community piers. The County CZO currently does not have the exemption for subdivisions platted before December 31, 1994, that is allowed by state law. Staff has discussed this amendment with the Critical Area Commission. The amendment, if approved by CSMC, will have to be approved by the Critical Area Commission.

Summary of Proposed Ordinance: The proposed ordinance will and delete and replace §71.9.1 of the County CZO to allow private piers in subdivisions platted before December 31, 1994, that have a community pier. This is the same exemption that is allowed by state law.

Stakeholders and Notification: Staff will send individual notices to homeowners' associations and community associations of waterfront subdivisions that were platted before December 31, 1994, notifying them of the proposed amendment. The waterfront subdivisions with community piers were located by visibly searching waterfront properties using the County GIS map. After locating subdivisions with community piers or those having communal property that might have a planned community pier, the dates of the plats creating the subdivisions were researched. The subdivisions platted on or before December 31, 1994, with community piers or that could have a community pier are in the table below. The public hearing will be advertised in *Southern Maryland News*. It will be put on the County website and information will be available through BoardDocs.

Waterfront subdivisions platted before December 31, 1994, that have or could have a community pier

Longview Beach Club Association
St. Clements Shores Civic Association
Breton Bay Estates
Landings at Piney Point Homeowners Association
Tolson Estates Homeowners Association

Boatel California / Leverings Subdivision
Hollywood Shores Civic Association
Beach Management Corporation of Golden Beach Maryland

Timeline:

- April 27, 2021 – Request for public hearing was presented to CSMC
- April 30, 2021 – first legal ad is published
- May 7, 2021– second legal ad is published
- May 18, 2021– hold the public hearing (TBD)
- May 25, 2021 – the public record closes
- June 8, 2021 – Decision

Collaboration:

David Weiskopf, County Attorney

Katherine Charbonneau, Executive Director, Critical Area Commission

Neil Murphy, Deputy County Attorney

Harry Knight, Deputy Director

Subject: To amend Chapter 285 of the *Code of St. Mary's County, Maryland*, by deleting and replacing §71.9.1, Standards for Shoreline Resources, to allow individual piers in subdivisions platted before December 31, 1994, that have a community pier.

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ORDINANCE

TO AMEND CHAPTER 285 OF THE CODE OF ST. MARY'S COUNTY, MARYLAND, BY DELETING AND REPLACING §71.9.1, STANDARDS FOR SHORELINE RESOURCES, TO ALLOW INDIVIDUAL PIERS IN SUBDIVISIONS THAT WERE PLATTED BEFORE DECEMBER 31, 1994, THAT HAVE OR ARE PLANNED TO HAVE A COMMUNITY PIER.

WHEREAS, pursuant to Maryland Code Annotated, § 8-1808.5(c)(6), "Community Pier in Buffer," individual lot owners in subdivisions platted before December 31, 1994, that have a community pier may construct a private pier; and

WHEREAS, the Commissioners of St. Mary's County would like to allow the residents of St. Mary's County who own legally subdivided individual lots or parcels of record in subdivisions platted before December 31, 1994, that have a community pier the possibility of constructing a private pier; and

WHEREAS, a notice of a public hearing was advertised on April 30, 2021 and May 7, 2021 in *Southern Maryland News*, a newspaper of general circulation in St. Mary's County, and a public hearing was held on May 18, 2021, to receive public comment and consider the amendment of Chapter 285 of the Code of St. Mary's County, Maryland, by deleting and replacing § 71.9.1 Standards for Shoreline Resources; and

WHEREAS, the Commissioners of St. Mary's County find that it is in the best interest of the health, safety and welfare of the citizens of St. Mary's County to repeal and replace § 71.9.1 of Chapter 285 of the Code of St. Mary's County, Maryland, regarding private piers,

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of St. Mary's County, that the St. Mary's County Comprehensive Zoning Ordinance is hereby amended by deleting and replacing § 71.9.1 Standards for Shoreline Resources, in order to allow legally subdivided individual lots or parcels of record in subdivisions platted before December 31, 1994, that have or are planned to have a community pier the possibility of building a private pier.

SECTION I. St. Mary's County Comprehensive Zoning Ordinance § 71.9.1, Standards for Shoreline Resources, is repealed and replaced with the following language:

§ 71.9. Standards for Shoreline Resources

1. Subdivisions that have or are planned to have a community pier or boat ramp.
 - a. Each legally subdivided lot or parcel of record in a subdivision platted after December 31, 1994, that has or is planned to have, a community pier or boat ramp are prohibited from having an individual pier, piling, or boat ramp.
 - b. Each legally subdivided lot or parcel of record in a subdivision platted on or before

Subject: To amend Chapter 285 of the *Code of St. Mary's County, Maryland*, by deleting and replacing §71.9.1, Standards for Shoreline Resources, to allow individual piers in subdivisions platted before December 31, 1994, that have a community pier.

December 31, 1994, is allowed an individual pier, piling, and/or boat ramp meeting the criteria of §51.3.113.

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

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

James R. Guy, Commissioner President

Eric Colvin, Commissioner

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Michael L. Hewitt, Commissioner

David Weiskopf
County Attorney

Todd B. Morgan, Commissioner

John E. O'Connor, Commissioner

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Commissioners of St. Mary's County will hold a public hearing on May 18, 2021, at (TIME TBD) in the Chesapeake Building located at 41770 Baldrige Street in Leonardtown, Maryland to consider public input on a proposed ordinance to allow private piers in waterfront subdivisions that were platted prior to December 31, 1994, that have a community pier. The proposed ordinance can be viewed at <http://www.stmarysmd.com/publichearing.asp>.

In accordance with the Public Health Advisory on public gathering sizes, the public participation is subject to capacity limits for in-person participation. Those wishing to address the Commissioners may also participate via teleconferencing, email, written correspondence, or prerecorded video submissions. The public hearing may be viewed on SMCG Channel 95 or the SMCG YouTube Channel.

In lieu of appearance, comments may be submitted via:

- a. Phone: 301-475-4200 x 1234 to speak via telephone during the public hearing
- b. Email: csmc@stmarysmd.com
- c. U.S. Mail: PO Box 653, Leonardtown, MD 20650
- d. Submit a 3-minute video clip to publicmtgs@stmarysmd.com no later than 5:00 PM on Tuesday, May 25, 2021.

Citizens may listen to the Public Hearing by calling 301-579-7236; Access code: 963443#.

All submissions will be considered by the Commissioners at the Public Hearing and/or the seven (7) days following the Public Hearing.

Public Hearing Guidelines are subject to change.

Appropriate accommodations for individuals with special needs will be provided upon request. In order to meet these requirements, we respectfully ask for one week's prior notice. Please contact the Commissioners' Office at 301-475-4200 Ext 1340. Proceedings are televised live and/or recorded for later broadcast on television. All content of these proceedings is subject to disclosure under the Maryland Public Information Act. Photographic and electronic audio and visual broadcasting and recording devices are used during the Commissioners' meetings. These are public meetings and attendance at these meetings automatically grants St. Mary's County Government permission to broadcast your audio and visual image.

COMMISSIONERS OF ST. MARY'S COUNTY

By: _____
William B. Hunt, Director, Department of Land Use and Growth Management

Please publish as a legal notice in the *Southern Maryland News* on April 30, 2021 and May 7, 2021.