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ARTICLE VII. PERMITTED USES

§ 340-39. Use Categories.

This section establishes and describes the use categorization system used to classify principal uses in this chapter.

A. Use categories.

This chapter classifies principal land uses into major groupings. These major groupings are referred to as “use categories.” The use categories are as follows:

- (1) Agricultural
- (2) Residential
- (3) Public, Civic and Institutional
- (4) Commercial
- (5) Wholesale, Distribution and Storage
- (6) Industrial
- (7) Other
- (8) Accessory

B. Use subcategories.

Each use category is further divided into more specific “subcategories.” Use subcategories classify principal land uses and activities based on common functional, product or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions.

C. Specific use types.

Some use subcategories are further broken down to identify specific types of uses that are regulated in a different way than the subcategory as a whole. For example the commercial category is broken down into a number of subcategories as the distinction between personal services compared to marine services is apparent when one considers the difference between product and physical characteristics.

D. Determination of use categories and subcategories.

- (1) The Zoning Inspector is authorized to classify uses on the basis of the use category, subcategory and specific use type descriptions of this chapter.
- (2) In the event the Zoning Inspector is unable to classify uses on the basis of the use category, subcategory and specific use type descriptions of this chapter and where such use is not specifically prohibited from the district the Zoning Inspector shall submit to the Board of Appeals a written request for a determination of the unclassified use in accordance with §340-*

§ 340-40. Agricultural Use Category.

This category includes uses such as gardens, farms and orchards that involve the raising and harvesting of food and non-food crops and commercial raising of poultry or livestock. This category includes routine accessory packaging, storage or light processing of crops or wood products and sale of seeds, fertilizer and similar agricultural needs **[on site]**. The category also includes harvesting and processing of seafood. This category shall not include a slaughterhouse or meat packing facilities which are categorized as industrial.

- A. Agriculture, animal production - The (principal or accessory) use of land for the keeping or raising of farm animals including poultry, **[horses, cows]** and swine.
- B. Agriculture, crop production - The use of land for growing, raising, or marketing of plants to produce food, feed, or fiber commodities or non-food crops. Examples of crop agriculture include cultivation and tillage of the soil and growing and harvesting of agricultural or horticultural commodities. Crop agriculture does not include community gardens or the raising or keeping of farm animals.
- C. Agriculture, buildings and structures – This category includes all buildings and structures associated with agriculture uses as opposed to the activities associated with crop or animal production, e.g., grain storage as a principal use.
- D. Indoor plant cultivation - A building or structure and the associated premises used to grow plants under roof which may include accessory storage and processing of plants grown on premises. Included in this category are greenhouses and hydroponic facilities.
- E. Plant nursery –Buildings, structures and uses associated with plant propagation, grown to usable size. This category includes retail nurseries which sell to the general public, wholesale nurseries which sell only to businesses such as other nurseries and to commercial gardeners, and private nurseries which supply the needs of institutions or private estates.

- G. Fisheries Activities, Aquaculture - Buildings, structures and uses associates with the rearing of aquatic animals or the cultivation of aquatic plants for food.
- H. Farm to table activities – This category includes temporary retail uses including roadside produce stands and farmers markets.

§ 340-41. Residential Use Category.

A. Household Living.

Residential occupancy of a dwelling unit by a household. When dwelling units are rented, tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential; they are considered a form of lodging. The following are household living specific use types:

- (1) Dwellings, Single-family detached - A **[single-family detached house]** is a principal residential building occupied by one dwelling unit located on a single lot with private yards on all sides. Detached houses are not attached to and do not abut other dwelling units.
- (2) Duplex - A detached structure designed for and/or used only as two dwelling units. The dwelling units of a duplex may exist side by side or one above the other.

COMMENT: Revised as per 10-11-18 workshop.

[(3)Townhouse - Three or more dwelling units which each occupy a separate lot and which are attached side by side by party walls and having a side yard adjacent to each end unit.]

ALTERNATIVE #1 - A structure consisting of three or more dwelling units, the interior of which is configured in a manner such that the dwelling units are separated by a party wall. A townhouse is typically designed so that each unit has a separate exterior entrance and yard area. A townhouse dwelling does not include a multi-family dwelling.

ALTERNATIVE #2 - A single-family dwelling unit within a townhouse building containing three or more single-family dwelling units in which each dwelling unit extends vertically from the ground or basement level to the roof of the building and in which each dwelling unit is attached only by a party wall or party walls to one or more other similar dwelling units.

[(4) Multi-Family - A multi-family building is a residential building that is occupied by three (3) or more dwelling units that share common walls and/or common floors/ceilings.]

- (5) Accessory Dwelling Unit - A separate complete housekeeping unit that is substantially contained within the structure of a single family unit or a commercial structure, but can be isolated from it.
- (6) Manufactured Housing Unit - A manufactured housing unit is a residential building that complies with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§5401, et seq.).
- (7) Mixed-use building, residential - A building that contains ~~at least one floor~~ **[one or more residential units located above the first floor.]** ~~at least one devoted to allowed residential uses.~~
- (8) Mobile Home - A detached residential or business unit containing not less than five hundred (500) square feet of gross livable floor area in the original manufactured unit, designed and intended for repeated or periodic transportation in one or more sections on the highway on a chassis which is permanent or designed to be permanent and arriving at the site where it is to be occupied, complete and ready for occupancy except for minor and incidental unpacking and assembly of sections, location on jacks or other foundations, connection to utilities and the like. Units commonly known as a "double-wide" and any unit classified as a "mobile home" by an applicable financing or construction standard, including, without limitation, the United States Department of Housing and Urban Development regulations, State Department of Economic and Community Development regulations and state or federal law as such laws or regulations are in effect as of the date of passage of the chapter, shall be considered a "mobile home." The placing of a "mobile home" on a permanent foundation or the construction of additions, porches and the like shall not change the classification of such mobile homes. Recreational trailers and vehicles and modular homes are not considered "mobile homes".
- (9) Modular Home - A detached residential or business unit, built to the specifications of a recognized building code, containing not less than five hundred (500) square feet of gross livable floor area in the original manufactured unit, designed and intended for delivery by transportation on the highway for permanent assembly in a permanent and separately constructed foundation. A "modular home" may be considered a single-family dwelling. A "modular home" must meet the requirements and definitions of the Maryland

Industrialized Building and Mobile Homes Act as in effect as of the date of passage of this Chapter.

B. Group Living.

Residential occupancy of a building or any portion of a building by a group other than a household. Group living uses typically provide communal kitchen/dining facilities. Examples of group living uses include group homes, convents, monasteries, nursing homes, assisted living facilities, sheltered care facilities, retirement centers, homeless centers, shelters and halfway houses. The group living subcategories are as follows:

- (1) Group domiciliary care home – a facility that is licensed by the Maryland Department of Health and Mental Hygiene shared by persons who are unable to live alone because of age-related impairments or physical, mental or visual disabilities and who live together as a single housekeeping unit in a long-term, household-like environment in which staff persons provide care, education, and participation in community activities for the residents with a primary goal of enabling the resident to live as independently as possible. **Group domiciliary care homes do not include pre-release, work-release, probationary, or other programs that serve as an alternative to incarceration.**
- (2) Sheltered Care – An activity accessory to and affiliated with a religious facility providing maintenance and personal care for those in need.
- (3) Continuing Care Retirement Communities - Establishments primarily engaged in providing a range of residential and personal care services with on-site nursing care facilities for (1) the elderly and other persons who are unable to fully care for themselves and/or (2) the elderly and other persons who do not desire to live independently. Individuals live in a variety of residential settings with meals, housekeeping, social, leisure, and other services available to assist residents in daily living. Assisted living facilities with on-site nursing care facilities are included in this subcategory.
- (4) Assisted living – Establishments providing housing, supervision, personal care services, health related services, or a combination of these to residents who need help performing activities of daily living. The activities of daily living include bathing, dressing, eating and toileting.**

COMMENT: Added following 10-11-18 Planning Commission workshop and is distinguished from Continuing Care Retirement Communities.

- ~~(5) Treatment Center. A use (other than a prison or hospital) providing housing for three (3) or more unrelated persons who need specialized housing, treatment and/or counseling~~

~~because of: (a) past criminal activity, such as a criminal halfway house; (b) current addiction to alcohol or a controlled substance that was used in an illegal manner; and/or (c) a type of mental illness or other behavior that causes a person to be a threat to the physical safety of others. —~~

§ 340-42. Public, civic and institutional use category.

This category includes public, quasi-public and private uses that provide unique services that are of benefit to the public at-large. The public, civic and institutional subcategories are as follows:

- A. Cemetery - Land or structures used for burial or permanent storage of the dead or their cremated re-mains. Typical uses include cemeteries and mausoleums. Also includes pet cemeteries.
- B. College or university – Institutions of higher learning [**accredited by the Maryland Department of Education**] that offer courses of general or specialized study and are authorized to grant academic degrees.
- C. Community center - A structure, including its surrounding premises, ~~that is owned, leased or otherwise controlled by a unit of local government or a school district~~ and that contains rooms or other facilities limited to use for purposes of meetings, gatherings or other functions or activities carried on or performed by or under the supervision of a unit of local government, a school district or a civic, educational, religious or charitable organization. The authorization for the establishment of a community center may include authorization for the incidental and accessory sale or resale of food, merchandise or services in connection with and in support of the principal activity or function being carried on or performed by such unit of local government, school district or organization.
- D. Fraternal organization - The use of a building or lot by a not-for-profit organization that restricts access to its facility to bona fide, annual dues-paying members and their occasional guests and where the primary activity is a service not carried on as a business enterprise.
- E. Governmental facility - Uses related to the administration of local, state or federal government services or functions.
- F. Hospital - ~~Uses providing medical or surgical care to patients and offering inpatient (overnight) care.~~ [**Uses providing medical, mental or surgical care to patients and offering inpatient (overnight) care. Ancillary activities permitted include clinics, medical offices, administrative offices, laboratories, pharmacies, gift shops, teaching facilities, research facilities, rehabilitation facilities, treatment centers, employee day care, and similar uses.**]

- G. Library - Collections of books, manuscripts and similar materials for free public lending, studying and reading.
- H. Parks and recreation - Recreational, social or multi-purpose uses associated with public parks and open spaces, including playgrounds, playfields, play courts, swimming pools, community centers and other facilities typically associated with public parks and open space areas. Also includes public and private golf courses and country clubs.
- I. Museum or cultural facility - Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibitions of works of art and similar institutions.
- J. Religious assembly - Religious services involving public assembly that customarily occur in churches, synagogues, temples, mosques and other facilities used for religious worship. This category includes buildings and all customary accessory uses or structures, including, but not limited to, a chapel, day-care center, ~~school of general instruction~~, gymnasium, social hall and social services programs. Accessory use includes a monastery, **[rectory]** or convent.
- K. Safety service - Facilities provided by the town, state or federal government that provide fire, police or life protection, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations and police stations.
- L. School – Private and public schools at the primary, elementary, ~~junior high~~ **[middle]** or high school level that provide basic, compulsory state-mandated education.
- M. Utilities and public service facility
 - (1) Essential services - These are infrastructure services that need to be located in or close to the area where the service is provided. Essential service facilities generally do not have regular employees at the site and typically have few if any impacts on surrounding areas. Typical uses include water and sewer pump stations; gas regulating stations; underground electric distribution substations; electric transformers; water conveyance systems; stormwater facilities and conveyance systems; telephone switching equipment and emergency communication warning/broadcast facilities.
 - (2) Public utility - Uses or structures, except essential services, which provides to the general public such services as water, sewerage, sewage treatment, electricity, piped gas or telecommunications. Infrastructure services that typically have substantial visual or operational impacts on nearby areas. Typical uses include but are not limited to water and wastewater treatment facilities, high-voltage electric substations, utility-scale power generation facilities (including wind, solar and other renewable and nonrenewable energy

sources), sanitary landfills and utility-scale water storage facilities, such as water towers and reservoirs.

- (3) Alternative energy facilities - Energy production systems that generate energy from the byproducts of the principal use are considered accessory uses, including net metered installations and installations that generate power to sell at wholesale to the power grid.

N. Wireless telecommunications - Towers, antennas, equipment, equipment buildings and other facilities used in the provision of wireless communication services. The following are specific types of wireless telecommunications uses:

- (1) Freestanding towers - A structure intended to support equipment that is used to transmit and/or receive tele-communications signals including monopoles and guyed and lattice construction steel structures.
- (2) Building or tower-mounted antennas - The physical device that is attached to a freestanding tower, building or other structure, through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received.
- (3) Small wireless communications equipment, microcell networks - Small wireless communications equipment supplement the macro-cellular tower layer and typically include DAS remote units, remote radio units, self-contained small cells and associated equipment that can be mounted on a utility pole or similar structures located in the public right-of-way (ROW).
- (4) Satellite earth station, satellite dish - A parabolic antenna and associated electronics and support equipment for transmitting or for transmitting and receiving satellite signals.

§ 340-43. Commercial use category.

The commercial use category includes uses that provide a business service or involve the selling, leasing or renting of merchandise to the general public. The commercial use subcategories are as follows:

A. Adult entertainment establishment.

- (1) Adult oriented business - Any business, operation, or activity a significant amount of which consists of the conduct, promotion, delivery, provision, or performance of adult entertainment or material; including, but not limited to, that occurring in, at, or in connection with a cabaret, lounge, night club, modeling studio, bar, restaurant, club, lodge, or similar establishment; or

- (2) Adult book or video store – Adult oriented business, including the sale, rental, transfer, loan, dissemination, distribution, provision or promotion of adult entertainment or material, in any format, form, or medium, including, but not limited to, books, magazines, newspapers, photographs, movies, videos, DVDs, CDs or other audio/video recordings, other electronic recordings but not including coin operated or pay-view-viewing.
 - (3) Adult Movie Theater - A use involving the presentation to three or more persons in a room of movies, videotapes or similar media distinguished by an emphasis on depicting “specified sexual activities” and that is related to monetary compensation paid by persons viewing such material.
- B. Animal service - Uses that provide goods and services for care of companion animals.
- (1) Grooming - Grooming of dogs, cats and similar companion animals, including dog bathing and clipping salons and pet grooming shops.
 - (2) Boarding or shelter/kennel - Animal shelters, care services and kennel services for dogs, cats and companion animals, including boarding kennels, pet resorts/hotels, pet day care, pet adoption centers, dog training centers and animal rescue shelters. For purposes of this Chapter, the keeping of more than four (4) dogs, cats or similar household companion animals over 4 months of age or the keeping of more than two (2) such animals for compensation or sale is deemed a boarding or shelter-related animal service use and is allowed only in those zoning districts that allow such uses.
 - (3) Veterinary care - Animal hospitals and veterinary clinics.
- C. Assembly and Entertainment – Principal uses providing gathering places for participant or spectator recreation, entertainment or other assembly activities. Assembly and entertainment uses may provide incidental food or beverage service. Typical uses include arenas, billiard centers, video game arcades, auditoriums, bowling centers, cinemas, theaters and conference centers.
- D. Broadcast or recording studio - Uses that provide for audio or video production, recording or broadcasting.
- (1) Broadcast facility is an establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, including radio, television and film.
 - (2) Recording studio is an establishment primarily engaged in sound or video recording.

- E. Commercial service - Uses that provide for consumer or business services and for the repair and maintenance of a wide variety of products.
- (1) Building service - Uses that provide maintenance and repair services for all structural and mechanical elements of structures, as well as the exterior spaces of a premise. Typical uses include contractor offices, janitorial, landscape maintenance, extermination, plumbing, electrical, HVAC, window cleaning and similar services.
 - (2) Business support service - Uses that provide personnel services, printing, copying, photographic services or communication services to businesses or consumers. Typical uses include employment agencies, copy and print shops, caterers, telephone answering services and photo developing labs.
 - (3) Consumer maintenance and repair service - Uses that provide maintenance, cleaning and repair services for consumer goods on a site other than that of the customer (i.e., customers bring goods to the site of the re-pair/maintenance business). Typical uses include laundry and dry cleaning pick-up shops, tailors, taxidermists, dressmakers, shoe repair, picture framing shops, lock-smiths, vacuum repair shops, electronics repair shops and similar establishments. Business that offer repair and maintenance service technicians who visit customers' homes or places of business are classified as a "building service."
 - (4) Personal improvement service - Uses that provide a variety of services associated with personal grooming, instruction and maintenance of fitness, health and well-being. Typical uses include barbers, hair and nail salons, day spas, health clubs, yoga studios, martial arts studios, and businesses purporting to offer fortune-telling or psychic services.
 - (a) ~~Massage therapy services—Establishments whose primary business is that of providing massage—defined as any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or with aid of any mechanical electrical apparatus or appliances with or without rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations used in this practice, under such circumstances that it is reasonably expected that the person to whom treatment is provided, or some third party on such persons behalf, will pay money or give other consideration or any gratuity therefor.~~
 - (b) ~~Tattoo establishments are also included in the personal improvement service use subcategory.~~

- (5) Marine service - establishments primarily engaged in operating marinas [**or boat yards**]. These establishments rent boat slips and store boats, and generally perform a range of other services including cleaning and incidental boat repair. They frequently sell food, fuel, and fishing supplies, and may sell boats. Also may include establishments primarily engaged in the operation of charter or party fishing boats or rental of small recreational boats.
- (6) Research service - Uses engaged in scientific research and testing services leading to the development of new products and processes. Such uses resemble office buildings or campuses and do not involve the mass production, distribution or sale of products. Research services do not produce odors, dust, noise, vibration or other external impacts that are detectable beyond the property lines of the subject property.
- F. Day care - Uses providing care, protection and supervision for children or adults on a regular basis away from their primary residence for less than twenty-four (24) hours per day. Examples include state-licensed child care centers, preschools, nursery schools, head start programs, after-school programs and adult day care facilities. Day care expressly includes state-accredited adult day care facilities and facilities for child care.
- (1) Day care center - A facility licensed by the State of Maryland that provides day care for more than eight (8) children or any number of adults.
- (2) Day care home - A dwelling unit licensed by the State of Maryland in which day care is provided for a maximum of eight (8) children, excluding all natural, adopted and foster children of the residents of the dwelling unit.
- G. Eating and drinking establishments – The eating and drinking establishments use type refers to establishments or places of business primarily engaged in the sale of prepared foods and beverages for on- or off-premise consumption. Typical uses include restaurants, short order eating places or bars and cafés, restaurants, cafeterias, ice cream/yogurt shops, coffee shops and similar establishments, which may include a bar area that is customarily incidental and subordinate to the principal use as an eating establishment.
- (1) Restaurant - A business open to the public whose principal activity is the preparation and sale of food and beverages for consumption on site. A restaurant provides indoor seating for customers and serves customers at their seats. A restaurant may also have an outdoor seating area.
- (2) Cafe/coffee house - An informal restaurant, where light refreshments or meals are served primarily for consumption on site. A cafe/coffee shop provides indoor seating for

customers and may provide table service. A cafe/coffee shop may also have an outdoor seating area. ~~which in the CC, GC and HRZ Zones is permitted subject conditions.~~

(3) Wine tasting establishment – An establishment that allows patrons to conduct a sensory examination and evaluation of wine.

(4) Tavern - A business whose principal activity is the preparation and sale of alcoholic beverages for consumption on site. Taverns are not licensed by the Talbot County Health Department to prepare food for customers. Taverns are prohibited in St. Michaels.

H. Financial service - Uses related to the exchange, lending, borrowing and safe-keeping of money. Typical examples are banks, credit unions and consumer loan establishments.

I. Funeral and mortuary service - Uses that provide services related to the death of humans or companion animals, including funeral homes, mortuaries, crematoriums and similar uses.

J. Lodging - Uses that provide temporary lodging for less than thirty (30) days where rents are charged by the day or by the week. Lodging uses may provide food or entertainment on premises. Lodging includes the following specific categories:

(1) Hotel and motel - An establishment for transients consisting of any number of sleeping rooms in permanent buildings, each room or suite of rooms having complete sanitary facilities and separate entrances, including hotel, motel, lodge, tourist park and similar establishments, but not including a boarding- or lodging house, inn or bed-and-breakfast establishment.

(2) Bed and breakfast ~~inn~~ – A single-family, owner-occupied dwelling in which overnight sleeping rooms are rented on a short-term basis to transients and at which no meal other than breakfast is served to guests, which is included in their room charge. ~~For purposes of this Chapter and bed and breakfast inn is further defined as one or more structures on a lot or parcel of land which contains: 1) a dwelling unit for exclusive use of the owners of the property, or the resident bed and breakfast inn manager, as their permanent residence; 2) at least three (3) but no more than eight (8) guest rooms; and 3) at least one full bathroom for the exclusive use of the occupants of the guest; which shall be accessible from each guest room without going through another guest room or sleeping room.~~

(3) Vacation cottage - A residential dwelling unit that is used and/or advertised through an online marketplace for rent for transient occupancy by guests. For purposes of this Chapter a vacation cottage is defined as a dwelling for which a current and valid vacation cottage license has been issued by the Town.

[(4) Short term rental – All or part of a residential dwelling unit or portion of a nonresidential building that is used and/or advertised for rent to transient occupancy by quests.]

K. Office.

Uses in an enclosed building, customarily performed in an office, that focus on providing executive, management, administrative, professional or medical services. Specific use types include:

- ~~(1) Business—Office uses for companies and non-governmental organizations. Examples include corporate office, law offices, architectural firms, insurance companies and other executive, management or administrative offices for businesses and corporations.~~
- ~~(2) Professional—Offices where services are provided that require specialized training or professional certification including but not limited to accountant, appraiser, attorney, architect, landscape architect, engineer, surveyor, and stockbroker but not including offices of medical, dental and health practitioners.~~
- ~~(3) Medical, dental and health practitioner—Office uses related to diagnosis and treatment of human patients' illnesses, injuries and physical maladies that can be performed in an office setting with no overnight care. Surgical, rehabilitation and other medical centers that do not involve overnight patient stays are included in this subcategory, as are medical and dental laboratories.~~

[Uses in an enclosed building, customarily performed in an office that focus on providing executive, management, administrative, professional or medical services. This category includes: business office uses for companies and non-governmental organizations such as corporate office, law offices, architectural firms, insurance companies and other executive, management or administrative offices for businesses and corporations; professional offices where services are provided that require specialized training or professional certification including but not limited to accountant, appraiser, attorney, architect, landscape architect, engineer, surveyor, and stockbroker; and medical, dental and health practitioner office uses related to diagnosis and treatment of human patients' illnesses, injuries and physical maladies that can be performed in an office setting with no overnight care. Surgical, rehabilitation and other medical centers that do not involve overnight patient stays are included in this category, as are medical and dental laboratories.]

(4) Surgical and rehabilitation centers [Treatment Center]—Facilities and uses related to diagnosis and treatment of human patients' illnesses, injuries and physical maladies that involve overnight patient stays.???

NOTE: Included in “hospital.

L. Parking, non-accessory.

Parking that is not provided to comply with minimum off-street parking requirements and that is not provided exclusively to serve occupants of or visitors to a particular use, but rather is available to the public at-large. **A parking facility that provides both accessory and non-accessory parking will be classified as non-accessory parking if it leases 25% or more of its spaces to non-occupants of or persons other than visitors to a particular use.**

M. Retail sales.

~~Uses involving the sale, lease or rental of new or used goods to the ultimate consumer within an enclosed structure, unless otherwise specified.~~

- ~~(1) Convenience goods—Retail sales uses that sell or otherwise provide (1) sundry goods; (2) products for personal grooming and for the day-to-day maintenance of personal health or (3) food or beverages for off-premise consumption, including grocery stores and similar uses that provide incidental and accessory food and beverage service as part of their primary retail sales business. Typical uses include drug stores, grocery and specialty food stores, wine or liquor stores, gift shops, newsstands and florists.~~
- ~~(2) Consumer shopping goods—Retail sales uses that sell or otherwise provide wearing apparel, fashion accessories, furniture, household appliances and similar consumer goods, large and small, functional and decorative, for use, entertainment, comfort or aesthetics. Typical uses include clothing stores, department stores, appliance stores, TV [**computer hardware**] and electronics stores, bike shops, book stores, costume rental stores, uniform supply stores, stationery stores, art galleries, hobby shops, furniture stores, pet stores and pet supply stores, shoe stores, [**cigar stores, copy shops, travel agencies, dry cleaning, beauty and barber shops, craft shops, bakery,**] antique shops, secondhand stores, record stores, toy stores, sporting goods stores, variety stores, video stores, musical instrument stores, office supplies and office furnishing stores and wig shops [**and other consumer shopping uses of the same general character.**]~~

[Uses involving the sale, lease or rental of new or used goods to the ultimate consumer within an enclosed structure, unless otherwise specified. The retail category includes sales of convenience goods including (1) sundry goods; (2) products for personal grooming and for the day-to-day maintenance of personal health or (3) food or beverages for off-premise consumption, including grocery stores and similar uses that provide incidental and accessory food and beverage service as part of their primary retail sales business. Typical uses include drug stores, grocery and specialty food stores, wine or liquor stores, gift shops,

newsstands and florists. This category also includes consumer shopping goods such as uses that sell or otherwise provide wearing apparel, fashion accessories, furniture, household appliances and similar consumer goods, large and small, functional and decorative, for use, entertainment, comfort or aesthetics. Typical uses include clothing stores, department stores, appliance stores, TV, computer hardware and electronics stores, bike shops, book stores, costume rental stores, uniform supply stores, stationery stores, art galleries, hobby shops, furniture stores, pet stores and pet supply stores, shoe stores, cigar stores, copy shops, travel agencies, dry cleaning, beauty and barber shops, craft shops, bakery, antique shops, secondhand stores, record stores, toy stores, sporting goods stores, variety stores, video stores, musical instrument stores, office supplies and office furnishing stores and wig shops and other consumer shopping uses of the same general character.]

- (1) Building supplies and equipment - Retail sales uses that sell or otherwise provide goods to repair, maintain or visually enhance a structure or premises. Typical uses include hardware stores, home improvement stores, paint and wallpaper supply stores and garden supply stores.
- N. Self-service storage facility (e.g., mini-storage) - An enclosed use that provides separate, small-scale, self-service storage facilities leased or rented to individuals or small businesses. Facilities are designated to accommodate only interior access to storage lockers or drive-up access only from regular size passenger vehicles and two-axle non-commercial vehicles.
- O. Studio, instructional or service - Uses in an enclosed building that focus on providing instruction or training in music, dance, drama, fine arts, language or similar activities. Also includes artist studios and photography studios. See also “personal improvement service” in the commercial services use category.
- P. Trade school - Uses in an enclosed building that focus on teaching the skills needed to perform a particular job. Examples include schools of cosmetology, modeling academies, computer training facilities, vocational schools, administrative business training facilities and similar uses.
- Q. **[Motorized]** vehicle sales and service.

Uses that provide for the sale, rental, maintenance or repair of new or used vehicles and vehicular equipment. The vehicle sales and service subcategory includes the following specific use types:

- (1) Commercial vehicle repair and maintenance - Uses, excluding vehicle paint finishing shops, that repair, install or maintain the mechanical components or the bodies of large trucks, mass transit vehicles, large construction or agricultural equipment, aircraft,

watercraft or similar large vehicles and vehicular equipment. Includes truck stops and truck fueling facilities.

- (2) Commercial vehicle sales and rentals - Uses that provide for the sale or rental of large trucks, large construction or agricultural equipment, aircraft, or similar large vehicles and vehicular equipment.
- (3) Fueling station - Uses engaged in retail sales of personal or commercial vehicle fuels, including natural gas fueling stations and rapid vehicle charging stations and battery exchange facilities for electric vehicles.
- (4) **[Motorized]** personal vehicle repair and maintenance - Uses engaged in repairing, installing or maintaining the mechanical components of autos, small trucks or vans, motorcycles, motor homes or recreational vehicles including recreational boats. Also includes uses that wash, clean or otherwise protect the exterior or interior surfaces of these vehicles. Does not include vehicle body or paint finishing shops.
- (5) **[Motorized]** personal vehicle sales and rentals - Uses that provide for the sale or rental of new or used autos, small trucks or vans, trailers, motorcycles, motor homes or recreational vehicles including recreational water-craft. Typical examples include automobile dealers, auto malls, car rental agencies and moving equipment rental establishments (e.g., U-haul).
- (6) Vehicle body and paint finishing shop - Uses that primarily conduct vehicle body work and repairs or that apply paint to the exterior or interior surfaces of vehicles by spraying, dipping, flow-coating or other similar means.

§ 340-44. Wholesale, Distribution and Storage Use Category.

This category includes uses that provide and distribute goods in large quantities, principally to retail sales, commercial services or industrial establishments. Long-term and short-term storage of supplies, equipment, commercial goods and personal items is included. The wholesale, distribution & storage subcategories are as follows:

- A. Equipment and materials storage, outdoor - Uses related to outdoor storage of equipment, products or materials, whether or not stored in containers.
 - (1) Contractor's shop - An establishment used for the indoor repair, maintenance or storage of a contractor's vehicles, equipment or materials, and may include the contractor's business office.

- (2) Fuel storage – An establishment that includes "fuel storage tank" or any vessel or tank that stores gases or liquids, including fuel products such as gasoline, diesel fuel, heating oil, natural gas, natural gas liquids, propane, synthetic gas or similar products. **[This does not include a Fueling Station.]**
- (3) Grain storage - Bulk storage, drying or other processing of grain and livestock feed or storage and sale of fertilizer, coal, coke or firewood with effective control of dust and particulates during all operations.
- B. Trucking and transportation terminal - Uses engaged in the dispatching and long-term or short-term storage of trucks, buses and other vehicles, including parcel service delivery vehicles, taxis and limousines. Minor repair and maintenance of vehicles stored on the premises is also included. Includes uses engaged in the moving of household or office furniture, appliances and equipment from one location to another, including the temporary on-site storage of those items.
- C. Warehouse - Uses conducted within a completely enclosed building that are engaged in long-term and short-term storage of goods and that do not meet the definition of a “self-service storage facility” or a “trucking and transportation terminal.”
- D. Wholesale sales and distribution - Uses engaged in the wholesale sales, bulk storage and distribution of goods. Such uses may also include incidental retail sales and wholesale showrooms.
 - (1) Limited wholesale sales and distribution facilities, excluding, however, fuels and other flammable liquids, solids or explosives held for resale and the bulk storage or handling of fertilizer, grain and feed.
 - (2) Wholesale sales and distribution facilities including fuels and other flammable liquids, solids or explosives held for resale and the bulk storage or handling of fertilizer, grain and feed.

§ 340-45. Industrial use category.

This category includes uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, including the design, storage and handling of these products and the materials from which they are produced. The industrial subcategories are:

- A. Alcohol Production - On-site production of wine, beer or distilled spirits permitted or licenses by the State of Maryland and the Federal Alcohol and Tobacco Tax and Trade Bureau (TTB). Depending on the product produced and the specific permit and license held

the facility may be allowed limited sales for on premise consumption, sell products to go and sell to a wholesaler for resale to restaurants and retailers. Tasting rooms for the consumption of on-site produced beer, wine, or distilled products may be permitted on the premises. In the case of a distillery the permit holder may be allowed to sell and deliver product in bulk, manufacture for another company, and acquire bulk alcoholic beverages from another producer with a winery, distilling, or rectifying license.

- B. Artisan industrial - On-site production of goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment in a completely enclosed building with no outdoor operations or storage. Typical uses include woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts or very small-scale manufacturing uses that have no negative external impacts on surrounding properties. The subcategory includes limited retail sales.
- C. Limited Industrial - Manufacturing and industrial uses that process, fabricate, assemble, treat or package finished parts or products without the use of explosive or petroleum materials. Uses in this subcategory do not involve the assembly of large equipment and machinery and have very limited external impacts in terms of noise, vibration, odor, hours of operation and truck and commercial vehicle traffic.
- D. Intensive industrial - Manufacturing and industrial uses that regularly use hazardous chemicals or procedures or produce hazardous byproducts, including the following: manufacturing of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins and radioactive materials. This subcategory also includes petrochemical tank farms, gasification plants, smelting, asphalt and concrete plants and tanneries. Intensive industrial uses have high potential for external impacts on the surrounding area in terms of noise, vibration, odor, hours of operation and truck/commercial vehicle traffic. The subcategory includes limited retail sales.
- E. Junk or salvage yard - An area or building where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled for reclamation, disposal or other like purposes, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles.
- F. Recycling uses - This industrial subcategory includes uses that collect, store or process recyclable material for the purpose of marketing or reusing the material in the manufacturing of new, reused or reconstituted products.
 - (1) Recyclable material drop-off facility - An establishment that accepts consumer recyclable commodities directly from the consuming party and stores them temporarily before

transferring them to recyclable material processing facilities. Recyclable commodities shall be limited to non-hazardous, non-special, homogeneous, non-putrescible materials such as dry paper, glass, cans or plastic. The term "recyclable material drop-off facility" as used in this chapter shall not include general construction or demolition debris facilities, and/or transfer stations, facilities located within a structure principally devoted to another use, facilities temporarily located on a lot under authority of a temporary use, and facilities for collecting used motor oil which are necessary to an automobile service station. Establishments that process recyclable material are classified as "recyclable material processing facilities."

- (2) Recyclable material processing - Establishments that receive and process consumer recyclable commodities for subsequent use in the secondary market.
- (3) Recycling collection center - A collection point for small refuse items, such as bottles and newspapers, located either in a container or small structure.

§ 340-46. Other use category.

This category includes uses that do not fit the other use categories.

- A. Drive-in or drive-through facility - Any use with drive-through windows or drive-through lanes or that otherwise offer service to the occupants of motor vehicles. Typical uses include drive-through restaurants, **[drive-through banks, and]** drive-through pharmacies ~~and drive-in restaurants.~~
- B. Temporary uses. Use of a building or premises for a purpose that does not conform to the regulations prescribed by this chapter, does not involve the erection of substantial buildings, and is permitted for a defined time period.
 - (1) Temporary Use, Emergency – Structures and/uses for emergency public health and safety needs/land use activities.
 - (2) Temporary Use, Construction - On-site contractors' mobile home used in conjunction with an approved construction project on the same site.
 - (3) Temporary Retail and Service - One trailer or the use of one building as a temporary field or sales office in connection with building development. Uses such as mobile food service (food truck) and pop-up retail conducted in readily movable vehicles that are self-propelled, pushed or pulled to a specific location or occupying an existing vacant principal structure.
 - (4) ~~Temporary use—Special Events—An infrequent activity or gathering likely to draw a~~

~~crowd to a venue that typically requires special accommodations, regulations, traffic control devices or public service personnel. This category is limited to community events conducted, organized and sponsored by non-profit organizations or for-profit organizations. It also include civic events conducted, organized and sponsored solely by the Town of St. Michaels or in conjunction with a non-profit organization approved as such by the Town Commissioners. Such civic event shall have the purpose of promoting or benefiting the city and its residents and/or sponsoring organizations. Special events shall be open to all participants on an equal basis.~~

§ 340-47. Accessory use category.

The category includes uses or structures subordinate to the principal use and customarily incidental to the principal use.

§ 340-48. No more than one principal structure on a lot.

- A. Every structure hereafter erected, reconstructed, converted, moved or structurally altered shall be located on a lot of record and in no case shall there be more than one (1) principal structure on a lot unless as provided in B below.
- B. More than one principal structure may be located upon a lot in the following instances subject to the lot, yard and density requirements and other provisions of this Chapter:
 - (1) Institutional buildings.
 - (2) Public or semi-public buildings.
 - (3) Multiple family dwellings.
 - (4) Commercial or industrial buildings.
 - (5) Additional principal structures in permitted mixed-use projects with the prior approval of the Planning Commission.
 - (6) Condominiums.

§ 340-49. Permissible uses not requiring permits.

Notwithstanding any other provisions of this Zoning Chapter [**or Chapter 110 or 290**] no zoning or special-exception permit is necessary for the following uses:

- A. Streets.

- B. Access driveways to an individual detached single-family dwelling not located in the Chesapeake Bay Critical Area.
- C. Essential Services and Public utilities.

§ 340-50. Use of the designations P, PC, SE and SC in the Table of Permissible Uses.

When used in connection with a particular use in the Table of Permissible Uses included in this Section, the letter "P" means that the use is permissible in the indicated zone with a building permit issued by the Zoning Inspector. When used in connection with a particular use in the Table of Permissible Uses, the letter "PC" means that the use is permissible in the indicated zone with a building permit issued by the Zoning Inspector provided the conditions stipulated in ** are met. The letters "SC" mean the conditions of approval stipulated in Section ** for the proposed use must be met and a special exception permit must be obtained from the Board of Appeals. The letters "SE" means a special exception permit must be obtained from the Board of Appeals. The letter "N" means the use is not permitted.

§ 340-51. Table of Permitted Uses.

Except as specifically stated otherwise by this Chapter, only the following uses shall be permitted in the applicable zoning district where the structure or use is located. Uses shall only be permitted if there is compliance with all other applicable requirements of this Chapter.

§ 340-52. Reserved.