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**ARTICLE VIII. SUPPLEMENTAL USE REGULATIONS**

This Article contains regulations applicable to specific uses that supplement the requirements found in other articles of this Chapter. The following specific supplementary use regulations are applicable to both specific uses permitted by right and to uses permitted by special exception as indicated in Article VII and in the Table of Permissible Uses.

**§ 340-53 Special regulations for duplex dwellings and townhouses.**

- A. Each dwelling unit of a duplex dwelling must comply with the minimum lot area per dwelling unit as specified in the Article IV, Zoning Regulations.
- B. The dwelling units and individual lots of a duplex dwelling or townhouse may be sold separately if totally separate water, sewer, electrical, heating, and all other utility systems are provided and if separate lots for all dwelling units in the subject building are created at the same time and in conformity with the applicable regulations and standards governing the subdivision of land.
- C. The following regulations shall apply to townhouses in any district where townhouses are permitted:
  - (1) The townhouse building shall comply with minimum lot requirements contained in this section, but each dwelling unit of a townhouse building need not be located on a lot complying with minimum lot area per family requirements as shown therein, provided that the average lot area for all dwelling units in the building equals or exceeds the minimum lot area requirements, and provided that no lot is created with an area less than 2,000 square feet.
  - (2) Lot frontage, measured at the building line, for individual dwelling units of a townhouse shall not be less than 20 feet. Lot width for all units shall be adequate to provide for a front yard as above specified in this subsection and for side yards as required by this section.
  - (3) Any side yard adjacent to the line of a lot occupied by a detached dwelling or to a lot in a single-family residential district shall be at least 25 feet.
  - (4) No detached garage or carport or other detached accessory building shall be permitted on a lot occupied by a townhouse.
  - (5) Unless otherwise restricted by zone regulations, no more than six dwelling units shall be included in any one structure containing townhouses.
  - (6) If areas for the common use and enjoyment of occupants of a townhouse building are provided by means of joint ownership of those areas by all owners of units in the

townhouse building, those areas shall be maintained in a satisfactory manner out of funds collected by means of regular periodic assessment of all owners of townhouse units in the townhouse building, and the developer of the townhouse building shall set up and provide for the perpetual existence of management and funding of maintenance of the common areas in connection with the townhouse building.

- (7) Two on-site automobile parking spaces shall be provided for each townhouse dwelling unit, which spaces shall be located not more than 150 feet from the dwelling unit.

**§ 340-54. Accessory dwelling unit.**

An accessory dwelling unit may be permitted by the Planning Commission in the R-1 and R-2 districts provided that there shall be no more than one (1) accessory dwelling unit per lot and provided such accessory dwelling unit shall comply with the following standards.

A. Location. An accessory dwelling unit may be located on the same lot as a detached single family dwelling unit. An accessory dwelling unit may not be located on the same lot as a two-family dwelling, townhouse or multi-family dwelling.

B. Use. An accessory dwelling unit may not be used for a short term rentals.

C. Design Standards

(1) Purpose. Standards for creating accessory dwelling units address the following purposes:

- (a) Ensure that accessory dwelling units are compatible with the desired character and livability of residential districts;
- (b) Respect the general building scale and placement of structures to allow sharing of common space on the lot, such as driveways and yards; and
- (c) Ensure that accessory dwelling units are smaller in size than the principal residential unit.

(2) Generally, the design standards for accessory dwelling units are stated in this section. If not addressed in this section, the base zoning district development standards apply.

(3) Creation. An accessory dwelling unit may only be created through the following methods:

- (a) Converting existing living area, attic, or basement;
- (b) Adding floor area to an existing dwelling;
- (c) Construction of a stand-alone unit; or

- (d) Adding onto an existing accessory building (e.g., apartment in an existing garage).
- (4) Location of Entrances. Only one entrance may be located on the front facade of the principal dwelling facing the street, unless the principal dwelling contained additional front facade entrances before the accessory dwelling unit was created.
- (5) Parking
  - (a) No additional parking space is required for the accessory dwelling unit if it is created on a site with an existing house and on-street parking is permitted and adequate.
  - (b) One additional parking space located on or within one hundred (100) feet of the lot is required for the accessory dwelling unit: (1) when none of the roadways in abutting streets can accommodate on-street parking or (2) when the accessory dwelling unit is created at the same time as the principal dwelling.
- (6) Maximum Size. The size of an accessory dwelling unit may be no more than fifty (50) percent of the living area of the principal dwelling or eight hundred (800) square feet, whichever is less.
- (7) Accessory dwelling units created through the addition of floor area must meet the following standards:
  - (a) The exterior finish material must be the same or visually match in type, size, and placement, the exterior finish materials of the principal dwelling.
  - (b) The roof pitch must be the same as the predominant roof pitch of the principal dwelling. The Planning Commission may permit a different roof pitch if needed due to the shape of the roof on the existing principal dwelling if it determines that the proposed roof pitch will maintain a compatible appearance.
  - (c) Trim on the edges of elements on the addition must visually match the type, size and location as the trim used on the rest of the principal dwelling.
  - (d) Windows must match those in the principal dwelling in proportion and orientation.
  - (e) Eaves must project from the building walls the same distance as the eaves on the rest of the principal dwelling.

**§ 340-55. Group domiciliary care home.**

The Planning Commission may permit a group domiciliary care home or group home in the R-1, R-2, R-3or RG districts subject to the following:

- A. The facility is licensed by the State of Maryland.

- B. No more than five (5) residents, excluding resident staff, shall be permitted.
- C. Staff services are limited to supervision and assistances and do not involve intensive rehabilitation and/or drug therapy services.
- D. The facility provides a minimum of one toilet and one bathtub or shower for every four residents.
- E. Off-street parking shall be provided to allow one space for each resident staff member, plus two visitor parking spaces.

**§ 340-56. Public utilities and essential services.**

- A. Essential service facilities are permitted as a matter of right in any district. The Planning Commission may require such uses be appropriately screened to minimize any adverse impacts to adjacent residential uses.
- B. Public utilities may be permitted by the Board of Zoning Appeals as a special exception in any district. However, relay stations, storage stations, electric substations and buildings used or maintained for public utilities shall be subject to compliance insofar as possible with applicable landscape standards.

**NEW DEFINITION:**

**Essential Services** - The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, communication, supply or disposal systems; including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, towers, electric substations, telephone exchange buildings, gas regulator stations, and other similar equipment and accessories that are reasonably necessary to furnish utility services or for the public health, safety, or general welfare.

**§ 340-57. Maritime Museum.**

- A. Accessory uses.
  - (1) Buildings, structures, facilities and areas for housing curatorial, administrative, educational and operational functions related to a maritime museum.
  - (2) Wet storage and dockage of vessels by a maritime museum located on a parcel of land, or contiguous parcels of land, having an aggregate area of at least five (5) acres. Dry storage of vessels shall be limited to vessels owned, on display, or being renovated or preserved by the museum, for which no monetary storage charge is made.

- (3) Educational seminars, demonstrations and classes by a maritime museum.
- (4) Restoration, maintenance, storage and display of exhibits, displays and artifacts related to a maritime museum.
- (5) Except as provided for by Subsection (6), (11) and (12) sale of any article fabricated in or brought to a museum shall be made only through an indoor gift shop or visitors center of the museum. The maximum area of a museum devoted to the sale of goods (including display area, aisles, walkways, and cashier area) in a museum shall not exceed 1,350 square feet of floor area or 1% of the area of the parcels of land on which the museum is located, whichever is less.
- (6) Fund-raising activities, including auctions, crafts and art for display and/or sale, concerts, feasts, fairs, contests of skill, regattas, and other activities of a similar nature open to the public at large, as well as the rental of museum land, facilities and/or vessels, provided that such activities are:
  - (a) Conducted on a parcel of land, or contiguous parcels of land, having an aggregate area of at least five (5) acres; and
  - (b) Thirty (30) days' notice of any of the above-listed activities is provided to the St. Michaels Police Department.

**NOTE: Is this already addressed under the provisions of Chapter 250 Public Events?**

- (7) Motor vehicle parking lots for parking of vehicles of visitors to a museum.
- (8) Structures to house custodial and security facilities related to a museum.
- (9) Public information signs in connection with a museum, pursuant to standards set forth in **\*\*§ 340-40, Signs**, of this chapter.
- (10) Temporary buildings and structures incidental to construction work, complying with the requirements of the State and County Health Departments, which buildings shall be removed upon completion or abandonment of the construction work.
- (11) Repair, maintenance, restoration and reconstruction of wooden vessels for which a monetary charge may be made, provided that such activities adhere to the educational mission of the museum and are conducted in a location open to visitors of a maritime museum and in a manner to enable visitors of a maritime museum to observe such activities.
- (12) Sale of food and drinks for the enjoyment and convenience of visitors to a museum, other than as permitted by Subsection (6) above, provided that such sales are conducted from vending machines located in an area not visible from a public way.

B. General standards and limitations. The uses permitted by Subsections A and § 340-32 shall be controlled by the following standards and limitations:

- (1) Maritime museum uses shall comply with the lot area, minimum lot size, building setback, minimum yard, maximum building height, and maximum lot coverage requirements for the MM Zone as set forth in § 340-49 of this chapter.
- (2) The calculation for determination of maximum lot coverage for properties occupied by museums shall be calculated by excluding parking lots from the land area which is covered by or contains structures, and by also excluding the land under such parking lots in calculating the total area of the lot upon which the total lot area coverage shall be calculated.
- (3) All uses in the MM Zone shall contain a Buffer area of at least twenty (20) feet in width adjacent to property in a residential zone. There shall be no outside events or activities and no structure placed or erected within such Buffer.
- (4) Subject to the provisions of more prohibitive laws, a minimum setback of one hundred (100) feet from the mean watermark shall apply to all structures in the MM Zone, unless otherwise provided for by St. Michaels Local Critical Areas Program and the Critical Areas provisions of this chapter.
- (5) A distance of at least ten (10) feet shall be maintained between structures on the same parcel of land in the MM Zone.
- (6) Screening between residential zones and the MM Zone shall be provided by the occupant of the MM Zone. Such screening shall be in the form of evergreen plantings, which shall, within a three-year period from the beginning of a museum use, provide a year-round screening at least six feet in height. The Planning Commission may, in lieu of evergreen screening, permit earthen berms or wooden fencing six (6) feet in height where deemed appropriate. Upon application by adjacent residential property owners, the Planning Commission may waive the evergreen screening, berms or wooden fencing.
- (7) Exterior lighting incident to Museum Zone uses shall be of the type and form which is directed away from adjacent residential zones. **\*\* (see Lighting Standards)\*\***
- (8) Noise levels within the Museum Zone shall not exceed 62 DbA measured from the property line of any parcel of land on which a residential use exists. Noise associated with temporary construction activity shall be exempt from these noise limitations but shall, nevertheless, conform to all other anti-noise or noise pollution laws.

**NOTE: Is (8) already addressed in Chapter 216?**



**NOTE: Consider regulating the Maritime Museum’s land uses and activities based on an approved Master Development Plan. Allow “retail” in the Permitted Uses Table but subject the scope to those specified in the Master Development Plan. Include provisions for amending the Master Development Plan.**

**§ 340-58. Solar energy system, small.**

The Zoning Inspector may permit a small solar energy system as an accessory use in any zoning district subject to the following conditions:

A. General

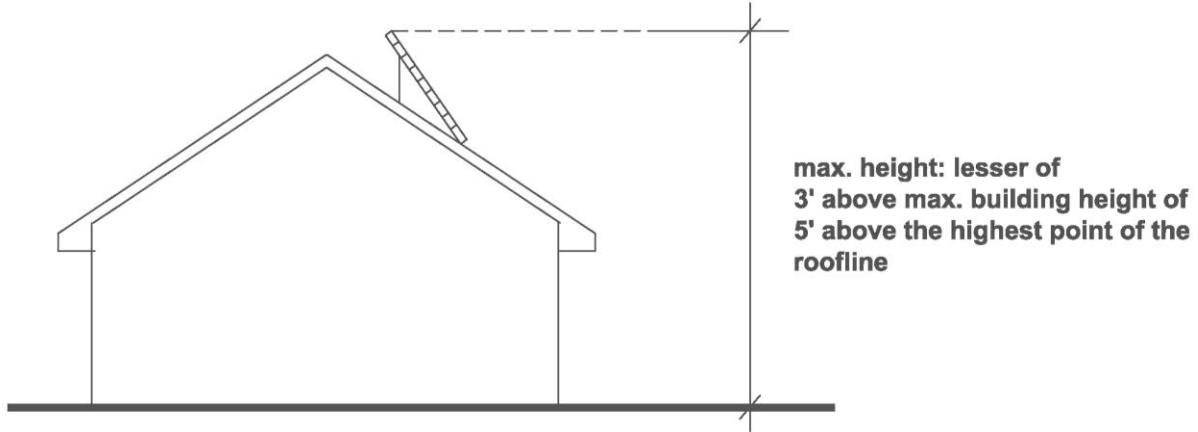
- (1) Accessory solar energy systems must comply with all applicable building and electrical code requirements.
- (2) Owners of accessory solar energy systems are solely responsible for negotiating with other property owners for any desired solar easements to protect access to sunlight. Any such easements must be recorded.

B. Building-Mounted Solar Energy Systems

- (1) Building-mounted solar energy systems may be mounted on principal and accessory structures.
- (2) All applicable setback regulations apply to building-mounted solar energy systems. Systems mounted on principal structures may not encroach into a side and rear setback.
- (3) Only building-integrated and/or flush-mounted solar energy system may be in-stalled on street-facing building elevations.
- (4) Solar energy systems may not extend more than three (3) feet above the applicable maximum building height limit or more than five (5) feet above the highest point of the roof line, whichever is less. See **Figure VIII.1.**

C. Ground-Mounted Solar Energy Systems

- (1) In residential zoning districts, ground-mounted solar energy systems may not be located in a required front yard.
- (2) Ground-mounted solar energy systems may encroach a maximum of two (2) feet into the required side setbacks and ten (10) feet into the required rear set-backs.



**NOTE: Antennas and/or antenna towers are afforded some protection by the FCC which suggests Towns must make reasonable accommodation for amateur ham radio operators. The standard for height limits in the St. Michaels code states, “the height limitation, as contained in this schedule, shall not apply to flagpoles, church steeples, utility poles which are part of a continuous line system (as distinguished from a tower to support one or more antennas) for the distribution of electric power, land-line telephone signals, or cable television signals, water towers, and chimneys. In no event shall any such pole, steeple, or chimney exceed seventy-five (75) feet in height from the average grade of the lot.”**

**This section does not mention a standard for “antennas and/or antenna towers”. The only place they are specifically addressed is here and they are limited to the PF district. Recommend that this section be revised as follows:**

**§ 340-59. Antennas and/or antenna towers.**

**Except as provided below, antennas and/or antenna towers shall comply with height limits for structures applicable to the zoning district in which the structure is proposed.**

- A. The Planning Commission may approve communications towers and antenna used exclusively by agencies providing law enforcement, governmental or volunteer-operated ambulance, fire-fighting, and/or rescue services without limitation as to height.**
- B. Amateur (HAM) radio facilities are subject to a maximum overall height limit of 75 feet in height provided the structure is setback from any lot line a distance equal to its height.**

- (1) A special exception to exceed seventy-five (75) feet in height may be granted in accordance with § \* if the Board of Zoning Appeals determines, based on evidence provided by the applicant, that the additional height is the minimum needed to engage in amateur radio communications under a license issued by the FCC.**

- (2) **Antennas and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely matching the color of the supporting structure, in order to make the antenna and related equipment as visually unobtrusive as possible.**

**New Definition:**

Amateur (HAM) Radio Equipment - An amateur (HAM) radio station licensed by the Federal Communications Commission (FCC), including equipment such as, but not limited to, a tower or building-mounted structure supporting a radiating antenna platform and other equipment.

Also suggest we add the following to the Permitted Uses List and Supplemental Use Regulations:

**§ 340-60. Microcell networks.**

- A. The Planning Commission may authorize installation of cable microcell networks that operate through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technologies that do not require the use of telecommunications towers subject to the permission from the owner of the primary wireline system.
- B. Signal transmissions may not interfere with any Town or other governmental radio signals, including those Town police, fire, emergency dispatch and public works signals.

**§ 340-61. Adult-oriented businesses (AOB).**

The regulations of this section shall apply to adult-oriented businesses in the Gateway Commercial Zoning District. All aspects of matters not governed by the following provisions of this section shall be governed by all other applicable provisions of the Town Code. Adult-oriented businesses are regulated under Town Code Chapter 75, Adult-Oriented Businesses. See Chapter 75 for definitions relating to adult-oriented businesses applicable to this section, other than the definition of "adult-oriented business," which is in Town Code § 340-108. [Added 12-15-2010 by Ord. No. 420]\*\*

- A. In addition to any design criteria generally applicable to a use in the Gateway Commercial Zoning District, including but not limited to any buffer, buffer yard, and setback requirements, an adult-oriented business must meet the following setback criteria:
  - (1) No portion of a building or structure in which an adult-oriented business is located (the "AOB structure") shall be within **four hundred (400)** feet of the closest boundary of a parcel containing a school, place of worship, park or recreation facility, including but not

limited to a YMCA or community center, day-care center, family or day-care center or group home.

- (2) No portion of an AOB structure shall be within **four hundred (400)** feet of the boundary of any parcel in a residential zoning district or within **four hundred seventy-five (475)** feet of the closest portion of any building or structure located within a nonresidential zone used principally as a residential dwelling.
- (3) No portion of an adult-oriented business structure shall be less than 5,000 feet from the closest portion of any other building or structure containing an adult-oriented business.
- (4) No portion of an adult-oriented business structure shall be less than **five hundred (500)** feet from the closest portion of any building or structure where alcoholic beverages are sold for on-premises consumption.

B. Application.

- (1) The owner/operator of an adult-oriented business shall submit an application to the Zoning Inspector/Codes Enforcement Officer in accordance with Chapter 75, Adult-Oriented Businesses of the Town Code, which includes a site plan that, in addition to those items required **by Chapter 110**, Site Plan Review, of the Town Code:
  - (a) Contains and depicts all of the information required pursuant to Subsection (4) below; and
  - (b) Contains and depicts all of the information necessary to determine compliance with this chapter and Chapter 75 of the Town Code.
- (2) Compliance with the requirements of Subsection (1) above shall be determined as of the date of submittal of an application, and any changes to the use of adjoining or neighboring property or to the size, type, number or location of structures or buildings on adjoining or neighboring property applied for or, if no application is necessary, made after the date of submittal of an application shall be of no effect and shall not be given any consideration in determining compliance with the requirements of Subsection (1) hereof.

C. Exterior requirements.

- (1) The exterior parking areas, except at any driveway of ingress or egress, shall be screened by a permanent solid fence, wall, or berm in association with a planted area with trees and shrubs on each side of the property that is adjacent or potentially adjacent to another business or property other than a public road, and the exterior of such wall and the planted area shall be maintained. Such fence, wall or berm shall be at least five feet in height.

- (2) Surveillance devices shall be maintained in a manner to permit continual surveillance from a manned management station of the exterior areas of the lot(s) or parcel(s) on which the adult-oriented business is operating.

D. Site plan. Prior to the issuance of a building permit or a license for an adult-oriented business, an adult-oriented business shall submit a site plan to the Planning Commission in accordance with **Chapter 110**, Site Plan Review, of the Code of the Town of St. Michaels.

(1) The site plan shall:

- (a) Depict the entire lot(s) or parcel(s) on which the adult-oriented business is located;
- (b) Be drawn to scale;
- (c) Be signed by a professional and/or licensed engineer or architect;
- (d) Depict the exterior dimensions of every building and structure;
- (e) Show the layout and size of all exterior parking spaces, driveways, loading and unloading areas, refuse disposal areas and walkways;
- (f) Show the location and size of all fences, screens, parking lot barriers, plants and planters and describe the type of plants and the composition of any fence, wall, barrier or berm;
- (g) Show all exterior doors and designate which doors will be for general public ingress and egress;
- (h) Depict the location of all exterior lighting and video surveillance devices;
- (i) Depict the location of any underground utility lines;
- (j) Depict the location and size of any exterior sign;
- (k) Depict the interior layout of every building and structure, including but not limited to:
  - [1] All walls, partitions, doors, windows, counters, screens or room dividers;
  - [2] All performance areas;
  - [3] All performance seating or viewing booths or areas;
  - [4] All management stations;
  - [5] The dimensions and general layout of every room or area open to patrons;

[6] The dimensions and designation of every room open only to performers and or employees of the business; and

[7] The location and orientation of any merchandise displays.

(2) When any change is proposed to an adult-oriented business that affects an item required to maintain compliance with this section or the provisions of Chapter 75, Adult-Oriented Businesses of the Town Code, a revised site plan shall be submitted to the Planning Commission for approval prior to any such change.

E. Outdoor advertising signs. All outdoor advertising signs shall comply with the requirements of § 340-40\*, Signs, of the Town Code. No exterior sign or sign visible from the exterior of any building or structure shall contain adult entertainment or material, as those terms are defined in Chapter 75 of the St. Michaels Town Code.

F. Inspections.

(1) Periodic inspections. The Codes Enforcement Officer/Zoning Inspector or his authorized designee shall periodically inspect the premises of every adult-oriented business to ensure compliance with this chapter.

(2) Entry. The Codes Enforcement Officer/Zoning Inspector, or his duly authorized designees, who shall exhibit proper credentials upon request, may enter any adult oriented business without consent of the owner, operator or occupant at any time during business or operating hours, and at such other times as may be necessary in any situation reasonably believed to pose an immediate threat to life, property or public safety, for the purpose of enforcing the provisions of this chapter.

**§ 340-\*\*. Grooming.**

**Recommend simple permitted use.**

**§ 340-62. Veterinary care.**

**Veterinary care facilities may be permitted by the Planning Commission in the GC district subject to the following conditions:**

**A. All medical care and boarding must be conducted within a completely enclosed principal building.**

**B. Bio-hazard and/or medical waste must be disposed of pursuant to the medical waste disposal regulations of the Occupational Safety and Health Administration.**

**C. The treatment of animals must be primarily limited to companion animals.**

**§ 340-63 Temporary fairs and carnivals sponsored by charitable, social, civic or educational.**

Temporary fairs and carnivals sponsored by charitable, social, civic or educational may be permitted in any zoning district subject to the following conditions

- A. The temporary use supports fund-raising activities conducted by nonprofit tax-exempt entities operating fire, ambulance and/or rescue services and, to that end, the Commissioners desire to establish provisions to allow carnivals in all zoning districts within the Town when, in the sole discretion of the Commissioners, it is in the best interest of the Town and its citizens.
- B. A temporary use permits has been approved by the Commissioners of St. Michaels upon a findings based on:
  - (1) In the sole determination of The Commissioners of St. Michaels, the location selected for the carnival is adequate for the purposes for which it is to be used; and
  - (2) Minimum standards of sanitation, health, safety and fire safety will be provided and that the carnival will be conducted in an orderly fashion and that the physical safety of property and persons in attendance and in surrounding areas will be adequately protected; and
  - (3) Certificates/permits from the Talbot County Health Officer, Fire Marshal and Police Chief have been secured; and
  - (4) Proof of comprehensive and liability insurance from the applicant has been submitted.

**NOTE: Revised in the Table of Permitted Use as PC in all zoning districts.**

**§ 340-\*\*. Broadcast facility.**

**Suggest the use be only subject to Site Plan approval only. If there are any impacts that may, “cause any adverse impact upon the health or safety of persons residing or working in the area surrounding the site or upon the character of the neighborhood surrounding” the Zoning Inspector can deny approval. The site plan provisions in § 110-2 General include the following:**

- D. Where the submission of a site plan for a proposed use, structure or development activity is required under this section, the site plan shall not be approved unless:**
  - (1) The site plan meets the design principles and standards and required improvements set forth in this chapter, the Town Comprehensive Plan, the**

**Town of St. Michaels Subdivision regulations, and other ordinances, regulations, and policies established by the Town of St. Michaels;**

- (2) The proposed use, structure or development activity avoids or minimizes adverse impacts upon features (whether on-site or off-site) of historical, cultural or ecological significance;**
- (3) The proposed use, structure or development activity will not substantially increase traffic hazards due to traffic generated by the proposed use, the location of curb cuts or the layout of internal traffic circulation The Town may require that a traffic impact study be submitted by the applicant to demonstrate compliance with this criteria.**
- (4) The proposed use, structure or development does not cause any adverse impact upon the health or safety of persons residing or working in the area surrounding the site or upon the character of the neighborhood surrounding the site;**
- (5) The proposed use, structure or development activity does not negatively affect the water quality of the Chesapeake Bay and its tributaries;**
- (6) Sewer allocation has been granted by the Talbot County Sanitary District for additional sewer units required by the new proposed use or development activity.**

**E. Any site plan which does not satisfy the above stated requirements shall be denied by the Zoning Inspector.**

**§ 340-64. Marine Services.**

**Community piers and noncommercial boat docking and storage shall comply with provisions of COMAR 27.01.03.07.**

**§ 340-65. Day Care Center.**

- A. Day care centers are permitted in the RG, CC and GC districts and may be permitted as a special exception by the Board of Zoning Appeals in the R-3 districts.**
- B. A day-care center, nursery school, prekindergarten or preschool may be permitted as a special exception by the Board of Zoning Appeals in the R-1 district subject to the following conditions:**
  - (1) The facility is state-licensed.**



- (2) The facility contains no more than 1,500 square feet of floor space. In calculating the square footage of floor space, the following may not be included: any floor space, rooms, or areas that are not available for the daily program activities of the children, such as columns, vestibules and corridors, food preparation areas, kitchens, bathrooms, adult work areas, permanently equipped isolation areas or sleeping rooms, storage units, and storage space.

**§ 340-66. Restaurant.**

Restaurants may be permitted by the Planning Commission in the WD, CC, HRZ, GC and MC districts subject to the following conditions:

- A. Outdoor seating area[s] ~~in the CC, GC, and MC Zones is [are]~~ permitted subject to the following conditions:
  - (1) An outdoor seating area shall exist only in conjunction with indoor seating that is under the same management, which operates the indoor and outdoor seating as a single business.
  - (2) The outdoor seating area shall be contiguous to the restaurant with which, per Subsection A(1) above, it forms a single business. For restaurants/cafes providing a sidewalk dining area see Subsection C below.
  - (3) Customers in an outdoor seating area shall be seated at tables.
  - (4) The number of outdoor seats shall not exceed the number of indoor seats at tables.
  - (5) An outdoor seating area with more than two (2) tables or eight (8) seats shall provide table service.
  - (6) An outdoor seating area shall not include an outdoor bar.
  - (7) Customers in the outdoor seating area shall have access to the same indoor toilets as do customers seated indoors; portable toilets shall not be permitted.
  - (8) An outdoor seating area shall not be open for business during hours when the indoor restaurant is closed for business.
  - (9) No part of any outdoor seating area shall be within seventy-five (75) feet of a residential zone.
  - (10) All illumination shall be directed within the outdoor seating area and not towards neighboring properties.

- B. Conditions set forth in Subsection A(3), (4), (6) and (8) shall not apply during a private function for which the restaurant's outdoor seating area is closed to the general public.
- C. Restaurants/cafes with outdoor dining abutting a public sidewalk. General requirements:
- (1) An outdoor dining area, accessory to a restaurant/cafe, which abuts a public sidewalk may only be permitted in those zones where restaurants and cafes are otherwise permitted.
  - (2) A permit for the above noted outdoor dining shall be issued by the Town.
  - (3) The permit fee shall be as set out in the Town's Administrative Fee Schedule for a zoning certificate.
  - (4) All chairs, benches, tables and service operations shall not extend beyond the privately held property on which the business is located and shall not extend into the pedestrian corridor as defined in § 285-1 (obstructions) of the Town Code.
  - (5) No alcohol of any type may be served on public property or in violation of any license issued by the Talbot County Board of License Commissioners. Violation of this condition shall result in immediate termination of the use of the property for outdoor dining and sidewalk use permit.
  - (6) The authority to grant, renew, revoke, or deny a permit for outdoor dining abutting a public sidewalk rests with the Zoning Inspector/Codes Enforcement Officer.
  - (7) The duration of the permit shall be 365 days.
  - (8) No structure or enclosure to accommodate the storage of trash or garbage shall be erected or placed on, adjacent to, or separate from the outdoor dining area on the public sidewalk or right-of-way. Outdoor dining areas shall remain clear of litter at all times.
  - (9) The hours of operation of the outdoor dining area shall be limited to the hours of operation of the associated restaurant or cafe.
  - (10) Enforcement of these provisions is governed by the St. Michaels Police Department and/or Codes Enforcement Officer.
  - (11) Violations of these conditions will be considered a municipal infraction and subject to a fine in the amount of \$200 per day.

**NOTE: Why not handled like any other violation as per § 340-106?**

- (12) The Zoning Inspector shall consider the issuance of any prior municipal infractions, citations and unpaid fines relative to outdoor dining when reviewing permit renewal requests.

**§ 340-67. Café/coffee house.**

A cafe/coffee shop is permitted the CC, GC and HRZ Zones subject to the following conditions:

- A. Should an outdoor seating area be provided, it shall be clearly identified for the use of the clientele, with said area contiguous to the cafe/coffee shop.**
- B. Table service is not a requirement of this use.**
- C. No part of any outdoor seating area shall be within seventy (75) feet of a residential zone.**
- D. An outdoor seating area shall not include an outdoor bar.**

**§ 340-\*\*. Financial Service.**

**Suggest this be a permitted use without conditions other that established in the site plan review process.**

**§ 340-68. Bed-and-breakfast (also referred to as "B&B")**

A bed-and-breakfast use is permitted in CC and MC district and may be permitted by the Board of Zoning Appeals as a special exception in R-2 district subject to the following the following conditions:

- A. The dwelling unit for exclusive use of the owners of the property as their permanent residence. The Planning Commission may allow the dwelling unit for the owner or resident manager of the B&B be in a separate structure from the guest rooms, located on the same lot or parcel of land provide all other zoning requirements are met.
- B. No more than two guest rooms are provided.
- C. At least one full bathroom for the exclusive use of the occupants of the guest rooms, which shall be accessible from each guest room without going through another guest room or sleeping room.
- D. A B&B may provide breakfast (but not other meals) in exchange for compensation only to occupants of the guest rooms.
- E. A B&B shall contain no food storage or preparation facilities in any guest room and shall not permit occupants of guest rooms to prepare meals upon the premises.

**NOTE:**

**CURRENT DEFINITIONS:**

BED-AND-BREAKFAST (also referred to as "B&B") - A structure which contains: 1) a dwelling unit for exclusive use of the owners of the property as their permanent residence; 2) no more than two guest rooms; and 3) at least one full bathroom for the exclusive use of the occupants of the guest rooms, which shall be accessible from each guest room without going through another guest room or sleeping room. A B&B may provide breakfast (but not other meals) in exchange for compensation only to occupants of the guest rooms. A B&B shall contain no food storage or preparation facilities in any guest room and shall not permit occupants of guest rooms to prepare meals upon the premises. The commencement of the use of a B&B shall constitute a new or different use requiring an occupancy permit from the Town. [Added 1-28-2003 by Ord. No. 282]

BED-AND-BREAKFAST INN - 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 but no more than eight 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. Bed-and-breakfast inns are subject to the following conditions: [Added 7-12-1994 by Ord. No. 213; amended 2-13-1996 by Ord. No. 225; 1-28-2003 by Ord. No. 282; 6-22-2005 by Ord. No. 317; 4-8-2009 by Ord. No. 399; 5-26-2010 by Ord. No. 416]

- A. A bed-and-breakfast inn may provide breakfast (but not other meals) in exchange for compensation only to occupants of the guest rooms.
- B. Where the dwelling unit exists in a separate structure from some or all of the guest rooms, a structure with four or more guest rooms, no dwelling unit, and a common dining area for guests, may include a kitchen to be used by management in the preparation of breakfast for guests between the hours of 6:00a.m. and 10:30 a.m. This kitchen shall not be accessible to guests.
- C. Subsections A and B above notwithstanding, a bed-and-breakfast inn may sell "event packages" as defined and regulated by Article IV, § 340-32.1, Notes to Table of General Land Uses.
- D. A B&B inn shall contain no food-storage or food-preparation facilities in any guest room and shall not permit occupants of guest rooms to prepare meals upon the premises.
- E. The commencement of the use of a B&B inn shall constitute a new or different use requiring an occupancy permit from the Town.

**PROPOSED DEFINITION**

**BED-AND-BREAKFAST ESTABLISHMENT** - A single-family 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.

**NOTE:** Draft Article XIX Off-Street Parking, Loading and Unloading requires 1 space per bed and breakfast guest unit, plus required parking spaces for resident family and 1 per employee.

**CURRENT DEFINITIONS TO BE DELETED**

**HOTEL (This definition is not applicable to motels.)**

Any building or group of buildings containing nine or more guest rooms under the same management and the same ownership, with said guest rooms intended or designed to be used, or which are used, hired out, or are to be occupied by guests, travelers or transients for sleeping purposes. Hotels are subject to the following conditions:

[Amended 1-8-1985 by Ord.No.157;2-13-1996 by Ord.No. 225; 11-30-2005 by Ord.No. 330;4-8-2009 by Ord.No.399]

- A. In the CC Zone, buildings comprising a hotel may occupy multiple lots. [Amended 5-26-2010 by Ord.No.416]
- B. A hotel shall contain a registration area and shall be staffed 24 hours a day with at least one individual who has the authority to accept, reject, oversee the conduct of, and expel guests, so as to maintain order at the hotel.
- C. A hotel may provide breakfast (but not other meals without a permitted restaurant) in exchange for compensation only to occupants of the guest rooms.
- D. Subsection C above notwithstanding, hotels may sell "event packages" as defined and further detailed in §340-32.1, Notes to General Land Use Table, Hotel event packages. [Amended 5-26-2010 by Ord.No.416]
- E. Conference facilities may be provided for the occupants and guests of the hotel. [Added 5-26-2010 by Ord.No.416[3]]
- F. The owner shall comply with the licensing, food storage and preparation guidelines as set forth in the Code of Maryland Regulations (COMAR) 10.15.03, "Food Service Facilities." A hotel shall contain no cooking facilities in the guest rooms or available for use by guests.

**RECOMMENDED DEFINITION**

**Hotel or Motel** - A building providing transient lodging accommodations to the general public for compensation and which may include ancillary facilities and services such as

restaurants, meeting rooms, conference facilities, entertainment, personal services, and recreational facilities.

**§ 340-69. Hotel, Motel.**

A hotel or motel is permitted in the WD, CC, MC, and GC districts subject to the following conditions:

- A. The owner shall comply with the licensing, food storage and preparation guidelines as set forth in the Code of Maryland Regulations (COMAR) 10.15.03, "Food Service Facilities."
- B. A hotel shall contain no cooking facilities in the guest rooms or available for use by guests.
- C. The length of stay at any Hotel/Motel shall not exceed thirty (30) days within any 90-day period.
- D. If the hotel or motel includes package services for weddings, wedding receptions, family reunions, business activities, conferences and other events similar in nature (hereinafter, "event packages") as accessory uses:
  - (1) Events resulting from the sale of event packages (events) shall be contracted by a guest of the hotel and shall include, at a minimum, the rental of at least one sleeping room in the hotel.
  - (2) Attendance at events shall be limited to the maximum occupancy numbers permitted by the Talbot County Fire Marshal or seventy-five (75) persons, whichever is less.
  - (3) Food and beverages shall be consumed on the premises during the event.
  - (4) All sales and services shall be subject to all required federal, state and local permits.

**§ 340-70. Vacation cottages in the R-2 Zone.**

Vacation cottages used for short-term rentals.

- A. The purpose of the vacation cottage designation is to identify small single-family detached dwellings of the type traditionally indigenous to the Town; to create an economic incentive to preserve and perpetuate such dwellings, to discourage them from being either demolished or remodeled and enlarged beyond recognition; and to thereby help to perpetuate the Town's character and history while providing accommodations for tourists.
- B. A vacation cottage as herein defined, for which a current and valid license has been issued by the Town, may be rented by the owner thereof in exchange for compensation as a public accommodation for short-term rentals, provided that the premises shall meet all of the

following terms and conditions, as determined by the Zoning Inspector after reviewing the application for such licensure:

- (1) A vacation cottage shall consist of a principal structure located on a single lot or parcel of land (collectively the “premises”).
- (2) The lot or parcel of land shall be a lot of record.
- (3) The principal structure shall:
  - (a) Be a single-family detached dwelling;
  - (b) Be the only structure on the lot used for human habitation;
  - (c) Contain no more than 1,400 square feet of interior heated and/or air conditioned usable floor space;
  - (d) Contain no more than two (2) bedrooms and/or sleeping rooms;
  - (e) Contain beds and other sleeping facilities for no more than four (4) persons, excluding cribs and other sleeping facilities for children under eighteen (18) months of age;
- (4) The principal use of the premises shall be only:
  - (a) As a place of public accommodation for short-term rentals or, in the alternative,
  - (b) As a single-family residence.
- (5) The premises shall be and remain insured for use as a place of public accommodation by a reputable insurance company, authorized to issue property insurance policies in Maryland, with liability insurance coverage for bodily injuries of at least \$1,000,000 per person and at least \$2,000,000 per occurrence.
- (6) The premises shall not be used for short-term rentals unless a current and valid short-term rental license has been issued by the Town to the owner for the premises, which license shall not be issued, and may be suspended or revoked, by the Zoning Inspector, unless:
  - (a) The applicant(s) and licensee(s) shall be all holders of record title to the premises. Each such licensee shall be responsible for compliance with the requirements and conditions for a vacation cottage and the licensure thereof.
  - (b) Each applicant shall provide proof that he/she can satisfactorily monitor the use of the premises by having either his/her principal residence in Talbot County, or by having an agent, having a written power of attorney on record to act for the owner regarding the premises, with his/her principal residence in Talbot County.

- (c) The applicant(s) shall furnish proof to the Zoning Inspector that the applicant(s) has (have) given written notice, by certified mail, return receipt requested, to the owners of all land located within two hundred fifty (250) feet of the premises. Such written notice shall include the following information relating to each current owner of the premises and his/her agent, if any: name, address, and business and home voice phone numbers. The most recent real estate tax records and maps in the possession of the Town shall be determinative of the land within 250 feet of the premises and the name and address of the owners thereof.
- (d) The licensees of each premises used as a vacation cottage short-term rental shall maintain the following current information on file in the Town office at all times:
  - [1] A copy of the lease or rental agreement used to rent the premises on a short-term basis, which shall contain, at a minimum:
    - [a] The maximum number of occupants allowed;
    - [b] The name, home and business mailing addresses and internet addresses, and home and business telephone numbers, for each owner of the premises and their agent(s), if any;
    - [c] Notice that the subleasing of short-term rentals shall be prohibited;
    - [d] Notice that no animal may be staked outside;
    - [e] All animals must be leashed or be otherwise contained when out of doors;
    - [f] Notice that the Town has a Noise Chapter that prohibits sound that is produced or reproduced on the premises that travels beyond the premises and is loud enough to offend someone that hears it off of the premises; and
    - [g] Notice that there shall be no on-street parking of vehicles.
  - [2] Information relating to the premises, including but not limited to:
    - [a] The name, home and business mailing addresses and home and business telephone numbers, for each owner of the premises and their agent(s), if any, which shall be a public record, available to the public upon request;
    - [b] An affidavit, signed by the owners of the premises, affirming that the premises is equipped with fire extinguishers and smoke detectors in the kitchen and any other area in which flammable or combustible materials are kept or stored.
- (7) The Zoning Inspector may refuse to issue, or may suspend or revoke, a short-term rental license based on any of the following:



- (a) Any false, inaccurate, incomplete or incorrect statement in any application, registration, renewal or filing relating to a short-term rental license;
- (b) Any repeated infraction, disturbance, nuisance, failure to monitor, or other problem or violation occurring at the premises during a short-term rental period which constitutes a threat to public safety or to an occupant of the premises; or a public disturbance or other condition or activity at the premises which, in the opinion of the Zoning Inspector, adversely affects an occupant of a neighboring property;
- (c) Any violation of this section of this chapter.
- (d) Failure to pay the correct amount of Talbot County accommodations tax;
- (e) Any failure to continue to meet all of the above terms and conditions for qualification as a vacation cottage, or for qualification for licensure for short term rentals thereof, as determined by the Zoning Inspector, shall be cause for the Zoning Inspector to suspend or revoke a short-term rental license.
- (f) Any repeated violation of any Noise Chapter of the Town.

**§ 340-71. Short term rentals (STR).**

**Short term rentals may be permitted by the Planning Commission in the CC Central Commercial district subject to the following:**

- A. All units are located above the first floor in a principal nonresidential building;**
- B. A STR license has been issued by the Town;**
- C. The maximum number of people permitted to be on-site is limited to two persons per bedroom;**
- D. The owner of the short-term rental property is responsible for payment of the Maryland Sales Tax; and**
- E. All applications require an onsite inspection to verify compliance with the building code with respect to emergency escape and rescue openings, exits and smoke alarms; to determine that the plan submitted with the license application is accurate; and to make note of any special conditions.**

**CURRENT DEFINITION:**

**Short Term Rental - Causing or permitting, in exchange for compensation, the occupancy of any dwelling or place of public accommodation for a period of less than four consecutive months, but not for less than 60 hours (2.5 days). [Added 1-13-2004 by Ord. No. 299]**

**§ 340-72. Parking, non-accessory.**

Non-accessory or commercial parking, including parking garages may be permitted as a special exception in the WD and MC district subject to the following conditions:

- A. They are located on a lot at least one (1) acre in size; and
- B. They are set back at least thirty (30) feet from adjacent property used for residential purposes; and
- C. They are set back at least twenty (20) feet from adjacent property used for commercial purposes; and
- D. No vehicle entrances or exits face immediately adjacent residential property; and
- E. They are landscaped.\*

**§ 340-73. Self-service storage facility.**

- A. No such facilities may be located within two hundred (250) feet of Talbot Street and are screened from view from all locations along Talbot Street
- B. No outdoor storage is allowed, and all refuse and garbage must be stored inside a building or in areas that are completely screened from view.
- C. All driveways and parking areas must be paved.
- D. The site must be completely fenced and accessed via a locked security gate.

**§ 340-\*\*. Trade school.**

Recommend this use by permitted without additional conditions.

**§ 340-74. Fueling Station.**

Fueling stations may be permitted as a Special Exception in the GC district subject to the following conditions:

**A. Setbacks**

- (1) Interior side and rear setbacks with a minimum depth of twenty (20) feet must be provided abutting residential zoned lots. Setbacks abutting all other lot lines must comply with district requirements.
- (2) Except for approved driveways, setbacks may not be paved and must be landscaped green space.

**B. Protective Curb**

- (1) All landscaped areas must be protected by a raised curb at least six (6) inches in height or by a bumper guard of not more than eighteen (18) inches in height.
- (2) Protective curbing at least six (6) inches in height must be provided along the edges of all areas accessible to motor vehicles upon adjacent property or street rights-of-way, except that provision may be made for cross-access to abutting commercial development.

**C. Electric Vehicle Charging Stations**

- (1) Public electric vehicle charging stations are permitted as an accessory use.
- (2) Parking
  - (a) Electric vehicle charging stations may be counted toward satisfying minimum off-street parking space requirements.
  - (b) Public electric vehicle charging stations must be reserved for parking and charging electric vehicles.
- (3) Equipment
  - (a) Vehicle charging equipment must be designed and located so as to not impede pedestrian, bicycle or wheelchair movement or create safety hazards on sidewalks.
  - (b) Equipment is subject to the lot and building regulations of the subject zoning district unless otherwise expressly stated.
- (4) Maintenance.
  - (a) Electric vehicle charging stations must be maintained in all respects, including the functioning of the equipment.
  - (b) A phone number or other contact information must be provided on the equipment for reporting when it is not functioning or when other problems are encountered.

**§ 340-75. Personal motor vehicle repair and maintenance.**

Facilities for repair and maintenance of personal motor vehicles may be permitted in the GC district subject to the following conditions:

- A. Repair and service activities must be conducted within a completely enclosed building.**

- B. No outdoor storage is allowed, except for customer vehicles waiting to be repaired or waiting for pick up.**
- C. All repair and maintenance activities must be screened with a solid fence or wall approved by the Planning Commission with a minimum height of six (6) feet and a maximum height of eight (8) feet.**

**§ 340-\*\*. Motorized personal vehicle sales and rentals.**

**Recommend simply be subject to general requirements for outdoor storage and display in § 340-88.**

**§ 340-76. Contractor's shop.**

**A contractor's shop, including office, may be permitted in the SLC and GC \* districts subject to the following conditions:**

- A. All services, storage functions and work areas are conducted within a completely enclosed building or within a fenced or screened yard area that assures no visible evidence of such services, storage and work area functions from Talbot Street.**
- B. Outside storage or work areas shall be screened on all sides by a solid, opaque wooden or brick wall not greater than eight (8) feet in height. No variance shall be required for fences serving such screening functions. Chain link fencing shall not be used as a fencing material to satisfy screening requirements.**

**§ 340-77. Alcohol production.**

**Alcohol production may be permitted in the HRZ district subject to the following conditions:**

- A. Hold a Class 4 license State license that allows a winery to sell wine it produces at retail (by the glass, bottle or case) to visitors.**
- B. Events are subject to the provisions of Chapter 250 of the Town of St. Michaels Code.**

**NEW DEFINITIONS:**

**Micro-Brewery, Micro -Winery, Micro-Distillery – A facility in which beer, wine, or other alcoholic beverages are brewed, fermented, or distilled for distribution and consumption, and which possesses the appropriate license from the State of Maryland. Tasting rooms for the consumption of on-site produced beer, wine, or distilled products are permitted on the premises.**

**§ 340-78. Solid waste transfer stations.**

Solid waste transfer stations may be permitted as a special exception by the Board of Zoning Appeals in the PF district subject to the following conditions:

- A. Setback of 100 feet from all property lines;
- B. Be screened from view on all sides by plantings;
- C. Perimeter fenced;
- D. Found to pose no substantial health risk to occupants of existing residences; and in the public interest.

**§ 340-79. Home occupation.**

- A. The Town recognizes the desire and/or need of some citizens to use their residence for business activities in order to reduce travel and to provide another economic development tool, but also recognizes the need to protect the surrounding areas from adverse impacts generated by these business activities. The standards in this section ensure that the home occupation remains subordinate to the residential use, and that the residential character of the dwelling unit is maintained. The standards recognize that many types of jobs can be done in a home with little or no effects on the surrounding neighborhood.**
- B. General requirements:**
  - (1) No article or commodity may be offered for sale or be publicly displayed on the premises except those incidental to the service offered.**
  - (2) The living quarters must occupy at least 2/3 of the entire building area.**
  - (3) A home occupation entails no off-street parking space requirement in addition to the residential use.**
  - (4) A use consisting of a dwelling and one or more guest rooms is not a home occupation, but is a principal use.**
- C. There are two types of home occupations, Type 1 and Type 2. Uses are allowed as a home occupation only if they comply with all of the requirements of this Chapter. Determination of whether or not a proposed home occupation is a Type 1 or Type 2 shall be made by the Zoning Inspector.**

- (1) Type 1. A Type 1 home occupation is one wherein the residents use their home as a place of work; however, no employees or customers come to the site. A Type 1 home occupation shall be permitted in all zoning districts.**
- (2) Type 2. A Type 2 home occupation is one where either one employee (residing outside of the dwelling) or customers/clients come to the site. Examples are home day care services, counseling, tutoring, and other such instructional services.**

**D. Permitted Home Occupations. Examples of permitted home occupations include, but are not necessarily limited to, the following:**

- (1) Offices for such professionals as, but not limited to, architects, brokers, counselors, clergy, doctors, draftspersons and cartographers, engineers, land planners, insurance agents, lawyers, real estate agents, accountants, editors, publishers, journalists, psychologists, contract management, graphic design, construction contractors, landscape design, surveyors, cleaning services, salespersons, manufacturer's representatives, and travel agents.**
- (2) Instructional services, including music, dance, art and craft classes.**
- (3) Studios for artists, sculptors, photographers and authors.**
- (4) Workrooms for tailors, dressmakers, milliners, and craft persons, including weaving, lapidary, jewelry making, cabinetry, and woodworking.**

**E. A Type 2 home occupation may be permitted by the Board of Zoning Appeals as a special exception in the residential districts provided that such use shall conform to the following standards which shall be the minimum requirements:**

**(1) Operational Standards**

- (a) Conditions of approval established by the Board of Zoning Appeals shall specify the hours of operation, maximum number of customer/client visits that may occur in any one day and the maximum number of customers/clients that can be present during hours of operation.**
- (b) A Type 2 home occupation shall have no more than one (1) nonresident employee on the premises at any one time. The number of nonresident employees working at other locations other than the home occupation is not limited.**
- (c) The home occupation shall be limited to the parking/storage of one (1) commercial vehicle on the premises, not exceeding a 15,000 pounds gross vehicle weight.**

- (d) **Type 1 home occupations are not required to provide any additional parking beyond what is required for the residential use. Type 2 home occupations shall provide two (2) hard surfaced, dust-free parking areas.**
- (e) **The equipment used by the home occupation and the operation of the home occupation shall not create any vibration, heat, glare, dust, odor, or smoke discernible at the property lines, generate noise exceeding those permitted by State Code and the St. Michaels Code, create electrical, magnetic or other interference off the premises, consume utility quantities that negatively impact the delivery of those utilities to surrounding properties, or use/or store hazardous materials in excess of the quantities permitted in a residential structure.**

**(2) Site Related Standards**

**(a) Outdoor activities.**

**[1] All activities must be in completely enclosed structures.**

**[2] Exterior storage or display of goods or equipment is prohibited.**

**(b) Appearance of structure and site. The dwelling and site must remain residential in appearance and characteristics. Internal or external changes which will make the dwelling appear less residential in nature or function are prohibited.**

**(c) Signage shall be limited to one unlighted or indirectly lighted sign per address not exceeding two (2) square feet in area either mounted flush with and on the front facade of the dwelling unit or hung on an independent post.]**

**NOTE:**

**Current Definition:**

**HOME OCCUPATION - An occupation or business conducted only by members of a family residing on the premises, and conducted within the dwelling or a secondary structure, provided that no article or commodity is offered for sale or is publicly displayed on the premises except those incidental to the service offered, and provided that the living quarters occupy at least 2/3 of the entire building area. A home occupation entails no off-street parking space requirement in addition to the residential use. A use consisting of a dwelling and one or more guest rooms is not a home occupation, but is a principal use. [Amended 1-8-2001 by Ord. No. 264; 1-28-2003 by Ord. No. 282]**

**Recommended definition:**

**HOME OCCUPATION - A routine accessory and customary non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building that: 1) is conducted primarily by a permanent resident of the dwelling; 2) meets the standards and limitations of a home occupation; 3) only includes uses that are clearly incidental and secondary to the principal residential use; and 4) does not include any retail or wholesale sales on the premises (other than over the phone and through the mail) nor any industrial use.**

**§ 340-80. Portable storage containers.**

- A. A property owner or tenant may rent and use a portable storage container provided the following conditions are met:
- (1) The Zoning Inspector shall be notified at least three business days prior to placing the storage container on the site.
  - (2) A portable storage container shall be located at the address for a maximum of sixty (60) consecutive days, including the days of delivery and removal. Extensions may be granted by the Zoning Inspector, subject to conditions, for reasonable additional time periods in an amount not to exceed thirty (30) days for each extension.
  - (3) The unit is no larger than eight feet wide by eight feet high by sixteen feet long.
  - (4) The unit is not located within any public right-of-way and does not block any public sidewalk.
  - (5) There is no more than one (1) portable storage container for any address at any one time.
  - (6) The container shall not be located in the front setback unless approved by the Zoning Inspector. If access exists at the side or rear of the site, the container shall be located in a side or rear yard.
  - (7) Portable storage containers shall be placed on an impervious surface where feasible (e.g., driveway).
  - (8) The portable storage container shall be used for the temporary storage of household goods and related items only. The portable storage container may not be used for waste.
  - (9) On duplex, townhouse, or multi-family properties, placement of the portable storage container must be approved by an appropriate management or ownership entity to ensure safe and convenient access to required parking spaces, driveways, and pedestrian pathways and to ensure that the storage container does not obstruct emergency access or infringe on required landscaped areas.



(10) Portable storage containers are not permitted accessory structures and shall not be used as such.

**§ 340-81. Roll-off trash containers.**

A. A roll-off trash container may be temporarily placed on a property in a residential district provided the following conditions are met:

- (1) The Zoning Inspector shall be notified at least three business days prior to placing the roll-off trash container on the site.
- (2) A roll-off trash container shall be located at the address for a maximum of thirty (30) consecutive days, including the days of delivery and removal. Extensions may be granted by the Zoning Inspector, subject to conditions, for reasonable additional time periods in an amount not to exceed thirty (30) days for each extension. The Planning Commission may grant further extensions not to exceed six (6) months.
- (3) The unit has a maximum capacity of forty (40) cubic yards, or is no larger than eight (8) feet wide by eight (8) feet high by sixteen (16) feet long.
- (4) There is no more than one (1) roll-off trash container for any address at any one time.
- (5) The unit is not located within any public right-of-way and does not block any public sidewalk unless approved by the Zoning Inspector.
- (6) Roll-off trash containers shall be placed on an impervious surface (e.g., driveway) where feasible.
- (7) The roll-off trash container is used only for disposal of acceptable waste. Examples of waste that are not acceptable include refrigerators, a/c units, tires, batteries, car parts, hazardous waste, and gas or propane tanks.
- (8) On duplex, townhouse, or multi-family properties, placement of the roll-off trash container must be approved by an appropriate management or ownership entity to ensure safe and convenient access to required parking spaces, driveways, and pedestrian pathways and to ensure that the storage container does not obstruct emergency access or infringe on required landscaped areas.
- (9) Roll-off trash containers are not permitted accessory structures and shall not be used as such.

**§ 340-82. Temporary Uses.**

The Planning Commission may authorize a temporary use of a building, structure or premises in any district as follows:

- A. Temporary use, construction - The Zoning Inspector may permit a temporary buildings and structures, including trailers for uses incidental to construction work having a definite completion date and on the condition that such temporary buildings and structures shall be removed upon the completion or discontinuance of construction. Neither the trailer nor the building shall be used for living or sleeping other than for overnight security purposes.
- B. Temporary use, sales – The Zoning Inspector may permit one trailer, or the use of one building as a temporary field or sales office in connection with building development. The temporary sales trailer shall be removed at the point in time when all the residential lots have been sold and the sales office is closed. Neither the trailer nor the building shall be used for living or sleeping other than for overnight security purposes.
- C. Temporary use, emergency – The Zoning Inspector may permit temporary buildings, structures and uses needed as the result of a natural disaster or other health and safety emergencies for the duration of the emergency.

**NOTE: New sections.**

**§ 340-83. Temporary retail and service uses.**

Temporary retail and service uses, including 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 may be permitted in the CC, GC, and MC districts by Zoning Inspector with an approved zoning certificate provided:

- A. The use is accessory to an existing permitted principal use;
- B. The use operates for a maximum of four (4) hours in any one (1) day at any one (1) location, including set-up and break-down and no more than a total of ninety (90) days in any calendar year;
- C. No more than one (1) temporary use shall be permitted at any one (1) location at the same time, provided that additional temporary uses may be permitted in conjunction with a permitted special event;
- D. Mobile units shall not be located in any fire lane, travel lane, entrance/exit. Mobile units located on any required parking space(s) shall be approved by the Zoning Inspector;

- E. Mobile units shall be located on a level, paved, or gravel surface with safe pedestrian access. The vicinity around the food truck shall be kept clean and free of debris. Trash receptacles shall be provided; and
- F. Mobile units are prohibited from being stored in any R-district when not in use.

**NOTE: New sections.**

**§ 340-84. Development standards Residential Gateway Zone (RG).**

- A. The Residential Gateway Zone is intended to serve as a transitional zone from the more rural county development patterns to the more intense development patterns of the Town. In addition, this zone is intended to promote natural looking vistas entering and leaving the Town boundaries.
- B. New development in the Residential Gateway Development Zone shall provide a Buffer yard of 150 feet measured from the property line adjacent to Maryland Route 33. The Buffer yard shall be limited to: access entrances, pedestrian trails, utility easements and ponds.
- C. New development in the Residential Gateway Development Zone shall provide landscaping within the Buffer yard as described above, at a minimum depth of **seventy-five (75)** feet, which shall include a mix of trees, shrubs, grasses, flowers and hedges. Plant materials within the Buffer yard shall include in the mix a minimum of two shade trees for the first **fifty (50)** feet of road frontage and one additional shade tree for each **fifty (50)** feet thereafter. The minimum planting caliper size for such shade trees shall not be less than **three (3)** inches. The property owner is responsible for the property care and maintenance, and replacement if necessary, of all landscape materials.

**§ 340-85. Development standards Historic Redevelopment Zone (HRZ).**

- A. Application and review.
  - (1) The applicant shall submit a completed site plan review application form and fees as established by the Commissioners of St. Michaels.
    - (a) The applicant shall comply with the site plan submission requirements in accordance with § 110-3 (Submission procedure) of the Code of the Town of St. Michaels.
    - (b) The applicant shall provide a description of the historic structure, proposed renovations and future use of the structure.
    - (c) The applicant shall submit a description of the overall project.

(d) The applicant shall provide a provisional schedule showing for each phase of the concept plan the date by which any construction entailed by that phase is intended to be completed. The restoration and/or rehabilitation of the historic structure must be included in the first phase of renovation.

(2) Upon receipt of a complete application packet, the Planning Commission shall place the application on its agenda for review in accordance with the procedures set out in Chapter 110 (Site Plan Review).

C. Approvals.

(1) An approval shall apply only to those uses specified in the application; the establishing of any other uses, notwithstanding their inclusion in § 340-\*, of this chapter shall require an amendment to the approved HRZ.

(2) Any departures from the configuration of the concept plan, with respect to those specified elements shall require an amendment to the approved site plan, except that:

(a) The relocation of an approved use within its approved building, or the expansion of an approved use within its approved building, shall not require an amendment.

(b) Modifications to the structures, not resulting in an increase in the total square footage of the structure, may be approved administratively by the Zoning Inspector.

(3) An approval may make the establishment of specific uses, or the occupying of specific structures, conditional on completion of specific construction or mitigation elements of the concept plan.

(4) Two (2) years following approval of the site plan, if Phase 1 of the project has not been substantially completed, the applicant will need to submit to the Planning Commission a revised schedule of completion for its review and approval. Until such time as the Planning Commission has completed an inspection of the premises to assure full compliance with each phase of the project, no additional phases will be issued.

D. Operational standards and restrictions. Uses permitted within this zone shall be controlled by the following general standards and limitations:

(1) No business shall be open to the general public earlier than 7:00 a.m. or later than 10:00 p.m. with the exception of a bakery/coffee shop which may open earlier than the above noted.

(2) Retail outlets not associated with craft workshops and artists' studios with associated retail sales are limited to 50% of the total square footage of those structures located on each parcel within the HRZ.

- (3) No single commercial use shall generate more than an average of five (5) truck deliveries and/or pickups per day.
- (4) Loading and unloading of trucks shall be done on private property in as much as possible and within areas screened from the view of neighboring residences and public ways by natural plantings or decorative screening at least eight feet in height. No variance shall be required for fences serving such decorative screening functions.
- (5) Outdoor seating areas associated with any use in the HRZ shall be located in the interior common areas of the complex. Such seating areas must be identified on the concept plan.
- (6) Open storage of refuse or debris is prohibited.
- (7) All exterior illumination shall be diffused and directed away from neighboring residential buildings.
- (8) No chemical, substance, product or activity shall be used, stored or located on the premises in such a way as to produce or cause a noxious or offensive odor or fumes to be emitted outside of the building in which it is used, stored or located.
- (9) For the purpose of enforcement of the Town's Noise Ordinance, the Historic Redevelopment Area shall be considered the same as the surrounding residential area.
- (10) No use shall generate vibrations detectable by unaided human senses outside of the HRZ from which the vibrations are being emitted except for temporary periods or on a nonrecurring basis.
- (11) Each use shall have a separate, exclusive, and well-defined space for occupancy and operation, either by lease, deed or similar document. Driveways, loading and unloading areas, parking areas, and means of ingress and egress may be used in common with other occupants or users within the HRZ.
- (12) No use or combination thereof shall cause a pattern or flow of traffic which is inconsistent with or destructive of the character and fitness of the neighborhood and zone for residential use.
- (13) No tenant shall be permitted more than one single-faced sign, not exceeding twenty (20) square feet in area, which must be mounted on the occupied building.
- (14) A directory sign in accordance with § 340-40\* of this chapter shall be permitted.
- (15) No use or combination thereof shall present a threat to the health, welfare, or safety of neighboring residences, or destroy the character and fitness of the neighborhood for residential use.

E. Height, setback and yard restrictions:

- (1) Structure heights are those set out in §\* of this chapter; except that any structure existing at the time the HRZ is first applied to the site shall not be considered a nonconforming structure and may be maintained, repaired, renovated, and/or, in the event it is totally or partially destroyed, it may be reconstructed in the same place and to the same dimensions as such structure previously existed.
- (2) The setback, lot coverage and yard requirements shall be established for each individual project by the Planning Commission. In establishing these requirements, the Commission shall consider such factors as the proposed intensity of the project and the existing character of the neighborhood.

**NOTE: Are the detailed provisions necessary. Can the HRZ district be administered in the same manner as other base zoning districts?**

**§ 340-86. Development standards SLC Select Limited Commercial zone.**

The following shall apply to any permitted or special exception use in the SLC district:

A. General standards and limitations. Uses permitted as set forth in Table\* shall be controlled by the following standards and limitations:

- (1) Except for loading and unloading of vehicles, no business activity shall take place outside of an enclosed building.
- (2) No single commercial use shall generate more than three (3) truck deliveries and/or pickups per day by vehicles having ten (10) or more wheels.
- (3) Loading and unloading of trucks shall be done on private property in areas screened from view from neighboring residences and public ways by natural plantings or decorative screening at least eight feet in height. No special exception shall be required for fences serving such screening function.
- (4) Open storage of refuse, debris or offal is prohibited.
- (5) All exterior illumination shall be diffused and directed away from neighboring residential buildings.
- (6) No chemical, substance, product or activity shall be used, stored or located on the premises in such a way as to produce or cause noxious or offensive odor or fumes to be emitted outside of the building in which it is used, stored or located.

- (7) No use or combination of uses shall cause or create a noise level in excess of 55 decibels (as defined in the Federal Guidelines for Considering Noise Use Planning and Control,

June 1980), measured outside of the SLC Zone from where the noise is being emitted. Noise associated with temporary construction activity on the given site shall be exempt.

**NOTE: This is more stringent than Chapter 215 standards.**

(8) No use shall generate vibrations detectable by unaided human senses outside of the SLC Zone.

(9) No use or combination of uses shall cause a pattern or flow of traffic which is inconsistent with or destructive of the character and fitness of adjacent residences, neighborhoods and zones for residential use.

(10) Each use shall be permitted no more than one (1) single-faced sign, not exceeding twenty (20) square feet in area, which must be mounted on or placed against a building on the premises where the use is being carried on. The sign shall be for the purpose of identifying the location of the use. No such sign shall be illuminated.

(11) No use or combination of uses shall cause a threat to the health, welfare or safety of neighboring residences, or destroy the character and fitness of adjacent neighborhoods and zones for residential use.

**NOTE: This is a review standard for any site plan.**

(12) Retail sales are limited to 30% of area operations. Retail sales is defined as used and set forth in the Annotated Code of Maryland.

**NOTE: Are retail sales in excess of 30% a real issue? How monitored?**

### § 340-87. Development standards GC Gateway Commercial zone.

The following shall apply to any permitted or special exception use in the GC district:

A. Parking areas will be located to the side and rear of the parcel with the exception of handicapped parking which may be located in close proximity to the main entrance of the building.

~~B. Front Buffer yard: Each parcel will be required to establish a thirty foot (30) Buffer. The Buffer yard shall be limited to landscaping, sidewalks and access to the structure and parking area.~~

~~C. Landscaping will be a mixture of trees, shrubs and ornamental grasses. Selection of plant materials shall be subject to constraints due to easements and traffic safety.~~

**NOTE: These standards plus the 50-foot minimum front setback work against locating parking in the rear. Recommend reducing the front setback to 20 feet (stacking distance**

**for two cars) and rely on or supplement the landscape standards in Chapter 110 which currently require:**

- **one street tree per 50 linear feet of street frontage;**
- **landscape beds containing understory trees, shrubs, groundcovers that cover 25% of the front building façade;**
- **minimum six-foot wall/fence with at least 50% of face planted with evergreen shrubs or trees around service/loading areas including trash dumpsters, compactors, trash and recycling staging area, and truck loading and staging areas; and**
- **parking areas for more than five (5) vehicles landscaped with an evergreen shrub hedge which will grow to a minimum thirty-six-inch height within five years on any site that adjoins or is faced by a property zoned R and along all street frontages and along all or portions of sides visible from streets, excluding the building or facility access drives.**

**NOTE: Seven out of the eleven properties in the GC district are constrained by the 70 percent coverage limit. The coverage limit is more restrictive than the building envelope as defined by building setback.**

**§ 340-88. Outdoor storage and display.**

- A. Generally. It shall be unlawful for any owner or occupant to place, deposit, or maintain outdoor storage on any premises or property except as permitted in this chapter.
- B. Outdoor display by retail uses. Retailers of both new and used merchandise shall be permitted to display outdoors. The following conditions shall apply to the display of merchandise outdoors:
- (1) Display of merchandise must be set back ten (10) feet from all property lines;
  - (2) No merchandise may be placed on a public sidewalk;
  - (3) All merchandise shall be located within the confines of the retailer's owned or leased property;
  - (4) No merchandise may be placed on landscaping, within three (3) feet of either side of a working doorway or within ten (10) feet directly in front of a working doorway;
  - (5) Merchandise shall not be placed in a designated sight triangle or in any location which would impair a driver's view of a street;
  - (6) Merchandise shall be displayed and maintained in a neat, clean, tidy, and orderly manner;



- (7) Temporary parking lot sales shall be a permitted use in commercial districts, as long as the sales are conducted as an extension from a permanent structure containing a retail business. In addition, minimum off-street parking requirements must be maintained, as well as any other provisions of this chapter. This section shall not be construed to allow a sub-lessee to occupy a parking lot for the purpose of conducting independent sales activity;
  - (8) The size of the outdoor display area for secondhand goods or merchandise shall be limited to ten (10%) percent of the total indoor gross floor area of the business (excluding accessory buildings, as allowed by this chapter) and in no event shall exceed one hundred (100) square feet;
  - (9) No secondhand goods or merchandise shall be displayed or stored or otherwise left outdoors during non-operating hours of the business;
  - (10) This section shall not apply to the sale of motor vehicles, trailers, or boats.
- C. Outdoor storage in equipment rental businesses. Storage areas shall be fully screened from view from adjacent properties by an approved treatment that may include building placement, walls, fencing, and landscaping. Such storage areas shall not be located in the front setback or buffer area.
- D. Outdoor storage in industrial districts. Outdoor storage in any industrial district shall be allowed. Outdoor storage shall be screened with a visual barrier approved by the Planning Commission that adequately conceals material from the view of residential areas or public rights-of-way. Outdoor storage shall be behind required front setbacks.
- (1) All outdoor storage facilities for manufacturing equipment, fuel, raw materials, subassemblies, finished goods and defective or repairable goods shall be enclosed by an opaque fence or other appropriate treatment. Such fence or treatment shall be adequate to conceal such facilities from adjacent property. Acceptable barriers include opaque fencing, berming, or other landscape treatment. Chain link fencing with slats for screening is prohibited.
  - (2) No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground. Tanks or drums or fuel directly connected with heating devices or appliances located on the same site as the tanks or drums of fuel are excluded from this provision as well as liquefied and gaseous noncombustible materials.
  - (3) The Planning Commission may grant a waiver to screening requirements for outdoor storage upon approval of a site plan. The exception shall be based on a visual analysis of the site and proposed development identification of unusual topographic or elevation conditions, strategic design treatment, and demonstration that the strict enforcement of

screening is not practical. Views into the site will determine the amount and location of landscaping.

**NOTE: The intent is to effectively screen the visual or disruptive aspects of outdoor storage of materials, equipment and operations from public view. Consider a universal standard for outdoor storage and display, e.g., require outdoor storage and display areas be shown on site plans and make the location and screening subject to approval by the Planning Commission. The Chapter 110 Site states, “no building permit shall be issued by the Town for any multifamily use, commercial use, industrial use, multiple use or changes of use when additional parking is required, until a site plan has been submitted to the Zoning Inspector and is approved by the Planning Commission in accordance with this chapter. Suggest amending § 110-5. Preliminary site plan submission requirements, subsection B. data to add:**

**(18) Location of all proposed outdoor storage and display areas.**

**New definitions:**

**Display Area – Area used for the accessory display of merchandise or goods available for purchase from the business located outside of a building.**

**Outdoor Storage – The keeping of any equipment, inventory, goods, material, or merchandise including raw, semi-finished, and finished materials for any period of time, and as an accessory to the primary use of the establishment. Storage related to a residential use, required vehicular parking areas, nurseries, and the display of automobiles or other vehicles shall not be considered such.**

**Retail Sales, Outdoor – Use of property for the display and sales of products and services, primarily outside of a building or structure, including but not limited to manufactured homes; burial monuments; swimming pools, and portable storage sheds, including related repair activities and sale of parts. Material sold is usually stored outdoors and typically a building is on site in which sales may be consummated or products displayed.**