

St. Michaels Planning Commission Zoning Re-write Workshop
St. Michaels Town Office
300 Mill Street
February 5, 2019
1:30 P.M.

Present: Planning Commission Chairman Dennis Glackin, and members Carol Parlett, and Jeff Knapp, Commissioners Joyce Harrod, and Michael Bibb, Zoning Officer Kymberly Kudla, Town Manager Jean Weisman, Zoning Consultant Peter Johnston, and approximately eight members of the public.

I. Call to Order:

Chairman Glackin called the meeting to order at 1:30 p.m. in the meeting room of the Edgar M. Bosley, Jr. Municipal Building, 300 Mill Street, St. Michaels, Maryland.

II. Workshop: Zoning Code Rewrite (Consultant Peter Johnston, Peter Johnston and Associates.

Chairman Glackin opened the discussion and the members continued their review of permitted uses, including sections related to marina services and water-dependent facilities, such as docks and piers, including those belonging to the Maritime Museum. Peter Johnston said he would e-mail his suggested changes to this section.

Chairman Glackin said that any of the public who had questions on the various topics should feel free to ask as the discussion moved along. Mrs. Weisman said that Terry Knopp was present today from Foxy's Restaurant. Chairman Glackin said that there was one more short section after the present one, and then restaurants would be reviewed. As there were no changes or comments on the section on "daycare," the group moved on to the restaurant section.

Mrs. Weisman answered some questions from Ann Borders of Cherry Street regarding the number of residential zones. Peter Johnston said other communities might have more than one residential zone based on density, but noted that the existing zones in St. Michaels were not part of the code update and could not be changed at this time.

Chairman Glackin then continued the discussion of restaurant regulations, which he said included those restaurants with outdoor seating. Terry Knopp introduced herself as the owner of Foxy's Restaurant and Grill. Mrs. Weisman referred Ms. Knopp and everyone to Page 15 of the proposed changes. Ms. Knopp said she had approached the zoning office last week regarding upgrades she wanted to make to her restaurant this winter were feasible and found, under the current regulations that they were not. Ms. Knopp said Foxy's is all outdoor seating and apparently is not considered a restaurant. Mrs. Weisman said Foxy's is a non-conforming use of structure under the current regulations. Ms. Knopp's builder explained that the improvement plan did not seek to enlarge the structure, but to add a deck and extend an existing roof to enclose part the outdoor area, thus creating indoor seating. Chairman Glackin asked if a change to the non-conforming use definition to allow expansion would solve this problem. Other alternatives were discussed but none would solve Ms. Knopp's problem within the next couple of months. Mr. Johnston said that it would take an amendment of some sort and there was agreement that the issue should be resolved within the code updating process and not on a piecemeal basis. Mrs. Weisman said she could pull the 2012 permit for alterations to Foxy's in 2011 to see what the basis for approval had been. Ms. Knopp agreed to come back and have a discussion with Mrs. Weisman. After some further conversation, Mr. Johnston queried whether changing the regulations for restaurants in the Maritime Commercial Zone to allow outdoor seating without indoor seating would solve the problem. Planning Commission Member Jeff Knapp said he could support that change because

problem. Planning Commission Member Jeff Knapp said he could support that change because it would only affect the Maritime Commercial Zone and the four existing properties that were on the waterfront. Chairman Glackin suggested that Mr. Johnston draft something incorporating such a change in the regulations for restaurants in the Maritime Commercial Zone for review at the next re-write session.

Mr. Knapp next raised the issue of outdoor seating within 75 feet of a residential zone as problematic for him because such situations currently exist, albeit non-conforming. Gina's Restaurant and the Brewery were noted as examples. After some discussion, it was agreed to reduce the number of feet from 75 to 50 feet from the outer edge of the curb zone to zone. It was also agreed to eliminate the requirement that outdoor seating should not exceed indoor seating. Tad DuPont of Locust Street said ten years ago, outdoor seating in St. Michaels was non-existent, but had increased since then because it was clearly popular with visitors.

Aida Khalil, owner of the Victoriana on Cherry Street, said she opposed a second floor outdoor space that would allow the serving of food or alcohol because of the noise potential. The workshop members agreed that a second story deck should be for "observation only."

The group then discussed proposed changes to the sections on Bed and Breakfast Inns and hotels. For the review of the vacation cottages, Mrs. Weisman provided the history of the regulations for vacation cottages as short-term rentals in the R2 Zone/Historic District, and a lengthy conversation ensued.

Chairman Glackin then said it was time to draw the discussion to a close for this meeting. Peter Johnston agreed to produce another draft based on the issues raised by both members and the public. Chairman Glackin said the discussion would continue at the next meeting on February 19th, beginning with Section 340-71. Chairman Glackin also mentioned the public forum scheduled for 2:00 p.m. on Saturday, February 16th, at which the Planning Commission would discuss the zoning survey, provide an overview of the code re-write process, and answer any questions citizens may have.

III. Adjournment

As there were no additional comments, Chairman Glackin called for a motion to adjourn. Member Knapp made the motion. Member Parlett seconded it, and the motion passed on a voice vote 4-0 in favor.

Minutes approved by 40 vote in favor on 28th day of February, 2019


Dennis Glackin, Chairman