

## **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.

### **§ 340-59. 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.~~
  - (4) Unless otherwise restricted by zone regulations, no more than six dwelling units shall be included in any one structure containing townhouses.
  - (5) 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.

(6) 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.

**[(7) There shall be a minimum separation between townhouse buildings on all sides of twelve (12) feet.]**

**NOTE: Add standards for multifamily dwellings include minimum tract size.**

**§ 340-60. Accessory dwelling unit.**

**A. Number. No more than one (1) accessory dwelling unit per parcel.**

**B. 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.**

**[C. Owner occupancy. The owner of the property shall occupy the principle unit as their primary residence and at no time shall the owner receive rent payments for the owner occupied unit.]**

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

**F. Maximum occupancy. Occupancy is limited to no more than two (2) persons.**

**G. 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. [see Article XIX. Off-Street Parking, Loading and Unloading.]**
- (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.**

**(8) Accessory dwelling units shall have complete kitchen and bathroom facilities separate from those of the principal dwelling.**

**(9) The applicant must demonstrate that the proposed accessory dwelling unit complies with applicable building and fire safety codes.**

**§ 340-61. Group domiciliary care home.**

- 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.

**§ 340-62. 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 **[and to protect general health, safety and welfare]**.
- 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.

**§ 340-63. 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~~ **[storage]**, 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~~ **[2,500 square feet]**.
  - (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.
  - (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 **Article XV, 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~~ **[all food is pre-packaged (i.e., not cooked/prepared on site) and the space for sale of food and drinks does not exceed 600 square feet which area is included in the square footage permitted in Subsection (5) above.]**
- 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.~~
- (4) A distance of at least ten (10) feet shall be maintained between structures on the same parcel of land in the MM Zone.
- (5) 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.~~
- (6) Noise levels within the Museum Zone shall **[comply with the provisions of Chapter 216 Town of St. Michaels Code.]** ~~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.~~

**§ 340-64. 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 installed on street-facing building elevations.**
- (4) Solar energy systems may not extend above the existing highest point of the roof line. See **Figure VIII.1.****
- (5) Coverage - Roof or building mounted solar energy systems shall allow for adequate roof access to the south-facing or flat roof upon which the panels are mounted. The surface area of pole or ground mount systems shall not exceed half the building footprint of the principal structure.] See Figure VIII.2**
- (6) Solar energy systems shall be setback a minimum of one (1) foot from all roof edges.]**

**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) Setbacks. Same as accessory structures.]**

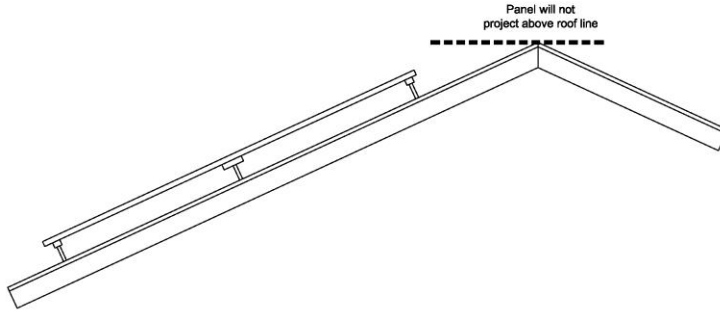


Figure 01

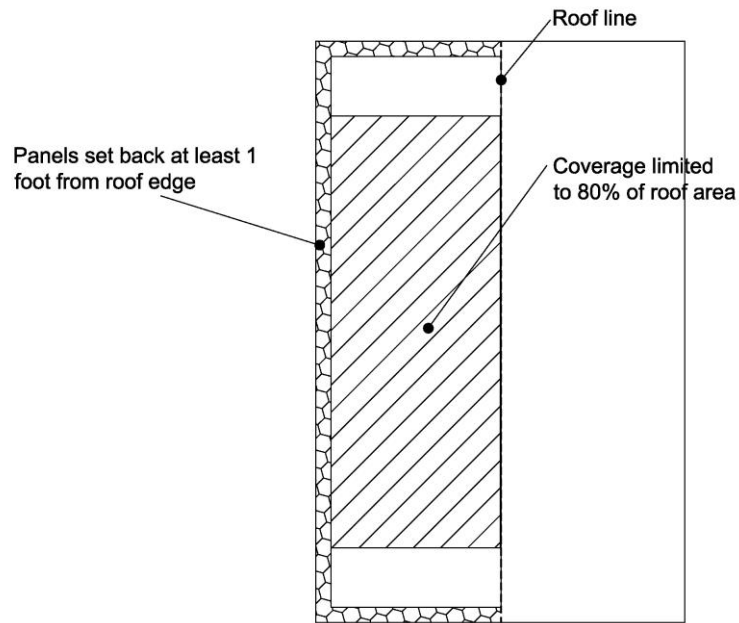


Figure 02



**§ 340-65. Antennas and/or antenna towers.**

**Except as provided below, accessory 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 height limit for structures provided the structure is setback from any lot line a distance equal to its height.**
  - (1) A special exception of up to seventy-five (75) feet 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 using the full spectrum 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.**
  - (3) Antennas and supporting electrical and mechanical equipment must be removed when use ceases.**

**§ 340-60. Microcell networks.**

**NOTE: Place holder pending further investigation of FCC regulations.**

**§ 340-66. 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.

#### **§ 340-67. Veterinary care.**

**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 small animals.**

#### **§ 340-68. Marine Services.**

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

**§ 340-69. 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.

**§ 340-70. Restaurants, outdoor seating.**

- A. Outdoor seating area[s] in the CC ~~and~~ 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.~~
  - (4) An outdoor seating area with more than two (2) tables or eight (8) seats shall provide table service.
  - (5) An outdoor seating area shall not include an outdoor bar.
  - (6) 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.
  - (7) An outdoor seating area shall not be open for business during hours when the indoor restaurant is closed for business.

(8) No part of any outdoor seating area shall be within ~~seventy-five (75)~~ **[fifty (50)]** feet of a residential zone.

~~(9) All illumination shall be directed within the outdoor seating area and not towards neighboring properties.~~

(9) Conditions set forth in Subsection A(3), ~~(4)~~, (5) and (7) shall not apply during a private function for which the restaurant's outdoor seating area is closed to the general public.

**[B. Outdoor seating areas in the MC zone not on conjunction with indoor seating are permitted subject to the following conditions:**

**(1) Customers in an outdoor seating area shall be seated at tables.**

**(2) An outdoor seating area with more than two (2) tables or eight (8) seats shall provide table service.**

**(3) Customers in the outdoor seating area shall have access to indoor toilets; portable toilets shall not be permitted.**

**(4) No part of any outdoor seating area shall be within fifty (50)] feet of a residential zone.**

~~**(5) All illumination shall be directed within the outdoor seating area and not towards neighboring properties.]\*\***~~

**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.
- (10) Enforcement of these provisions is governed by the St. Michaels Police Department and/or Codes Enforcement Officer.

**§ 340-71. Bed-and-breakfast (also referred to as “B&B”)**

- A. The principal dwelling unit is the permanent residence of the owners of the property or the resident manager. 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. 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. No more than eight guest rooms;
- D. **At least one full bathroom per two guest rooms. Bathrooms must be for the exclusive use of the occupants of the guest rooms and shall be accessible from each guest room without going through another guest room or sleeping room.**
- E. Each guest room and guest facility within a particular structure shall be accessible from all other guest rooms and guest facilities within the same structure without exiting the structure or resorting to exterior stairs.
- F. A B&B may provide breakfast (but not other meals) in exchange for compensation only to occupants of the guest rooms.
- G. A B&B shall contain no **[substantial]** food storage or preparation facilities in any guest room and shall not permit occupants of guest rooms to prepare meals upon the premises **[however**

**accessory appliances such as a mini refrigerator, coffee maker, and/or micro-wave oven solely for the convenience of the occupants may be provided in guest rooms.]**

H. The commencement of the use of a B&B inn shall constitute a new or different use requiring an occupancy permit from the Town.

I. Accessory Uses. Accessory uses may include the leasing of part or all of the premises (exclusive of the innkeeper's dwelling as required in this chapter) for weddings, wedding receptions, family reunions, business activities and other events similar in nature (hereinafter, "event packages"), providing that such event packages are a part of a contract for services which shall include the rental of at least one sleeping room in the inn and shall not constitute a separate commercial use. Event packages permitted to be sold by this section shall be subject to the following requirements:

(1) Events resulting from the sale of event packages (events) and all sales related thereto shall be contracted by a guest of the B&B and shall include, at a minimum, the rental of at least one sleeping room in the B&B.

(2) Attendance at events shall be limited to the maximum occupancy numbers permitted by the Talbot County Fire Marshal or 50 persons, whichever is less.

(3) Food and beverages shall be consumed on the premises during the event.

(4) All services associated with the event and all goods used or consumed during the event shall be made a part of the event package contract. There shall be no cash bar or other goods or services sold directly to the event attendees or any direct retail sales outside of the event package.

(5) The premises so leased shall not include the owner's/innkeeper's dwelling unit.

(6) Events permitted herein shall begin no earlier than 8:00 a.m., including setup and preparation and shall end no later than 9:00 p.m., including cleanup of the exterior premises of the B&B inn (if necessary).

(7) All items and services sold as part of an event package shall be subject to all required federal, state and local permits.

(8) Commercial vehicles related to the services associated with events shall not park on the street except to unload and load equipment and supplies.

**[(9)Kitchen(s) may be used to prepare food served at the event.]**



**§ 340-72. Hotel, Motel.**

- 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. The length of stay at any Hotel/Motel shall not exceed thirty (30) days within any 90-day period.
- C. A hotel shall contain a registration area and shall be staffed twenty four (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.
- 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.
  - (3) Food and beverages shall be consumed on the premises during the event.

**§ 340-73. [Historic] Vacation cottages in the R-2 Zone.**

Vacation cottages used for short-term rentals.

- A. The purpose for the section is to provide for the **[adaptive reuse]** of **[existing]** 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 **[an existing]** 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) Located in the Historic District;**

**(b) Be a single-family detached dwelling [constructed before 1945;]**

**(c) Be the only structure on the lot used for human habitation;**

**(d) Contain no more than 1,400 square feet of interior space. [Interior floor area of the original dwelling unit may be expanded by not more than five (5) percent from its original square footage, provided any such expansion is not visible from a public way; the addition is not destructive to the integrity of the historic resource; and the expanded total interior floor area does not exceed 1,400 square feet];**

**(e) Contain no more than two (2) bedrooms and/or sleeping rooms;**

**(f) 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.

#### **§ 340-74. 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 building;**

**B. A STR license has been issued by the Town.**

**C. Maximum occupancy is limited to two (2) persons per bedroom.**

**D. The owner of the short-term rental property is responsible for payment of the Maryland Sales Tax and the Talbot County Accommodation Tax.**

**E. All applications require an onsite inspection to verify compliance with all applicable building, fire and safety codes.]**

**§ 340-75. Parking Structures, non-accessory.**

Non-accessory or commercial parking, including parking garages may be permitted 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/

**§ 340-76. Self-service storage facility.**

- A. 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.**
- B. All driveways and parking areas must be paved.**
- C. The site must be completely fenced and accessed via a locked security gate.**

**§ 340-77. Fueling Station.**

**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, buffers 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.**

**§ 340-78. Personal motor vehicle repair and maintenance.**

- 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.]**

**§ 340-79. Contractor's shop.**

- 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.]**

**§ 340-80. Micro-producers.**

- A. Hold an appropriate State license that allows production of beer, wine or liquor and operate consistent with the applicable license.**
- B. Tasting rooms and on-site sales and consumption are permitted as accessory to on-site production operations and facilities. Products offered in tasting rooms and for on-site sales and consumption may only be supplied from the related production facilities.**
- C. Events are subject to the provisions of Chapter 250 of the Town of St. Michaels Code.]**

**§ 340-81. 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. 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.**

**C. 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) **Type 1 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.**

**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 and one (1) customer 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) 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.**
- (d) 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.]**

**§ 340-82. 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 unless there is no alternative on site location and if authorized by the Zoning Inspector.**
- (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.]**

**§ 340-83. 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.]**

#### **§ 340-84. 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.]**

**§ 340-85. 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.~~
- A. 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, ponds and stormwater management features.
- B. 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.

**§ 340-86. Development standards Historic Redevelopment Zone (HR).**

~~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).~~

~~B. 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 HR.~~
- ~~(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.~~

A. 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 HR.
- (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 HR shall ~~be located in the interior common areas of the complex. Such seating areas must be identified on the concept plan~~ **shall comply with the provisions of Chapter 285 Code of St. Michaels.**

**[(6)All uses shall be subject to the performance standards in § 340-90.**

**(7) All use shall be subject to the provisions of § 340-89 Outdoor storage and display.**

**(8) All uses shall be subject to the lighting standards in Article XVI.]**

~~(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 HR from which the vibrations are being emitted except for temporary periods or on a nonrecurring basis.~~

(10) 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 HR.

(11) 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.

**NOTE: Are these the only sign allowed in HR or are the signs allowed other. Revisit when reviewing sign standards.**

~~(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.~~

D. 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 HR 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) Building coverage, impervious surface. ~~The setback, lot coverage~~ [building height] and yard requirements shall be established for each individual project [or in the event of a total or substantial reconstruction], 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, [and the previous area and bulk conditions prior to any reconstruction].

§ 340-87. Development standards SLC Select Limited Commercial district.

~~Uses permitted in the SLC Select Limited Commercial district as set forth in Table \* shall be controlled by the following standards and limitations:~~

- A. Except for loading and unloading of vehicles, no business activity shall take place outside of an enclosed building.
- B. 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.
- C. 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.
- D. Open storage of refuse, debris or offal is prohibited.
- E. All exterior illumination shall be diffused and directed away from neighboring residential buildings.
- F. 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.
- G. 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.

- H. No use shall generate vibrations detectable by unaided human senses outside of the SLC district.
- I. 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.

**§ 340-88. 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.

**§ 340-89. 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.

**§ 340-90. Performance standards for uses in the industrial use category.**

**[After the effective date of this ordinance, any use established extended or changed and any building, structure, or tract of land, developed, constructed, or used for any permitted**

**use or accessory use in the use category “Industrial” shall comply with all of the applicable performance standards herein set forth.**

- A. All aspects of any industrial use shall be permitted and approved as applicable by any Federal, State or County agency or department with jurisdiction and/authority and shall continuously operate as provided by any applicable Federal, State or County regulations or standards.**
- B. All manufacturing and processing shall occur within a closed, controlled building environment.**
- C. Noise levels for all industrial uses shall conform to the standards set in title 26, Subtitle 02, Section 03 Control of Noise Pollution and Chapter 216 of the St. Michaels Code.**
- D. Air quality shall conform to the requirements of COMAR Title 26, Part 2, Subtitle 11.**
- E. Any industrial use or activity producing humidity in the form of steam or moist air, heat, or glare shall be carried on in such a manner that the humidity, heat, or glare is not perceptible at any lot line. Detailed plans for the elimination of humidity, heat, or glare may be required before the issuance of a building permit.**
- F. No vibration as measured at the lot line is permitted which is discernible by the human sense of feeling for three (3) minutes or more duration in any one (1) hour period.**
- G. No emission of particulate matter, sulfur compound, carbon monoxide, hydrocarbon, nitrogen oxide, and open burning shall be allowed in excess of regulations adopted by the Maryland Department of the Environment.**
- H. All sources of ionizing radiation shall be registered or licensed by the Maryland Department of the Environment and operated in accordance with their regulations.**
- I. Any electrical radiation shall not adversely affect, at any point on or beyond the lot line, any operation or equipment, other than those of the creation of the radiation. Avoidance of adverse effects from electrical radiation by appropriate single or mutual scheduling of operations is permitted.**
- J. No waste material or refuse shall be dumped upon, or permitted to remain upon, any part of the property outside of the buildings. All waste shall be disposed of in accordance with the regulations of the Maryland Department of the Environment.**
- K. 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.**



**§ 340-91. Reserved.**

**§ 340-92. Reserved.**

**§ 340-93. Reserved.**

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