

HISTORIC DISTRICT REVIEW EXHIBIT LIST

Applicant: Terye Knapp

Property Address: 125 Mulberry St.

Hearing Date: April 6, 2023

Application Number: HD-23-830

1. Staff report - Eric Knapp
2. Exhibit A: Ordinance 536, Chapter 340-69 Restaurants
3. Application HD-23-830 to St. Michaels Historic District Commission.
4. Building permit, letter of intent, photos, work order



THE COMMISSIONERS OF ST. MICHAELS

SETTLED 1670-1680

300 MILL STREET
P.O. BOX 206
ST. MICHAELS, MD 21663

TELEPHONE: 410.745.9535

INCORPORATED 1804

FACSIMILE: 410.745.3463

TO: The St. Michaels Historic District Commission
FROM: Eric Knapp, Code Compliance Officer
DATE: April 6, 2023
RE: HD-23-830

PROJECT REQUEST:

1. Erect a 20'X50' framed tent over existing outdoor seating. Lighted with string lights inside canopy.

LOCATION: 125 Mulberry St.

APPLICANT: Terye Knopp (Foxies)

NOTIFICATIONS: Yard sign posted on the property.

BACKGROUND/DISCUSSION: The applicants have submitted an application to erect a tent over existing outdoor seating, and are allowed with approval per Ordinance 536.

RECOMMENDED ACTION: No zoning or code issues exist with this request. Planning and Codes does not object if the HDC chooses to approve the application.

REVIEW CRITERIA: (Attached as Exhibit "A")

1. **Ordinance 536.**
2. **§ 340-69_Restaurants, outdoor seating.**

APPLICATION MATERIALS: (Attached as Exhibit "B")

For Discussion – 9/28/2022
Introduction – 9/28/22 – Harrod and Whittington
Public Hearing – 11/9/22
Adopted – 11/29/22
Enacted – 11/30/22



ORDINANCE NO. 536

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF ST. MICHAELS; CHAPTER 340 ZONING, SECTIONS §340-56 TABLE OF PERMITTED USES, §340-11 DEFINITIONS, §340-83 TEMPORARY USES AND STRUCTURES TO ADD REGULATIONS FOR TENTS FOR USE AS TEMPORARY STRUCTURES.

WHEREAS, the Commissioners of St. Michaels (the "Commissioners"), a Municipal Corporation, have been delegated certain powers pursuant to the Maryland Annotated Code, Local Government Code, Division II, and Land Use Article, Division II to govern the zoning and land use within its municipal boundaries; and

WHEREAS, the Commissioners have the power to amend the Chapter 340 Zoning of the St. Michaels Town Code under §340-193 Power to amend, and shall do so under the provisions of §340-195 Text amendments; and

WHEREAS, concern was raised over the use and safety of tents and membrane structures on a long term basis; and

WHEREAS, after taking into consideration the comments made at the public meetings, the Planning Commission has recommended to the Commissioners that sections 340-56, 340-11, and 340-83 of the Code of the Town of St Michaels be amended as shown herein; and

WHEREAS, The Commissioners of St. Michaels introduced Ordinance No. 536 on September 28, 2022

WHEREAS, public notice was published on November 2, 2022 and November 6, 2022, that a public hearing would be held by the Commissioners on November 9, 2022 concerning amendments to Chapters 340 of the Code of the Town of St. Michaels substantially in the form as hereafter set forth; and

WHEREAS, after having given due public notice, the Commissioners conducted a public hearing on November 9, 2022 to receive public comment on the aforesaid amendments; and

WHEREAS, for the reasons stated herein, the Commissioners deem it in the interest of the public health, welfare and safety of the citizens of the Town, and for good government of the Town, to enact the following Ordinance.

NOW, THEREFORE BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 340 Zoning of the Code of the Town of St. Michaels is hereby amended as follows, with all revisions shown in **bold**

For Discussion – 9/28/2022
 Introduction – 9/28/22 – Harrod and Whittington
 Public Hearing – 11/9/22
 Adopted – 11/29/22
 Enacted – 11/30/22

Chapter 340, Zoning

Bold = new text

AMENDMENT 1.

Amend §340-56. Table of Permitted Uses, Other Uses as follows:

§ 340-56. Table of Permitted Uses – Temporary Uses

	A	R-1	R-2	R-3	RG	WD	CC	HR	SLC	GC	MC	MM	PF
TENTS													
Private Events	P	P	P	P	P	P	P	P	P	P	P	P	P
Public Events	N	N	N	N	N	P	P	P	P	P	P	P	N
Outdoor Dining Areas	N	N	N	N	N	P	P	P	N	P	P	P	N

AMENDMENT 2.

Amend §340-11. Definitions as follows:

Accessory use - A lawfully permitted use located on the same site with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Tents - A portable structure covered or enclosed with canvas, plastic, or similar materials, and supported by poles, stakes, beams, hoops, ropes or cables, whether or not fully enclosed, including but not limited to a membrane structure, sail, or canopy.

AMENDMENT 3.

Amend §340-83 Temporary Uses and Structures as follows:

D. Tents.

1. Tent uses permitted as specified in Table

Tent Use	Duration
Private Events	7 days including setup and breakdown.

For Discussion – 9/28/2022
 Introduction – 9/28/22 – Harrod and Whittington
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<p style="text-align: center;">Public Events</p> <p>Over existing outdoor dining areas</p>	<p style="text-align: center;">Exempt: Waterfront Development (WD) zone</p> <p style="text-align: center;">Duration of the event. Shall be based on public event permit approved by Commissioners.</p> <p>April 1st to October 31st Requires annual permit</p>
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2. Tents cannot be placed in parking areas unless as approved under a public event permit.
3. Annual permits for tents over outdoor dining areas requires Fire Marshal approval and Historic District Commission approval.
4. Tents for private events longer than 7 days require Planning Commission approval.
5. In the Waterfront Development (WD) Zone, tents are not required to be taken down within seven (7) days following an event provided that the tent is located over a hardscaped surface and is generally screened from view from Talbot Street.
6. A violation of this Section shall be punishable as provided in Section 340-212 of this Chapter.

AND BE IT FURTHER ORDAINED AND ENACTED, that this Ordinance shall take effect twenty (20) days from the date of its enactment, having been read at two (2) meetings of The Commissioners of St. Michaels and having been passed by a yea and nay vote of The Commissioners of St. Michaels

HAVING BEEN READ for the second time and passed by a yea and nay vote of The Commissioners of St. Michaels at a Public Meeting of the Commissioners of St. Michaels held on this 29th day of November, 2022.

WHITTINGTON __yea
 BREIMHURST __yea
 DUPONT __yea

Chapter 340. Zoning

Article VIII. Supplemental Use Regulations.

§ 340-69. Restaurants, outdoor seating.

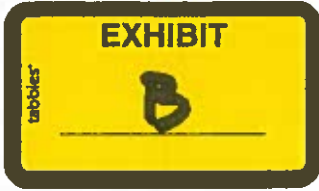
- A. Outdoor seating areas in the CC, HR, and GC Districts are permitted subject to the following conditions:
[Amended 2-10-2021 by Ord. No. 519]
- (1) An outdoor seating area shall exist only in conjunction with indoor seating that is under the same management, which operates the indoor and outdoor 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/cafés providing a sidewalk dining area, see Subsection **C** below.
 - (3) Customers in an outdoor seating area shall be seated at tables.
 - (4) An outdoor seating area with more than two tables or eight 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 50 feet of a residential use.
 - (9) Conditions outlined in Subsection **A(3)**, **(5)**, and **(7)** shall not apply during a private function for which the restaurant's outdoor seating area is closed to the public.
- B. Outdoor seating areas in the MC District not in 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 tables or eight 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 50 feet of a residential zoning use.
- C. Restaurants/cafés with outdoor dining abutting a public sidewalk. General requirements:
- (1) An outdoor dining area, accessory to a restaurant/caf , which abuts a public sidewalk may only be permitted in those zoning districts where restaurants and caf s are otherwise permitted.

- (2) The Town shall issue a permit for the above noted outdoor dining.
- (3) The permit fee shall be as set out in the Town's Administrative Fee Schedule^[1] for a zoning certificate.
[1] *Editor's Note: The Town Fee Schedule is on file in the Town offices.*
- (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 Chapter **285** 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.
- (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 always remain clear of litter.
- (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 Zoning Inspector.

NOTE: Applications must be submitted on this form; one-sided xeroxes or facsimiles are not valid and will not be processed.

New Application Addendum to HD# _____

Application # HD-23-830
Date 03/28/23
Review Date 04/06/23
Fee \$50



TOWN OF ST. MICHAELS
APPLICATION FOR HISTORIC DISTRICT REVIEW
Historic District Guidelines available on line at www.townofstmichaels.com

CHK # 9027

OWNER (S) TS GROVE PT MARINAS

Address 382 NE 191ST ST
MIAMI, FL. 33179

Telephone _____

Mailing Address _____

Email address 443-786-1245

APPLICANT TERYE KNOPP

Address 6618 EDGE ROAD
ROYAL OAK, MD 21662

Telephone _____

Mailing Address _____

CONTRACTOR EASTOAN SHORE TENTS

Address 25452 COMMENCE LN.
CHESTERTOWN, MD 21620

Telephone 410-810-0686

MHIC # N/A

Address of Property 125 MULBERRY ST

Description of work: Please provide complete details of request(s) under review!

- REMOVE A 20x50 FLAMMO TONT OVER EXISTING OUTDOOR SEATING
- SAME AS 2020 & 2021.

Proposed Use Residential _____ Commercial

Submittal Requirements:

New Structure

1. Site Plan (1 set, 6 copies if oversized) of a site plan indicating property lines and lot dimensions, adjacent streets, existing structures and locations of all proposed structures including setbacks and driveway placement. Site Plan must be drawn to scale.
2. Elevation Drawings (1 set, 6 copies if oversized), including front, right, left and rear elevations. The plans must be drawn to scale and be fully detailed.
3. Listing of those materials used as shown on the elevation drawings.
4. Landscaping and extent of grading description.
5. Schedule of construction and contractor
6. Photographs of all existing conditions.

Addition

1. Site Plan (1 set, 6 copies if oversized) of a site plan indicating property lines and lot dimensions, adjacent streets, existing structures and locations of all proposed structures including setbacks and driveway placement. Site Plan must be drawn to scale.
2. Elevation Drawings (1 set, 6 copies if oversized) for the addition from ALL sides visible from a public way, including the elevation of the original structure. The plans must be drawn to scale and be fully detailed.
3. Listing of those materials used as shown on the elevation drawings.
4. Landscaping and extent of grading description.
5. Schedule of construction and contractor
6. Photographs of all existing conditions and elevations.

Signs

1. Dimensional drawings
2. Materials
3. Colors
4. Lettering of proposed sign
5. Site plan showing preferred location of sign
6. Justification for request

Fences

1. Photograph or drawing of proposed fence
2. Site plan showing the desired location
3. Color, material, and accompanying landscaping
4. Schedule for installation and contractor
5. Photo of the site where the fence would be erected.

Minor Alteration to an Existing Structure (including roof work)

The applicant must give a brief description including sizes, type of material (Wood, metal, asphalt, etc.) and or pictures from the builder's catalogues. Drawings and plans may be substituted for this brief description. Drawings must show all dimensions and be to scale.

ACKNOWLEDGEMENT

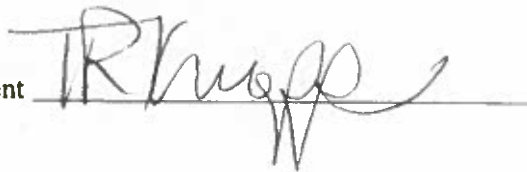
By the filing of this application, the property owner hereby grants permission to the Historic District Commission to access the property for the purposes of conducting a site inspection prior to or during the application review process and/or to assurance compliance with all applicable Historic District Commission approvals and conditions.

Step 1: I, as the applicant acknowledge that the Historic District Commission approval is primarily for aesthetics and materials, and is not a substitute for zoning approval.

Step 2: Prior to the start of construction, a **building permit** must be sought from and issued by the Town of St Michaels Zoning Inspector.

Date 3/24/23

Signature of Owner/Agent



St. Michaels Historic District Commission
Sign Maintenance Agreement

Application: # HD - 23 - 830

I (we), the Applicant(s), agree that I (we) will be responsible for the continuous maintenance, during the period prior to the hearing date, of the sign which I (we) agree to pick up from the Edgar M. Bosley, Jr. Municipal Building, 300 Mill Street and have posted on the property (visible to the public ways) for purposes of this hearing. I (we) further agree to notify the Historic District Commission if at any time during the required posting period this sign is not properly posted. The required posting period is one (1) week (7) days prior to hearing date, not including date of hearing.

Said sign is to be returned to the Edgar M. Bosley, Jr. Municipal Building, 300 Mill Street the night of the hearing or within five (5) days after the hearing.

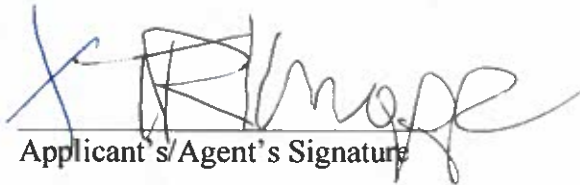
***PLEASE NOTE: CORNER LOTS MUST POST 2 SIGNS, ONE FOR EACH ROAD FRONTAGE.

****FAILURE TO RETURN SIGN WILL RESULT IN A \$50.00 PENALTY****

4-6-23
Hearing Date

3-24-23
Filing Date

3-24-23
Posting Date


Applicant's/Agent's Signature

Applicant's/Agent's Signature

_____ Check box if sign was returned the night of the hearing.

Real Property Data Search ()
 Search Result for TALBOT COUNTY

[View Map](#) [View GroundRent Redemption](#) [View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 02 Account Number - 063603

Owner Information

Owner Name: TS GROVE PT MARINAS SM LLC Use: COMMERCIAL
 Principal Residence: NO
 Mailing Address: 382 NE 191ST ST Deed Reference: /02932/ 00283
 PMB 50448
 MIAMI FL 33179-

Location & Structure Information

Premises Address: 125 MULBERRY ST Legal Description: LOT 50,729 SF
 ST MICHAELS 21663-0000 N/S MULBERRY ST
 Waterfront ST MICHAELS

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0200 000SM 1491 22000.21 0000 2023 Plat Ref:

Town: ST. MICHAELS

Primary Structure BuiltAbove Grade Living AreaFinished Basement AreaProperty Land AreaCounty Use
 1977 10,116 SF 1.1600 AC

StoriesBasementType ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements
 RESTAURANT/ C3

Value Information

	Base Value	Value As of 01/01/2023	Phase-In Assessments	
			As of 07/01/2022	As of 07/01/2023
Land:	1,353,100	1,353,100		
Improvements	583,000	859,200		
Total:	1,936,100	2,212,300	1,936,100	2,028,167
Preferential Land:	0	0		

Transfer Information

Seller: SHOREGATE HARBOR LLC Date: 12/29/2021 Price: \$7,709,500
 Type: ARMS LENGTH MULTIPLE Deed1: /02932/ 00283 Deed2:
 Seller: CIRRUS EQUITY CORPORATION Date: 04/15/2019 Price: \$5,750,000
 Type: ARMS LENGTH MULTIPLE Deed1: /02606/ 00224 Deed2:
 Seller: CIRRUS DEVELOPMENT Date: 08/19/2005 Price: \$0
 CORPORATION Deed1: /01362/ 00205 Deed2:

Exemption Information

Partial Exempt Assessments: Class 07/01/2022 07/01/2023
 County: 000 0.00
 State: 000 0.00
 Municipal: 000 0.00|0.00 0.00|0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

Application #
Date 03/23/23

Town of St. Michaels
Building Permit/Zoning Certificate Application 2023

Property Address: 125 Mulberry St. ST. Michaels
Type of Construction: Residential Commercial
Complete Project Description to erect a 20x50' FRAMED tent over
our existing deck with Sealing.
This tent was up in 2000; 2021
Value of Construction \$ _____

Fees Paid: Building Permit _____
Zoning Certificate _____
Sprinkler System _____
Water Connection _____
or upgrade _____
Talbot County _____
Impact Fee _____
Total Fees Paid _____

N/A

Please check one of the boxes below for primary contact to receive permit information:

Property Owner(s) _____
Mail Address _____

Daytime Telephone _____ FAX: _____ Email: _____

Contractor _____
Mail Address _____

Daytime Telephone N/A FAX: _____ Email: _____

MHIC# _____

Applicant: Terye Knapp

Mail Address 10618 Edge Rd. Royal Oak 21062

Daytime Telephone 443-786-1245 FAX: _____ Email: terye.knapp@gmail.com

Property Information:

Zone: Maxi-line Commercial Acres/Lot size: Idk Tax Map: _____ Parcel: _____

Land Use: Residential Commercial Other _____ No. of Stories 3 Height _____

Road Frontage: _____ Longest Depth (front to rear): _____

Flood Zone Designation: _____ Exempt from Flood Zone compliance? Yes/No? Critical Areas Designation _____

Setbacks:

N/A Proposed: Front: _____ Side: _____ Side: _____ Rear: _____
Required: Front: _____ Side: _____ Side: _____ Rear: _____

Type of Construction: (Circle One) Site built / Pre-engineered / Modular

Subcontractor Information: Include contact information: Name/Company Number Email

Electric Permit Required: Yes / No
Plumbing Permit Required: Yes / No
Mechanical/HVAC Permit Required: Yes / No
Fire Sprinklers Required: Yes / No



Mr. Erik Knapp
Special Project Manager/
Code Compliance Officer
Town of St. Michaels
P.O. Box 206
St. Michaels, MD 21663

March 23, 2023

Dear Erik,

Thanks for working with us on this tent request. This letter states more details regarding Foxy's tent that was not indicated on the current building permit form. I appreciate your guidance since the updated tent permit form is not completed as of this date.

The photographs I am submitting are aerial views of Foxy's and the space for the tent is outlined. The framed tent (20ft x 50ft) will be erected and installed by Eastern Shore Tents & Events which is a licensed company, approved to work in Talbot County. The cost for storing, cleaning and erecting this tent is \$2700 annually, so it is not a cheap endeavor. The purpose of the tent is for the comfort, protection and security of Foxy's patrons. It covers the designated outdoor seating area on the deck, adjacent to the marina. The tent will be lit, using string lights, which will be tucked up under the canopy of the tent, as discussed by members of the HDC at their March 2nd meeting.

Please let me know if there are any additional items to be addressed. I'm happy to set up a time for you to come by and see the deck and patio space and look forward to having this approved at the next meeting.

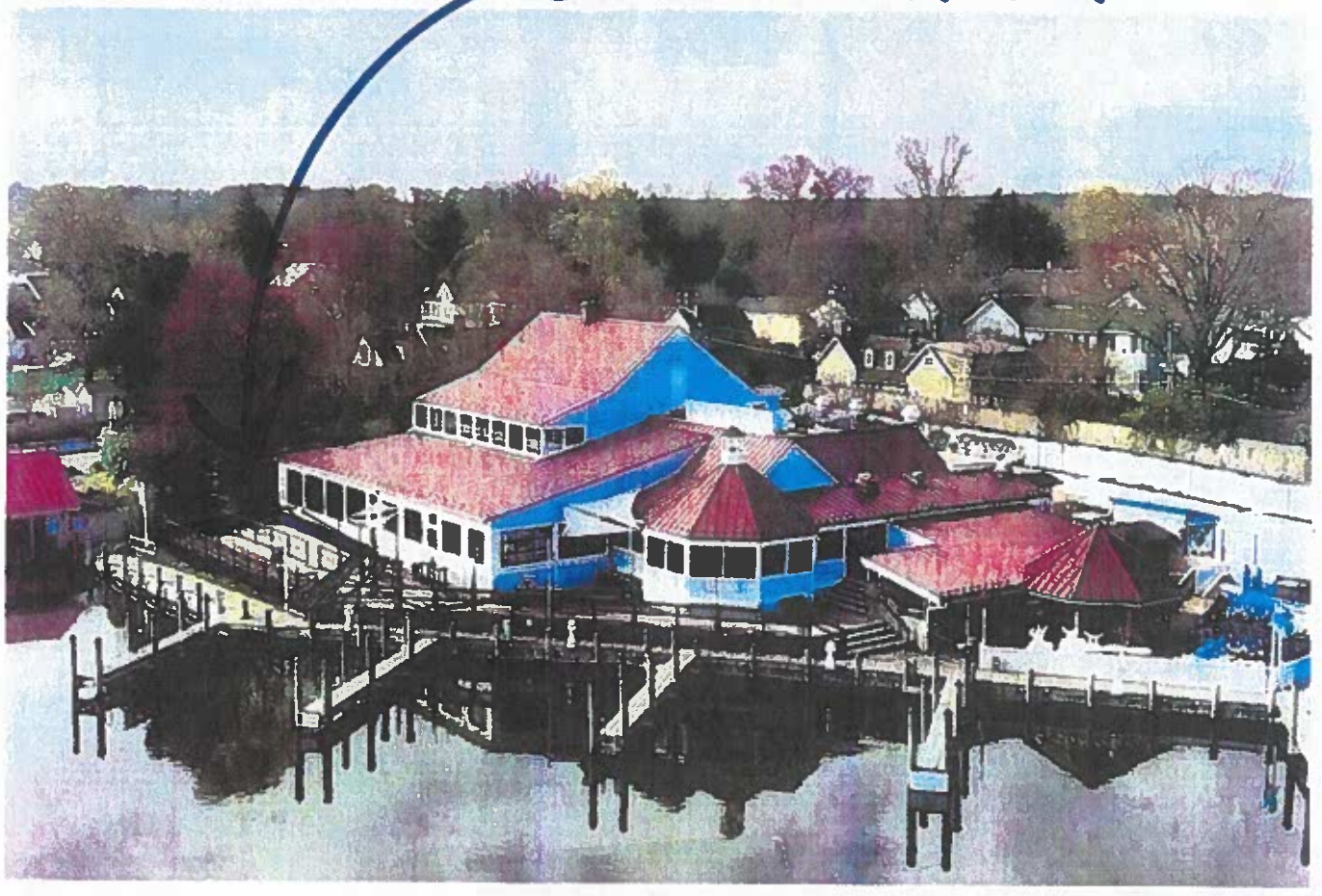
Sincerely,

A handwritten signature in blue ink, appearing to read 'Terye Knopp', is written over a horizontal line.

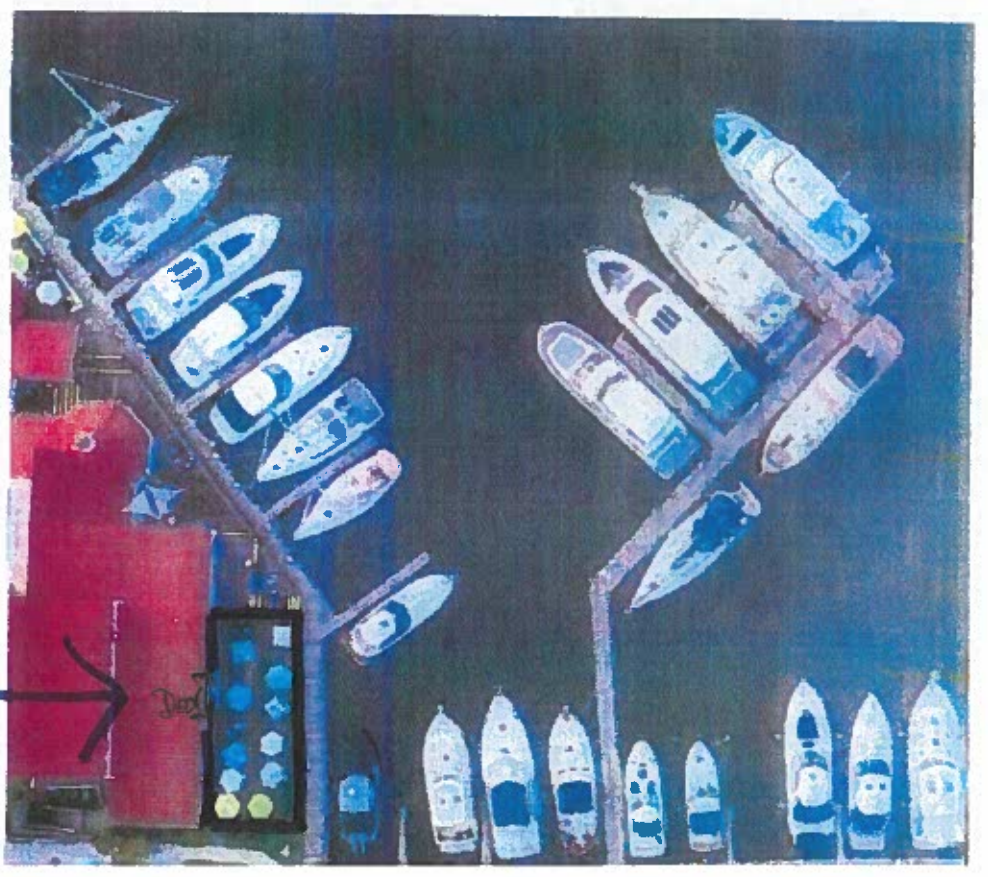
Terye Knopp
Owner/Manager Foxy's Harbor Grille
125 Mulberry Street
P.O. Box 1
St. Michaels, MD. 21663

Foxy's

Deck is covered

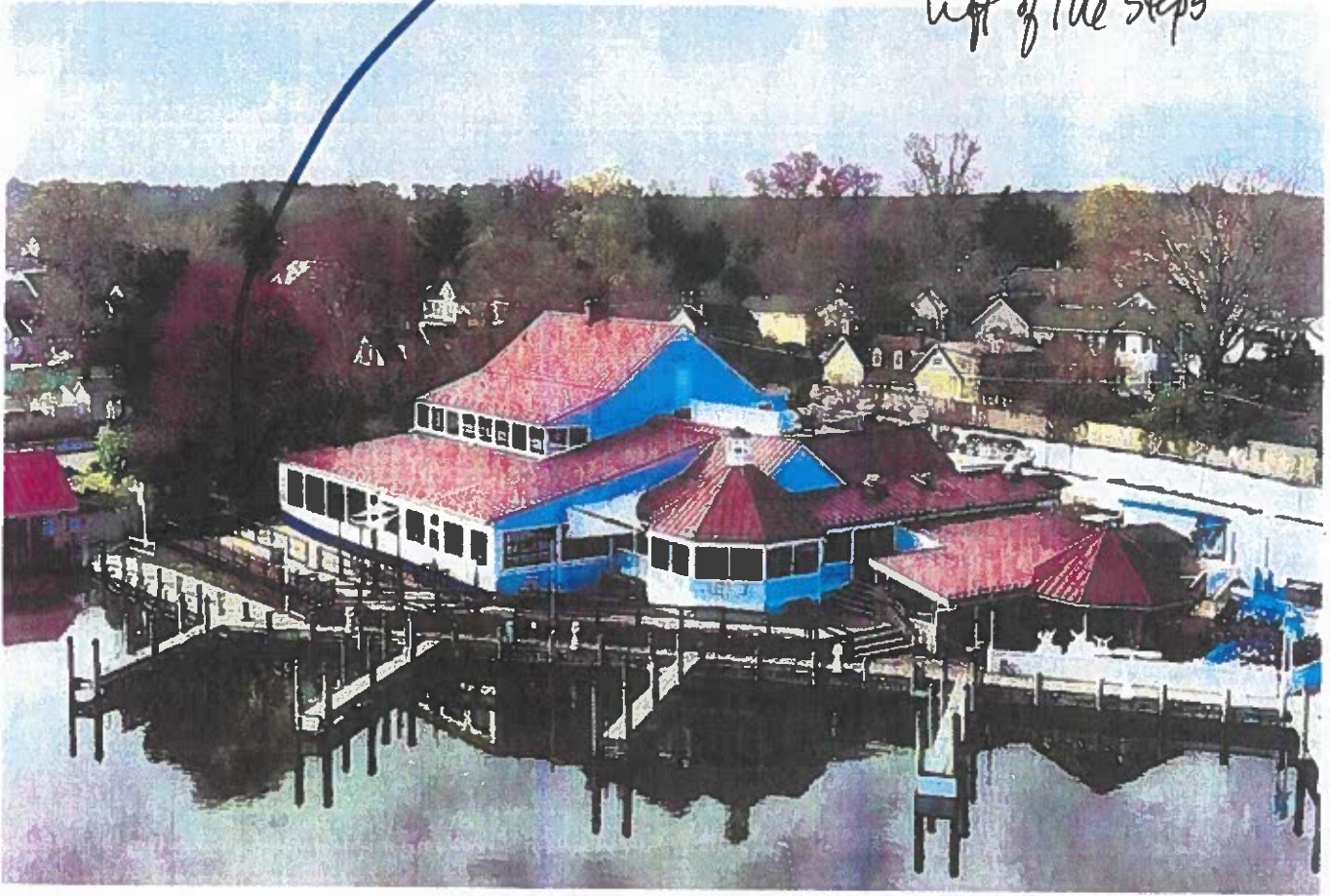


Deck Coverage



Foxy's

Deck is covered
left of the steps



Deck
Coverage

Work Order

2023



25452 Commerce Lane
 CHESTERTOWN, MD 21620
 www.estents.com
 410-810-0686 Phone
 410-810-2647 Fax

Status: Work Order
 Work Order #: w10169

Expected Date: Wed 5/24/2023 7:30AM

Event End: Wed 11/ 8/2023 5:30PM

Operator: Amy Eaton

Terms: 50/50

Foxy's

125 Mulberry Street
 PO BOX 1
 ST MICHAELS, MD 21663

Customer #: 6304
 Phone 443-486-1245

Job Descr: 20x50 erect/strike/clean/storage

PO #: 2023 Summer Season

Salesman: Amy Eaton 410-924-3453 amy@estents.com

Get It Wed 5/24/2023 7:30AM

Return It Wed 11/ 8/2023 5:30PM

Foxy's deck
 125 Mulberry Street
 ST MICHAELS, MD 21663

Foxy's deck
 125 Mulberry Street
 ST MICHAELS, MD 21663

Qty	Key	Items Sold	Status	Each	Price
Miscellaneous					
1	TENTSTRIKE	TENT STRIKE	In Stock	\$600.00	\$600.00
1	TENTSET	TENT SET	In Stock	\$1,200.00	\$1,200.00
		beginning of March			
1	TENTWASH	TENT WASHING PER SQ FT	In Stock	\$350.00	\$350.00
1	TENTSTORE	TENT STORAGE	In Stock	\$150.00	\$150.00
2	MISC	Strike and set delivery	Delivery	\$200.00	\$400.00

I own the tent. This is the cost for erecting the tent's taking it down.

Thank you for your Business

Sales:	\$2,300.00
Delivery Charge:	\$400.00
Subtotal:	\$2,700.00
Total:	\$2,700.00
Paid:	\$0.00
Amount Due:	\$2,700.00

Signature: _____

Foxy's