

THE COMMISSIONERS OF ST. MICHAELS



ORIGINAL


OFFICE OF CODE ENFORCEMENT, PLANNING AND ZONING
300 MILL STREET
P.O. BOX 206
ST. MICHAELS, MD 21663

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SETTLED 1670-1680

INCORPORATED 1804

TO: Planning Commission
FROM: Steve Ball, Town Planner/Zoning Officer 
MEETING DATE: March 2, 2023
RE: Zoning Ordinance Text Amendment
GATEWAY COMMERCIAL ZONING DISTRICT AMENDMENTS –
PROPOSED REGULATIONS AND PROCESSES

APPLICANT: Town of St. Michaels, Town Commissioners

REQUEST: The request is to amend the St. Michaels Zoning Ordinance to provide for new regulations regarding the Gateway Commercial (GC) Zoning District.

The Town Commissioners have discussed the need to better regulate development in this district due to the importance of creating a favorable appearance of development as you enter the town boundary along Maryland Highway 33 (S. Talbot St.). The discussions indicate a concern that development should be compatible with the historic nature, scale and character of the community and that further regulations may be warranted.

BACKGROUND:

After discussing this issue in February, the Commissioners directed staff to draft changes to the zoning code to allow for public hearing reviews as special exceptions within the Gateway Commercial zoning district and to take the changes to the Planning Commission for a recommendation. A draft of the proposed ordinance (Exhibit "A") is attached with changes highlighted in bold, underlined and in yellow for your review.

§340-56 Table of Permitted Uses of the Zoning Ordinance indicates that some uses are permitted "P" and some uses are allowed only as Special Exceptions "SE" within the Gateway Commercial zone. Special Exceptions require a separate public hearing with the Board of Zoning Appeals. The proposal changes any area in the table under the GC, Gateway Commercial zoning from "P" to "SE". Therefore, if enacted projects would be subject to a more stringent review based on the criteria in Exhibit 'B'.

The Planning Commission is requested to review the proposed changes to the Zoning Ordinance as to whether or not the amendment is consistent with the Town's Comprehensive Plan. The staff submits that the following objectives and strategies support amending the code as presented in the draft ordinance:

ZTA Gateway Commercial

Chapter 1, Land Use & Growth Management

Objective 1.3: Ensure Town codes are effective, enforced and simplified to the extent possible.

Strategy: 1.3.1: Review permitting processes and procedures.

Objective 1.5 Enhance the development of the commercial district.

Strategy: 1.5.2: Develop and implement a commercial street plan which encompasses pedestrian corridors, lighting, parking and aesthetics.

Chapter 6, Transportation

Objective 6.1: Explore options to alleviate traffic congestion for transportation and utility services.

Strategy 6.1.1 Coordinate planning efforts with SHA in regard to traffic management and safe pedestrian accessibility.

Chapter 11, Community Character, Design and Appearance

Strategy 11.1: Encourage design qualities in future redevelopment that reinforce St. Michaels' unique character and identity.

PUBLIC NOTICES: Public notices of the public hearing were advertised in the Easton Star Democrat on February 16th and February 23rd. The notice was posted in Town Hall as well as on the town's web page. A constant contact distribution email was also sent announcing the public hearing at the Planning Commission on March 2, 2023.

SUMMARY/RECOMMENDATION: The proposed amendment to the code creates a zoning review process for development proposals in the Gateway Commercial zoning district that requires a Special Exception review process prior to site plan application. The criteria include a review of the project for compatibility with neighboring properties, appropriate scale bulk and appearance in relation to the area as well as other criteria as noted. The proposed draft code revisions reflect the direction of the Town Commissioners. Staff supports the amended code as presented and recommends approval.

The Planning Commission should consider the changes and determine if the proposed changes are consistent with the Comprehensive Plan and direct staff to send your recommendations to the Town Commissioners for their consideration.

ATTACHMENTS:

“A” Draft Zoning Ordinance text

“B” Special Exception Criteria for Approval

Introduction –
Discussion -
Public Hearing -
Adopted -
Enacted -

ORDINANCE NO. ____

**AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF ST. MICHAELS;
CHAPTER 340 ZONING, TO AMEND ARTICLE VII PERMITTED USES FOR THE
GATEWAY COMMERCIAL (GC) ZONING DISTRICT AND FOR PURPOSES OF
UPDATING THE CODE IN REGARDS TO CRITERIA AND APPROVAL PROCESSES
FOR SUCH**

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, the Planning Commission reviewed proposals for such, discussed the issue and made recommendations on the proposed amendments at their meeting on March 2, 2023 including opening the meeting for public comment and consideration of such and made a recommendation to the Town Commissioners;

WHEREAS, On _____ 2023, the Town Commissioners discussed establishing a formula business regulations ordinance and associated review and approval processes;

WHEREAS, the Commissioners of St. Michaels introduced Ordinance No. ____ on _____, 2023

WHEREAS, public notice was published on _____, 2023 and on _____, 2023 concerning amendments to Chapter 340 of the Code of the Town of St. Michaels substantially in the form as hereafter set forth, and;

WHEREAS, public notice was published on _____, 2023 and _____, 2023 that a public hearing would be held by the Commissioners on _____, 2023 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 _____ 2023 to receive public comments on the aforesaid amendments; and

WHEREAS, for the reasons stated herein, the Commissioners deem it is the interest of the public health, safety and welfare of the citizens of the Town, and for good government of the Town, to enact such ordinances;

Introduction –
Discussion -
Public Hearing -
Adopted -
Enacted -

44

45 NOW, THEREFORE BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF
46 ST. MICHAELS that Chapter 340 Zoning of the Code of the Town of St. Michaels is hereby
47 amended as follows, with all revisions of new language shown in **bold and underlined** and deleted
48 language shown with a ~~strikethrough~~.

49

Chapter 340. Zoning

50

51

AMENDMENT 1.

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Introduction -
 Discussion -
 Public Hearing -
 Adopted -
 Enacted -

Use Description	ZONING DISTRICT												
	A	R-1	R-2	R-3	RG	WD	CC	HR	SLC	GC	M C	M M	PF
AGRICULTURE													
Agriculture, crop production	P	N	N	N	P	P	N	N	N	N	N	N	P
Agriculture, buildings and structures	P	N	N	N	P	P	N	N	N	N	N	N	P
Indoor plant cultivation, plant nursery, commercial nurseries and greenhouses	P	N	N	N	P	P	N	N	N	N	N	N	P
Fisheries Activities, Aquaculture	P	N	N	N	N	N	N	N	N	N	N	N	N
Forestry	P	N	N	N	N	N	N	N	N	N	N	N	P
RESIDENTIAL													
Household Living													
Detached Single Family Dwelling	P	P	P	P	P	P	P	N	P	N	N	N	N
Duplex	N	P	P	P	P	N	N	N	P	N	N	N	N
Townhouse	N	N	N	P	N	N	N	N	N	N	N	N	N
Multi-Family/Apartment/Condo	N	N	N	P	N	N	N	N	N	N	N	N	N
Accessory Dwelling Unit	P	P	P	N	P	N	N	N	N	N	N	N	N
Mixed-use building, residential	N	N	N	N	N	P	P	P	P	N	N	N	N
Dwellings, for residential watchman or caretaker	P	N	N	N	N	N	N	N	N	N	N	N	N
Group Living													
Group home	N	P	P	P	P	N	N	N	N	N	N	N	N
Continuing Care Retirement Communities	P	N	N	N	P	P	N	N	N	PSE	N	N	N
Assisted Living/Nursing Home	N	N	N	N	N	N	N	N	N	PSE	N	N	N
Employer sponsored housing	N	N	N	N	N	P	P	N	N	N	N	P	N
PUBLIC, CIVIC AND INSTITUTIONAL													
Cemetery	P	P	N	N	N	N	N	N	N	N	N	N	N
College or university	N	SE	N	SE	SE	N	N	N	N	N	N	N	N
Trade schools, art schools, and similar commercially operated schools	N	SE	N	N	N	N	P	P	N	PSE	N	N	N

ZTA – Gateway Commercial

Introduction –
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 Public Hearing -
 Adopted -
 Enacted -

§ 340-56. Table of Permitted Uses		ZONING DISTRICT												
Use Description	A	R-1	R-2	R-3	RG	WD	CC	HR	SLC	GC	M C	M M	PF	
Community center	N	N	SE	SE	N	N	P	N	N	PSE	N	N	N	
Fraternal organization	N	N	N	N	N	N	P	N	N	PSE	N	N	N	
Governmental facilities	N	SE	SE	SE	SE	N	P	N	N	PSE	N	SE	N	
Hospital	N	N	N	N	N	N	P	N	N	SE	N	N	SE	
Library	N	SE	SE	SE	N	N	P	N	N	N	N	N	P	
Parks and recreation	N	SE	SE	SE	P	P	P	N	N	PSE	SE	P	N	
Museum or cultural facility	N	N	P	N	P	N	P	P	N	N	N	N	N	
Maritime Museum	N	N	N	N	N	N	N	N	N	N	N	P	N	
Religious assembly	SE	SE	SE	SE	SE	N	SE	N	N	SE	N	N	N	
Safety service	N	N	N	N	P	N	P	N	N	PSE	N	N	P	
School	SE	SE	SE	SE	SE	N	SE	N	N	SE	N	N	N	
UTILITIES AND PUBLIC SERVICE FACILITY														
Essential services	P	P	P	P	P	P	P	P	P	P	P	P	P	
Public utility	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	P	
Alternative Energy Facilities														
Solar energy system, large	N	N	N	N	N	N	N	N	N	N	N	N	SE	
Community solar energy systems	P	N	N	N	N	N	N	N	N	N	N	N	N	
Wireless Telecommunications														
Antennas and/or antenna towers	P	P	P	P	P	P	P	P	P	PSE	P	P	P	
Building or tower-mounted antennas	P	P	P	P	P	P	P	P	P	PSE	P	P	P	
Amateur Radio Facilities	P	P	P	P	P	P	P	P	P	PSE	P	P	P	
Small wireless communications equipment, microcell networks	P	P	P	P	P	P	P	P	P	PSE	P	P	P	
Satellite earth station, satellite dish	P	P	P	P	P	P	P	P	P	PSE	P	P	P	
COMMERCIAL														
Adult Entertainment Establishments	N	N	N	N	N	N	N	N	N	PSE	N	N	N	

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§ 340-56. Table of Permitted Uses		ZONING DISTRICT												
Use Description	A	R-1	R-2	R-3	RG	WD	CC	HR	SLC	GC	M C	M M	PF	
Animal Service														
Grooming	P	N	N	N	N	N	N	N	N	PSE	N	N	N	
Boarding or shelter/kennel	SE	N	N	N	N	N	N	N	N	N	N	N	N	
Veterinary care	N	N	N	N	N	N	N	N	N	PSE	N	N	N	
Stables, Commercial	P	N	N	N	N	N	N	N	N	N	N	N	N	
Assembly and Entertainment														
Temporary fairs and carnivals	P	P	P	P	P	P	P	P	P	PSE	P	P	P	
Broadcast or Recording Studio														
Broadcast facility	N	N	N	N	N	N	N	N	N	PSE	N	N	N	
Recording studio	N	N	N	N	N	N	P	N	N	PSE	N	N	N	
Commercial Service														
Building Service	N	N	N	N	N	N	N	N	N	PSE	N	N	N	
Business Support Service	N	N	N	N	N	N	P	N	N	PSE	N	N	N	
Personal Improvement Service	N	N	N	N	N	N	P	N	N	PSE	N	N	N	
Emergency ambulance service, private	N	N	N	N	N	N	P	N	N	PSE	N	N	N	
Marine Service														
Day Care	N	N	N	N	N	N	N	N	N	N	P	P	N	
Day care center	N	SE	N	SE	P	N	P	N	N	PSE	N	N	N	
Eating and Drinking Establishments														
Restaurant, café/coffee house	N	N	N	N	N	P	P	P	N	PSE	P	N	N	
Restaurant, drive-in	N	N	N	N	N	N	N	N	N	PSE	N	N	N	
Alcohol tasting establishment	N	N	N	N	N	N	P	P	N	N	N	N	N	
Financial Service														
Funeral and Mortuary Service	N	N	N	N	N	N	P	N	N	PSE	N	N	N	
Funeral homes	N	N	N	N	N	N	P	N	N	PSE	N	N	N	
Lodging														

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§ 340-56. Table of Permitted Uses		ZONING DISTRICT												
Use Description	A	R-1	R-2	R-3	RG	WD	CC	HR	SLC	GC	M C	M M	PF	
Bed-and-breakfast	N	N	SE	N	N	N	P	N	N	N	P	N	N	
Hotel, motel	N	N	N	N	N	P	P	N	N	P SE	P	N	N	
Vacation cottages	N	N	P	N	N	N	N	N	N	N	N	N	N	
Short Term Rentals	N	N	N	N	N	N	P	N	N	N	N	N	N	
Office	N	N	N	N	N	N	P	P	N	P SE	N	N	N	
Parking, Non-Accessory	N	N	N	N	N	SE	N	N	N	N	SE	N	N	
Retail Sales	N	N	N	N	N	N	P	P	N	P SE	N	N	N	
Building supplies and equipment	N	N	N	N	N	N	N	N	N	P SE	N	N	N	
Self-Service Storage Facility	N	N	N	N	N	N	N	N	N	P SE	N	N	N	
Studio, Instructional or Service	N	N	N	N	N	N	P	P	N	P SE	N	N	N	
Trade School	N	N	N	N	N	N	N	N	N	P SE	N	N	N	
Vehicle Sales and Service														
Commercial vehicle repair and maintenance	N	N	N	N	N	N	N	N	N	N	N	N	N	
Commercial vehicle sales and rentals	N	N	N	N	N	N	N	N	N	N	N	N	N	
Fueling station	N	N	N	N	N	N	N	N	N	SE	N	N	N	
Personal vehicle repair and maintenance	N	N	N	N	N	N	N	N	N	SE	N	N	N	
Motorized personal vehicle sales and rentals.	N	N	N	N	N	N	N	N	N	SE	N	N	N	
Vehicle body and paint finishing shop	N	N	N	N	N	N	N	N	N	SE	N	N	N	
WHOLESALE, DISTRIBUTION AND STORAGE USE CATEGORY														
Equipment and Materials Storage, Outdoor														
Contractor's shop	N	N	N	N	N	N	N	N	P	P SE	N	N	N	
Trucking and Transportation Terminal	N	N	N	N	N	N	N	N	N	N	N	N	N	
Warehouse and Self -storage	N	N	N	N	N	N	N	N	N	P SE	N	N	N	
Wholesale Sales and Distribution	N	N	N	N	N	N	N	N	P	N	N	N	N	
INDUSTRIAL USE CATEGORY														

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§ 340-56. Table of Permitted Uses		ZONING DISTRICT											
Use Description	A	R-1	R-2	R-3	RG	WD	CC	HR	SLC	GC	M C	M M	PF
Micro-producers	N	N	N	N	N	N	N	P	N	N	N	N	N
Artisan industrial	N	N	N	N	N	N	N	SE	SE	SE	N	N	N
Limited Industrial	N	N	N	N	N	N	N	N	SE	N	N	N	N
Intensive industrial	N	N	N	N	N	N	N	N	N	N	N	N	N
RECYCLING USE CATEGORY													
Recyclable material drop-off facility, government owned	P	P	P	P	P	P	P	P	P	PSE	P	P	P
ACCESSORY USES													
Home occupation	P	P	P	P	P	N	N	N	N	N	N	N	N
Portable storage containers	P	P	P	P	P	P	P	P	P	RSE	P	P	P
Roll-off trash containers	P	P	P	P	P	P	P	P	P	PSE	P	P	P
Small Solar energy system	P	P	P	P	P	P	P	P	P	PSE	P	P	P
OTHER USES													
Drive-in or drive-through facility	N	N	N	N	N	N	P	N	N	PSE	N	N	N
Temporary uses	P	P	P	P	P	P	P	P	P	PSE	P	P	P
Temporary retail and service uses	N	N	N	N	N	N	P	P	N	PSE	P	N	N
Temporary use of structures to house training or construction activities for public and institutional uses	P	P	P	P	P	P	P	P	P	PSE	P	P	P

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Adopted -
Enacted -

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

59 HAVING BEEN READ for the second time and passed by a yea and nay vote of The
60 Commissioners of St. Michaels at a Public Meeting of the Commissioners of St. Michaels held on
61 this ___ day of _____, 2023 via a virtual meeting.

62 BREIMHURST _____

63 DUPONT _____

64 HARROD _____

65 MERCIER _____

66 WHITTINGTON _____

67 I HEREBY CERTIFY that the above Ordinance No. ___ was passed by a yea and nay vote of
68 The Commissioners of St. Michaels on this ___ day of _____, 2023.
69

70 ATTEST THE COMMISSIONERS OF ST. MICHAELS

71 _____ (Seal) By: _____

72 Robert Straebel, David Breimhurst, President

73 Town Administrator

74

75 I HEREBY CERTIFY that an exact copy of this Ordinance was posted from the ___ day of
76 _____, 2023, at 8:30 o'clock a.m. on this ___ day of _____, 2023, at 4:30
77 o'clock p.m., on the bulletin board at the Town Office in St. Michaels, Maryland, and that a
78 summary of the aforesaid Ordinance No ___, the date of its passage, its effective date and the fact
79 that the entire text of the Ordinance may be read on the website of the Town Office, St. Michaels,
80 Maryland, for at least twenty (20) days following the passage, has been published at least once
81 each week for two (2) consecutive weeks following the passage of said Ordinance in a newspaper
82 having general circulation in the Town of St. Michaels.

83

84 _____ (Seal)

85 Vickie Sharp,

86 Town Clerk

ATTACHMENT "B"

SPECIAL EXCEPTION CRITERIA FOR REVIEW AND APPROVAL

These criteria would be used in evaluating new project proposals in special exception applications. They are provided here as reference for your information.

The Board of Zoning Appeals finds from a preponderance of the evidence that the proposed use will satisfy all the following standards:

- (a) The use will be consistent with the purposes and intent of the St. Michaels Comprehensive Plan.*
- (b) The use will comply with the standards of the zoning district in which it is located, except as those standards may have been modified by the granting of a variance.*
- (c) The scale, bulk, and general appearance of the use will be such that the use will be compatible with adjacent land uses and with existing and potential uses in its general area and will not be detrimental to the economic value of the neighboring properties. For those properties lying within the Town Historic District, final architectural review and approval will be required from the Historic District Commission.*
- (d) The use will not constitute a nuisance to other properties and will not have significant adverse impacts on the surrounding area due to trash, odors, noise, glare, vibration, air and water pollution, and other health and safety factors or environmental disturbances.*
- (e) The use will not have a significant adverse impact on public facilities or services, including roads, schools, water and sewer facilities, police and fire protection, or other public facilities or services.*
- (f) The use will not have a significant adverse effect on marine, pedestrian, or vehicular traffic.*
- (g) The use will not adversely affect the public health, safety, or general welfare.*