

**THE TOWN OF GALENA
ORDINANCE NO. 2026-10**

**AN ORDINANCE OF THE TOWN OF GALENA AMENDING THE TOWN OF GALENA
ZONING ORDINANCE TO AUTHORIZE “DWELLING – APARTMENT” AS A
CONDITIONALLY PERMITTED USE IN THE C-1 COMMERCIAL DISTRICT.**

WHEREAS, the Town of Galena Zoning Ordinance, adopted June 17, 2020 (Ord. 2020-01) as amended, establishes the uses permitted within the C-1 Commercial District; and

WHEREAS, the Permitted Uses Table in Section 17.1 of the Zoning Ordinance presently lists “Dwelling – Apartment” as a permitted use within the R-2 Residential District, but does not list it as a permitted or conditional principal use in the C-1 Commercial District; and

WHEREAS, after withdrawing a special exception initially reviewed by the Planning Commission, a Text Amendment Application was submitted requesting an amendment to the Town of Galena 2020 Zoning Ordinance to permit residential apartments in commercially zoned buildings within the C-1 Commercial District; and

WHEREAS, the applicant proposed a conversion of Building B at 119 N. Main Street, consisting of a single parcel containing six buildings, from commercial (former veterinary clinic) to three new apartment units, resulting in a five-unit residential building situated along Main Street with no remaining commercial space to be located in Building B; and

WHEREAS, the requested amendment would revise Permitted Use 10.30, “Dwelling – Apartment,” to add the C-1 Commercial District as a zoning district in which such use is conditionally permitted; and

WHEREAS, the Mayor and Council find that allowing dwelling apartments as a conditionally permitted use in the C-1 Commercial District will expand mixed housing opportunities consistent with the public policy of this State and provide for the adaptive reuse and continued occupancy of existing buildings and expand opportunities for mixed-residential use within the Town’s commercial district, subject to all other applicable provisions of the Zoning Ordinance, building codes, site plan requirements, utility requirements, and other Town regulations; and

WHEREAS, the Mayor and Council are authorized by § 4-204 of the Land Use Article of the Annotated Code of Maryland to amend, supplement, modify, or repeal sections of the Town Zoning Ordinance; and

WHEREAS, Section 119 of the Zoning Ordinance and § 4-203 of the Land Use Article require that no amendment shall be made until after the Mayor and Council hold a public hearing,

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CAPITALS	:	Indicate matter added to existing law
[Brackets]	:	Indicate matter deleted from existing law
Asterisks * * *	:	Indicate that text is retained from existing law but omitted herein.

with notice published in a newspaper of general circulation once each week for two successive weeks, the first notice at least fourteen (14) days before the hearing; and

WHEREAS, Section 120 of the Zoning Ordinance provides that proposed amendments may be originated by the Mayor and Council, and after submittal to the Zoning Coordinator, shall be submitted for review by the Planning Commission which shall submit its recommendations to the Mayor and Council after holding a public hearing; and

WHEREAS, the Town Charter, Section 308, provides that no ordinance shall be passed at the meeting at which it is introduced, and at any regular or special meeting of the Council held not less than six (6) nor more than sixty (60) days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred; that a fair summary of each ordinance shall be published at least twice in a newspaper or newspapers having general circulation in the municipality; and that every ordinance, unless passed as an emergency ordinance, shall become effective at the expiration of twenty (20) calendar days following approval by the Mayor or passage by the Council over the Mayor's veto; and

WHEREAS, the Mayor and Council held a duly noticed public hearing on this Zoning Amendment on _____, 2026, at which parties in interest and citizens had an opportunity to be heard.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Galena, Maryland, that the Zoning Ordinance of the Town of Galena, adopted June 17, 2020 (Ord. 2020-01) as amended, is hereby further amended as set forth below:

SECTION 1.

* * *

ARTICLE V. DISTRICT REGULATIONS (cont.) ***PART II. PERMITTED USES IN ZONING DISTRICTS***

* * *

SECTION 17. PERMITTED USE TABLE 17.1

Permitted Uses in Table 17.1 lists the Zoning Districts and Uses which are permitted. If a Use is not listed or does not fall within any of the general use categories, it is not a permitted use in any district. If a Use is specifically listed in Table 17.1, it takes precedence over general use listings.

* * *

PERMITTED USES TABLE 17.1 **BY ZONING DISTRICT**

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CAPITALS	:	Indicate matter added to existing law
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P: Permitted - Apply for Permit is required
 PC: Permitted with Conditions - Apply for Permit is required
 SE: Special Exception reviewed by Board of Appeals with Conditions

*MDIA Fees: Any structure, electrical, mechanical, plumbing changes requires approval and inspections.

SECTION	Land Use	ZONING DISTRICTS				
		R1	R2	C1	C2	I

10.00	RESIDENTIAL					
10.10	<i>Dwelling – Single-Family detached</i>	P	P			
10.20	Dwelling – Duplex (See ADAPTED REUSE)	* SE	P			
10.30	Dwelling – Apartment		P	*PC		
10.40	Dwelling – Accessory Apartment			*PC	*PC	
10.50	Dwelling – Townhouse		*PC			
10.60	Home Occupation	*PC	*PC			

* * *

ARTICLE V. DISTRICT REGULATIONS (cont.)

PART I. ZONING DISTRICTS (cont.)

SECTION 14. C-1 COMMERCIAL DISTRICT

* * *

14.2 C-1 Permitted Uses

* * *

A building or land shall be used only for the following purposes, as identified in Article V, District Regulations, Part II Permitted Uses by Zoning Districts Table 17.1. In all cases subject to site plan review by the Planning Commission. The grounds and exterior of all buildings shall be kept and maintained in conformity with the prevailing standards and character of the community.

* * *

*APARTMENT

*Accessory Apartment

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- *Animal Hospital
- *Antique Stores
- *Automotive Supplies

* * *

SECTION 27. RESIDENTIAL USES – 10.00, 11.00, 12.00, and 13.00

* * *

10.30 Dwelling – Apartment - shall be permitted by Planning Commission with conditions (*PC) in the C-1 Commercial District provided:

1. The dwelling-apartment use is established only on a single parcel that contains one or more additional buildings that are actively used for one or more permitted commercial or other non-residential uses listed in Table 17.1 for the C-1 District. The conversion or establishment of dwelling-apartment units in one building shall not eliminate all commercial or non-residential use from the parcel.
2. A site plan is submitted to and approved by the Planning Commission in accordance with Article VIII of this Ordinance. The site plan shall clearly identify all buildings on the parcel, the commercial or non-residential uses that will remain, the location and number of proposed dwelling units, parking, access, and any exterior alterations.
3. Off-street parking shall be provided in accordance with the multi-family residential parking requirements of this Ordinance. The Planning Commission may approve shared parking arrangements with commercial uses on the same parcel upon a demonstration that the combined parking is adequate for both the residential and commercial uses.
4. Any exterior alterations to the building being converted to dwelling-apartment use shall be compatible with the commercial character of the C-1 District and the prevailing streetscape along the public road on which the building fronts.
5. The dwelling-apartment use and any associated conversion work shall comply with all applicable dimensional and bulk standards of the C-1 District, as well as all building, fire, life-safety, utility, health, and accessibility codes and requirements.
6. The dwelling-apartment use shall comply with any Town rental registration, licensing, or occupancy permit requirements then in effect.
7. Nothing in this Section or in Ordinance No. 2026-09 shall be construed as approval of any specific development, conversion, building permit, site plan, or property. Approval of any

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particular project remains subject to all applicable review processes and standards of this Ordinance and other Town regulations.

SECTION 2. All provisions of the Zoning Ordinance of the Town of Galena not expressly amended by this Ordinance shall remain in full force and effect.

SECTION 3. Effective Date. This Ordinance shall take effect at the expiration of twenty (20) calendar days following approval by the Mayor or passage by the Council over the Mayor's veto.

AND BE IT FURTHER ORDAINED AND ENACTED, that a fair summary of this Ordinance shall be published at least twice (2) after the date of passage in a newspaper or newspapers having general circulation in the Town of Galena.

HAVING BEEN DULY ADOPTED on the _____ day of _____, 2026, to be effective at the expiration of twenty (20) calendar days following approval on the _____ day of _____, 2026, we hereby affix our signatures.

THE TOWN OF GALENA

Tyler J. Carpenter, Mayor

Sarah E. Merrell, Council Member

Cheryl A. Richwine, Council Member

John T. Carroll, Jr., Council Member

John W. Duhamell, Jr., Council Member

ATTEST:

Marisa R. Pisapia, Town Administrator

APPROVED AS TO FORM:

Kevin J. Best, Esq., Town Attorney

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