

**THE TOWN OF GALENA
ORDINANCE NO. 2026-01**

AN ORDINANCE OF THE TOWN OF GALENA AMENDING THE OFFICIAL ZONING ORDINANCE FOR THE TOWN OF GALENA, MARYLAND TO ALLOW FOR ADMINISTRATIVE WAIVERS IN CERTAIN SITUATIONS MODIFYING THE STRICT REQUIREMENTS TYPICALLY REQUIRED OF A MAJOR SITE PLAN PREPARED BY A PROFESSIONAL.

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

WHEREAS, the Mayor and Council duly adopted its current Zoning Ordinance on July 17, 2020 (Ord. 2020-01), and

WHEREAS, Section 119 of the Zoning Ordinance states that the regulations, restrictions, and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed, provided, however, that no such action may be taken until after the Mayor and Council shall hold a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard; and

WHEREAS, Section 120 of the Zoning Ordinance states that proposed amendments may be originated by the Mayor and Council, Planning Commission, or the owner(s) of the property(s) for which a zoning change is sought, and that after submittal to the Zoning Coordinator, the proposed amendments shall be submitted for review by the Planning Commission which shall submit its recommendations to the Mayor and Council after holding a public hearing conducted by the Planning Commission; and

WHEREAS, pursuant § 4-203 of the Land Use Article of the Code, a legislative body shall hold at least one public hearing on a proposed zoning regulation or boundary at which parties in interest and citizens have an opportunity to be heard, and the legislative body shall publish notice of the time and place of the public hearing, together with a summary of the proposed zoning regulation or boundary, in at least one newspaper of general circulation in the local jurisdiction once each week for 2 successive weeks, and the legislative body shall publish the first notice of the hearing at least 14 days before the hearing, and the zoning regulation or boundary may not become effective until 10 days after the hearing or hearings; and

WHEREAS, the Town Charter in 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

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ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date, but in cases of emergency, the above requirement may be suspended by the affirmative votes of four (4) members of the Council, and every ordinance, unless it be 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 Town Charter in Section 308 further provides that a fair summary of each ordinance shall be published at least twice (2) in a newspaper or newspapers having general circulation in the municipality and that an emergency ordinance shall become effective on the date specified in the ordinance, but no ordinance shall become effective until approved by the Mayor or passed over the Mayor's veto by the Council; and

WHEREAS, based on the Galena Zoning Ordinance, site plans are categorized into three levels—Plot Plans (which unlike Minor and Major Site Plans do not require professional certification or an engineering scale), Minor Site Plans, and Major Site Plans (a three-step review process: Concept, Preliminary, Final & technical content, including topographical features beyond property lines, slope analysis, forest conservation information, and detailed lighting/landscaping plans)—each scaled to the complexity and impact of the proposed project; and

WHEREAS, the Galena Zoning Ordinance expressly states that a Major Site Plan is required for special exceptions in Section 55.2, titled "Certain Uses - Major Site Plan," and

WHEREAS, the Mayor and Council find it to be in the best interest of the Town to amend the Zoning Ordinance to allow for administrative waivers under certain conditions to the strict requirements for a major site plan prepared by a professional; and

WHEREAS, the Mayor and Council held a duly noticed public hearing on this Zoning Amendment Application on 3/2/26.

NOW, THEREFORE, the Mayor and Council of the Town of Galena hereby ordain and enact that Sections 55 (Major Site Plan Review) and 101 (Procedures Special Exception) of the Zoning Ordinance of Galena, Maryland originally passed within Ordinance 2020-01 shall be amended and changed according to the legend to read as follows:

* * *

ARTICLE VIII. SITE PLANS

* * *

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SECTION 55. MAJOR SITE PLAN REVIEW

55.2 Certain Uses – Major Site Plan

EXCEPT FOR ADMINISTRATIVE WAIVERS OF SITE PLAN REQUIREMENTS GRANTED PURSUANT TO SECTION 101, [A]all commercial development, multi-family dwellings (townhouses, apartments), special exceptions, institutional, public facilities, and quasi-public facilities require a Major Site Plan. For multi-family development, the approved site plan shall be recorded in the office of the Zoning Coordinator. Prior to such recordation, a Public Works Agreement guaranteeing the construction of required improvements shall be executed between the developer and the Town.

ARTICLE XV SPECIAL EXCEPTIONS, VARIANCES, APPEALS
PART I. SPECIAL EXCEPTIONS

SECTION 101. PROCEDURES SPECIAL EXCEPTION

- 3. A. The application and fee for a special exception shall include a site plan together with such data and information as may be required for a determination of the nature of the proposed use, and its effect on the Comprehensive Plan, the neighborhood, and surrounding properties IN THE DISTRICT IN WHICH THE SPECIAL EXCEPTIONS ARE LOCATED.

B. ADMINISTRATIVE WAIVER OR MODIFICATION OF SITE PLAN REQUIREMENTS. FOR SPECIAL EXCEPTIONS INVOLVING MINIMAL SITE DISTURBANCE, LOW-IMPACT INSTITUTIONAL USES (SUCH AS SCHOOLS OR EXPANSIONS TO EXISTING PUBLIC FACILITIES), OR PROPOSALS DEMONSTRATING NO SIGNIFICANT ADVERSE EFFECTS ON PUBLIC HEALTH, SAFETY, OR WELFARE, THE ZONING COORDINATOR MAY, UPON WRITTEN REQUEST BY THE APPLICANT, WAIVE OR MODIFY THE REQUIREMENT FOR A PROFESSIONALLY PREPARED SITE PLAN. IN SUCH CASES:

- I. THE APPLICANT SHALL SUBMIT A SIMPLIFIED SKETCH PLAN

Table with 2 columns: Legend symbols and their meanings. 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.

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(DRAWN TO A LEGIBLE SCALE) INCLUDING, AT MINIMUM: PROPERTY BOUNDARIES, EXISTING AND PROPOSED STRUCTURES, ACCESS POINTS, SETBACKS, PARKING, AND ANY ENVIRONMENTAL FEATURES.

II. THE ZONING COORDINATOR SHALL REVIEW THE REQUEST WITHIN 15 DAYS AND MAY APPROVE THE WAIVER IF THE SKETCH PLAN ADEQUATELY DEMONSTRATES COMPLIANCE WITH ZONING STANDARDS AND THE COMPREHENSIVE PLAN'S OBJECTIVES. [~~Prior to approving a waiver, the Zoning Coordinator may consult with the Kent County Technical Advisory Committee (TAC) to confirm that site impacts are negligible and do not require full major site plan review procedures.~~]

III. IF DENIED, THE APPLICANT MAY APPEAL TO THE BOARD OF APPEALS WITHIN 30 DAYS.

IV. WAIVERS SHALL NOT APPLY TO PROPOSALS REQUIRING TRAFFIC IMPACT STUDIES, PLANS INVOLVING STRUCTURAL ALTERATIONS, ENVIRONMENTAL ASSESSMENTS, OR MAJOR SITE PLAN REVIEW UNDER ARTICLE VII, UNLESS THE COORDINATOR DETERMINES THE IMPACTS ARE NEGLIGIBLE.

VI. ALL DECISIONS TO GRANT A WAIVER UNDER THIS SUBSECTION SHALL BE ISSUED IN WRITING, CITING THE SPECIFIC REASONS FOR THE FINDING OF NEGLIGIBLE IMPACT. COPIES SHALL BE PROVIDED TO THE PLANNING COMMISSION AND BOARD OF APPEALS. ANY PERSON AGGRIEVED BY A DENIAL OF A MODIFICATION REQUEST MAY APPEAL TO THE BOARD OF APPEALS WITHIN 30 DAYS.

* * *

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

HAVING BEEN DULY ADOPTED on the 2 day of March, 2026 to be effective at the expiration of twenty (20) calendar days following approval on the 22 day of March 2026, we hereby affix our signatures. Following adoption, a fair summary

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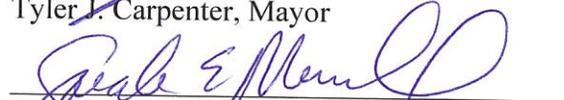
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of this Ordinance will be published at least twice (2) in a newspaper having circulation in the area.

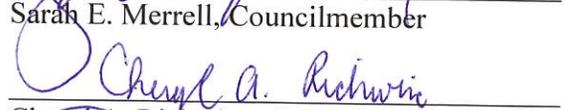
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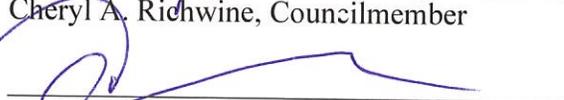
Tyler J. Carpenter, Mayor



Sarah E. Merrell, Councilmember



Cheryl A. Richwine, Councilmember



John T. Carroll, Jr., Councilmember



John W. Duhamell, Jr., Councilmember

ATTEST:


Marisa R. Pisapia, Town Administrator

APPROVED AS TO FORM:


Kevin J. Best, Town Attorney

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