

TOWN OF HAMPSTEAD

ORDINANCE NO. 541

**AN ORDINANCE TO AMEND CHAPTER 135, ARTICLE V REGARDING THE
HISTORIC DISTRICT AND ADD AND MODIFY ASSOCIATED DEFINITIONS**

WHEREAS, by virtue of the authority contained in the Land Use Article of the Annotated Code of Maryland and Chapter 25 of the Code of the Town of Hampstead, the Mayor and Council have the authority to create, and from time to time amend regulations relating to the use of real property within the Town; and

WHEREAS, these amendments are intended to clarify and update those regulations applicable within the Historic District; and

WHEREAS, these amendments have been reviewed by the Planning and Zoning Commission; and

WHEREAS, the Mayor and Council held a public hearing on these amendments on the _____ day of _____, 2021;

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF
THE TOWN OF HAMPSTEAD:**

ARTICLE 1. That Chapter 135, Article V of the Code of the Town of Hampstead be amended and re-enacted to read as follows:

Chapter 135. Zoning

Article V. H Historic Zoning District

[Amended 3-12-2002 by Ord. No. 357]

§ 135-40. Purpose.

[Amended 10-14-2008 by Ord. No. 455]

The Historic Zoning District is intended to provide opportunities for the use and adaptive reuse of properties of historical significance while providing for the protection, enhancement, preservation and appropriate use of such properties. Specifically, the district is intended to:

- A. Safeguard the heritage of Hampstead as embodied and reflected in the structures found in the district.
- B. Stabilize and improve property values of local historic structures.
- C. Foster civic pride in the beauty and noble accomplishments of the past.
- D. Strengthen the economy of the Town.
- E. Promote the use of historic structures, sites and districts for the education, pleasure and welfare of the
Residents of Hampstead and the surrounding community.
- F. Maintain the Town of Hampstead's unique, local "sense of place."

§ 135-41. Principal permitted uses.

Principal permitted uses shall be as follows:

- A. Churches and other places of worship.
[Amended 10-14-2008 by Ord. No. 455]
- B. **[Single-family dwellings.]** Existing dwellings listed on the Maryland Inventory of Historic Properties
- C. Museums, visitor's centers, libraries or agricultural, cultural, civic, educational, recreational, sports, or social uses. **[as determined by the Commission.]**
- D. Conversion and alteration of a building to accommodate single-family, two-family or multifamily dwelling units, **[two or more families,]** provided that the requirements of Article **XXI**, as well as the requirements of the Health Department, are complied with.
- E. Professional, medical, and administrative offices (but not a clinic, massage parlor or hospital), and similar uses.
[Added 10-14-2008 by Ord. No. 455]
- F. Inns, bed-and-breakfasts, dormitories, and hotels.

[Added 10-14-2008 by Ord. No. 455]

G. Taverns, brew pubs, food courts, fast food restaurants and restaurants. [, **except any fast-food restaurants as defined by § 135-3.**]

[Added 10-14-2008 by Ord. No. 455]

H. Specialty retail stores.

[Added 10-14-2008 by Ord. No. 455]

I. Coffee shops, tea rooms and artisan bakeries.

[Added 10-14-2008 by Ord. No. 455]

J. Bookstores.

[Added 10-14-2008 by Ord. No. 455]

K. Banks, credit unions, and financial institutions.

L. Personal services such as beauty salons, barber shops and tailors.

M. Schools and academies including those focused on skill development or specialized training.

N. Theatrical, Comedic or Musical Productions.

O. Daycare and day camp facilities.

§ 135-42. Conditional uses requiring Board authorization.

[Amended 10-14-2008 by Ord. No. 455]

Conditional uses requiring Board authorization shall be as follows:

[**A. Any permitted or conditional use in the B-L District not enumerated in § 135-41.**]

A. Commercial amusements located in a building.

B. Radio and television production facilities.

C. Graphic Design Offices and Print Shops.

D. Law enforcement facilities.

[§ 135-43. Actions requiring approval of Planning and Zoning Commission.

A. Prior to the issuance of a zoning certificate for the construction, alteration, repair, moving or demolition of any structure within this district, and where such changes would solely affect the exterior appearance of a structure which is visible or intended to be visible from an adjacent public way, approval must be granted by the Planning and Zoning Commission in accordance with the requirements of Article 66B such other requirements as said Planning and Zoning Commission may legally require in granting such approval.

B. Adaptive reuse of an historic building shall require submission and approval of a site plan.]

[§ 135-44.] § 135-43. Accessory uses.

Accessory uses shall be as follows:

A. Those accessory uses customarily incidental and accessory to any permitted principal use or authorized conditional use and where such accessory uses do not detract from the historic nature of the property as determined by the Commission.

[§ 135-45.] § 135-44. Required conditions.

A. Any addition, renovations or alterations to the exterior of an existing structure shall preserve the historic character of the building [. Any building, renovation or addition] and shall be consistent with the architecture, construction and materials of the existing structure to the extent feasible. Within the Main Street Revitalization Area, the architecture, construction and materials shall be consistent with the design guidelines in the Main Street Revitalization Plan.

B. Any new construction should be harmonious with the architecture, construction and materials of the existing structure to the extent feasible.

C. Adaptive reuse of an historic building may require submission and approval of a site plan.

D. Prior to the issuance of a zoning certificate for the exterior alteration or partial or full demolition of any principal structure, approval must be given by the Planning and Zoning Commission. Criteria to be considered by the Commission include, but is not limited to, physical condition of the structure and the financial hardship the retention of the structure would cause to its owner.

E. Prior to the issuance of a zoning certificate for the exterior alteration or partial or full demolition of any principal structure, any property listed on the Maryland Inventory of Historic Properties would also require the approval of the Carroll County Historic Preservation Commission.

[B.] E. Off-street parking shall be restricted to the rear or side yard of the lot, unless otherwise permitted by the Commission. The parking requirements shall not be interpreted to prohibit the use of existing parking.

[C. Drive-through facilities or services shall not be permitted.]

[D.] G. [Business] All signage shall observe the provisions and regulations set forth in Chapter 135 Article XXII: Signs. Within the Main Street Revitalization Area, all signage shall be approved by the Commission.

[§ 135-46.] § 135-45. Height regulations.

Height regulations shall be as enumerated in § 135-65 for residential uses and § 135-116 for commercial uses. The height regulations herein shall not be interpreted to require alteration of an existing structure where such alteration would diminish the historic character of a building.

[§ 135-47.] § 135-46. Lot area, lot width and yard requirements.

[Amended 10-14-2008 by Ord. No. 455]

Lot area, lot width and yard requirements shall be enumerated in § 135-76 for residential uses and § 135-117 for commercial uses. The yard requirements herein shall not be interpreted to require alteration of an existing structure where such alteration would diminish the historic character of a building.

	[Lot Area	Lot Width (feet)]
[Dwellings and other principal permitted uses	20,000 square feet	100]
[Churches or places of worship	2 acres	200]

[§ 135-48.] § 135-47. (Reserved)

[§ 135-49.] § 135-48. (Reserved)

ARTICLE 2. That Section 135-3 of the Code of the Town of Hampstead be amended to add, delete or modify the following definitions in the appropriate alphabetical order.

Food Court – A common area within a building or facility with multiple food vendors and provides a common area for sit down dining. The food may also be ordered as takeout for consumption at another location.

Law Enforcement Facility – An administrative center for any public agency responsible for the public order and safety. It cannot include a holding facility which has the purpose of detaining persons charged with criminal law violations while awaiting trial or sentenced criminal offenders.

Restaurant - Any establishment of which the principal business is the sale of food and of which the principal method of operation is to serve food ordered from a menu to seated customers at a table, booth or counter inside the establishment. However, a snack bar or refreshment stand at a public or nonprofit community swimming pool, playground or park, operated solely for the convenience of patrons of the facility, shall not be deemed to be a "restaurant."

[Added 10-24-1995 by Ord. No. 281]

Restaurant, Fast-Food - Any establishment where ready-to-eat food primarily intended for immediate consumption is available upon a short wait and packaged or presented so that it can readily be eaten on the premises or taken outside the premises where it is sold. **[and where facilities for on-premises consumption of food are insufficient for the volume of food sold.]**

[Added 10-24-1995 by Ord. No. 281]

[Restaurant, Fast-Food Cafeteria - Any establishment where ready-to-eat food is available upon a short waiting time and served to customers on a tray through a cafeteria line for consumption at a table, booth or counter inside the establishment.

[Added 10-24-1995 by Ord. No. 281]

Restaurant, Fast-Food Carry-Out - Any establishment where ready-to-eat food primarily intended for immediate consumption is available upon a short waiting time and packaged or presented so that it can readily be eaten away from the premises where it is sold and where there are no facilities for on-premises consumption of food.

[Added 10-24-1995 by Ord. No. 281]

Restaurant, Fast-Food Drive-In - Any establishment where ready-to-eat food primarily intended for immediate consumption is available upon a short waiting time and packaged or presented so that it can readily be eaten outside the premises and whose principal method of operation is to serve food to customers in motor vehicles.

[Added 10-24-1995 by Ord. No. 281]]

ARTICLE 3. That should the changes to the definitions in Article 2 listed above be adopted, Section 135-122 and Section 135-123 would need to be amended and re-enacted to read as follows:

§ 135-122 **Principal permitted uses.**

Principal permitted uses shall be as follows:

A. Any commercial use or structure permitted as regulated in the B-L District.

[Amended 12-14-2004 by Ord. No. 407]

B. Animal hospitals, when all activities are conducted within the building.

C. Retail, commercial and industrial bakeries 3,000 square feet or greater in size.

[Amended 11-13-2007 by Ord. No. 438]

D. Business colleges and commercial schools.

E. Churches.

F. Clinics, hospitals and similar uses.

G. Commercial parking lots and garages.

[H. Fast-food carry-out restaurants without drive-through facilities.]

[I.] H. Fast-food restaurants without drive-through facilities.

[J.] I. Grocery stores and supermarkets.

[K.] J. Hotels, motels, apartment hotels and guesthouses.

[L.] K. Household and electrical repair shops.

[M.] L. Laundry and dry-cleaning establishments.

[N.] M. Liquor stores.

[O.] N. Mortuaries.

[P.] O. Nursing homes.

[Q.] P. Radio and television studios.

[R.] Q. Retail stores such as dry goods, household electrical appliances and home furnishing stores; variety stores; shoe stores; hardware, paint and garden stores; jewelry sales and jewelry repair stores; apparel stores; and music and record shops.

[S.] R. Restaurants.

[T.] S. Shops for painters, plumbers, paperhangers, electricians, upholsterers and others of a similar nature without storage yards.

[U.] I. Shops for business service, such as addressing and mailing, advertising and distributing, multigraphing, blueprinting and printing.

§ 135-123 **Conditional uses requiring Board authorization.**

Conditional uses requiring Board authorization shall be as follows:

A. Automobile sales and service establishments, if located at least 300 feet from the boundary line of any residence district.

B. Bus terminals and taxicab stations, and car rentals.

C. Car washes, if located at least 300 feet from the boundary line of any residence district.

D. Drive-in theaters, bowling alleys, and skating rinks.

E. Fast-food restaurants with drive-through facilities, if located at least 300 feet from the boundary line of any residence district.

[F.] Fast-food carry-out restaurants with drive-through facilities, if located at least 300 feet from the boundary line of any residence district.

G. Fast-food cafeteria restaurants.

H. Fast-food drive-in restaurants, if located at least 300 feet from the boundary line of any residence district.]

[I.] F. Lumberyards and building supplies, bulk storage yards (not including bulk storage of flammable liquids), and outdoor storage yards and lots; provided that the outdoor storage yard shall not be closer than 25 feet to any public street and any residence district and that the yard shall be completely enclosed, except for necessary ingress and egress, by a solid fence or wall not less than eight feet high. This subsection shall not permit wrecking yards, junkyards or yards used in whole or in part for scrap or salvage operations or for processing.

[J.] G. Outdoor commercial amusements, except traveling carnivals or fairs.

[K.] H. Schools not enumerated in § 135-122.

[L.] I. Service stations and service garages, if located at least 300 feet from the boundary line of any residence district.

[M.] J. Taverns.

[N.] K. Woodworking or carpentry shops.

[O.] L. Sheet metal or machine shops.

[P.] M. Tattoo parlors or body piercing establishments, if located at least 300 feet from the boundary line of any residence district.

[Added 10-13-2009 by Ord. No. 471^[1]]

[1] *Editor's Note: This ordinance also redesignated former Subsection P as Subsection S.*

[Q.] N. Facilities for the storage of motor vehicles, recreational vehicles, boats, campers, trailers, if located at least 300 feet from the boundary line of any residence district.

[Added 10-13-2009 by Ord. No. 471]

[R.] O. Inpatient or outpatient facilities for the treatment of alcohol and/or drug abuse, if located at least 300 feet from the boundary line of any residence district.

[Added 10-13-2009 by Ord. No. 471]

[S.] P. Construction, conversion or alteration of a building within the General Business district to become a venue for the purpose of conducting off-track betting in accordance with the Maryland Racing Commission, subject to the following conditions:

[Added 4-11-2017 by Ord. No. 518^[2]]

- (1) The use shall be fully licensed and approved by the Maryland Racing Commission;
- (2) The building to be converted or altered is not within the Main Street Revitalization Area as detailed in § **135-10** of the Town Code;
- (3) The requirements of Articles **XXI** and **XXII** of this chapter are met;
- (4) All Health Department requirements are met; and
- (5) The requirements of Chapter **120** of the Town Code relating to site plans are met.

[2] *Editor's Note: This ordinance also provided for the redesignation of former Subsection S as Subsection T.*

U. Any conditional use permitted and as regulated in the B-L District, except as modified.

ARTICLE 4. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this chapter, it being the intent of the Town that this chapter shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion thereof.

ARTICLE 5. Section Headings, Chapter Headings, Titles.

Section headings, chapter headings, titles, etc., are for the purpose of description or ease of use and do not for a part of the test of this Ordinance or any Code or test adopted hereby.

ARTICLE 6. Interpretation.

In interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This Ordinance shall be construed broadly in favor of the Town of Hampstead for the purpose to promote the purpose for which it was adopted.

ARTICLE 7. Abrogation and Greater Restrictions.

1. **Public Provisions.** This Ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulations, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

2. Private Provisions. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement impose duties and obligations more restrictive than these regulations, and the private provisions are not consistent with these regulations, then the private provisions shall be operative and supplemental.

ARTICLE 8. Effective Date.

This Ordinance shall take effect on the _____ day of _____, 2021.

Introduced this _____ day of _____, 2021.

Tammi Ledley
Clerk of the Council

Passed this _____ day of _____, 2021, by a vote of _____ Council members in favor, and _____ members opposed, and _____ abstentions.

Delivered to the Mayor for his approval or disapproval this _____ day of _____, 2021.

ATTEST:

Tammi Ledley
Clerk of the Council

Christopher M. Nevin
Mayor

Effective this _____ day of _____, 2021.

Approved as to form and legal
sufficiency this _____ day of
_____, 2021.

By: _____
Michelle M. Ostrander, Town Attorney

Matter in red and [brackets] is to be deleted from the ordinance

Matter in green and underlined is new material to be added to the Ordinance