

**TOWN OF HAMPSTEAD**

**ORDINANCE NO. 544**

**AN ORDINANCE TO AMEND CHAPTER 135, ARTICLE V  
REGARDING THE HISTORIC DISTRICT**

**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 \_\_\_\_\_, 2022;

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

**ARTICLE 1. That Chapter 135, Article V, Section 135-41 and Section 135-42 of the Code of the Town of Hampstead be amended and re-enacted to read as follows:**

**§ 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.** Existing dwellings listed on the Maryland Inventory of Historic Properties.

[Amended 7-13-2021 by Ord. No. 541]

**C.** Museums, visitor's centers, libraries or agricultural, cultural, civic, educational, recreational, sports, or social uses.

[Amended 7-13-2021 by Ord. No. 541]

**D.** Conversion and alteration of a building to accommodate single-family, two-family or multifamily dwelling units, provided that the requirements of Article XXI, as well as the requirements of the Health Department, are complied with.

[Amended 7-13-2021 by Ord. No. 541]

**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; amended 7-13-2021 by Ord. No. 541]

**F.** Inns, bed-and-breakfasts, dormitories, and hotels.

[Added 10-14-2008 by Ord. No. 455; amended 7-13-2021 by Ord. No. 541]

**G.** Taverns, brew pubs, food courts, fast-food restaurants and restaurants.

[Added 10-14-2008 by Ord. No. 455; amended 7-13-2021 by Ord. No. 541]

**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.

[Added 7-13-2021 by Ord. No. 541]

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

[Added 7-13-2021 by Ord. No. 541]

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

[Added 7-13-2021 by Ord. No. 541]

**N.** Theatrical, comedic or musical productions.

[Added 7-13-2021 by Ord. No. 541]

**O.** Day care and day camp facilities.

[Added 7-13-2021 by Ord. No. 541]

**P.** Any other retail business, service establishment or social or educational use which is determined by the Commission to be of the same general character as the above permitted retail business, service and social or educational uses.

**§ 135-42. Conditional uses requiring Board authorization.**

[Amended 10-14-2008 by Ord. No. 455; 7-13-2021 by Ord. No. 541]

Conditional uses requiring Board authorization shall be as follows:

**A.** Commercial amusements located in a building.

**B.** Radio and television production facilities.

**C.** Graphic design offices and print shops.

**D.** Law enforcement facilities.

**E.** Indoor climate-controlled self-storage facilities located within an existing principle structure, where the existing principal structure has a gross above grade area greater than 100,000 square feet. The self-storage facility cannot occupy more than 20% of the existing principle structure.

**F.** In granting or denying a conditional use, the Board of Zoning Appeals shall consider the potential impact on adjacent properties, the potential of the historical site to support the requested conditional use, and the capacity of public facilities including public water and sewer necessary to support the requested conditional use.

**ARTICLE 2. 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 3. 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 4. 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 5. 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 6. Effective Date.**

This Ordinance shall take effect on the 28th day of November, 2022.

Introduced this 13th day of September, 2022

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Tammi Ledley  
Clerk of the Council

Passed this 8th day of November, 2022, by a vote of 5 Council members in favor, and 0 members opposed, and 0 abstentions.

Delivered to the Mayor for his approval or disapproval this 9th day of November, 2022.

**ATTEST:**

\_\_\_\_\_  
Tammi Ledley  
Clerk of the Council

\_\_\_\_\_  
Christopher M. Nevin  
Mayor

Effective this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Approved as to form and legal  
sufficiency this \_\_\_\_\_ day of \_\_\_\_\_, 2022

By: \_\_\_\_\_  
Michelle M. Ostrander, Town Attorney

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Matter in [brackets] is to be deleted from the ordinance  
Matter underlined is new material to be added to the Ordinance