

TOWN OF HAMPSTEAD

ORDINANCE NO. 547

**AN ORDINANCE TO AMEND CHAPTER 135, ARTICLES XII AND XIII REGARDING USES
IN THE B-L LOCAL BUSINESS AND B-G BUSINESS GENERAL DISTRICTS**

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 B-L Local Business and B-G General Business Districts; 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 14th day of March, 2023;

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

ARTICLE 1. That Chapter 135, Article XII, Section 135-112, Principle Permitted Uses in the B-L Business Local District of the Code of the Town of Hampstead be amended and re-enacted to read as follows:

§ 135-112. Principal permitted uses.

Principal permitted uses shall be as follows:

- A.** Art, artisan, antique, crafts, and gift[s, china, and luggage} shops.
- B.** Artisan bakeries, coffee houses, confectionery shops, doughnut shops and retail bakeries less than 3,000 square feet in size. **[Amended 11-13-2007 by Ord. No. 438]**
- C.** Banks, credit unions, and financial institutions without drive-through facilities.
- D.** Bed-and-breakfasts.

- E. Book and stationery stores, and newsstands.
- F. Business offices such as real estate broker, insurance agent, stockbroker and manufacturer's agent offices, and similar uses.
- G. Commercial amusements conducted within a building, including billiard parlors, game rooms or theaters.
- H. Drugstores. [and confectionery, sundries and tobacco shops.]
- I. Dwellings as permitted and regulated in R-10,000 District.
- J. Grocery stores, vegetable, fruit and meat markets, and delicatessens (under 20,000 square feet).
- K. Laundry and dry-cleaning pickup stations, where no work is done on the premises, and self-service laundries.
- L. Museums, visitor centers, historic and cultural exhibits and libraries.
- M. Music, art or dancing schools, music and record shops, and preschools and day-care centers.
- N. Parking lots.
- O. Parks, playgrounds, and playfields.
- P. Personal services such as beauty shops, barbershops, dog groomers, shoe repair, and tailor shops.
- Q. Photographic supplies and studios, and artists' supplies.
- R. Planned unit business centers, subject to the provisions of Article **XXV**. [**Amended 6-10-2003 by Ord. No. 369**]
- S. Private clubs and lodges.
- T. Professional offices such as accountant, architect, attorney, engineer, land surveyor, optometrist, medical, chiropractic and dental offices (but not a clinic, massage parlor or hospital), and similar uses.
- U. Retail stores for the servicing of the surrounding neighborhood with convenience items, such as dry goods, household items, electrical appliances and home furnishings; variety stores; shoe stores; hardware, paint and garden stores; jewelry sales and jewelry repair stores; and apparel stores (under 10,000 square feet).
- V. Adult day-care facilities. [**Added 10-13-2009 by Ord. No. 471**]

- W.** Any other retail business or service establishment which is determined by the Commission to be of the same general character as the above permitted retail business or service uses, but not including any use which is a permitted or conditional use in the B-G District and which, in the judgment of the Commission, is not consistent with the purpose of the B-L District as defined in § 135-110. **[Amended 10-13-2009 by Ord. No. 471]**

ARTICLE 2. That Chapter 135, Article XIII, Sections 135-122 and 135-123, Principle Permitted Uses and Conditional Uses in the B-G Business General District of the Code of the Town of Hampstead 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 restaurants without drive-through facilities.
- I.** Grocery stores and supermarkets.
- J.** Hotels, motels, apartment hotels and guesthouses.
- K.** Household and electrical repair shops.
- L.** Laundry and dry-cleaning establishments.
- M.** Liquor stores.
- N.** Mortuaries.
- O.** Nursing homes.
- P.** Radio and television studios.
- 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.

- R. Restaurants.
- S. Shops for painters, plumbers, paperhangers, electricians, upholsterers and others of a similar nature without storage yards.
- T. Shops for business service, such as addressing and mailing, advertising and distributing, [multigraphing,] photocopying, blueprinting and printing.
- U. Tobacco shops and vape or electronic cigarette stores.

§ 135-123 Conditional uses requiring Board authorization.

[Amended 10-13-2009 by Ord. No. 471; 4-11-2017 by Ord. No. 518; 1-9-2018 by Ord. No. 522; 7-13-2021 by Ord. No. 541]

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. Cannabis or Cannabidiol (CBD) stores and/or dispensaries, if located at least 300 feet from the boundary line of any residence district.
- D. Car washes, if located at least 300 feet from the boundary line of any residence district.
- E. Drive-in theaters, bowling alleys, and skating rinks.
- F. Fast-food restaurants with drive-through facilities, if located at least 300 feet from the boundary line of any residence district.
- G. 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.
- H. Outdoor commercial amusements, except traveling carnivals or fairs.
- I. Schools not enumerated in § 135-122.
- J. Service stations and service garages, if located at least 300 feet from the boundary line of any residence district.
- K. Taverns.

- L.** Woodworking or carpentry shops.
- M.** Sheet metal or machine shops.
- N.** Tattoo parlors or body piercing establishments, if located at least 300 feet from the boundary line of any residence district.
- O.** 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.
- P.** 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.
- Q.** 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:
 - (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.
- R.** Self-service storage/mini-storage facilities, subject to the following requirements:
 - (1) Self-service storage/mini-storage shall not be located in the Main Street Revitalization Area;
 - (2) Exteriors of buildings shall be brick, siding or similarly acceptable material; and
 - (3) Conversion or alteration of an existing property or building within the Business General Zoning District shall not be allowed.
- S.** Any conditional use permitted and as regulated in the B-L District, except as modified.

ARTICLE 3. 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 4. 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 5. 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 6. 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 7. Effective Date.

This Ordinance shall take effect on the 3rd day of April, 2022.

Introduced this 14th day of February, 2023.

Tammi Ledley
Clerk of the Council

Passed this 14th day of March, 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 15th day of March, 2022.

ATTEST:

Tammi Ledley
Clerk of the Council

Christopher M. Nevin
Mayor

Effective this 3rd day of April, 2022.

Approved as to form and legal
sufficiency this _____ day of
_____, 20____.

By: _____
Michelle M. Ostrander, Town Attorney

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