

TOWN OF HAMPSTEAD

ORDINANCE NO. 550

**AN ORDINANCE TO AMEND CHAPTER 135, ARTICLE XII REGARDING USES IN THE
B-L LOCAL BUSINESS DISTRICT, AND CHAPTER 135, ARTICLE XXI REGARDING
MINIMUM REQUIRED PARKING SPACES**

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 Districts and Minimum Required Parking Spaces; 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 _____, 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 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
- I. Dwellings as permitted and regulated in R-10,000 District, except as otherwise specified.
- 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. Mixed Use Properties which shall include any of the Principal Permitted Uses in the BL District on the ground floor, and multifamily dwelling units on the ground floor or floors above. The maximum square footage per floor shall not exceed 10,000 square feet and the maximum height shall not exceed 50 feet. The residential portion of the property shall not exceed 60 percent of the gross square footage of the building. Multi family dwelling units in a mixed use property are not subject to the requirement to be in a planned unit development. Within the Main Street Revitalization Area, the architecture, construction and materials should conform to the requirements of § 135-10 Main Street Revitalization Area design review.

X.~~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 XXI, Sections 135-205 and 135-123, Minimum required parking spaces of the Code of the Town of Hampstead be amended and re-enacted to read as follows:

§ 135-205 Minimum required parking spaces.

Principal permitted uses shall be as follows:

- A. The minimum number of parking spaces required for uses not specifically listed below shall be the same as that required for the most similar specified use as determined by the Zoning Administrator.
- B. For the following uses of buildings hereafter erected or uses established, changed or enlarged after the effective date of this article shall be provided per 1,000 square feet of gross floor area unless otherwise indicated:
 - (1) Bank: three spaces.
 - (2) Large-scale ("big box") retail: five spaces.
 - (3) Freestanding retail: four spaces.
 - (4) General office building: four spaces.
 - (5) Industrial plant: two spaces.
 - (6) Medical office: eight spaces.
 - (7) Nursing home: three spaces.

- (8) Restaurant: 10 spaces.
- (9) Planned business and shopping centers: five spaces.
- (10) Bed-and-breakfast: one space per room.
- (11) Personal services: four spaces.
- (12) Day-care centers: one space per four children at maximum capacity.
- (13) Churches and places of worship: one space per three seats.
- (14) Museums and libraries: three spaces.
- (15) Social organizations: four spaces.
- (16) Public and private schools: one space per three classroom seats.
- (17) Single- and two-family residences: three spaces per dwelling unit.

[(18) Multifamily residences: two and one-half parking spaces per dwelling unit.]

(18) Townhomes: two and one-half parking spaces per dwelling unit.

(19) Condominiums and Apartments: two parking spaces per dwelling unit.

[(19)] (20) Automotive service garage: three spaces per repair bay.

[(20)] (21) Tavern: 15 spaces.

[(21)] (22) Funeral home: 10 spaces.

[(22)] (23) Planned business center: five spaces.

[(23)] (24) Wholesale warehouse or distribution: one space.

C. In cases where it is a mixed use property, the combined required number of parking spaces for each use must be met.

D.[C.] Where shared or cooperative parking opportunities exist within 300 feet of the principal use, the Planning and Zoning Commission may reduce the required number of parking spaces by up to 15%. Such approval may be subject to specific terms and conditions.

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 _____ day of _____, 20__.

Introduced this _____ day of _____, 20__.

James Roark
Clerk of the Council

Passed this _____ day of _____, 20__ 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 _____, 20____.

ATTEST:

James Roark
Clerk of the Council

Christopher M. Nevin
Mayor

Effective this _____ day of _____, 20____.

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