



OFFICE OF THE PLANNING AND ZONING COMMISSION

**PLANNING COMMISSION
AGENDA
March 25, 2026
6 PM**

- I. Call to Order & Roll Call.**
- II. Pledge of Allegiance.**
- III. Approval of the March 25, 2026 Planning Commission Agenda.**
- IV. Approval of the minutes of the February 4, 2026, Planning Commission Meeting.**
- V. Approval of the minutes of the February 4, 2026, Closed Session.**
- VI. Approval of the minutes of the February 25, 2026, Planning Commission Meeting.**
- VII. Public comment on any item on the agenda.**
- VIII. Old Business:**
 1. Discussion of the Land Use Table, Zoning Map, and Conditional Uses.
 2. Review and discuss Cannabis and Solar Energy Systems.
- IX. Comments by Commissioners.**
- X. Adjournment**



PLANNING AND ZONING COMMISSION

**MINUTES OF THE
PLANNING COMMISSION MEETING
FEBRUARY 4, 2026**

I. Commission Chair Cindy Greengold called the meeting to order at 6:00 pm. In attendance were Chair Greengold, Vice Chair Mary Sue Greisman, Larry Brown, Kelly Huhn, and Rachel Larsen Weaver, Commission Members, Sarah Franklin, Town Planner, Karen Ruff, Commission Counsel, and Sharon L. Humm, Commission Clerk. Absent were Jan Ruttkay and Christopher Smith.

II. **Pledge of Allegiance.** Commission Chair Greengold led the Pledge of Allegiance.

III. **Approval of the February 4, 2026 Planning Commission Agenda.**

MOTION: Commissioner Brown moved to approve the February 4, 2026 agenda. Seconded by Vice Chair Greisman, all in favor.

IV. **Approval of the minutes of the December 17, 2025 Planning Commission Meeting.**

MOTION: Commissioner Huhn moved to approve the minutes of the December 17, 2025 Planning Commission meeting. Seconded by Commissioner Brown, all in favor.

V. **Public Comment on any item on the agenda.**

1. Ethan Johnson of 3327 Silverton Lane commented on his desire to do a home occupation. Mr. Johnson stated what he would like to apply for does not fall under any of the categories currently listed. Mr. Johnson is looking to open a gun shop/gunsmith business.

Chair Greengold thanked Mr. Johnson for his comment and stated the Commission is currently working on land use classifications and will take this under consideration.

VI. **Closed Session** – Vice Chair Greisman moved to close the regular meeting at 6:14 p.m. to go in closed session under the Statutory Authority of the Md. Annotated Code pursuant to General Provisions Article, §3-305(b), subsection (7) “to consult with counsel to obtain legal advice” regarding pending litigation by a Town property owner regarding development rights. Seconded by Commissioner Brown, all in favor.

Chair Greengold called for a motion to re-open the regular meeting. Vice Chair Greisman moved to re-open the regular meeting at 6:20 p.m. Seconded by Commissioner Huhn, all in favor.

VII. Old Business:

1. Finalizing and approving the fence regulations – Ms. Franklin commented that at the last Commission meeting, fencing regulations within Section 290-19 were reviewed and discussed with amendments proposed. The Commission has been provided with those proposed amendments for finalization and approval before submission to the Town Council for consideration.

The Commission reviewed, discussed, and made a few minor adjustments.

MOTION: Chair Greengold moved to not allow chain link fence in the front yard but allow in the backyard. **Motion dies for lack of a second.**

MOTION: Vice Chair Greisman moved to reconsider Chair Greengold's motion to not allow chain link fence in the front yard. Seconded by Chair Greengold. Ayes, Commissioners Greengold and Greisman. Opposed, Commissioners Brown, Huhn, and Weaver. **Motion Fails.**

MOTION: Commissioner Brown moved to approve the proposed amendment to Section 290-19 G. Fences and Walls, as proposed, along with the minor adjustments discussed, and transmit to the Town Council for consideration. Seconded by Chair Greengold, all in favor.

2. Discussion of the Land Use Table, Zoning Map, and Conditional Uses – Ms. Franklin stated the Commission began discussing the land use table and issues arising from some changes that were made in RV1. These changes brought things out of alignment with the comprehensive plan. Ms. Franklin also had concerns regarding the RPC overlay, as well. Several months ago, the Town Council directed the Planning Commission to review the entire land use table, including the conditions and standards, and make revisions that would allow for a more condensed, user-friendly document and transmit to the Council for consideration.

Ms. Franklin provided to the Commission revisions to the land use table and §290-11 of the zoning ordinance with the intent of consolidating and simplifying the table and making the zoning text more uniform. Ms. Franklin stated that the Commission has the benefit of legal counsel tonight for any questions they might have. Ms. Franklin addressed issues with the current zoning map in relation to contradictions with the RV1 and RV2 zones. Ms. Ruff defined and addressed questions on spot zoning. There was lengthy discussion on what direction to take with the RV1 and RV2 zones. There was conversation on possibly combining the two back into RV but that would require a change to the comprehensive plan as well. The consensus of the Commission was to keep the RV1 and RV2 districts, move Horizons and any town homes into the RV2 district with a map amendment, and update the land use table so that once it's updated, personal services are going to be permitted in Horizons, and no commercial uses in the RV1 and RV2 except for home occupations.

The Commission briefly discussed the RPC overlay and Prohibited Uses. Ms. Franklin will be providing definitions and specifics relating to prohibited uses to discuss at the next meeting.

The Commission's next meeting will be February 25, 2026, at 6 p.m.

VIII. Adjournment:

There being no further comments, Commissioner Weaver moved to adjourn the meeting at 8:20 pm. Seconded by Commissioner Huhn, all in favor.

Submitted by,

Sharon L. Humm
Commission Clerk

This meeting can be viewed in its entirety on the Town website on the Planning Commission page www.chesapeakebeachmd.gov.



PLANNING AND ZONING COMMISSION

**MINUTES OF THE
PLANNING COMMISSION MEETING
FEBRUARY 25, 2026**

I. Commission Chair Cindy Greengold called the meeting to order at 6:00 pm. In attendance were Chair Greengold, Vice Chair Mary Sue Greisman, Larry Brown, and Christopher Smith, Commission Members, Sarah Franklin, Town Planner, Karen Ruff, Commission Counsel, and Sharon L. Humm, Commission Clerk. Absent were Kelly Huhn, Jan Ruttkay, and Rachel Larsen Weaver, Commissioner members.

II. **Pledge of Allegiance.** Commission Chair Greengold led the Pledge of Allegiance.

III. **Approval of the February 25, 2026 Planning Commission Agenda.**

MOTION: Vice Chair Greisman moved to approve the February 25, 2026 agenda. Seconded by Commissioner Brown, all in favor.

IV. **Approval of the minutes of the February 4, 2026 Planning Commission Meeting.**

MOTION: Vice Chair Greisman moved to approve the minutes of the February 4, 2026 Planning Commission meeting. Seconded by Commissioner Brown. Ayes, Commission members, Brown, Greengold, Greisman. Abstained, Commissioner Smith.

Clerk's Note: Not having a confirmative vote of four, the minutes of the February 4, 2026, Planning Commission Meeting will be considered at the March 25, 2026 meeting.

V. **Approval of the minutes of the February 4, 2026, Closed Session.**

MOTION: Vice Chair Greisman moved to approve the minutes of the February 4, 2026, Closed Session. Seconded by Chair Greengold. Ayes, Commissioners Brown, Greengold, and Greisman. Abstained, Commissioner Smith.

Clerk's note: Not having a confirmative vote of four, the minutes of the February 4, 2026, Closed Session will be considered at the March 25, 2026 meeting.

VI. **Public Comment on any item on the agenda.**

1. Ethan Johnson of 3327 Silverton Lane submitted a written comment as a follow up to his comment from the Commission's February 4, 2026 meeting, regarding a home occupation. Ms. Franklin will follow up with an email to Mr. Johnson.

VII. Old Business:

1. **Discussion of the Land Use Table, Zoning Map, and Conditional Uses** – Ms. Franklin began discussion with the zoning map, stating, per the direction of the Commission, she re-assessed the zoning districts and has provided the Commission with proposed revisions for consideration. Ms. Franklin recommends, based on the off-street parking availability, eliminating the R-HD district and rezoning those areas to the RV-2 district. Also eliminating some R-MD areas and rezone those areas to the RV-1 district. The Commission also briefly discussed the commercial districts.

The Commission moved onto the review of the Land Use Classification table. Ms. Franklin provided the Commission with proposed amendments to the Table and a rewrite of Section 290-11, including definitions and the necessary conditions for “Conditional” and “Special Exception” uses. Ms. Franklin reorganized the table into six sections, consolidating and simplifying the table.

The Commission reviewed each section in the Land Use Table and made a number of amendments.

Ms. Franklin proposed two types of home occupations, major and minor. She refreshed the Commission on the difference between the two. After review, the Commission recommended a few modifications to the conditions.

The Commission reviewed the Prohibited Uses and recommend allowing some of those uses to be permitted. The Commission will address uses that are currently prohibited in Town but uses that State law allows.

Ms. Franklin will incorporate the modifications recommended by the Commission for final review.

The Commission will discuss Cannabis, ADUs, and solar energy systems at the March 25th meeting.

VIII. Adjournment:

There being no further comments, Commissioner Smith moved to adjourn the meeting at 8:26 pm. Seconded by Vice Chair Greisman, all in favor.

Submitted by,

Sharon L. Humm
Commission Clerk

This meeting can be viewed in its entirety on the Town website on the Planning Commission page www.chesapeakebeachmd.gov.

ZONING

290 Attachment 3

Town of Chesapeake Beach

Appendix E

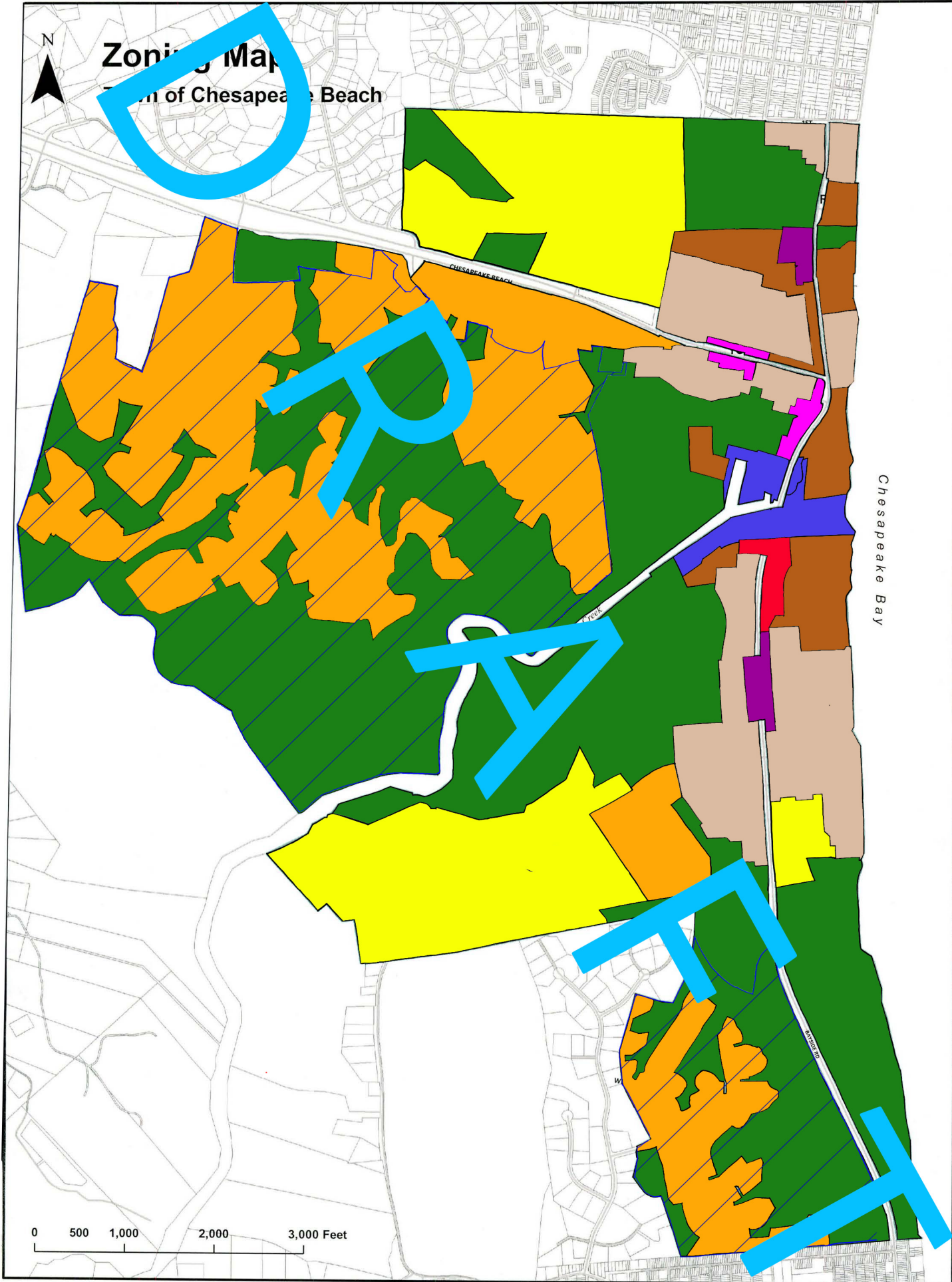
DRAFT REVISIONS TO ZONING

Zoning Map and Critical Area Map

~~[Amended 7-18-2013 by Ord. No. O-13-10; 4-20-2017 by Ord. No. O-17-9; 11-17-2022 by Ord. No. O-22-13]~~

03-18-2026

~~ADOPTED NOVEMBER 17, 2022 - ORDINANCE O-22-13~~



Zoning Districts

- | | | | |
|------|-----------------------------|-----|-------------------------------|
| RC | Resource Conservation | RPC | Residential Planned Community |
| R-LD | Residential, Low Density | TC | Town Commercial |
| R-MD | Residential, Medium Density | MC | Maritime Commercial |
| R-HD | Residential, High Density | PC | Plaza Commercial |
| RV-1 | Residential Village 1 | NC | Neighborhood Commercial |
| RV-2 | Residential Village 2 | | |

Map Created: September 29, 2022
Mapping Data Sourced From: Calvert County GIS

DRAFT REVISIONS TO ZONING

03-18-2026

ZONING
 290 Attachment 1
Town of Chesapeake Beach
 Table 1
Land Use Classifications

Use	Zoning Districts											Definitions, Standards, & Conditions
	R-LD	R-MD	R-HD	RV-1	RV-2	RPC	NC	TC	PC	MC	RC	
Residential Uses												
Single-family, Detached	P	P	PE	P	P	P	P	P	NP	NP	NP	§ 290-11C(1)
Single-family, Attached	NP	P	PE	NP	P	P	NP	NP	NP	NP	NP	§ 290-11C(2)
Townhouse Dwelling	NP	NP	PE	NP	P	NP	NP	NP	NP	NP	NP	§ 290-11C(3)
Multifamily Dwelling	NP	NP	PE	NP	P	P	NP	NP	NP	NP	NP	§ 290-11C(4)
Dwelling, Accessory	C	C	CE	C	C	C	C	C	NP	NP	NP	§ 290-11C(5)

KEY:

P: Permitted
NP: Not Permitted
C: Conditional Use, permitted use subject to conditions
SE: Special Exception
SC: Special Exception, subject to conditions

R-LD - LOW-DENSITY
 R-MD: MEDIUM DENSITY
 RV-1: RESIDENTIAL VILLAGE 1
 RV-2: RESIDENTIAL VILLAGE 2
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Dwelling Unit in combination with Commercial Use	NP	NP	NP	NP	C	C	NP	C	NP	NP	NP	§ 290-11C(6)
Use	R-LD	R-MD	R-HD	RV-1	RV-2	RPC	NC	TC	PC	MC	RC	Definitions, Standards, & Conditions
Accommodations & Group Living												
Bed-and-breakfast	SC	SC	SE	SC	SC	SC	C	C	C	C	NP	§ 290-11D(1)
Motel/Hotel	NP	NP	NP	NP	NP	NP	NP	SC	SC	SC	NP	§ 290-11D(2)
Tourist Home	NP	NP	NP	NP	NP	NP	NP	SE	SE	SE	NP	§ 290-11D(3)
Residential Care Facility	SE	SE	SE	SE	SE	SE	NP SE	NP SE	NP	NP	NP	§ 290-11D(4)
Group Home	SE	SE	SE	SE	SE	SE	NP SE	NP SE	NP	NP	NP	§ 290-11D(5)
Dwelling for Resident Caretaker	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	§ 290-11D(6)

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Use	R-LD	R-MD	R-HD	RV-1	RV-2	RPC	NC	TC	PC	MC	RC	Definitions, Standards, & Conditions	
Institutional, Recreational and Educational Uses													
Assembly	NP	NP	NP	NP	NP	NP	SC	P	P	NP	NP	§ 290-11E(1)	
Schools	NP	NP	NP	NP	NP	NP	NP	NP	NP	SC	NP	§ 290-11E(2)	
Cultural facility	NP	NP	NP	NP	NP	NP	SC	P	P	P	NP	§ 290-11E(3)	
Day-Care Center	NP	NP	NP	NP	NP	NP	SC	P	SC	NP	NP	§ 290-11E(4)	
Home Day Care	SC	SC	SE	SC	SC	SC	SC	NP	NP	NP	NP	§ 290-11F(3)	
Environmental Science	NP	NP	NP	NP	NP	NP P	NP	P	P	P	SC	§ 290-11E(5)	
Parks & Playgrounds	P	P	P	P	P	P	P	P	P	P	SC	§ 290-11E(6)	
Governmental Facility	NP	NP	NP	NP	NP	P	P	P	P	P	SC	§ 290-11E(7)	
Private Club	NP	NP	NP	NP	NP	NP	NP	P	NP	P	NP	§ 290-11E(8)	

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Use	R-LD	R-MD	R-HD	RV-1	RV-2	RPC	NC	TC	PC	MC	RC	Definitions, Standards, & Conditions
Water-Oriented Recreation	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	SC	§ 290-11E(9)
Game & Wildlife Preserves	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	SC	§ 290-11E(10)
Nature Preserves	NP	NP	NP	NP	NP	P	NP	NP	NP	NP	SC	§ 290-11E(11)
Office and Commercial Uses												
Home Occupation, Minor	C	C	€	C	C	C	C	C	C	C	NP	§ 290-11F(1)
Home Occupation, Major	C NP	C NP	€ NP	C NP	C NP	C NP	C	C	C	C	NP	§ 290-11F(2)
Offices	NP	NP	NP	C	C	P	P	P	P	P	NP	§ 290-11F(4)
Medical Clinics	NP	NP	NP	NP	NP	P	P	P	P	P	NP	§ 290-11F(5)
Neighborhood Retail	NP	NP	NP	C	NP	NP	P	P	P	P	NP	§ 290-11F(6)
General Retail	NP	NP	NP	NP	NP	NP	NP	P	P	P	NP	§ 290-11F(7)
Personal Services	NP	NP	NP	C	NP	NP	NP P	P	P	P	NP	§ 290-11F(8)

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Use	R-LD	R-MD	R-HD	RV-1	RV-2	RPC	NC	TC	PC	MC	RC	Definitions, Standards, & Conditions
General Services	NP	NP	NP	NP	NP	NP	NP	P	P	P	NP	§ 290-11F(9)
Tree & Plant Nurseries	NP	NP	NP	NP	NP	NP	NP	P	P	P	NP	§ 290-11F(10)
Contractors Shop	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	§ 290-11F(11)
Restaurant - Class I;	NP	NP	NP	NP	NP	NP	NP	NP P	P	P	NP	§ 290-11F(12)
Restaurant - Class II	NP	NP	NP	NP	NP	NP	NP	P	P	P	NP	§ 290-11F(13)
Restaurant - Class III	NP	NP	NP	NP	NP	NP	NP	P NP	P	P	NP	§ 290-11F(14)
Tasting Rooms	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	§ 290-11F(15)
Tavern	NP	NP	NP	NP	NP	NP	NP	SE SE	SE SE	SE SE	NP	§ 290-11F(16)
Nightclubs	NP	NP	NP	NP	NP	NP	NP	NP	NP	C	NP	§ 290-11F(17)

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Indoor Entertainment and Recreation	NP	NP	NP	NP	NP	NP	NP	SC	SC	SC	NP	§ 290-11F(18)
Use	R-LD	R-MD	R-HD	RV-1	RV-2	RPC	NC	TC	PC	MC	RC	Definitions, Standards, & Conditions
Outdoor Entertainment and Recreation	NP	NP	NP	NP	NP	NP	NP	SE	SE	SE	NP	§ 290-11F(19)
Animal Care Establishment	NP	NP	NP	NP	NP	NP	NP	SC	SC	SC	NP	§ 290-11F(20)
Alcohol Sales	NP	NP	NP	NP	NP	NP	NP	NP	SC	SC	NP	§ 290-11F(21)
Cannabis Business	NP	NP	NP	NP	NP	NP	NP	NP	SC	SC	NP	§ 290-11F(22)
Light Industrial, Utility, and Related Uses												
Craft/Artisan Assembly & Manufacturing	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	§ 290-11G(1)
Automotive Service	NP	NP	NP	NP	NP	NP	NP	SC	NP	NP	NP	§ 290-11G(2)
Marina	NP	NP	NP	NP	NP	NP	NP	NP	NP	SC	NP	§ 290-11G(3)

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Use	R-LD	R-MD	R-HD	RV-1	RV-2	RPC	NC	TC	PC	MC	RC	Definitions, Standards, & Conditions
Aquaculture	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	SC	§ 290-11G(4)
Seafood Processing & Fishing, Water Dependent	NP	NP	NP	NP	NP	NP	NP	NP	NP	SE	SE	§ 290-11G(5)
Data Center	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	§ 290-11G(6)
Bio Manufacturing	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	§ 290-11G(7)
Marine Storage	NP	NP	NP	NP	NP	NP	NP	NP	NP	SE	SC	§ 290-11G(8)
Utilities	SC	SC	SE	SC	SC	SC	SC	SC	SC	SC	SC	§ 290-11G(9)
Commercial Solar Energy Systems	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	§ 290-11G(10)
Bus/transit Station	NP	NP	NP	NP	NP	NP	NP	NP	NP	SE	NP	§ 290-11G(11)
TEMPORARY USES												
Garage, Yard, Estate sale	C	C	C	C	C	C	C	C	C	C	C	§ 290-11H(1)

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Carnival or similar transient enterprise	NP C	NP	NP	NP C	NP	NP	NP	NP C	SC	SC	NP	§ 290-11H(2)
Building incidental to construction	NP	NP	NP	NP	NP	NP	NP	C	C	C	NP	§ 290-11H(3)

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§ 290-9. Purpose and intent of districts.

1. Purpose of districts generally. Zoning districts are established to provide appropriate ~~location~~ **LOCATIONS** for different types of land uses. The appropriate location for a particular land use is determined by:
 - (1) The character of the area and current land uses.
 - (2) The suitability of each district for the uses permitted in each.
 - (3) The encouragement of the stability of the district and of land values therein.
 - (4) Environmental considerations.
 - (5) Recommendations of the Town of Chesapeake Beach Comprehensive Plan.
2. R-LD Residential, Low-Density District. The R-LD District is intended to promote a pleasant and safe living environment, to create, preserve and protect a single-family detached residential character, to keep these areas free from land uses that are incompatible with and/ or might adversely impact single-family neighborhoods and to conserve the physical qualities of the landscape that attract people to the Town.
3. R-MD Residential, Medium-Density District. The R-MD District is intended to promote a pleasant and safe living environment, to allow houses on small lots with public water and sewer, to help ensure that new infill development or redevelopment is compatible and harmonious with existing residential activities and to integrate new development with the character and function of the Town through use of natural features to provide pedestrian and visual linkages.
- ~~4. R-HD Residential, High-Density District. The R-HD District is intended to promote a pleasant and safe living environment, to encourage a variety of housing types, attached and multifamily, at higher densities, to promote residential uses that are enhanced by proximity to the waterfront, and, through the clustering of home sites and other means, give maximum attention to preservation and conservation of natural features and recreational potential.~~
5. RV-1 Residential Village District-1. The RV-1 District is intended to protect the single-family residential character, allowing detached houses that are compatible in design and scale with the **HISTORIC** ~~prevailing~~ residential uses and the existing **COTTAGE VILLAGE** pattern of buildings, streets, and blocks.

6. RV-2 Residential Village District. The RV-2 District is intended to protect the primarily single-family residential character while accommodating a variety of housing types compatible in use, scale, and impact with residential use and the existing pattern of buildings, streets, and blocks.
7. RC Resource Conservation District. The Resource Conservation District is a nonresidential district intended to protect and maintain wetlands, surface waters, forests and open space, steep slopes, as well as low lying areas with elevated risks of flooding. The RC District is intended to protect and maintain land use for critical flood and stormwater management; to provide land for community parks and recreational activities, including access to the Bay and its tributaries; to ensure that any new use complies with all environmental protection and land use laws and preservation agreements of the Town of Chesapeake Beach and the State of Maryland, and to ensure open space preservation and prevent residential development of parcels dedicated for open space, forest conservation, stormwater management, and wildlife habitats.
8. RPC Residential Planned Community District. The Residential Planned Community District is intended to provide greater flexibility in the selection of planned community areas; to assure effective control over the location, type and arrangement of uses appropriate to the planned community so as to protect the uses in neighboring districts; to allow the community to enjoy the benefits of open space and innovative spacing of dwellings; and to provide the opportunity for the protection of environmentally sensitive and critical habitat protection areas.
9. NC Neighborhood Commercial District. The Neighborhood Commercial District is intended to provide locations for small-scale and low-impact commercial uses that are designed and operated in a manner compatible in scale and impact with nearby residential neighborhoods.
10. TC Town Commercial District. The Town Commercial District is intended to provide locations for commercial uses that are harmonious in scale and impact with nearby residential neighborhoods and to protect and provide a safe and attractive environment for shopping, entertainment, and community gathering.
11. PC Commercial Plaza District. The Commercial Plaza District is intended to maintain the Town's primary location for larger format locally serving retail uses such as grocery stores and shopping centers, where extensive parking can be readily accommodated.
12. MC Maritime Commercial District. The Maritime Commercial District is intended to promote a variety of nonresidential recreation and

commercial uses that enhance the Town's waterfront heritage, respect the sensitive nature of the surrounding environment, and are consistent in character and impact with the following:

(1) Promoting active and vibrant commercial activities at the street (grade) level where walking is safe and enjoyable.

(2) Establishing public pedestrian access to and along the waterfronts. Preserving the remaining scenic vistas to the Chesapeake Bay (on the east) side and the expansive Fishing Creek marsh (on the west).

§ 290-10 Land Use CLASSIFICATIONS table

- A. Table 1 Land Use Classifications identifies uses allowed by zone, with cross-references for use definitions and use-specific standards/conditions that may apply. The key for the use table is as follows:
1. (P) Permitted indicates that the use is permitted by right in the zone, subject to all applicable regulations.
 2. (C) Conditional indicates that the use is permitted provided specified conditions are met throughout the period of use. The applicable conditions are incorporated by reference to the appropriate section of this ordinance within the table.
 3. (SE) Special Exception Indicates that the use may be permitted by Special Exception of the Board of Appeals in accordance with 290-12 of this Article.
 4. (SC) Special Exception with Conditions indicates that a use may be permitted by Special Exception of the Board of Appeals in accordance with 290-12 of this Article, provided specified conditions are met throughout the period of use. The applicable conditions are incorporated by reference to the appropriate section of this ordinance within the table.
 5. (NP) Not Permitted indicates that the use is not permitted in the zone.

§ 290-11. Uses, Standards, and Conditions

The specific standards and applicable conditions in this section shall be satisfied during the period of the use and occupancy regardless of whether or not a zoning permit is required.

- A. All principal uses must comply with the standards of this section
- (1) Table 1, Land Use Classifications, identifies uses allowed by zone, with cross-references for use definitions and use-specific standards/conditions that may apply. The key for the use table is as follows:
 - i. (P) Permitted indicates that the use is permitted by right in the zone, subject to all applicable regulations.
 - ii. (C) Conditional indicates that the use is permitted provided specified conditions are met throughout the period of use. The applicable conditions are incorporated by reference to the appropriate section of this ordinance within the table.
 - iii. (SE) Special Exception Indicates that the use may be permitted by Special Exception of the Board of Appeals in accordance with 290-12 of this Article.
 - iv. (SC) Special Exception with Conditions indicates that a use may be permitted by Special Exception of the Board of Appeals in accordance with 290-12 of this Article, provided specified conditions are met throughout the period of use. The applicable conditions are incorporated by reference to the appropriate section of this ordinance within the table.
 - v. (NP) Not Permitted indicates that the use is not permitted in the zone.
 - (2) Overlay and Floating Districts
 - i. Overlay districts. Overlay districts are created for the purpose of imposing special regulations in designated areas of the Town to accomplish the purposes set forth for each overlay district. Overlay district requirements shall be in addition to the zoning district within which the lands placed in the overlay district lie.
 - ii. Floating districts. Floating districts are districts that are not mapped prescriptively as the area of another district, but are instead designated for use by the Town to accomplish the purposes set forth for each floating district.
- B. Prohibited uses in all districts
- The following uses are prohibited in all districts. These uses may not be

permitted by Special Exception or Variance of the Board of Appeals. Definitions of these uses are provided in §290-43.

- (1) CANNABIS GROWER
- (2) CANNABIS PROCESSOR
- (3) Casino Gambling
- (4) Smoke And Vape Shops
- (5) Massage Parlors
- (6) Adult Entertainment, SERVICE And Retail Establishments
- (7) Landfills
- (8) Junk And Salvage Yards
- (9) Drive-In Movie Theaters
- (10) Recreational Camps And Cottages
- (11) Non-Residential Parking In A Residential District
- (12) Sale or Rental of Automobiles
- (13) Repair Garage or Body Shop
- ~~(14) Drive-Through Windows~~

C. Residential Uses

- (1) Single-family, Detached

A building containing one dwelling unit on one lot and detached from any other dwelling.

- (2) Single-family, Attached

A building containing two or three attached dwelling units which have a common wall at the lot line between each unit and which are on separate lots.

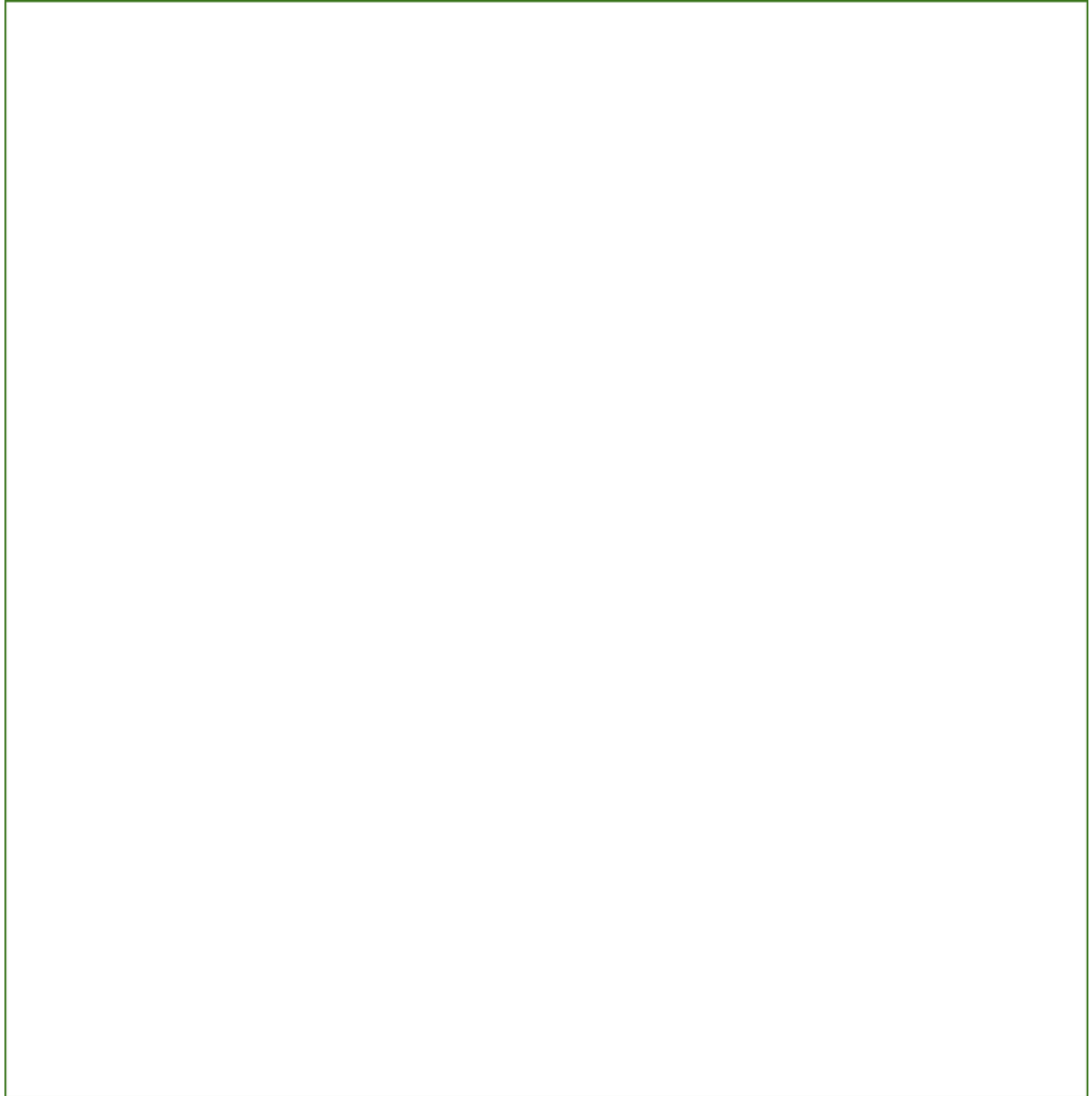
- (3) Townhouse Dwelling

A building containing four or more attached dwelling units in a row which have a common wall at the lot line between each unit and which are on separate lots.

(4) Multifamily Dwelling

A building containing two or more dwelling units on a single lot having a common roof and a common entry.

(5) Dwelling, Accessory



(6) Dwelling Unit in combination with Commercial Use

A dwelling or portion thereof providing complete living facilities for

one family, on a single lot having a common roof with a commercial use. This shall not include mobile homes, habitable travel trailers, or rooming, boarding, or lodging houses, or hotels, motels, tourist homes, or other similar places offering **TRANSIENT** overnight accommodations. ~~for transients.~~

Conditional use in the RV-2, TC and RPC Districts, subject to the requirements of the district where located and the following conditions:

- i. Parking requirements shall be met for both uses.
- ii. The commercial portion of such a combination use must be fully utilized for more than nine months in any calendar year so as not to reduce the commercial services made available to the community.
- iii. The residential use must be **SECONDARY** to the commercial portion of the building.
- iv. To retain commercial activity at the street level, the first floor at the public street frontage shall remain in commercial use only.
- v. The second floor and no more than 15% of the rear portion of the first floor, on a one- or one-and-one half story building may be in residential use.

D. Accommodations & Group Living

(1) Bed-and-Breakfast

An owner-occupied ~~or manager-occupied~~ building where, for compensation and only by prearrangement for definite periods, lodging and meals are provided, not to exceed 90 days per year. Limited to five guest rooms, excluding resident management.

Special Exception **WITH CONDITIONS** in the R-LD, R-MD, R-HD, RV-1, RV-2 and RPC Districts and conditional use in the NC, TC, PC and MC Districts, subject to the requirements of the district where located, and the following conditions:

- i. An owner ~~or manager~~ lives on the premises.

- ii. The facility is part of a dwelling unit, having a common roof and common entry.
- iii. No separate kitchens are provided.
- iv. Meals shall be provided for overnight lodgers only.
- v. The facility is operated through a state-approved bed-and-breakfast registry.
- vi. One off-street parking space is provided for each guest room.

(2) Motel/Hotel

A building in which lodging or boarding is provided for more than 15 persons, primarily transient, or with more than 10 guest rooms, offered to the general public at a daily rate. Ingress to and egress from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. This does not include boarding, rooming, or lodging houses, or an apartment house, timeshare facilities or condominium units. A hotel may include restaurants, taverns, club rooms, public banquet halls, ballrooms, and meeting rooms.

Special Exception in the TC, PC and MC Districts, subject to the requirements of the district where located, and the following conditions:

- i. The applicant shall site new buildings to ensure that adjacent properties have visual privacy and sunlight as well as protection from the new development's site illumination, noise, and odor, as applicable.
- ii. The applicant shall design buildings to complement and contribute to a desirable community character in terms of shape and style, roof lines, color, and materials.
- iii. Accessory uses may include a gift shop, beauty shop, barbershop, restaurant, cocktail lounge/nightclub, auditorium/meeting room facilities, and similar retail stores and commercial establishments.
- iv. Circulation and parking shall be adequate to fulfill requirements of all proposed uses, principal and accessory. The Planning & Zoning Commission may require a traffic analysis provided by

- the applicant demonstrating adequacy of the system.
- v. The applicant shall design and site buildings to screen from public view unsightly elements such as shipping and loading areas, transformers, dumpsters, and meters.
 - vi. The applicant shall design the building roof to screen mechanical equipment from public view and to contribute to an attractive streetscape.
 - vii. The applicant shall develop the public streetscape between the building and the street curb as a safe and convenient pedestrian way with attractive amenities such as paving, lighting, seating, shelter, and landscaping.
 - viii. The applicant shall design fences and retaining walls that are consistent in materials and quality with that of the building and the adjacent properties.
 - ix. The applicant shall design and locate signs so that their illumination is directed away from adjacent properties.
 - x. The applicant shall integrate ground signs into the design of the site and the streetscape.

(3) Tourist Home

A residential building, that is rented commercially in whole or in part, or a separate dwelling unit accessory to such a building that is rented commercially, in which paying guests are provided, with or without prearrangement.

(4) Residential Care Facility

A licensed care facility that provides 24-hour medical or non-medical care to persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. Residential care facilities include nursing homes, orphanages, independent living, assisted living, continuum of care, and hospice facilities.

(5) Group Home

Any residential structure used to provide assisted community living for persons with physical, mental, emotional, familial, or social difficulties.

(6) Dwelling for Resident Caretaker

A building on a permanent foundation arranged or designed to provide living facilities for a resident caretaker.

E. Institutional, Recreational and Educational Uses

(1) Assembly

A facility that has organized services, meetings, events, or programs to benefit, educate, entertain, or promote discourse in a public or private setting.

Permitted use in TC & PC. Special Exception in the NC District, subject to the requirements of the district where located, and the following conditions:

- i. Minimum lot area shall be one acre.
- ii. Minimum lot width shall be 200 feet.
- iii. No part of any building shall be located within 50 feet of any adjoining property line in separate ownership.
- iv. Building coverage shall not exceed 25% of the lot.
- v. Screening and buffers shall be provided where the lot abuts residentially used properties or where the site abuts any residential zoning district.
- vi. Parking requirements shall be met on-site.
- vii. Housing for religious personnel shall meet the minimum requirements of the applicable residential use.

(2) Schools

A public, private, or parochial institution offering instruction at the elementary through high school levels with a full range of curricular programs.

Special Exception with Conditions use in the MC District, subject to the requirements of the district where located, and the following conditions:

- i. Minimum lot area shall be one acre.
- ii. Minimum lot width shall be 200 feet.
- iii. No part of any building shall be located within 50 feet of any adjoining property line in separate ownership.
- iv. Dormitories or other living accommodations for faculty or students shall meet the minimum requirements of the applicable residential use.

(3) Cultural Facility

A facility open to the public for cultural services and exhibitions, such as a library, museum, community center, adult education center, or similar open to the public or connected with a permitted use and not conducted as a private business.

Special Exception with Conditions in the NC District, subject to the requirements of the district where located, and the following conditions:

- i. The minimum lot area shall be 10,000 square feet.
- ii. No part of any building shall be located within 30 feet of any adjoining property in residential use.
- iii. Vegetative screening and buffers shall be provided on all lot lines that abut properties in residential use.
- iv. No outdoor active recreational area shall be located nearer to any lot line than the required yard setback.
- v. Any new buildings shall be designed to be architecturally harmonious with buildings in the neighborhood including but not limited to building facade orientation, building scale and massing, materials, colors, roofs and roof lines.

(4) Day-Care Center

A business that provides licensed care to five or more children or adults for less than 24 hours a day, this includes a nursery school, kindergarten, or other agency giving care to persons as a commercial operation.

Special Exception in the NC and PC Districts, subject to the

requirements of the district where located, and the following conditions:

- i. The minimum lot area shall be 20,000 square feet plus 2,500 square feet of lot area for each person cared for above 10 persons.
- ii. No part of any building shall be located within 30 feet of any adjoining property in residential use.
- iii. Vegetative screening and buffers shall be provided where the lot abuts residentially used properties.
- iv. Any outdoor play active recreational area shall be located in the rear yard and its boundary shall be at least 10 feet from the rear lot line and not nearer to any other lot line than the required yard setback.
- v. Outdoor play areas shall be sufficiently screened and sound-insulated so as to protect the neighborhood from noise and other disturbances. To fulfill this requirement, screening may be located anywhere on the lot as needed.
- vi. Any new buildings shall be designed to be architecturally harmonious with buildings in the neighborhood, including but not limited to building facade orientation, building scale and massing, materials, colors, roofs and roof lines.

(5) Environmental Science

Research and educational uses including nature centers related to environmental sciences.

Conditional use in the RC District, subject to the requirements of the district where located and the following conditions:

- i. Accessory uses shall only be those intrinsically related to the research or educational mission of the principal use.
- ii. Whether Article X, Forest Conservation, is applicable or not, the removal of trees on the property shall be strictly limited to only that extent necessary to make reasonable use of the property and the applicant shall submit a plan documenting both existing and planned tree cover including an inventory

- of trees to be removed and replaced.
- iii. The addition of impervious surface coverage shall be strictly limited to only that amount necessary to enable reasonable use of the property and, where feasible, pervious surfaces should be used as an alternative.
- iv. No building shall be permitted which exceeds a footprint of 2,000 square feet.

(6) Parks and Playgrounds

Open space, including any buildings or other structures designated and used for active or passive recreation, including, playgrounds, ball fields, tennis/basketball courts, swimming pools, walking trails, picnic areas, and accessory structures.

Permitted in the R-LD, R-MD, R-HD, RV-1, RV-2, RPC, NC, TC, PC, and MC zones.

Special Exception in the RC District, subject to the requirements of the district where located and the following conditions:

- i. Whether Article X, Forest Conservation, is applicable or not, the removal of trees on the property shall be strictly limited to only that extent necessary to make reasonable use of the property and the applicant shall submit a plan documenting both existing and planned tree cover including an inventory of trees to be removed and replaced.
- ii. The addition of impervious surface coverage shall be strictly limited to only that amount necessary to enable reasonable use of the property and, where feasible, pervious surfaces should be used as an alternative.

(7) Governmental Facility

A government building or recreational facility that is owned and operated by Chesapeake Beach or other governmental agency.

Conditional use in the RC District, subject to the requirements of the district where located and the following conditions:

- i. No building shall be permitted except that necessary for the purposes of managing the land or water resources or enhancing the low-impact experience of the natural environment.
- ii. Whether Article X, Forest Conservation, is applicable or not, the removal of trees on the property shall be strictly limited to only that extent necessary to make reasonable use of the property and the applicant shall submit a plan documenting both existing and planned tree cover including an inventory of trees to be removed and replaced.
- iii. The addition of impervious surface coverage shall be strictly limited to only that amount necessary to enable reasonable use of the property and, where feasible, pervious surfaces should be used as an alternative.
- iv. No building shall be permitted which exceeds a footprint of 2,000 square feet.

(8) Private Club

An establishment, building, facility, or grounds owned or operated by a non-profit corporation, association, or group of persons for social, fraternal, religious, political, civic, or recreational purposes. The facility must be operated primarily for the benefit of its members and their guests and not for the general public as a gainful business. This includes fraternal organizations and lodges, yacht clubs, sailing clubs, country clubs, and social or service clubs.

(9) Water-Oriented Recreation

Sailing schools, boat rentals and storage and similar water-oriented recreational uses.

Special Exception with in the RC District, subject to the requirements of the district where located and the following conditions:

- i. Whether Article X, Forest Conservation, is applicable or not, the removal of trees on the property shall be strictly limited to only that extent necessary to make reasonable use of the property and the applicant shall submit a plan documenting

- both existing and planned tree cover including an inventory of trees to be removed and replaced.
- ii. The use shall be limited to waterfront properties or to properties that are contiguous to, and functionally connected with, waterfront properties.
 - iii. The addition of impervious surface coverage shall be strictly limited to only that amount necessary to enable reasonable use of the property and, where feasible, pervious surfaces should be used as an alternative.
 - iv. No building shall be permitted.

(10) Game and Wildlife Preserves

Land used for the raising, breeding, and/or hunting of wildlife for sport or food. includes commercial hunting operations and regulated shooting grounds licensed by the state of Maryland. This does not include shooting ranges.

Conditional use in the RC District, subject to the requirements of the district where located and the following conditions:

- i. Accessory uses shall only be those intrinsically related to the game, wildlife, nature, or educational mission of the principal use.
- ii. Whether Article X, Forest Conservation, is applicable or not, the removal of trees on the property shall be strictly limited to only that extent necessary to make reasonable use of the property and the applicant shall submit a plan documenting both existing and planned tree cover including an inventory of trees to be removed and replaced.
- iii. The addition of impervious surface coverage shall be strictly limited to only that amount necessary to enable reasonable use of the property and, where feasible, pervious surfaces should be used as an alternative.
- iv. No building shall be permitted which exceeds a footprint of 2,000 square feet.

(11) Nature Preserves

Land managed solely for the conservation of natural resources and wildlife habitat. Uses are limited to passive recreation such as hiking, photography, and nature study. Motorized vehicle use and the discharging of firearms are prohibited, except for limited management purposes authorized by the state. This does not include shooting ranges.

Conditional use in the RC District, subject to the requirements of the district where located and the following conditions:

- i. Accessory uses shall only be those intrinsically related to the game, wildlife, nature, or educational mission of the principal use.
- ii. Whether Article X, Forest Conservation, is applicable or not, the removal of trees on the property shall be strictly limited to only that extent necessary to make reasonable use of the property and the applicant shall submit a plan documenting both existing and planned tree cover including an inventory of trees to be removed and replaced.
- iii. The addition of impervious surface coverage shall be strictly limited to only that amount necessary to enable reasonable use of the property and, where feasible, pervious surfaces should be used as an alternative.
- iv. No building shall be permitted which exceeds a footprint of 2,000 square feet.

F. Office and Commercial Uses

(1) Home occupation, Minor

A home occupation is a business or commercial activity that a permanent resident conducts within their residence, and which the use is clearly secondary to the primary use as a residence. A minor home occupation must have little or no negative impact on the neighborhood where the business is located.

Conditional use in the RV-1, ~~R-LD, R-MD, R-HD,~~ and RPC Districts, subject to the requirements of the district where located, except as herein provided:

- i. The occupation is conducted entirely within the PRINCIPAL dwelling.
- ii. The occupation uses no more than 30% of the principal dwelling floor area.
- iii. All employed are permanent residents in the dwelling.
- iv. No outside storage of equipment, materials or items to be repaired or sold shall be permitted.
- v. No article or commodity is offered for sale or is publicly displayed on the premises.
- vi. No visible display of products may be shown from outside the dwelling, and no advertising visible outside the premises shall be permitted.
- vii. The occupation shall not require any additional parking or loading beyond that required for the primary dwelling.
- viii. No on-site retail sales are conducted on the premises.
- ix. The establishment or operation of a home occupation shall be harmonious with the character of neighboring residential uses and shall not create traffic (pedestrian or vehicular) or parking demands out of character with neighboring properties.

(2) Home occupation, Major

A home occupation is a business or commercial activity that a permanent resident conducts within their residence, and which the use is clearly secondary to the primary use as a residence. A major home occupation must have minimal impact on the neighborhood where the business is located.

Conditional use in the RV-2, R-MD, R-LD ~~NC, TC, PC and MC~~ Districts, subject to the requirements of the district where located, and the following conditions:

- i. The occupation is conducted entirely within the dwelling and/or accessory building and is clearly secondary to the use of the dwelling for residential purposes.
- ii. On-sales, services, employment shall be conducted between 8 am and 8 pm.
- iii. The gross floor area of the home occupation over all buildings on the property uses no more than 40% ~~30%~~ of the principal dwelling floor area.
- iv. All employed are permanent residents in the dwelling, except that one full-time nonresident employee may be on the premises.
- v. No outside storage of equipment, materials or items to be repaired or sold shall be permitted.
- vi. No article or commodity is offered for sale or is publicly displayed on the premises except those incidental to the services offered.
- vii. No visible display of products may be shown from outside the dwelling, and no advertising visible outside the premises shall be permitted, other than the permitted home occupation announcement sign.
- viii. No exterior alterations, additions, or changes to the structure shall be permitted in order to accommodate or facilitate a home occupation.
- ix. Besides the required parking for the dwelling unit, additional parking located to the side or rear yard shall be provided as follows: one space for the nonresident employed on the premises and other parking must comply with section 290-20.
- x. A nameplate not larger than two square feet attached to the building and illuminated only by indirect lighting is permitted.
- xi. The establishment or operation of a home occupation shall be harmonious with the character of neighboring residential uses and shall not create traffic (pedestrian or vehicular) or parking demands out of character with neighboring properties.
- xii. A zoning permit is obtained.

(3) Home day care

A business that provides licensed care to five or more children or adults for less than 24 hours a day that is run out of a residential home.

Conditional use in the RV-1, RV-2, RPC, NC and PC Districts, subject to the requirements of the district where located, and the following conditions:

- i. Applicant shall meet the requirements of state and local health departments.
- ii. All such uses shall be located so as to permit the safe pickup and delivery of all persons on the site.
- iii. The operation shall meet the individual parking requirements of home day-care businesses in addition to any residential parking requirements for the dwelling in which the operation is located.
- iv. The home is the primary residence of the owner and operator of the daycare center.

(4) Offices & Clinics

A facility for the processing, manipulation, or application of business information or professional expertise, and which may or may not offer services to the public. An office is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, or engaged in the repair of products or retail services. This includes offices or clinics for medical or dental examination or treatment of persons as outpatient, including laboratories incidental thereto.

Conditional use in the ~~RV-1, RV-2~~, NC, TC, PC and MC Districts, subject to the requirements of that district, and the following conditions:

- i. The principal building shall be no closer than 20 feet to any lot line that adjoins a property in residential use.
- ii. Off-street parking shall be provided in the side or rear yard and shall be completely screened from view of adjoining residential properties.
- iii. To reduce the impact of traffic and parking, the total floor area

devoted to the use shall be limited to 6,000 square feet (in addition to any basement or attic areas used solely for storage).

- iv. Vegetative screening and buffers shall be provided along lot lines that abut properties in residential use.
- v. Any new buildings shall be designed to be architecturally harmonious with buildings in the neighborhood, including but not limited to building facade orientation, building scale and massing, materials, colors, roofs and roof lines.
- vi. Signage shall be limited to one freestanding sign of no more than two square feet identifying the name and number of the building or premises unless the property fronts on more than one street, in which case one such sign may be erected on each frontage.

(5) Office in Combination with Residential

A facility for the processing, manipulation, or application of business information or professional expertise, and which may or may not offer services to the public that is located in combination with a residential use. An office is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, or engaged in the repair of products or retail services. This includes offices or clinics for medical or dental examination or treatment of persons as outpatient, including laboratories incidental thereto.

Conditional use in the RV-2, subject to the requirements of the district and the following conditions:

- i. The use shall be an integral part of a pre-existing otherwise permitted mixed use commercial and multifamily development.

(6) Neighborhood Retail

Small-scale retail establishments of no more than 3,000 square feet carrying one type of interrelated goods. Neighborhood retail uses include those listed in the table to neighborhood retail uses below.

Table of Neighborhood Retail uses

Art studio, gallery & sales
Antique Shop
Apparel, shoe, accessory store
Bicycle & accessory sales
Bookstore
Craft Store
Drug/Cosmetic Store
Fabric/Sewing supply Store
Florist Shop
Framing Shop
Gift Shop
Grocery Store
Hardware Store
Home furnishings & Accessories
Jewelry Store
Optical goods
Magazine/Newspaper sales
Party supply Shop
Specialty foods
Sporting goods
Stationary Store
Toys/baby supplies

Conditional use in the ~~RV-2~~RV-1 District, subject to the requirements of the district where located, and the following conditions:

- i. The use shall be an integral part of an existing and otherwise permitted mixed-use commercial and multifamily development that was permitted, platted, and recorded prior to January 20, 2005.

(7) General Retail

Sales establishments that meet the diverse consumption needs of the surrounding community and passing traffic. These uses are located on arterial roads and not on neighborhood streets.

General retail uses include those listed in the table of neighborhood retail in §290-11(E)(6), and those additional uses listed in the table of general retail uses.

Table of General Retail uses

Appliance and furniture repair
Automotive supply (no service)
Computer software sales & leasing
Department store
Discount store
Medical supply store
Outdoor recreation equipment
Pharmacy

(8) Personal Services

A commercial business primarily engaged in providing services to an individual. These services are generally provided on the premises and may include the incidental sale of retail products associated with the service. Personal service uses include those listed in the table of personal service uses below

Table of personal service uses

Barbershops
Dry cleaning (receiving stations)
Fitness/recreational studios
Insurance
Laundry
Locksmith
Therapeutic massage, licensed proprietor
Photography studio
Physical therapy
Real estate
Recreational/fitness studio
Repair shops for any goods that are permitted to be sold in the district

Salons
Spa
Travel agency

Conditional use in the ~~RV-1~~ RV-2 District, subject to the requirements of the district where located and the following conditions:

- i. The use shall be an integral part of an existing and otherwise permitted mixed-use

(9) General Services

A Commercial business primarily engaged in providing services to the general public, businesses, or government entities, involving the repair, maintenance, servicing, or the provision of support services. These services are generally provided on the premises and may include the incidental sale of retail products associated with the service. This use does not include the outside storage of materials or heavy industrial processing.

General service uses include those listed in the table of personal services in §290-11(E)(8), and those additional uses listed in the table of general services.

Table of general services

Contractors Shop
Dancing School
Financial Services, Bank

Mailing & Shipping
Music or Art Studio
Plumbing Shop
Printing & Copying
Professional School
Theaters
PSYCHIC READINGS
TATTOO PARLORS

(10) Tree and Plant Nurseries

Retail sale of living plants, trees, and shrubs, including the sale of related items.

(11) Contractors Shop

A business engaged in construction, demolition, maintenance, or repair of buildings, structures, or infrastructure, or the design, installation, maintenance, or removal of vegetation, landscaping, hardscaping, or snow. Includes the storage of construction vehicles, heavy equipment, trailers, administrative offices, and materials associated with the business.

(12) Restaurant, Class I¹

A business where food and beverages are prepared for and served to patrons for consumption primarily on-premises in a ready-to-consume state. Patrons are customarily provided with menus and are served their

¹ *Drafters note: Previously, Restaurant Classes went from more to less intense, this is contradictory to how the other uses in the ZO are set up, for this reason the definitions of Class I and Class III restaurants have been swapped.*

food or beverages by a restaurant employee at the same table or counter at which the food is consumed.

- i. Carryout goods may constitute no more than 10% of the business.
- ii. May include a bar, dancing, and live entertainment as regulated within the specific zoning districts.
- iii. Outdoor dining is permitted.
- iv. Drive-up services are not permitted.
- v. The sale of alcohol for on-premises consumption is permitted.
- vi. The sale of alcohol is incidental to the sale of food.
- vii. Catering or delivery is permitted as an accessory use.

(13) Restaurant, Class II

A business where food and beverages are prepared for and served to patrons for consumption either on or off-premises. Food items prepared for consumption generally are not prepackaged but are made to specific order. Includes bakeries, bakeshops, candy or ice cream stores.

- i. A limited number of prepackaged items may be sold but only as accessory to the principal use of service of food for immediate consumption.
- ii. May not have bars, dancing, OR live entertainment, ~~or drive-in, drive-through service windows.~~
- iii. May have drive-up services and drive-through windows.
- iv. Alcohol sales are not permitted via drive through windows.
- v. The establishment does not provide more than 10 seats.
- vi. Outdoor dining is permitted.
- vii. The service of beer and wine only is permitted on the premises with meals.
- viii. The sale of alcohol other than beer or wine for on-premises consumption is not permitted.
- ix. The sale of alcohol for off-premises consumption requires separate approval for an alcohol sales establishment.

(14) Restaurant, Class III²

A business where food and beverages are prepared for and served to customers for consumption primarily off-premises. Foods and beverages are served to customers in a ready-to-consume state, for consumption off of the premises.

- i. May have sit-down seating and delivery service.
- ii. May not have bars, dancing, live entertainment..
- iii. May have drive-up services and drive-through windows.
- iv. Alcohol sales are not permitted via drive through windows.
- v. Outdoor dining is permitted.
- vi. The sale of alcohol for on-premises consumption requires separate approval as a tavern.
- vii. The sale of alcohol for off-premises consumption requires separate approval for an alcohol sales establishment.

(15) Tasting Rooms

An on-site tasting room for the retail sale of beverages for on and off-premises consumption. The beverage offered for sale must be produced by the facility that is a limited winery, micro-brewery, or limited distillery. The facility must have a valid and current Class 4, 7, or 9 license, respectively, under the Alcoholic Beverages and Cannabis Article of State Code.

- i. For a limited winery the production quantities shall not exceed the limits established for a Class 4, Limited Winery License.
- ii. For a microbrewery the production quantities shall not exceed the limits established for a Class 7, Micro-Brewery License.
- iii. For a microdistillery the production quantities shall not exceed the limits established for a Class 9, Limited Distillery License.
- iv. A limited number of prepackaged items may be sold but only as accessory to the principal use of service of alcohol for immediate consumption.
- v. May not have bars, dancing, live entertainment.

² *Drafters note: Previously, Restaurant Classes went from more to less intense, this seemed contradictory to how the other uses are set up, for this reason the definitions of Class I and Class III restaurants have been swapped.

- vi. The establishment does not provide more than 20 seats.
- vii. Outdoor dining is permitted.

(16) Tavern

A business where beverages are prepared for and served to customers for consumption primarily ON-premises. If food is sold, the sale of food is incidental and secondary to the sale of alcohol.

- i. Carryout food may constitute no more than 10% of the business.
- ii. May include a bar, dancing, and live entertainment as regulated within the specific zoning districts.
- iii. Outdoor dining is not permitted.
- iv. Drive-up or drive-through services are not permitted.
- v. The sale of alcohol for off-premises consumption requires separate approval for an alcohol sales establishment.
- vi. No permanent space is dedicated for live entertainment.
- vii. No admission is charged for live entertainment.
- viii. When live entertainment is offered, it is clearly incidental and subordinate to the tavern use.

Special Exception in the TC, PC and MC Districts, subject to the requirements of the district where located.

(17) NIGHTCLUB

A business whose primary business is the provision of live or recorded entertainment, music, or dancing facilities for patrons. and food are prepared for and served to customers for consumption primarily on-premises. If food is sold, the sale of food and alcohol are incidental and secondary to the provision of live entertainment. .

- i. Carryout food may constitute no more than 10% of the business.
- ii. May include a bar, dancing, and live entertainment as regulated within the specific zoning districts.
- iii. Outdoor dining is not permitted.
- iv. Drive-up or drive-through services are not permitted.
- v. The sale of alcohol for off-premises consumption requires

separate approval for an alcohol sales establishment.

Special Exception in the MC District, subject to the requirements of the district where located.

(18) Indoor Entertainment and Recreation

A facility operated as a business providing active or passive recreational, entertainment, or athletic activities entirely within an enclosed building, includes facilities for organized sports, amusement, and leisure activities.

- i. Noise and visual impacts must be contained within the structure.
- ii. Does not include a bar, restaurant, or nightclub.

Special Exception in the TC, PC and MC Districts, subject to the requirements of the district where located.

(19) Outdoor Entertainment and Recreation

A facility operated as a business providing recreational or amusement activities primarily conducted in open or partially enclosed structures.

- i. Noise and visual impacts must be appropriately buffered from any nearby residential areas.
- ii. Does not include a bar, restaurant, or nightclub.

Special Exception in the TC, PC and MC Districts, subject to the requirements of the district where located

(20) Animal Care Establishment

A business which provides care for domestic animals, including veterinary offices for the immunization, diagnosis, or treatment of animals, where animals may be boarded during their convalescence, includes pet grooming facilities.

Special Exception in the TC, PC and MC Districts, subject to the requirements of the district where located:

- i. Minimum lot area shall be 20,000 square feet.

- ii. All operations in connection with the clinic must be conducted indoors.
- iii. Vegetative landscaping shall be used along the side lot lines when the site adjoins a residential lot and must include no less than two sets of coniferous plantings with five-foot separation plus a hedge.
- iv. No crematorium or incinerator device may be used on the site in conjunction with the clinic operations.
- v. The site may not be operated as a kennel, though overnight stays by pets receiving medical care may be permitted.
- vi. No work on large animals (bovine or equine) is to be performed on the premises.
- vii. Exterior exercise areas must be located to the rear or interior side of the principal building on the lot.
- viii. Any exterior exercise areas must be designed to provide shelter against weather.
- ix. Fencing of exterior exercise areas is required. Fencing must be a minimum of seven feet in height to prevent escape, and must be buried a minimum of one foot to prevent escape by digging beneath the fence.

(21) LIQUOR SALES

A retail establishment whose primary business is the sale of alcoholic beverages, including beer, wine, and distilled spirits, in original, sealed containers or packages for consumption off the premises where more than fifty percent (50%) of its gross floor area is devoted to the display and sale of alcoholic beverages.

Special Exception with Conditions Use in the PC and MC Districts..

(22) CANNABIS DISPENSARY

Cannabis Dispensary shall have the meaning set forth in Division III, "cannabis," of the alcoholic beverages and cannabis article of the annotated code of Maryland.

Special Exception with Conditions Use in the PC and MC Districts,

subject to the following conditions:

- i. The boundaries of a property on which a Cannabis Dispensary is located shall be at least 500 feet, measured as the shortest straight-line distance from property line to the property line, of a primary or elementary school, licensed child care center or family child care home, playground, recreation center, library, public park, or place of worship that is existing or under active construction at the time that the application for a Cannabis Dispensary is submitted.
- ii. The boundaries of a property on which a Cannabis Dispensary is located shall be at least 100 feet, measured as the shortest straight-line distance from property line to the property line, from any residential zoning district.
- iii. The boundaries of a property used as a Cannabis Dispensary is located shall be at least 1,000 feet, measured as the shortest straight-line distance from property line to the property line, from any other property boundary on which a Cannabis Dispensary is located.
- iv. On-site consumption of cannabis is not permitted.
- v. A Cannabis Dispensary is not permitted as an accessory use.
- vi. A Cannabis Dispensary is not permitted as a home occupation.

G. Light Industrial, Utility, and Related Uses

(1) Craft/Artisan Assembly and Manufacturing

A manufacturing use involving small-scale production or assembly with no noxious by-products, and which may include a showroom or ancillary sales of products, including cabinet making, woodworking, glass making, blacksmithing, boat building, and sail manufacturing.

- i. No processes or equipment may be used that creates heat, glare, dust, smoke, fumes, odors, or vibration detectable off the property.
- ii. Outdoor storage is prohibited.

(2) Automotive Service

A business that offers routine maintenance and minor repairs to motor vehicles.

Special Exception with Conditions use in the TC District, subject to the requirements of the district where located, and the following conditions:

- i. All activities, except for those to be performed at the fuel pumps, shall be performed within a completely enclosed building.
- ii. No fuel pump, oil draining pit, or other vehicle appliance for serving automobiles shall be located within 15 feet of a right-of-way.
- iii. Bulk storage of flammable liquids shall be underground.
- iv. The entrance and exit of any such establishment shall be at least 50 feet from any residential lot.
- v. No storage or stockpiling of tires or any trash shall be permitted.
- vi. All inoperative vehicles shall be completely screened from view of rights-of-way and adjoining properties.
- vii. An area, enclosed by a wall or fence, screened from view of adjoining properties and rights-of-way shall be established whenever outdoor storage is required.
- viii. No fuel pumps, structures or buildings shall be erected within 150 feet of any dwelling.
- ix. All lights shall be diverted toward the station or downward on the lot.

(3) Marina

A commercial facility for the mooring, berthing, storing, or securing of watercraft for compensation.

Special Exception with Conditions use in the MC District, subject to the requirements of the district where located, and the following conditions:

- i. The Marina shall comply with all Town, state, and federal codes, regulations, laws, and ordinances.
- ii. The proposed design shall be satisfactory as regards such

- safety features as the location of fueling points, fuel storage, the effect on navigation, the possibilities for water pollution, and service by fire hydrants.
- iii. The projection of docks, wharves, and piers into waterways shall be limited by applicable Town, state and federal laws.
 - iv. Groins, levees, bulkheads, pilings, breakwaters, and other similar structures shall be erected and maintained in accordance with applicable location and construction standards of the Town, state, and other required regulatory agencies.
 - v. Adequate sanitary facilities shall be provided. The Planning Commission may specify the number.
 - vi. Each marina shall maintain fire suppression and prevention equipment and facilities and shall conform to the requirements of the State Fire Marshal. Interior roadways shall be of sufficient width and maintenance to accommodate fire and emergency equipment.
 - vii. Containerized trash receptacles shall be required within a reasonable distance of all piers.

(4) Aquaculture

The commercial rearing, farming, and harvesting of finfish, shellfish, and aquatic plants for sale, trade, or barter. Includes the cultivation of marine life in natural water bodies or man-made ponds.

Special Exception with Conditions in the RC District, subject to the following conditions:

- i. The use shall be limited to waterfront properties or to properties that are contiguous to, and functionally connected with, waterfront properties.
- ii. Whether Article X, Forest Conservation, is applicable or not, the removal of trees on the property shall be strictly limited to only that extent necessary to make reasonable use of the property and the applicant shall submit a plan documenting both existing and planned tree cover including an inventory of trees to be removed and replaced.

- iii. There shall be only species that are native to this region.
- iv. The addition of impervious surface coverage shall be strictly limited to only that amount necessary to enable reasonable use of the property and, where feasible, pervious surfaces should be used as an alternative.

(5) Seafood Processing & Fishing, Water dependent

A facility or area used for the berthing of commercial fishing vessels and the unloading, weighing, sorting, and temporary storage of finfish, shellfish, or other marine resources.

(6) DATA CENTER

A specialized facility whose primary purpose is the centralized housing, storage, management, processing, and distribution of electronic data, computer systems, and associated telecommunications equipment. This use typically includes extensive infrastructure to support its operations, such as redundant or backup power generation (e.g., diesel generators, battery banks), specialized environmental controls (e.g., industrial cooling systems/chillers), enhanced security systems, and high-capacity fiber-optic data connections.

(7) Bio Manufacturing

A facility primarily engaged in the research, development, and controlled testing manufacturing, compounding, processing, assembly, packaging, or treatment of chemical, biological, or pharmaceutical products, bio-medical technologies, medical equipment. This use includes laboratories, administrative offices, and prototype development.

- i. Facilities operating at biosafety level 3 (bsl-3) or higher, as defined by the U.S Centers for Disease Control (CDC), shall require a Special Exception (conditional use) approval. Facilities operating at bsl-4 are prohibited.
- ii. All storage of hazardous materials, compressed gases, or chemical solvents must be contained within the principal building or in approved accessory structures.

(8) Marine Storage

Storage in association with permitted Marina activities

Special Exception with Conditions use in the RC District, subject to the following conditions:

- i. The use shall be limited to permitted marine commercial activities located on the same property or a contiguous property where there is a direct and functionally connected relationship.
- ii. Clearing of forested land to accommodate the use is strictly prohibited.
- iii. The addition of impervious surface coverage shall be strictly limited to only that amount necessary to enable reasonable use of the property and, where feasible, pervious surfaces should be used as an alternative.

(9) Utilities

Facilities and services that primarily serve local distribution needs, including, but not limited to, water and sewer pump stations, electrical transformer stations, and structures housing switching equipment and regulators, tower transmission line right-of-way, towers, and radio and/or television transmitter tower, cellular tower, etc., water reclamation plant, water treatment, water towers, water pumping stations.

Special Exception with Conditions in all districts, subject to the requirements of the district where located, and the following conditions:

- i. In any residential district, the proposed use at the location selected is necessary for public convenience and service and cannot be supplied with equal public convenience if located elsewhere.
- ii. In any residential district, whenever practicable, buildings and structures shall have the exterior appearance of residential structures.
- iii. In any residential district, neither public business office nor any storage yard or storage building is operated in

- connection with it.
- iv. In the case of radio, cellular, and/or television transmitter towers, any such tower shall be located a distance equal to its height plus 50 feet from all lot lines.
 - v. There shall be no electrical disturbance emanating from any use or lot which would adversely affect the operation of any equipment on any other lot or premises.
 - vi. Transmission and distribution facilities should be located underground unless cause can be shown why they cannot be placed underground.

(10) COMMERCIAL SOLAR ENERGY SYSTEMS

A solar energy system (SES) is a device or structural component, or group of components, designed to collect, store, and/or distribute solar energy for electricity generation, heating, or cooling. A commercial or community SES is a larger system that may be ground-mounted or pole-mounted, generating electricity primarily for offsite use, including systems owned by a third party and connected to the utility grid.

Commercial SES are permitted in the MC zone subject to the following regulations:

- i. All commercial, and community solar energy systems and associated facilities must comply with the following minimum setbacks:
 - 0. 150 feet from the nearest wall of any existing residential dwelling not located on the project parcel.
 - 1. 100 feet from all exterior property lines of the project area.
 - 2. Setbacks shall be measured from the property boundary to the nearest part of the nearest solar panel, inverter, substation, or associated equipment.
 - 3. Solar panels and accessory equipment shall not be located within public road rights-of-way, except for necessary interconnection equipment.
- ii. The maximum height for any solar panel or related structure in a commercial or community solar energy system shall be 15 feet, measured from ground level to the highest point.
- iii. All solar energy system installations shall be enclosed with non-barbed wire fencing, not exceeding 20 feet in height.

- iv. Fencing must be set back at least 50 feet from the edge of any public road right-of-way.
- v. Fencing shall be black or green vinyl-coated wire mesh if chain-link is used.
- vi. All fencing must be placed behind landscape buffers.
- vii. Projects over 2 mw (ac) capacity must submit a viewshed analysis for any site within 500 feet of a rural legacy area, priority preservation area, public park, designated scenic river or byway, designated heritage area or historic site.
- viii. All SES must be sited to minimize visual intrusion on nearby residences, cultural, and natural resources.
- ix. All commercial or community SES projects shall provide landscape buffers as part of a landscaping plan prepared by a qualified professional landscape architect as follows:
 0. Any existing forest or hedgerow on the site shall be preserved to the maximum extent practicable and supplemented with new, native plantings where necessary.
 1. A landscaped buffer shall be thirty-five (35) feet in width, unless the planning commission determines that a narrower or wider buffer is appropriate due to site-specific conditions such as topography, adjacency to existing vegetation, or distance from roadways or neighboring uses.
 2. Buffers are required along:
 - a. all project area property lines
 - a. edges without existing vegetative screening over 50 feet wide
 - b. if the owner demonstrated an alternative location within the project boundary will maximize visual screening that location may be used by approval of the planning commission.
 3. Vegetative screening shall include staggered, multilayered rows of both evergreen and deciduous native species, providing four-season visual screening of the SES
 4. Plantings must reach screening capacity within five (5) years and be at least four (4) feet in height at time of planting.
 5. May not be trimmed in such a way as to stunt growth or limit the effectiveness of the visual screening.
 6. A landscaping bond equal to 100% of the total cost shall be posted for five (5) years, with 50% release after 90% survival is demonstrated.

7. All required landscaping and vegetative buffers shall be maintained in good health and condition for the duration of the solar energy system's operation. In the event of vegetation loss due to disease, drought, storm damage, fire, or other causes, the owner or operator shall be responsible for prompt replacement to maintain compliance with the approved site plan and screening requirements.
8. If, during or after the bond period, vegetation is significantly damaged due to conditions beyond the control of the owner or operator—including but not limited to natural disasters, extreme weather, pest infestation, or disease—the planning commission may grant a reasonable period for replanting or restoration. bond obligations shall not extend beyond the five (5)-year term unless specifically renewed or extended by the town; however, the obligation to maintain effective vegetative screening remains enforceable throughout the life of the project.
 - x. Grading shall be minimized. No topsoil may be removed from the site.
 - xi. Native or noninvasive groundcover must be planted and maintained on the site in all areas not occupied by buildings, roads, or walkways with a 90% survival threshold.
 - xii. Herbicide use is prohibited except for spot treatment of invasive species under an approved plan.
 - xiii. Substations and energy storage or interconnection equipment must be sited to minimize public visibility and comply with all setbacks.
 - xiv. Critical infrastructure may use enhanced fencing and must be included in all visual and landscape plans.
 - xv. SES facilities shall not exceed 65 decibels at the nearest property line under normal operations, measured during daylight hours.
 - xvi. Noise-generating equipment such as inverters or transformers must be located as far as practicable from adjacent residences.
 - xvii. Exterior lighting is permitted only as required by law and necessary for safety.
 0. Exterior lighting shall be limited to motion-activated security lights or downward-facing fixtures. All lighting must comply with dark-sky principles and not create light trespass onto adjacent properties.
 - xviii. For a commercial or community, ground mounted SES of any size, a decommissioning plan shall be submitted with any SES proposal.

- 0. The decommissioning plan shall include a plan to return the site, including all topsoil to its existing condition before the SES was located on the site.
- xix. The owner/operator must enter into an agreement with the town and psc, and post a surety bond for 125% of the projected decommissioning cost, less salvage value.
- xx. True-up of bond amount shall occur every five (5) years.
- xxi. All solar energy system projects are subject to all review procedures and fees set out in this chapter.
- xxii. Residential solar energy systems do not require a building permit, but a zoning certificate is required.
- xxiii. Projects located within overburdened or underserved communities, as defined by Maryland law, must demonstrate compliance with public meeting and notice requirements.
- xxiv. The Town reserves the right to adopt additional regulations consistent with evolving state and federal law.

(11) Bus/Transit station

A facility designated for the loading and unloading of passengers from bus, rail, or other public transportation services. Does not include the housing, storage, maintenance, and repair of public transportation vehicles.

H. TEMPORARY USES

(1) Garage, Yard, Estate Sales:

A temporary event held on a residential premise for the sale of used household goods, personal property, or unwanted items accumulated by the residents of the dwelling.

A permit is not required for this conditional use in all districts, subject to the requirements of the district where located, and the following conditions:

- i. Articles for sale consist of personal possessions of the seller.
- ii. Such sales are not conducted in the same location more than four times per year.
- iii. Sales are conducted between the hours of 8 AM and 6 PM

(2) Carnival or similar Transient Enterprise

A temporary outdoor establishment involving the set-up of amusement rides, games of chance or skill, animal shows, aerial performances, or similar entertainment activities. This use includes associated concession stands, temporary structures, and mechanical equipment.

~~Special Exception with Conditions~~ **CONDITIONAL** use in the **R-LD, RV-1, NC, AND** PC District, subject to the requirements of the district where located, and the following conditions:

- i. Must be conducted by a registered non-profit organization, place of worship, volunteer fire department, or school located within the Town.
- ii. The primary purpose of this event is fundraising or community engagement.
- iii. The use shall not exceed 10 days in duration and shall not include any permanent structures.
- iv. The Town Administrator may require a refundable site restoration bond to ensure the removal of all trash, debris, and temporary structures within 48 hours of the event's conclusion.
- v. Any event anticipated to attract more than 500 attendees at one time must submit a traffic control and parking plan approved by the Town Administrator.
- vi. **IN THE R-LD AND RV-1 DISTRICTS THE CARNIVAL OR OTHER SIMILAR TRANSIENT ENTERPRISE:**
 0. **MUST OCCUR ENTIRELY ON THE CAMPUS OF THE REGISTERED NON-PROFIT ORGANIZATION, PLACE OF WORSHIP, VOLUNTEER FIRE DEPARTMENT, OR SCHOOL LOCATED WITHIN THE TOWN.**
 1. **SHALL NOT BEGIN OPERATION PRIOR TO 9 AM OR LATER THAN TO 10 PM**

(3) Building incidental to construction

A temporary building, mobile unit, or trailer used for the storage of construction materials, tools, or as a field office for the management of an active construction project on the same or an adjacent lot. This is a non-residential building.

Conditional use in the TC, PC and MC Districts, subject to the requirements of the district where located, and the following conditions:

- i. Provided that it is removed when construction is finished.
- ii. If the permit expires, is revoked, or if construction activity ceases for a period of 60 consecutive days, the temporary building must be removed.
- iii. The temporary structure is permitted for a period of one year. A one-year extension may be permitted upon application to the Public Works/Zoning Administrator.

This section includes the Town’s current definitions, they DO NOT match the definitions in the newly drafted §290-11. As the definitions in §290-11 are finalized amendments to this section will be drafted to add new definitions and replace definitions that have been updated.

GREEN TEXT shows new definitions or text ~~strike throughs~~ show deletions of existing definitions.

§ 290-43. Terms defined.

As used in this chapter, the following terms shall have the meanings indicated:

~~ADULT BOOKSTORE ENTERTAINMENT AND RETAIL ESTABLISHMENTS — A BUSINESS THAT SELLS OR DISSEMINATES EXPLICIT SEXUAL MATERIAL, ENTERTAINMENT, GOODS OR SERVICES, AND AT WHICH ACCESS TO THE PUBLIC DISPLAY OF EXPLICIT SEXUAL MATERIAL IS RESTRICTED BY LAW TO PERSONS 18 YEARS OF AGE OR OLDER. THIS INCLUDES Any premises from which minors are excluded and in which the retail sale of books, magazines, newspapers, movie films, devices, slides, or other photographic or written reproductions is conducted as a principal use of the premises; or as an adjunct to some other business activity, but which constitutes the primary or a major attraction to the premises.~~ ADULT NIGHTCLUB, BAR, RESTAURANT, OR SIMILAR ESTABLISHMENT — ~~An entertainment establishment which features go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers,~~ ADULT MASSAGE, AND OTHER SIMILAR USES.

AREA, GROSS — All the area within a parcel, inclusive of steep slopes, local access streets or alleys, off-street parking spaces, recreation sites, floodplains, and wetlands.

AREA, GROSS FLOOR — The usable space contained within a structure. For a residential application, the floor area is included if it is a basement area over 3.5 feet above grade, an attic area which has a ceiling seven feet or more in height, or any areas with a ceiling height of more than five feet in height that adjoin living areas. If the ceiling height exceeds 14 feet in any interior space, the floor area is counted twice.

BED-AND-BREAKFAST ESTABLISHMENT — An owner-occupied or manager-occupied building where, for compensation and only by prearrangement (transients only) for definite periods, lodging and meals are provided. Such uses are limited to five guest rooms, excluding resident management.

BOARDING, ROOMING, OR LODGING HOUSES, — A BUILDING OR PORTION OF WHICH IS USED BY ITS OCCUPANTS TO PROVIDE LODGING AND MEALS FOR COMPENSATION TO FOUR OR MORE, BUT NOT EXCEEDING NINE, GUESTS. THE DWELLING UNIT SHALL CONTAIN NOT MORE THAN FIVE GUEST ROOMS. A BOARDING OR ROOMING HOUSE SHALL NOT BE CONSIDERED A BED-AND-BREAKFAST INN.

BUILDING — A combination of materials having a roof, to form a structure for the shelter of persons, animals, or chattel. The word "building" shall include any part thereof.

BUILDING, ACCESSORY — A building subordinate to the principal building on the same lot and used for purposes customarily incidental to those of the principal building.

BUILDING AREA — The aggregate of the maximum horizontal cross-section areas of all buildings on a lot, excluding cornices, unroofed porches, paved terraces, exterior steps, eaves, and gutters.

BUILDING COVERAGE — The percentage of the lot area covered by the building area. This percentage shall include any square footage included in the ground floor of the gross floor area calculation.

BUILDING HEIGHT — A building's height shall be measured by the average street frontage elevation, address side, (not elevated) finished lot grade, at the primary front entrance to the building. The height shall be measured to the highest point in the roofline, which shall include any rooftop deck, fence railing, widows walk, or other rooftop addition.

CANNABIS; DISPENSARY, GROWER, PROCESSOR — HAVE THE MEANINGS SET FORTH IN DIVISION III, "CANNABIS," OF THE ALCOHOLIC BEVERAGES AND CANNABIS ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

COMMERCIAL USE — An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

CONDOMINIUM — An ownership arrangement as defined in the Annotated Code of Maryland, Real Property Article, Title 11. It is an estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a building, such as an apartment.

CUSTOMARY HOME OCCUPATION — An activity undertaken for gain or profit and carried on in a dwelling or building accessory to a dwelling, by members of the family residing in the dwelling and up to one additional unrelated person. A customary home occupation is clearly secondary to the use of the dwelling as a residence.

DENSITY, GROSS — The number of dwelling units per gross acre of a development parcel, inclusive of streets, open spaces, and nonbuildable areas.

DRIVE-THROUGH WINDOWS — A WINDOW USED TO PROVIDE PRODUCTS OR SERVICES TO PATRONS WHO REMAIN IN A VEHICLE.

DRIVEWAY — A PRIVATE WAY THAT AFFORDS MOTOR VEHICLE ACCESS FROM A PUBLIC OR PRIVATE STREET INTO ABUTTING PROPERTY.

DWELLING — A building on a permanent foundation arranged or designed to provide living facilities for one or more families. The word "dwelling" shall not be construed to include a mobile home or habitable travel trailer.

DWELLING, ACCESSORY — A dwelling unit which is either attached to a dwelling as defined herein or is located in an accessory building, as defined herein.

DWELLING, MULTIPLE-FAMILY — A building containing two or more dwelling units on a single lot having a common roof and a common entry.

DWELLING, SINGLE-FAMILY ATTACHED — A building containing two or three attached dwelling units which have a common wall at the lot line between each unit and which are on separate lots.

DWELLING, SINGLE-FAMILY DETACHED — A building containing one dwelling unit on one lot and detached from any other dwelling.

DWELLING, TOWNHOUSE — A building containing four or more attached dwelling units in a row which have a common wall at the lot line between each unit and which are on separate lots.

**DWELLING UNIT — A dwelling or portion thereof providing complete living facilities for one family, but shall not include mobile homes, habitable travel trailers, or rooming, boarding-
, or lodging houses, or hotels, motels, tourist homes, or other similar places offering overnight accommodations for transients.**

EAVE — THE JUNCTION OF A BUILDING WALL AND AN OVERHANGING ROOF.

FACADE — THE EXTERIOR WALL OF A BUILDING

FAMILY — An individual, or two or more persons related by blood or marriage, or group of not more than four persons not related by blood or marriage, living together as a single housekeeping group in a dwelling unit.

FENCE — ANY ARTIFICIALLY CONSTRUCTED BARRIER OF ANY MATERIAL OR COMBINATION OF MATERIALS ERECTED TO ENCLOSE OR SCREEN AREAS OF LAND.

FORTUNE TELLING OR PSYCHIC READING — THE PRACTICE OF REVEALING THE PAST, PRESENT, OR FUTURE FORTUNE OR EVENTS OF ANYONE'S LIFE, OR FURNISHING ANY INFORMATION NOT OTHERWISE OBTAINABLE BY THE ORDINARY PROCESSES OF KNOWLEDGE, BY MEANS OF ANY OCCULT OR PSYCHIC POWER, FACULTY, OR FORCE, CLAIRVOYANCE, CARTOMANCY, PHRENOLOGY, OR BY ANY OTHER MEANS OR DEVICE WHATSOEVER, FOR PAY OR COMPENSATION.

GAMBLING — to be added

GROUP HOME — Any residential structure used to provide assisted community living for persons with physical, mental, emotional, familial, or social difficulties.¹

HOTEL — See "motel."

JUNK AND SALVAGE YARDS — ANY LAND OR BUILDING USED FOR THE ABANDONMENT, STORAGE, KEEPING, COLLECTING, SALVAGE, SALE, EXCHANGE, DISASSEMBLING, WRECKING, BALING, RECYCLING, OR HANDLING OF PAPER, RAGS, WOOD, SCRAP METALS, OR OTHER SCRAP OR DISCARDED MATERIALS. THIS INCLUDES THE STORAGE OR DISMANTLING OF AUTOMOBILES OR OTHER VEHICLES AND EQUIPMENT NOT IN OPERABLE CONDITION. IT DOES NOT INCLUDE PAWN SHOPS, ANTIQUE SHOPS, OR BUILDINGS FOR THE SALE AND STORAGE OF USED FURNITURE.

LANDFILLS — A FACILITY OR ENGINEERED SITE THAT COLLECTS AND DISPOSES OF SOLID WASTE UNDER STATE OF MARYLAND REQUIREMENTS. THIS TERM INCLUDES, BUT IS NOT LIMITED TO, SANITARY LANDFILLS, RUBBLE LANDFILLS, LAND-CLEARING DEBRIS LANDFILLS, AND INDUSTRIAL WASTE LANDFILLS PERMITTED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT.

LIGHT INDUSTRIAL USES — A narrow range of industrial uses that are compatible with adjacent uses to the extent that any adverse effects on health, safety, welfare, or the environment are avoided. The uses are limited to light manufacturing, fabricating, warehousing, and wholesale distribution in low buildings with off-street loading and off-street parking for employees and with access by major thoroughfares. Light industries include those which manufacture, process, store, package or distribute goods and materials; and are, in general, dependent on raw materials refined elsewhere.

LOT — A parcel of land used or set aside and available for use as the site of one or more buildings and buildings accessory thereto or for any other purpose, in one ownership and not divided by a street nor including any land within the limits of a public or private street right-of-way. The term "record lot" means the land designated as a separate and distinct parcel of land on a legally recorded deed filed among the Land Records of Calvert County.

LOT, CORNER — Lot abutting two or more streets at their intersections, where

This is drafted as a repeal and replace. For the purpose of drafting GREEN ALL CAPS show changes that we have made in the drafting process.

the interior angle of the intersection does not exceed 135°.

LOT, DOUBLE-FRONTAGE — An interior lot fronting on two streets.

LOT LINES — The lines bounding a lot, provided any street lines shall be considered lot lines for the purposes of this chapter.

LOT, WIDTH OF — The width of a lot measured at the minimum building restriction line.

MASSAGE ~~PARLOR~~ ESTABLISHMENT — An establishment ~~where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the State of Maryland. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.~~ PRIMARILY OFFERING MASSAGES ARE PROVIDED FOR PAY BY A MASSAGE THERAPIST DULY LICENSED OR CERTIFIED BY THE STATE OF MARYLAND. THIS USE

MOTEL, HOTEL, or MOTOR HOTEL — A building in which lodging or boarding is provided for more than 15 persons, primarily transient, or with more than 10 guest rooms, offered to the general public at a daily rate. Ingress to and egress from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public, in contradistinction to a boarding-, rooming, or lodging house, or an apartment house, timeshare facilities or condominium units. A hotel may include restaurants, taverns, club rooms, public banquet halls, ballrooms, and meeting rooms.

NIGHTCLUBS — A COMMERCIAL ESTABLISHMENT OPEN TO THE PUBLIC, THE PRIMARY FUNCTION OF WHICH IS TO OFFER PATRONS AN OPPORTUNITY TO ENGAGE IN SOCIAL ACTIVITIES SUCH AS DANCING, THE ENJOYMENT OF LIVE OR PRERECORDED MUSIC, OR THE ENJOYMENT OF ENTERTAINMENT PROVIDED BY PERFORMERS. AS AN INCIDENTAL OR SECONDARY FUNCTION, THE ESTABLISHMENT MAY SELL AND SERVE FOOD AND ALCOHOLIC OR NON-ALCOHOLIC BEVERAGES TO ITS PATRONS.

PARKING AREA — ANY PUBLIC OR PRIVATE AREA, UNDER OR OUTSIDE OF A BUILDING OR STRUCTURE, DESIGNED AND USED FOR PARKING MOTOR VEHICLES, INCLUDING PARKING LOTS, GARAGES, PRIVATE DRIVEWAYS, AND LEGALLY DESIGNATED AREAS OF PUBLIC STREETS.

PARKING SPACE — An unobstructed space or area other than a street or alley that is permanently reserved and maintained for the parking of one motor vehicle.

RECREATIONAL CAMPS AND COTTAGES — AN AREA OF LAND OR WATER ON WHICH ACCOMMODATIONS FOR TEMPORARY OCCUPANCY ARE LOCATED OR MAY BE PLACED, INCLUDING CABINS, TENTS, BOATS, RECREATIONAL VEHICLES, COTTAGES, OR SUMMER HOMES, AND WHICH IS PRIMARILY USED FOR RECREATIONAL, EDUCATIONAL, OR VACATION PURPOSES AND RETAINS AN OPEN-AIR OR NATURAL CHARACTER.

REPAIR GARAGE OR BODY SHOP — A FACILITY WHERE MOTOR-DRIVEN VEHICLES ARE DIAGNOSED, EQUIPPED FOR OPERATION, REPAIRED, OR KEPT FOR REMUNERATION. THIS INCLUDES ALL MECHANICAL REPAIR, BODYWORK, AND PAINTING OF MOTOR VEHICLES, BUT DOES NOT INCLUDE THE SALE OF NEW OR USED VEHICLES OR THE STORAGE OF INOPERABLE VEHICLES FOR THE PURPOSE OF SALVAGING PARTS. COMMERCIAL AUTOMOTIVE REPAIR, BODYWORK, AND AUTOMOTIVE PAINTING ARE PROHIBITED AS A HOME OCCUPATION OR WITHIN A RESIDENTIAL GARAGE.

RESTAURANT —

- I. CLASS I — Includes fast-food restaurants. This is a type of restaurant, other than a bakery, bakeshop, candy, or ice cream store, which provides as a principal use the sale of foods and beverages in a ready-to-consume state, for consumption off of the premises. These restaurants may have sit-down seating and delivery service but may not provide dancing, live entertainment, the service of alcoholic beverages, or a bar. They may have some outdoor dining and drive-up services.
- J. CLASS II — This type of food service establishment has as a substantial portion of its business the carryout of foods for immediate consumption. These types of restaurants may not have bars, dancing, live entertainment, or drive-in, drive-through service windows. The

service of alcoholic beverages shall be beer and wine only served on the premises with meals or sold prepackaged for off-premises consumption. The establishment does not provide more than 10 seats. Food items prepared for consumption generally are not prepackaged but are made to specific order. A limited number of prepackaged items may be sold but only as accessory to the principal use of service of food for immediate consumption. These restaurants also include restaurants that may be considered food service marts. A food service mart is an establishment whose principal purpose is the sale of food items for home consumption, either prepared on the premises or prepackaged. These types of restaurants may not have bars, dancing, live entertainment, or drive-in windows. The service of alcohol beverages shall be beer and wine only serviced on the premises with meals or sold prepackaged for off-premises consumption. No seating is provided on the premises.

- K. CLASS III — This type of restaurant is an establishment whose principal business is the sale of food or beverages to the customer in a ready-to-consume state. Carryout goods may constitute no more than 10% of the business. This type of restaurant may include a bar, dancing, and live entertainment as regulated within the specific zoning districts. These restaurants do not have drive-up or drive-through services. Catering or delivery is permitted as an accessory use. Patrons are customarily provided with menus and are served their food or beverages by a restaurant employee at the same table or counter at which the food is consumed.

ROAD — MEANS A PUBLIC THOROUGHFARE UNDER THE JURISDICTION OF THE STATE, A COUNTY, A MUNICIPAL CORPORATION, OR ANY OTHER PUBLIC BODY. "ROAD" DOES NOT INCLUDE A DRIVE AISLE OR DRIVEWAY.

ROOMER, BOARDER or LODGER — A person occupying any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes, and paying compensation to an owner or operator for lodging or board and lodging by prearrangement for a week or more at a time. Any person occupying such room or rooms and paying such compensation without prearrangement or for less than a week at a time shall be classed for purposes of this chapter not as a roomer, boarder, or lodger, but as a guest of a commercial establishment (motel, hotel, tourist home).

ROOMING, BOARDING-, OR LODGING HOUSE — A building or part of a building (other than institutional building) occupied or intended to be occupied by three or more roomers, boarders, or lodgers.

SIGN — SEE §290-22

SMOKE AND VAPE SHOPS — ANY RETAIL OR SERVICE ESTABLISHMENT THAT DEVOTES FIVE PERCENT (5%) OR MORE OF ITS GROSS FLOOR AREA OR VISIBLE DISPLAY SPACE TO THE SALE OF ELECTRONIC CIGARETTES, TOBACCO PRODUCTS, OR SMOKING PARAPHERNALIA, OR ANY ESTABLISHMENT THAT ALLOWS VAPING OR SMOKING ON THE PREMISES. THIS DOES NOT INCLUDE A LICENSED CANNABIS DISPENSARY.

STREET — A public or private way used or intended to be used for passage or travel by automotive vehicles. If private, such way must be used or intended to be used as the principal means of access to an abutting lot or lots or to more than two dwellings on a lot on which a private way is exclusively used.

STREET LINE — The dividing line between the street and the lot. The street line shall be the same as the legal right-of-way line, provided that where a future right-of-way width for a street has been officially established, the street line shall be the side of the future right-of-way so established.

STRUCTURE — A man- or machine-made combination of materials assembled, constructed, or erected at a fixed location, the use of which requires location on the ground or attachment to something having location on the ground. The word "structure" shall include any part thereof.

TATTOO OR BODY ART ESTABLISHMENTS — AN ESTABLISHMENT WHEREIN DESIGNS, LETTERS, FIGURES, BODY PIERCING, OR OTHER MARKS ARE PLACED UPON THE SKIN OF ANY PERSON, USING INK OR OTHER SUBSTANCES THAT RESULT IN THE PERMANENT COLORATION OR PIERCING OF THE SKIN BY MEANS OF USE OF NEEDLES OR OTHER INSTRUMENTS DESIGNED TO CONTACT OR PUNCTURE THE SKIN.

THEATER, DRIVE-IN MOVIE — AN OPEN LOT OR AREA AND FACILITIES, DEVOTED TO THE SHOWING OF MOTION PICTURES OR THEATRICAL PRODUCTIONS, USUALLY ON A PAID ADMISSION BASIS, TO PATRONS WHO VIEW THE ENTERTAINMENT WHILE SEATED IN PARKED MOTOR VEHICLES.

TIMESHARE FACILITIES — ANY REAL PROPERTY, BUILDING, OR PORTION THEREOF THAT INCLUDES ANY FACILITY IN WHICH THE EXCLUSIVE RIGHT OF OCCUPANCY OF A UNIT CIRCULATES AMONG VARIOUS PURCHASERS OR OWNERS OF THE TIME-SHARES IN ACCORDANCE WITH A FIXED OR FLOATING TIME SCHEDULE ON A PERIODICALLY RECURRING BASIS.

TOURIST HOME or SHORT-TERM RENTAL — A residential building, that is rented commercially in whole or in part, or a separate dwelling unit accessory to such a building that is rented commercially, in which paying guests are provided, with or without prearrangement, overnight accommodations on a short-term basis for commercial compensation, of a period of fewer than 30

days.

TRAILER, MOBILE HOME, TRAVEL TRAILER, TRAILER CAMP —

13. MOBILE HOME — Any vehicle or similar portable structure with any or all of the following characteristics:
 - (1) Manufactured as a relocatable dwelling unit intended for year-round occupancy and with no need for a permanent foundation, which can be moved upon the removal of tie-downs and surrounding decks and the reattachment of tow bar axles and wheels.
 - (2) Designed to be transported after manufacture on its own permanent chassis, with a fixed or removable tow bar, and can be moved without the use of regular house-moving equipment.
 - (3) Designed to be installed as a single-wide or double-wide unit with only incidental unpacking and assembling operations.
14. HABITABLE TRAVEL TRAILER (TRAILER) — A vehicular, portable structure designed to be used as a temporary dwelling for travel, camping and recreational purposes. Such units shall not include mobile homes. Such units shall not be used as permanent dwellings.

USE, ACCESSORY — Use of a building, lot or portions thereof, which is customarily incidental and subordinate to the principal use of the main building or lot.

WALLS, FACING — Walls opposite to and parallel with one another and wall lines extended of opposite walls intersecting at angles of less than 65°.

YARD —

- II. FRONT — The required open space, the full width of the lot, extending from the street line to the nearest building on the lot, exclusive of overhanging eaves, gutters, or cornices.
- III. SIDE — The required open space between a side lot line of a lot and the nearest point of the building and extending from the front yard to the rear yard.
- IV. REAR — The required open space, the full width of the lot, extending from the rear property line of the lot to the nearest building on the lot, exclusive of overhanging eaves, gutters, or cornices.