



OFFICE OF THE PLANNING AND ZONING COMMISSION

**PLANNING COMMISSION
AGENDA
February 4, 2026
6 PM**

- I. Call to Order & Roll Call.**
- II. Pledge of Allegiance.**
- III. Approval of the February 4, 2026 Planning Commission Agenda.**
- IV. Approval of the minutes of the December 17, 2025 Planning Commission Meeting.**
- V. Public comment on any item on the agenda.**
- VI. Closed Session – A motion to close the regular meeting 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.**
- VII. Old Business:**
 1. Finalizing and approving the fence regulations.
 2. Discussion of the Land Use Table, Zoning Map, and Conditional Uses.
- VIII. Comments by Commissioners.**
- IX. Adjournment**



PLANNING AND ZONING COMMISSION

**MINUTES OF THE
PLANNING COMMISSION MEETING
DECEMBER 17, 2025**

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

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

III. **Approval of the December 17, 2025 Planning Commission Agenda.**

MOTION: Chair Greengold moved to amend the agenda to move the election of Chair and Vice-Chair to the end of the agenda and postpone “Land Use Classification Table” to the January meeting. Seconded by Commissioner Greisman, all in favor.

IV. **Approval of the minutes of the November 19, 2025 Planning Commission Meeting.**

MOTION: Vice-Chair Brown moved to approve the minutes of the November 19, 2025 Planning Commission meeting. Seconded by Commissioner Smith. Ayes, Commissioners Brown, Greengold, Greisman, and Smith. Abstained, Commissioners Hauhn and Ruttkay. **Motion Passes.**

V. **Public Comment on any item on the agenda.** None received.

VI. **New Business:**

1. **Home Occupations** – Ms. Franklin gave an overview of her submitted staff report. Currently, home occupations are not allowed in any residential areas, thus denying applicants wanting to conduct a home business out of their home. The Town Council, at its November meeting, directed that the Planning Commission review and recommend changes to the land use table related to home occupations within ninety (90) days. Ms. Franklin presented two proposed regulations, one that allows more uses in the RV areas, and additional regulations that would allow more limited home occupations in other residential areas.

The Commission began with review of the definition for a “Customary Home Occupation.” Chair Greengold presented a proposed definition for the Commission’s consideration. After discussion and revision, the definition would read:

“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. The home occupation must have minimal, if any, changes to the outside appearance to the residence and has little or no negative impact on the neighborhood where the business is located.”

MOTION: Chair Greengold moved to approve the home occupation definition

as presented above. Seconded by Commissioner Hauhn, all in favor.

The Commission continued with the review of proposed regulations as recommended by Ms. Franklin for the CC. Customary Home Occupation (1) Conditional Use in the RV-2 area. The Commission discussed regulations (a) through (l) making several word revisions and deleting (j) in its entirety.

Continuing with proposed new text, (2) Conditional use in the RV-1, the Commission reviewed the recommended regulations (a) through (l) making several word revisions and deleting regulations (g), (j), and (l) in their entirety.

The Commission also discussed and amended the need for permits in certain home occupation situations.

MOTION: Commissioner Weaver moved to approve all changes as indicated above and direct the Zoning Administrator to draft and transmit to the Town Council for consideration. Seconded by Commissioner Ruttkay, all in favor.

2. Fences – Ms. Franklin presented to the Commission for consideration, proposed fence regulations to be incorporated in the zoning code. Currently, the Town’s fence regulations are located in Section 110 of the Town’s building code. Approval of fences outside the permitted height and materials is left to the discretion of the Public Works Administrator. Presently, if an applicant is denied application approval, then the only recourse is for the applicant to appeal to the Town Council. It does not allow the applicant to appeal to the Board of Appeals where they could seek a variance.

Ms. Franklin provided a proposed amendment to Section 290-19 (G) Fences and Walls for review and discussion. The Commission viewed images of different types of fence material, vinyl, wood, and chain link, different styles, solid panel fences, and height. Also discussed were safety issues concerning solid panel fences that could be blown out during strong wind storms. Ms. Franklin will revise language to state fencing structures must allow for air circulation due to wind hazard. Ms. Franklin will consult with the engineer on requirements as to how the fence structure is to be installed. The Commission removed the wording related to the “obstruction of a scenic view of adjoining property owners” and prohibited barbwire.

Grandfathering was discussed and agreed that this is something that can be added so that all non-conforming fences are permitted to remain. Unless, of course, it is being replaced, then it will need to conform to current requirements.

Ms. Franklin presented a proposed amendment to subsection J. Front & side yards of corner lots which would identify how the remaining yards on a corner lot are classified. All street facing yards shall be considered to be front yards and shall comply with all requirements for required front yards. Ms. Franklin presented two options for review. Option one (1) would consider the remaining two yards to be side yards and option two (2) would identify a rear yard and a side yard. After discussion, the Commission made the following motion:

MOTION: Commissioner Greisman moved to approve option one, “The remaining two yards shall comply with all requirements for required side yards.” Seconded by Commissioner Weaver, all in favor.

VII. Old Business:

1. Coastal Resiliency Discussion – Ms. Franklin displayed several mapping options for a future overlay district for the Commission to consider. The Commission had a number of questions which Ms. Franklin will research and share at the January meeting.

VIII. Commission to nominate and elect a Commission Chair.

MOTION: Commissioner Weaver moved to nominate and elect Cindy Greengold as the Commission Chair. Seconded by Commissioner Greisman, all in favor.

IX. Commission to nominate and elect a Commission Vice Chair.

MOTION: Commissioner Weaver moved to nominate and elect Mary Sue Greisman as Vice Chair. Seconded by Commissioner Smith, all in favor.

Chair Greengold stated the Commission will continue its review of the Land Use Classification Table next month. Ms. Franklin stated the Town Council has requested the Commission review the Table and make recommendations within the next six months concerning Short-Term Rentals and Accessory Dwelling Units. The Council finds the Table to be overly restrictive and in need of improvement. Ms. Franklin would like for the Commission to be prepared, as well, to discuss Group Homes, Cannabis Businesses, Large scale solar, and rooftop solar panels.

The Commission's next meeting will be January 28, 2026, at 6 p.m.

X. Adjournment:

There being no further comments, Commissioner Weaver moved to adjourn the meeting at 8:16 pm. Seconded by Commissioner Ruttkay, 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.

DRAFT 01-20-2026

Notes:

- ~~strike through~~ indicates text that will be removed
 - ALL CAPS GREEN text indicates language that will be added
 - ALL CAPS GREEN BOLD text indicates language that has been added or changed since the Planning & Zoning Commission Review on 12-17-2025
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Proposed Amendment to Section 290-19

* * *

G. Fences and Walls:

- (1) Subject to Subsection J of this section, the provisions of Subsection A of this section shall not apply to:
 - (a) Fences or walls that are less than ~~six feet~~ **FORTY-EIGHT INCHES FOUR FEET** above the natural grade, or to **GARDEN WALLS** terraces, steps, or other similar features not more than three feet higher than the floor level of the ground story.
 - (b) ~~PARTITIONING FENCES THAT ARE SIX FEET OR LESS ABOVE THE NATURAL GRADE, ERECTED AT TEN FEET OR MORE BEHIND THE FRONT BUILDING LINE OF THE MAIN DWELLING FROM THE CENTER OF THE FRONT BUILDING SETBACK LINE AND THE REAR BUILDING SETBACK LINE AND ACROSS THE REAR PROPERTY LINE.~~
 - [1] FOR THE PURPOSE OF FORMING AN ENCLOSURE OF THE **SIDE OR REAR YARD**, A FENCE OF THE SAME CONSTRUCTION MAY BE ERECTED BETWEEN THE ~~CENTERS OF THE SIDE PROPERTY~~ **SIDE FENCE** LINE AND THE SIDES OF THE DWELLING. THE PARTITIONING FENCE MUST HAVE A GATE OF THE SAME MATERIAL AND CONSTRUCTION AS THE FENCE, WITH AN OPENING NOT LESS THAN THREE FEET WIDE TO PROVIDE EMERGENCY ACCESS TO THE PROPERTY.
- (2) THE BOTTOM RAIL OF ANY FENCE PANEL SHALL HAVE A CLEARANCE ABOVE THE GRADE OF A MINIMUM OF ONE-AND-ONE-HALF INCHES.
- (3) FENCING STRUCTURES MUST ALLOW FOR AIR CIRCULATION DUE TO WIND HAZARDS.
 - (a) **ALL FENCES SHALL BE DESIGNED AND CONSTRUCTED TO WITHSTAND A WIND LOAD CONSISTENT WITH THE APPLICABLE BUILDING CODE. SOLID FENCES (SUCH AS STOCKADE OR VINYL PRIVACY FENCES) IN AREAS PRONE TO HIGH WINDS GENERALLY**

REQUIRE CLOSER POST SPACING OR STEEL POST REINFORCEMENT. SUPPORT POSTS MUST BE SET IN CONCRETE TO A DEPTH OF AT LEAST ONE-THIRD (1/3) OF THE TOTAL LENGTH OF THE POST, OR THE MANUFACTURER'S INSTALLATION REQUIREMENTS, DEPTH IS GREATER.

(4) FENCES MAY NOT RESTRICT ACCESS TO ANY TOWN RIGHT-OF-WAY, UTILITY, OR EASEMENT. ANY FENCE CONSTRUCTED IN SUCH A WAY THAT IT RESTRICTS ACCESS SHALL BE SUBJECT TO **IMMEDIATE** REMOVAL BY THE TOWN WITHOUT COMPENSATION TO THE OWNER OR REPLACEMENT **BY THE TOWN TO THE OWNER.**

(5) FENCES MAY NOT INCLUDE BARBED WIRE.

(6) NO FENCE HEIGHT SHALL EXCEED SIX FEET, EXCEPT AS REQUIRED BY SECTION 290-21.

(7) **NON-CONFORMING FENCES:**

(a) **LAWFULLY EXISTING FENCES CONSTRUCTED PRIOR TO <DATE OF ENACTMENT> SHALL BE EXEMPT FROM THIS SUBSECTION EXCEPT AS FOLLOWS:**

[1] **ORDINARY MAINTENANCE AND REPAIR, INCLUDING THE REPLACEMENT OF SLATS, PICKETS, OR INDIVIDUAL DAMAGED POSTS, SHALL BE PERMITTED. HOWEVER, IF MORE THAN FIFTY PERCENT (50%) OF THE LINEAR LENGTH OF ANY SINGLE FENCE LINE (DEFINED AS THE RUN OF FENCE ALONG A SINGLE PROPERTY LINE) IS REMOVED, REPLACED, OR ALTERED WITHIN A TWELVE (12) MONTH PERIOD, THE ENTIRE FENCE LINE MUST BE BROUGHT INTO FULL COMPLIANCE WITH THIS SUBSECTION.**

[2] **NO PART OF THIS SUBSECTION SHALL PREVENT THE TOWN FROM ORDERING THE REMOVAL OR REPAIR OF ANY FENCE THAT HAS BECOME UNSAFE OR OTHERWISE NOT IN COMPLIANCE WITH TOWN CODE.**

(b) **A FENCE SHALL BE CONSIDERED LAWFULLY EXISTING IF:**

[1] **A VALID BUILDING PERMIT WAS ISSUED FOR ITS CONSTRUCTION AND IT WAS BUILT IN ACCORDANCE WITH THAT PERMIT; OR**

[2] **IT WAS ERECTED PRIOR TO THE ADOPTION OF REQUIREMENTS FOR BUILDING PERMITS FOR FENCES IN THE TOWN; OR**

[3] **IT HAS EXISTED IN ITS CURRENT LOCATION AND CONFIGURATION FOR A PERIOD OF TEN (10) OR MORE YEARS WITHOUT ENFORCEMENT ACTION, PROVIDED IT DOES NOT CONSTITUTE A SAFETY HAZARD OR PUBLIC NUISANCE.**

* * *

J. Front and side yards of corner lots. On a corner lot, ~~the street-side yard shall equal the required front yard for lots facing that street.~~ **ALL STREET FACING YARDS SHALL BE CONSIDERED TO BE FRONT YARDS AND SHALL COMPLY WITH ALL REQUIREMENTS FOR REQUIRED FRONT YARDS. THE REMAINING TWO YARDS SHALL COMPLY WITH ALL REQUIREMENTS FOR REQUIRED SIDE YARDS. THESE SIDE YARDS SHALL BE CONSIDERED REAR YARDS FOR THE SOLE PURPOSE OF LOCATING OF SWIMMING POOLS OR ANY OTHER STRUCTURE REQUIRED TO BE LOCATED IN A REAR YARD.**

* * *

Proposed Amendments to Article XI Definitions

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ALTERATIONS

As applied to a **FENCE OR** building structure, a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location to another. **IN THE CONTEXT OF A FENCE, REPLACEMENT OF VERTICAL SUPPORT POSTS EXCEEDING 25% OF THE TOTAL POSTS IN A FENCE LINE SHALL CONSTITUTE AN ALTERATION.**

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MEMORANDUM

To: Chair and Members of the Planning & Zoning Commission
From: Sarah Franklin, Town Planner & Zoning Administrator
CC: Dr. Saméla Okpodu, Town Manager
Date: Jan 30, 2026
RE: Land Use Classification table and Conditions Review
Enc: Proposed Amendments to Table 1, Rewrite of Section 290-11, & Zoning Map

For our meeting on February 4th, 2026. We will have Attorney Karen Ruff of Levan-Ruff in attendance at the meeting. I recommend that we use her time and focus our discussions on the following topics:

1. Overview and discussion of spot zoning.
2. RV-1 vs. RV-2 - guidelines for determining allowable uses in each district as consistent with the Comprehensive Plan.
3. RPC overlay zone and applicability as a Zoning District.
4. Zoning Map

Please bring with you

1. December 8, 2025 Memo Re: Land Use Table
2. February 4, 2026 Planning & Zoning Meeting Packer
3. Your Zoning Map
4. Your Zoning Ordinance
5. Your copy of the Comprehensive Plan

Proposed Amendments to Table 1 & Rewrite of Section 290-11

The attached document provides a revised Table 1 and §290-11 of the Zoning Ordinance. I am recommending that the Planning & Zoning Commission recommend repeal and replacement of these two items due to the amount of re-organizing of the table and use standards. These changes consolidate and simplify the table and make the Zoning Text more uniform. This makes identifying the uses and understanding what is allowed more user-friendly, as well as more aligned with modern standards. The changes that I have made are:

- Re-organized the table into six sections:
 1. Residential Uses
 2. Accommodations & Group Living
 3. Institutional, Recreational and Educational Uses
 4. Office and Commercial Uses
 5. Light Industrial, Utility, and Related Uses
 6. Temporary Uses
- Moved expressly prohibited uses out of Table 1 and put them in the Text as §290-11(B). Each of these uses needs a definition. However, I believe that these definitions can be located in §290-43, Terms Defined. This helps keep §290-11 cleaner and easier to use for the average resident or business owner.
- Simplified the descriptors in Table 1 to a few words while ensuring the original intent of each category is maintained. While the table has a simple descriptor, the text of 290-11(C) - (H) provides more detailed definitions and standards for each use than the previous version of §290-11.
- Revised the title of §290-11 from “Conditions and standards for conditional and Special Exception Uses” to the more comprehensive “Uses, Standards, and Conditions.” This starts with a new §290-11(A) that re-states a revised §290-10.
- Added every use listed in Table 1 to the revised §290-11, including definitions and the necessary conditions for Conditional and Special Exception uses. In some cases, the definitions from §290-43 were used directly, in other cases these definitions were corrected and modernized, and in other cases new

definitions were developed. This means that the P&Z Commission will need to amend §290-43 along with §290-11.

- Standardized and simplified language throughout §290-11.
- Note:
 1. We will need to discuss consideration of updates to Accessory Dwelling Units.
 2. I have removed Cannabis from expressly prohibited uses. This is in response to changes in state law. We will need to discuss appropriate regulations at a later date.
 3. I have added Solar Energy Systems to the land use table as there are state requirements that are standard and can be incorporated into the ordinance at this time. I will provide draft language at a later date.

Please note that, aside from discussing changes to cannabis regulations, the changes do not alter what uses are permitted or what conditions those uses are permitted under. For example, the uses now listed as light industrial uses were always permitted; they just weren't called light industrial uses. At the same time industrial uses were explicitly prohibited, creating confusion.

I welcome any questions or comments regarding these proposed changes and look forward to discussing them at the next Commission meeting.

Zoning Map Amendments

The Town's Zoning Map requires review in alignment with the process of updating the Land Use table. I will be providing suggestions to the P&Z Commission for discussion in the coming month.

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

KEY: P: Permitted NP: Not Permitted						C: Conditional Use, permitted use subject to conditions SE: Special Exception SC: Special Exception, subject to conditions						
	Zoning Districts											
Use	R-LD	R-MD	R-HD	RV-1	RV-2	RPC	NC	TC	PC	MC	RC	Definitions, Standards, & Conditions
Residential Uses												
Single-family, Detached	P	P	P	P	P	P	P	P	NP	NP	NP	§ 290-11C(1)
Single-family, Attached	NP	P	P	NP	P	P	NP	NP	NP	NP	NP	§ 290-11C(2)
Townhouse Dwelling	NP	NP	P	NP	P	NP	NP	NP	NP	NP	NP	§ 290-11C(3)
Multifamily Dwelling	NP	NP	P	NP	P	P	NP	NP	NP	NP	NP	§ 290-11C(4)
Dwelling, Accessory	C	C	C	C	C	C	C	C	NP	NP	NP	§ 290-11C(5)
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	SC	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	NP	NP	NP	NP	§ 290-11D(4)
Group Home	SE	SE	SE	SE	SE	SE	NP	NP	NP	NP	NP	§ 290-11D(5)
Dwelling for Resident Caretaker	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	§ 290-11D(6)
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)
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)
Water-Oriented Recreation	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	SC	§ 290-11E(9)

Use	R-LD	R-MD	R-HD	RV-1	RV-2	RPC	NC	TC	PC	MC	RC	Definitions, Standards, & Conditions
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	C	NP	§ 290-11F(1)
Home Occupation, Major	C NP	C NP	C NP	C NP	C NP	C NP	C	C	C	C	NP	§ 290-11F(2)
Home Day Care	SC	SC	SE	SC	SC	SC	SC	NP	NP	NP	NP	§ 290-11F(3)
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	NP	§ 290-11F(8)
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)

Use	R-LD	R-MD	R-HD	RV-1	RV-2	RPC	NC	TC	PC	MC	RC	Definitions, Standards, & Conditions
Tasting Rooms	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	§ 290-11F(15)
Tavern	NP	NP	NP	NP	NP	NP	NP	SC SE	SC SE	SC SE	NP	§ 290-11F(16)
Indoor Entertainment and Recreation	NP	NP	NP	NP	NP	NP	NP	SC	SC	SC	NP	§ 290-11F(17)
Outdoor Entertainment and Recreation	NP	NP	NP	NP	NP	NP	NP	SE	SE	SE	NP	§ 290-11F(18)
Animal Care Establishment	NP	NP	NP	NP	NP	NP	NP	SC	SC	SC	NP	§ 290-11F(19)
Cannabis	NP	NP	NP	NP	NP	NP	NP	NP	<td>	<td>	<td>	§ 290-11F(20)
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)
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	SC	SC	SC	SC	SC	SC	SC	SC	SC	§ 290-11G(9)
Use	R-LD	R-MD	R-HD	RV-1	RV-2	RPC	NC	TC	PC	MC	RC	Definitions, Standards, & Conditions
Solar Energy Systems	NP	NP	NP	NP	NP	NP	NP	NP	<tbd>	<tbd>	<tbd>	§ 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)
Carnival or similar transient enterprise	NP	NP	NP	NP	NP	NP	NP	NP	SC	S	NP	§ 290-11H(2)
Building incidental to construction	NP	NP	NP	NP	NP	NP	NP	C	C	C	NP	§ 290-11H(3)

§ 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

TO BE ADDED

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

- (1) Casino Gambling
- (2) Smoke And Vape Shops
- (3) Tattoo Parlors
- (4) Massage Parlors
- (5) Psychic Reading Or Fortune Telling
- (6) Adult Entertainment And Retail Establishments
- (7) Landfills
- (8) Junk And Salvage Yards
- (9) Drive-In Movie Theaters
- (10) Recreational Camps And Cottages
- (11) Nightclubs
- (12) Non-Residential Parking In A Residential District
- (13) Sale or Rental of Automobiles
- (14) Repair Garage or Body Shop
- (15) 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

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

Conditional use in the R-LD, R-MD, R-HD, RV-1, RV-2, RPC, NC and TC Districts, subject to the requirements of the district where located and the following conditions:

- i. The principal dwelling shall be a single-family detached dwelling and shall be located on a lot of at least 7,500 square feet served by public water and sewer.
- ii. Accessory dwellings are limited to lots that are owner-occupied.
- iii. Accessory dwellings are limited to a total of 650 square feet of floor area.
- iv. All height, area and bulk requirements shall apply to the accessory dwelling.
- v. The parking requirements of this chapter shall apply. Accessory dwellings will require two off-street parking spaces in addition to those required for the principal dwelling.
- vi. A site plan is required.
- vii. Accessory dwellings must be architecturally compatible with the principal dwelling on the lot in terms of similarity of building

materials, roof type, and roof line.

viii. Only one accessory dwelling will be allowed on a lot.

(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 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 ancillary 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 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.

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, 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. 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.
- iii. All employed are permanent residents in the dwelling, except that one full-time nonresident employee may be on the premises.
- 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 except those incidental to the services offered.
- vi. 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.
- vii. No exterior alterations, additions, or changes to the structure shall be permitted in order to accommodate or facilitate a home occupation.
- viii. 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.
- ix. A nameplate not larger than two square feet attached to the building and illuminated only by indirect lighting is permitted.
- x. 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.
- xi. 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

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.

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) Medical offices & clinics

Offices or clinics for medical or dental examination or treatment of persons as outpatient, including laboratories incidental thereto.

Conditional use in the 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.

(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-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)(8), 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 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)(9), 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

(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 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.

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.*

(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, live entertainment, or drive-in, drive-through service windows.
- iii. The establishment does not provide more than 10 seats.
- iv. Outdoor dining is permitted.
- v. The service of beer and wine only is permitted on the premises with meals.
- vi. The sale of alcohol other than beer or wine for on-premises consumption is not permitted.
- vii. 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.
- iv. Outdoor dining is permitted.
- v. The sale of alcohol for on-premises consumption requires separate approval as a tavern.
- vi. The sale of alcohol for off-premises consumption requires separate approval for an alcohol sales establishment.

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.

(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.
- 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 off-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) 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.

(18) 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

(19) 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.

(20) CANNABIS
TO BE ADDED

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
TO BE ADDED

(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) SOLAR ENERGY SYSTEMS
TO BE ADDED

(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.

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 use in the 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 ___ attendees at one time must submit a traffic control and parking plan approved by the Town Administrator.

(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 is the Town's current definitions. As the definitions in Section 290-11 are finalized amendments to this section will be drafted to add new definitions and replace definitions that have been updated.

§ 290-43. Terms defined.

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

ADULT BOOKSTORE — 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.

ALTERATIONS — As applied to a building structure, a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location to another.

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.

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.**[Amended 11-17-2022 by Ord. No. O-22-12]**

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.**[Amended 2-7-2001 by Ord. No. O-06-17; 11-17-2022 by Ord. No. O-22-12]**

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.

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.**[Amended 3-20-2008 by Ord. No. O-08-1]**

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.**[Amended 3-20-2008 by Ord. No. O-08-1]**

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.

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.

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."

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 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 — 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.

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.

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.

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.

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.

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.

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.**[Added 11-17-2022 by Ord. No. O-22-12]**

TRAILER, MOBILE HOME, TRAVEL TRAILER, TRAILER CAMP —

1. 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.
2. 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.