

TOWN OF CHESAPEAKE CITY, MARYLAND
ORDINANCE NO: 01.09.2017

AN ORDINANCE OF THE TOWN OF CHESAPEAKE CITY TO AMEND THE CHESAPEAKE CITY COMPREHENSIVE DEVELOPMENT ORDINANCE TO ADD BOUTIQUE HOTELS AS A PERMITTED AND AS A CONDITIONAL USE, TO PROVIDE FOR SATELLITE PARKING, AND TO CODIFY THE EXISTING ARCHITECTURAL DESIGN STANDARDS, AND GENERALLY RELATING TO THE CHESAPEAKE CITY COMPREHENSIVE DEVELOPMENT ORDINANCE.

WHEREAS, The Land Use Article of the Annotated Code of Maryland, authorizes the governing body of municipal corporations to implement planning and zoning controls for the orderly development and use of land and structures, such powers are for public purposes of promoting the health, safety, and general welfare of the community;

WHEREAS, Section 26-20 of the Charter of the Town of Chesapeake City (the "Town") grants the Town Council the authority to exercise the powers as to planning and zoning, conferred upon municipal corporations generally in The Land Use Article of the Annotated Code of Maryland;

WHEREAS, on May 14, 2012, the Town adopted Ordinance No. 4.9.2012, which adopted the Town's Comprehensive Development Ordinance and repealed the Town's prior zoning ordinance;

WHEREAS, provisions for Satellite Parking were contained in the prior zoning ordinance, but are not in the current Comprehensive Development Ordinance;

WHEREAS, the Town adopted Architectural Design Standards by Resolution in 2006;

WHEREAS, Boutique Hotels are a use that is consistent with the promotion of tourism, economic development, and the Town's comprehensive plan. Boutique Hotels provide a needed niche that will complement the Town's growing tourist economy, and it is the Town's intent to

regulate them in certain districts so that they provide a unique, up-scale alternative to traditional hotels, and thus fit more closely with the historic, small-town character of Chesapeake City;

WHREAS, Boutique Hotels will enhance the historic and cultural foundation of the Town; and

WHEREAS, it is in the best interest of the Town to amend the Town's Comprehensive Development Ordinance to add boutique hotels as a Permitted Use in certain districts and as a Conditional Use in certain districts, to provide for Satellite Parking, and to codify the existing Architectural Design Standards;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND COUNCIL OF CHESAPEAKE CITY, MARYLAND AS FOLLOWS:

SECTION 1. Section 6.3.4.E. "Satellite Parking" is hereby added to the Comprehensive Development Ordinance adopted by the Town on May 14, 2012 to read as follows:

"6.3.3.E. Satellite Parking

1. If the number of off-street parking spaces required by this ordinance cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, or if the on-site parking for an existing commercial use is otherwise inadequate, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this section. These off-site spaces are referred to in this section as satellite parking spaces.
2. All such satellite parking spaces (except spaces intended for employee use) must be located within 400 feet of the lot on which the use associated with such parking is located. Satellite parking spaces intended for employee use may be located within any reasonable distance.
3. If the property upon which the satellite parking is to be located is not under the same ownership as the property upon which the principal associated use is located, written authorization of the owner of the property upon which the satellite parking is to be located is required, and evidence of such shall be furnished.

4. All satellite parking spaces shall be located in the same zoning district as the structures or uses served or shall abut the property upon which the principal use is associated, or shall be directly across a street, roadway, or alley from the associated property.
5. Satellite parking spaces shall be used solely for the parking of passenger automobiles. No commercial repair work or service of any kind shall be conducted, and no charge shall be made for parking. No sign of any kind, other than designating ownership, entrances, exits, and condition of use, shall be maintained on such satellite parking areas.
6. Each entrance and exit to and from such parking area shall be at least 20 feet distant from any adjacent lot line located in any residential zone.
7. The satellite parking areas shall be subject to all requirements of this ordinance concerning surfacing, lighting, drainage, landscaping, screening, and setbacks.”

SECTION 2. Section 6.3.3.D. “Parking in Front Yards in TND Zone” of the Comprehensive Development Ordinance adopted by the Town on May 14, 2012 is hereby amended to read as follows:

“D. Parking in Front Yards in TND Zone

The use of the required front yard on single-family lots in the TND zone for the parking or storage of motorized and non-motorized vehicles of any kind is prohibited, except where the creation of the lot predates the adoption of this zoning ordinance, AND EXCEPT FOR LOTS USED SOLELY FOR SATELLITE PARKING.”

*Wording to be added in in Capital Letters.

SECTION 3. Section 6.4.2.C. “Architectural Design Standards” is hereby added to the Comprehensive Development Ordinance adopted by the Town on May 14, 2012 to read as follows:

“6.4.2.C. Architectural Design Standards

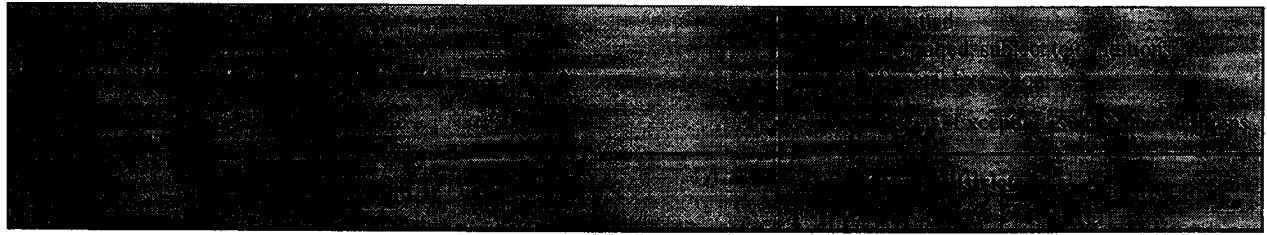
The Chesapeake City, Maryland Architectural Design Standards, which were adopted pursuant to the Architectural Review Resolution: 2006 and which were previously designated as Section One of the Planning and Zoning Ordinances and Regulations, are hereby adopted and made a part of this Ordinance as if fully set forth herein, and are incorporated herein by reference.”

SECTION 4. Section 4.2.1.B.1. “Traditional Neighborhood Development” of the Comprehensive Development Ordinance adopted by the Town on May 14, 2012 is hereby amended to read as follows:

“1. Traditional Neighborhood Development: The Traditional Neighborhood Development (TND) district is applied to both areas of the Town intended to be maintained as residential neighborhoods and to areas which may develop in the future as residential neighborhoods WITH LIMITED COMPATIBLE COMMERCIAL USES INCLUDING THOSE THAT PROVIDE OVERNIGHT ACCOMMODATIONS FOR VISITORS SUCH AS BED AND BREAKFAST INNS AND BOUTIQUE HOTELS. The district regulations are intended to promote and sustain healthy, stable, and harmonious residential neighborhoods, reflective of the pattern of street and lot layout and development tradition to Chesapeake City.”

*Wording to be added in in Capital Letters.

SECTION 5. Table 1 (Part 1 of 4) and Table 2 (Part 2 of 4) “PERMITTED USES BY ZONING DISTRICT” of Section 4.2.2.2. “Land Uses by District” of the Comprehensive Development Ordinance adopted by the Town on May 14, 2012 are hereby amended to read as follows:



Single Family Residences							
Single family residential - detached	P	P				P	
Single family residential - attached (Townhouse)	SC	P	P				Sect. 4.2.3A1
Two-family Residences							
Two-family, duplex	P	P					
Primary residence with accessory apartment	P	P				P	
Secondary residential structure auxiliary to existing house	P	P				P	
Multi-Family Buildings	SC	P	P				Sect. 4.2.3A2
Residential uses emphasizing special services, treatment, or supervision							
Group Home	P	P	P			P	
Halfway House				P			
Intermediate Care Institutions	SE	P	P			P	
Day Care							
Day care home (fewer than 7 people)	P	P	P			P	
Day care center, day nursery (between 7 and 16 people)	PC	PC	PC	PC		PC	Sect. 4.2.3A3
Day care center, day nursery (between 16 and 30 people)		PC	PC	PC		PC	Sect. 4.2.3A3
Homeless Shelter ¹		SE	SE	SE			
Bed and Breakfast and Country Inns	P	P	P	P	P		
Home Occupations	PC	PC	PC			PC	Sect. 4.2.3A4

¹Permitted as an accessory use to "Churches and Other Buildings for Religious Assembly" in the TND zoning district.

TABLE 1 (Part 2 of 4)	P: Permitted PC: Permitted, subject to conditions SE: Special Exception SC: Special Exception, subject to conditions						
PERMITTED USES BY ZONING DISTRICT							
Land Use	Zoning Districts						Use Regs.
	TND	V-1	V-2	GC	MC	RC	

Commercial, Office, and Service							
Artist and photographer galleries (retail) and studios, dance/music studios		P	P	P			
Retail Shops, including service/repair such as clock, jewelry		P	P	P			
Convenience, grocery, department, variety, hardware, dry goods stores		P	P	P			
Pet Shops				P			
Nursery for plants, greenhouses			PC	P		P	Sect. 4.2.3B1
Banks, financial institutions		P	P	P			
Personal service shops and services, such as barber, salon, Laundromat, health and fitness center, spa		P	P	P			
Professional office		P	P	P			
Medical, dental clinics or physicians/dentist offices		P	P	P			
Business offices, including finance, insurance, real estate		P	P	P			
Business services, plumbing shops, contractor shops				P			
Small-scale manufacturing and assembly such as cabinet making, furniture upholstery, printing, publishing, warehousing				PC	PC		Sect. 4.2.3B2
Television, radio, computer repair shops, small appliance repair, similar		P	P	P			
Building material and supply, boat sales, farm implements storage and sales, feed and grain storage and sales, heavy equipment sales and service				P			
Animal hospital, veterinarian clinic				PC			Sect. 4.2.3B3
Kennel, Cattery				PC			Sect. 4.2.3B4
Funeral Parlor				P			
Motor vehicle sales or rental				P			
Marina uses including boat sales and repair, storage, marine-related manufacturing and marine-related business offices				P	P		
Filling stations, service stations				PC			Sect. 4.2.3B5
Automotive body shop				SC			Sect. 4.2.3B6
Restaurants, standard		P	P	P	P		
Restaurants, fast food, drive-in, drive thru			P	P			
Hotels, motels, convention centers, and similar businesses and institutions providing overnight accommodations		P	P	P	P		
Resorts			P	P	P	P	
Pubs, bars, dance halls, nightclubs, cocktail lounges		PC	PC	P	P		Sect. 4.2.3B7

Boutique Hotels

PC P P P P PC

Table 1 above is amended to add Bed and Breakfast and Country Inns as a Permitted Use (P) in the RC District.

Table 2 above is amended to add Boutique Hotels as a Permitted Use (P) in the V-1, V-2, GC, and MC districts and as a Permitted, subject to conditions use (PC) in the TND and RC districts.

SECTION 6. Section 4.2.3.B.8. “Boutique Hotels” is hereby added to the Comprehensive Development Ordinance adopted by the Town on May 14, 2012 to read as follows:

“8. Boutique Hotel

Subject to the following conditions, boutique hotels shall be permitted in the TND and RC districts as a Conditional Use:

- a. Maximum of 70 guest rooms.
- b. Notwithstanding the yard (dimensional) requirements for the district, no part of a primary structure shall be less than seventy-five (75) feet from a property line and no part of an accessory structure or parking area shall be less than fifty (50) from a property line.
- c. Notwithstanding the yard (dimensional) requirements for the district, no part of a building, primary or accessory structure, or parking area shall be located closer than one-hundred (100) feet to any existing dwelling on an adjoining parcel.
- d. Landscape Buffers shall be required along all property lines and shall be a minimum of thirty-five (35) feet wide. Existing forested areas shall qualify.
- e. No new structures shall exceed thirty-five (35) feet in height without obtaining a variance in accordance with the provisions of Article 2.2.5 of this ordinance.
- f. Guest rooms shall be accessible from an indoor corridor, lobby, or hallway only, and not via an outdoor parking area.
- g. A 24-hour front desk attendant and housekeeping services shall be provided to guests.
- h. Indoor and outdoor functions, including but not limited to weddings, receptions, bridal and baby showers, parties, art, music, and cultural events shall be permitted subject to the following requirements:
 - (i) Special functions conducted outdoors and outdoor activities related to special functions are prohibited after 9:00 p.m. on Sunday through Thursday nights, except evenings before and of national holidays, and are

prohibited after 10:00 p.m. on Friday and Saturday nights and the evenings before and of national holidays.”

SECTION 7. Table 4 (Part 2 of 2) of Section 6.3.2.B. “Minimum Parking Space Area” of the Comprehensive Development Ordinance adopted by the Town on May 14, 2012 is hereby amended as follows: “Boutique Hotels” is hereby added to the first line that reads “Hotels, Motels”. The second line that reads “Hotels, Motels” is hereby deleted as it is redundant.

SECTION 8. Section 6.3.4.A. “Minimum Bicycle Parking Requirements by Land Use, Schedule of Required Parking” of the Comprehensive Development Ordinance adopted by the Town on May 14, 2012 is hereby amended to add Boutique Hotels to the list of uses provided therein to read as follows:

“A. Schedule of Required Parking

Bicycle Parking shall be provided in accordance with the following schedule. In all districts, either space for parking and/or storage of bicycles shall be provided or the applicant shall demonstrate that adequate bicycle parking is provided for.

bed and breakfast, hotels, motels, and BOUTIQUE HOTELS	2, or 1 per 25 employees
retail sales, service operations	2, or 1 per 5,000 s.f.gfa
office buildings	2, or 1 per 5,000 s.f.gfa
museums, libraries, similar	4, or 1 per 3,000 s.f.gfa
churches, similar	1 per 50 members
community centers	1 per 250 s.f.gfa
schools	
a) Elementary	1 per 10 students
b) Middle and high	1 per 6 students
Indoor amusement	4, or 1 per 50 seats
Restaurants	4, or 1 per 50 seats
Other commercial	2, or 1 per 50 employees”

*Wording to be added in in Capital Letters.

SECTION 9. Section 6.5.6.A. “Sign Specific Standards to the TND District” of the Comprehensive Development Ordinance adopted by the Town on May 14, 2012 is hereby amended to add “Boutique Hotels” and to read as follows:

“A. For Public, Open Space, Institutional uses, Public Assembly, BOUTIQUE HOTELS, and Multiple Family Uses

1. One freestanding sign is permitted, per road frontage meeting the following standards.
 - a. Maximum sign area is 32 square feet per sign face.
 - b. Maximum sign height is six feet
 - c. Maximum distance from any other zoning lot is eight feet.
 - d. One Wall Mounted Sign is permitted with maximum letter height of 30 inches.
2. No sign shall project into or over a public right-of-way.”

SECTION 10. Section 3.1.1.B.7. “Boutique Hotels” is hereby added to the provisions for Category 1 Site Plans of the Comprehensive Development Ordinance adopted by the Town on May 14, 2012 to read as follows:

“7. Boutique Hotels”

SECTION 11. The definition of “Boutique Hotel” is hereby added to Section 9.2 “Terms and Definitions” of the Comprehensive Development Ordinance adopted by the Town on May 14, 2012 to read as follows:

“Boutique Hotel – A high quality, intimate hotel providing personalized accommodations and services/facilities and containing no more than seventy (70) guest rooms. The exterior of which reflects the unique design characteristics of the historic district of Chesapeake City.”

SECTION 12. Section 4.2.3.D. “Miscellaneous Use” of the Comprehensive Development Ordinance adopted by the Town on May 14, 2012 is hereby amended to add item 3. “Storage Structures” to read as follows:

“3. Storage

Subject to all applicable set back and site plan requirements, one accessory structure may be permitted for personal storage use by the owner or occupant of the property. The storage structure may be on a parcel adjoining the parcel upon which the primary use is located if both such parcels are under common ownership”

SECTION 13. Should any provision, section, paragraph, or subparagraph of this ordinance, including, any code or text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable by a court having jurisdiction, the same shall not affect the validity, legality, or enforceability of any other provision, section, paragraph, or subparagraph hereof, including any code or text adopted hereby. Each such provision, section, paragraph, or subparagraph is expressly declared to be and is deemed severable.

SECTION 14. The title of this ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this ordinance for publication and all other purposes.

This Ordinance having been introduced on January 9, 2017, and adopted on _____, 2017, we hereby affix our signatures. Effective _____, 2017. A summary of this Ordinance shall be published in at least one newspaper having general circulation within the Town of Chesapeake City.

BY AUTHORITY OF THE MAYOR
AND COUNCIL OF THE TOWN OF
CHESAPEAKE CITY, MARYLAND

Valarie Walls, Clerk

Dean Geracimos, Mayor

Ayes

Nayes

Absent

Approved as to Form:

Thomas N. Yeager,
Attorney for the Town of Chesapeake City