



TOWN OF NORTH BEACH
8916 CHESAPEAKE AVENUE
NORTH BEACH, MD 20714

ORDINANCE NO. 22-01
AMENDED BY INTERLINEATION AFTER INTRODUCTION

AN ORDINANCE REPEALING ARTICLE 3 OF THE TOWN ZONING
ORDINANCE AND ENACTING CHAPTER 117, “ZONING” OF THE
CODE OF THE TOWN OF NORTH BEACH, INCLUDING ARTICLE 3,
“ZONING DISTRICTS”

WHEREAS, pursuant to Md. Code Ann., Local Gov’t Art., § 5-213, the Town of North Beach, Maryland (the “Town”) has the authority to provide reasonable zoning regulations subject to the referendum of the voters at regular or special elections; and

WHEREAS, pursuant to Section 19-501 the Town Charter, the Town may exercise the powers as to planning and zoning, conferred upon municipal corporations generally provided in Article 66B of the Annotated Code of Maryland, now Md. Code Annotated, Land Use Article, Division 1, “Single Jurisdiction Planning and Zoning,” Title 4, “Zoning”; and

WHEREAS, pursuant to said authority, the Town Council enacted the current Town Zoning Ordinance on March 6, 2016; and

WHEREAS, pursuant to Section 7-301 of the Zoning Ordinance, the Town Council may initiate an amendment of the Zoning Ordinance by introduction of an ordinance to amend, which ordinance, upon adoption, shall be issued to the Planning Commission and Zoning Administrator; and

WHEREAS, pursuant to Section 7-303 of the Zoning Ordinance, all amendments to the Zoning Ordinance are subject to a public hearing before the Planning Commission and Town Council, which may be held jointly, in accordance with the Provisions of Section 7-106; and

WHEREAS, pursuant to Section 7-304 of the Zoning Ordinance, after the conclusion of the public hearing, the Planning Commission shall report to the Town Council its recommendations with respect to the proposed amendment; and

WHEREAS, on October 28, 2022 the Planning Commission considered the revisions proposed herein and voted to recommend certain changes to Article 3; and

WHEREAS, the Mayor and Town Council concur that the proposed revisions to the text of Article 3 of the Zoning Ordinance are in the best interests of the Town and its residents and specifically find that this ordinance is consistent with the Town of North Beach Comprehensive Plan; and

WHEREAS, heretofore the Town’s Zoning Ordinance has been uncodified, which has occasionally led to confusion about its current provisions and the Town Council therefore desires to codify its provisions, and to adopt Chapter 117 of the Town Code for that purpose.

Section 1: NOW THEREFORE BE IT ENACTED AND ORDAINED by the Council of North Beach that Article 3, “Zoning Districts”, of the Town’s Zoning Ordinance be and is hereby repealed in its entirety.

Section 2. BE IT FURTHER ORDAINED AND ENACTED by the Council of North Beach that Chapter 117, “Zoning”, of the North Beach Town Code, be and hereby is created and shall read as follows:

ARTICLE 1

[RESERVED.]

ARTICLE 2

[RESERVED]

ARTICLE 3

ZONING DISTRICTS

PART 1.

§ 17-3-100 PURPOSE OF DISTRICT GENERALLY

ZONING DISTRICTS ARE ESTABLISHED TO PROVIDE APPROPRIATE LOCATIONS FOR TYPES OF LAND USES. THE APPROPRIATE LOCATION FOR A PARTICULAR LAND USE IS DETERMINED BY:

- A. THE CHARACTER OF THE AREA AND CURRENT LAND USE.
- B. THE SUITABILITY OF EACH DISTRICT FOR THE USES PERMITTED IN EACH.
- C. THE ENCOURAGEMENT OF THE STABILITY OF THE DISTRICT AND OF LAND VALUES THEREIN.
- D. ENVIRONMENTAL CONSIDERATIONS INCLUDING BUT NOT LIMITED TO ENSURING COMPLIANCE WITH THE CHESAPEAKE BAY CRITICAL AREA ACT AND ITS CRITERIA, AND
- E. RECOMMENDATIONS FOUND IN THE NORTH BEACH COMPREHENSIVE PLAN.

§ 17-3-101 R-1: RESIDENTIAL – SINGLE FAMILY

THE RESIDENTIAL SINGLE-FAMILY DISTRICT IS INTENDED TO PRESERVE AND PROTECT THE PRIMARY SINGLE-FAMILY DETACHED RESIDENTIAL CHARACTER OF THIS DISTRICT AND TO KEEP THESE AREAS FREE FROM THE LAND USES THAT ARE INCOMPATIBLE WITH AND/OR MIGHT ADVERSELY AFFECT THESE SINGLE-FAMILY NEIGHBORHOODS.

§ 17-3-102 R-2: RESIDENTIAL – SINGLE FAMILY AND MULTI-FAMILY

THE RESIDENTIAL SINGLE-FAMILY AND MULTI-FAMILY DISTRICT IS INTENDED TO PROMOTE

UNDERLINED SMALL CAPS : Indicate matter added to existing law.

A PLEASANT LIVING ENVIRONMENT WITH MULTIPLE HOUSING TYPES.

§ 17-3-103 C-M: COMMERCIAL MIXED-USE

THE COMMERCIAL TOWN CENTER DISTRICT IS INTENDED TO PROMOTE A MIX OF COMMERCIAL AND RESIDENTIAL USES THAT PROVIDE A SAFE AND ATTRACTIVE ENVIRONMENT FOR SHOPPING, ENTERTAINMENT, WORK, RESIDING, AND COMMUNITY GATHERING.

§ 17-3-104 W: WATERFRONT DISTRICTS

W-1: WATERFRONT LIMITED DISTRICT – THE WATERFRONT LIMITED DISTRICT IS INTENDED FOR LOW IMPACT RESIDENTIAL AND OR COMMERCIAL USES THAT COMPLEMENT THE TOWN’S BAYFRONT AND CAN BE APPROVED THROUGH A SIMPLIFIED ZONING APPROVAL PROCESS.

W-2: WATERFRONT RENAISSANCE DISTRICT – THE WATERFRONT RENAISSANCE DISTRICT IS INTENDED TO PROMOTE A MIX OF RESIDENTIAL AND COMMERCIAL USES THAT ARE RESPECTFUL OF AND COMPLEMENT A WATERFRONT LOCATION AND CONTRIBUTE TO RECREATIONAL AND TOURISM ACTIVITIES FOR TOWN RESIDENTS AND VISITORS.

§17-3-105 PR: PARK AND RECREATIONAL DISTRICT

THIS DISTRICT IS ESTABLISHED TO PROVIDE AND PROTECT LOCATIONS FOR PARKLAND, RECREATIONAL ACTIVITIES, OPEN SPACE, AND ENVIRONMENTALLY SENSITIVE AREAS.

PART 2.

§ 17-3-200 LAND USES BY DISTRICT

A. TABLE 1 LISTS THE DIFFERENT USES AND THE ZONING DISTRICTS IN WHICH THOSE USES ARE PERMITTED. IF A USE IS NOT LISTED OR DOES NOT FALL WITHIN ANY OF THE GENERAL CATEGORIES, IT IS NOT A PERMITTED USE IN ANY DISTRICT.

P PERMITTED USE: USES DESIGNATED BY THE LETTER “P” SHALL BE PERMITTED SUBJECT TO ALL APPLICABLE REGULATIONS.

C CONDITIONAL USE: USES DESIGNATED WITH THE LETTER “C” MAY BE AUTHORIZED BY THE PLANNING COMMISSION IN ACCORDANCE WITH SECTION § 17-3-300 OF THIS ARTICLE.

S SPECIAL EXCEPTION: USES DESIGNATED WITH THE LETTER “S” MAY BE AUTHORIZED BY THE PLANNING COMMISSION IN ACCORDANCE WITH SECTION § 17-3-300 OF THIS ARTICLE, AND SUBJECT TO CERTAIN CONDITIONS LISTED IN SECTION § 17-3-404.

SC SPECIAL EXCEPTION W/CONDITIONS: USES DESIGNATED WITH THE LETTERS “SC” MAY BE AUTHORIZED BY THE BOARD OF APPEALS IN ACCORDANCE WITH SECTION § 17-3-300 OF THIS ARTICLE, AND SUBJECT TO CERTAIN CONDITIONS LISTED IN SECTION §17-3-404.

B. IF A USE IS SPECIFICALLY LISTED IN TABLE 1, IT TAKES PRECEDENCE OVER GENERAL USE LISTINGS.

C. THE FOLLOWING ZONING DISTRICTS ARE CREATED IN THE TOWN

UNDERLINED SMALL CAPS : Indicate matter added to existing law.

R1: RESIDENTIAL SINGLE FAMILY

R2: RESIDENTIAL SINGLE FAMILY AND MULTI-FAMILY

CM: COMMERCIAL, MIXED USE

W-1: WATERFRONT LIMITED DISTRICT

W-2: WATERFRONT RENAISSANCE DISTRICT

PR: PARK AND RECREATIONAL DISTRICT

D. USES PERMITTED BY ZONING DISTRICT ARE AS SET FORTH IN THIS SUBSECTION.

<u>TABLE 1</u>						
<u>RESIDENTIAL</u>	<u>ZONING DISTRICTS</u>					
-	<u>R-1</u>	<u>R-2</u>	<u>C-M</u>	<u>W-1</u>	<u>W-2</u>	<u>PR</u>
-	-	-	-	-	-	-
<u>APARTMENT, ATTACHED TO SINGLE-FAMILY</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	-
<u>APARTMENTS, ATTACHED TO A BUSINESS</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	-
<u>BOARDING HOUSE, LODGING HOUSE</u>	<u>SC</u>	<u>SC</u>	<u>SC</u>	<u>SC</u>	<u>SC</u>	-
<u>GROUP HOME</u>	-	<u>SC</u>	<u>C</u>	-	-	-
<u>MULTI-FAMILY</u>	-	<u>P</u>	<u>C</u>	<u>C</u>	<u>C</u>	-
<u>SINGLE-FAMILY, ATTACHED, DUPLEX</u>	-	<u>P</u>	<u>P</u>	<u>P</u>	-	-
<u>SINGLE-FAMILY, DETACHED</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>P</u>	-	-
<u>TOWNHOUSE</u>	-	<u>P</u>	<u>P</u>	<u>P</u>	-	-
<u>VACATION RENTAL</u>	<u>SC</u>	<u>SC</u>	<u>SC</u>	<u>SC</u>	<u>SC</u>	-

<u>INSTITUTIONAL</u>	<u>ZONING DISTRICTS</u>					
-	<u>R-1</u>	<u>R-2</u>	<u>C-M</u>	<u>W-1</u>	<u>W-2</u>	<u>PR</u>
-	-	-	-	-	-	-
<u>CHURCHES/OTHER BUILDINGS FOR RELIGIOUS</u>	-	-	<u>P</u>	-	<u>P</u>	-
<u>CLUBS, FRATERNAL AND SERVICE ORGANIZATIONS</u>	-	-	<u>P</u>	<u>P</u>	<u>P</u>	-
<u>CONVALESCENT/NURSING HOME</u>	-	-	<u>P</u>	<u>SC</u>	-	-
<u>CULTURAL USES: LIBRARY, MUSEUM, COMMUNITY CTR</u>	-	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

UNDERLINED SMALL CAPS : Indicate matter added to existing law.

<u>DAY CARE CENTER, NURSERY SCHOOL</u>	-	<u>SC</u>	<u>P</u>	-	-	-
<u>HOME DAY CARE</u>	<u>SC</u>	<u>SC</u>	<u>SC</u>	<u>SC</u>	-	-
<u>PARKING FACILITY/LOT</u>	-	-	<u>C</u>	<u>C</u>	<u>C</u>	-
<u>POST OFFICE</u>	-	-	<u>P</u>	-	<u>P</u>	-
<u>PUBLIC OR GOVERNMENT BUILDING OR STRUCTURE</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	<u>P</u>
<u>PUBLIC PARK AND/OR RECREATIONAL AREA</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	<u>P</u>
<u>UTILITY BUILDING/FACILITY</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	-	<u>S</u>

<u>COMMERCIAL</u>	<u>ZONING DISTRICTS</u>					
-	<u>R-1</u>	<u>R-2</u>	<u>C-M</u>	<u>W-1</u>	<u>W-2</u>	<u>PR</u>
-	-	-	-	-	-	-
<u>AMUSEMENT EST.: THEATRES, BOWLING ALLEYS, ARCADES</u>	-	-	<u>P</u>	<u>P</u>	<u>P</u>	-
<u>ARTS – ARTWORK PRODUCTION</u>	-	-	<u>P</u>	<u>P</u>	<u>P</u>	-
<u>ARTS – FINE AND PERFORMING</u>	-	-	<u>P</u>	<u>P</u>	<u>P</u>	-
<u>ARTS – HOBBY AND CRAFTS</u>	-	-	<u>P</u>	<u>P</u>	<u>P</u>	-
<u>BANK, FINANCIAL INSTITUTION</u>	-	-	<u>P</u>	<u>P</u>	<u>P</u>	-
<u>BED AND BREAKFAST</u>	<u>S</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>P</u>	-
<u>BOAT SALES OR RENTAL</u>	-	-	<u>P</u>	-	<u>P</u>	<u>C</u>
<u>BOAT SERVICE OR REPAIR</u>	-	-	<u>SC</u>	-	<u>SC</u>	-
<u>BREW PUB, MICRO BREW, TAPROOM</u>	-	-	<u>C</u>	<u>C</u>	<u>C</u>	-
<u>FINANCE, INSURANCE, REAL ESTATE</u>	-	-	<u>P</u>	<u>P</u>	<u>P</u>	-
<u>FOOD TRUCK/TRAILER</u>	-	-	<u>C</u>	<u>C</u>	<u>C</u>	-
<u>FORTUNE TELLING</u>	-	-	<u>P</u>	-	<u>P</u>	-
<u>GASOLINE STATION, SERVICE STATION</u>	-	-	<u>SC</u>	-	-	-
<u>HOTEL/MOTEL/INN</u>	-	-	<u>C</u>	<u>C</u>	<u>C</u>	-
<u>INDOOR RECREATIONAL FACILITIES FOR SWIMMING, TENNIS, ETC.</u>	-	-	<u>P</u>	<u>P</u>	<u>P</u>	-

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<u>OFFICES FOR PROFESSIONAL, BUSINESS, GOVERNMENTAL PURPOSES</u>	-	-	<u>P</u>	<u>P</u>	<u>P</u>	-
<u>OUTDOOR RECREATIONAL AND AMUSEMENT ESTABLISHMENTS SUCH AS SWIM CLUBS, MINIATURE GOLF, AND SIMILAR FACILITIES</u>	-	-	<u>P</u>	<u>P</u>	<u>P</u>	-
<u>PERSONAL SERVICES GROOMING</u>	-	-	<u>C</u>	<u>C</u>	<u>C</u>	-
<u>PERSONAL SERVICES -WELLNESS</u>	-	-	<u>C</u>	<u>C</u>	<u>C</u>	-
<u>PERSONAL SERVICES-HEALTH</u>	-	-	<u>C</u>	<u>C</u>	<u>C</u>	-
<u>PERSONAL SERVICES-OTHER</u>	=	=	<u>C</u>	<u>C</u>	<u>C</u>	=
<u>PROFESSIONAL OFFICE IN RESIDENCE</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	-
<u>RESTAURANTS</u>	-	-	<u>P</u>	<u>P</u>	<u>P</u>	-
<u>RETAIL SALES</u>	-	-	<u>P</u>	<u>P</u>	<u>P</u>	-
<u>TAVERNS, NIGHT CLUBS AND LOUNGES</u>	-	-	<u>C</u>	<u>C</u>	<u>C</u>	-
<u>TEMPORARY CONCESSION</u>	-	-	<u>C</u>	<u>C</u>	<u>C</u>	-
-	-	-	-	-	-	-
<u>UNCLASSIFIED USES</u>	-	-	-	-	-	-
<u>GARAGE SALES, YARD SALES, ESTATE SALES</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>HOME OCCUPATION</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	-
<u>TEMPORARY STRUCTURE INCIDENTAL TO CONSTRUCTION</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	-

PART 3.§ 17-3-301 CONDITIONS AND STANDARDS FOR CONDITIONAL AND SPECIAL EXCEPTION USES

THE FOLLOWING CONDITIONS AND SPECIFIC STANDARDS APPLY TO LAND USES IN THE VARIOUS CLASSIFICATIONS AS SET FORTH IN TABLE 1. WHEN APPLYING FOR A CERTIFICATION OF USE AND OCCUPANCY, THE APPLICABLE CONDITIONS SHALL BE SATISFIED DURING THE PERIOD OF THE USE AND OCCUPANCY.

A. APARTMENTS ATTACHED TO A SINGLE-FAMILY RESIDENCE, DETACHED: CONDITIONAL IN DESIGNATED DISTRICTS AND SUBJECT TO THE REQUIREMENT OF THAT DISTRICT EXCEPT AS HEREIN PROVIDED:

1. THE PRINCIPAL DWELLING MUST BE LOCATED ON A LOT OF AT LEAST 5,000 SF. AND THE GRANTING OF A VARIANCE CANNOT ALTER THIS REQUIREMENT. ACCESSORY APARTMENT UNITS WILL NOT BE ALLOWED ON EXISTING NON-CONFORMING SINGLE-FAMILY DETACHED HOUSE LOTS

UNDERLINED SMALL CAPS : Indicate matter added to existing law.

THAT ARE LESS THAN 5,000 SF.

2. ONLY ONE (1) ACCESSORY APARTMENT WILL BE ALLOWED ON A SINGLE-FAMILY DETACHED LOT.

3. AT LEAST (1) OFF-STREET PARKING SPACE MUST BE PROVIDED FOR EACH APARTMENT.

4. IF AN ACCESSORY APARTMENT IS IN AN ACCESSORY STRUCTURE, IT SHALL CONTAIN NO MORE THAN 800 SF OF GROSS FLOOR AREA.

5. AN OWNER OF THE LOT OCCUPIES AT LEAST ONE OF THE DWELLING UNITS ON THE LOT, EXCEPT FOR BONA FIDE TEMPORARY ABSENCES AS DETERMINED BY THE PLANNING COMMISSION.

6. ACCESSORY APARTMENTS MUST MEET ALL REQUIREMENTS OF THE TOWN MINIMUM LIVABILITY CODE AND THE INTERNAL PROPERTY MAINTENANCE CODE.

7. THE EXTERIOR APPEARANCE OF THE ACCESSORY APARTMENT MUST BE COMPATIBLE WITH THE PRINCIPAL STRUCTURE.

B. MULTI-FAMILY: FOR C-M, W-1, W-2 (WHEN MIXED USE), MULTI-FAMILY TO BE LOCATED ON THE SECOND FLOOR AND ABOVE.

C. BOARDING HOUSE, LODGING HOUSE: A SPECIAL EXCEPTION WITH CONDITIONS WHERE DESIGNATED SUBJECT TO THE REQUIREMENTS OF THE DISTRICT WERE LOCATED AND THE FOLLOWING CONDITIONS.

1. AN OWNER OR MANAGER LIVES ON THE PREMISES.

2. THE FACILITY IS PART OF A DWELLING UNIT.

3. NO SEPARATE KITCHENS ARE PROVIDED.

4. THE MAXIMUM NUMBER OF GUESTS SHALL BE FIVE.

5. MINIMUM OF TWO (2) OFF-STREET PARKING SPACES ARE PROVIDED TO THE SIDE OR REAR OF THE PRINCIPAL STRUCTURE.

6. BOARDING AND LODGING HOUSES MUST MEET ALL REQUIREMENTS OF THE TOWN MINIMUM LIVABILITY CODE AND THE INTERNATIONAL PROPERTY MAINTENANCE CODE.

7. A CERTIFICATE OF USE AND OCCUPANCY FOR SUCH USE IS OBTAINED.

8. FIRE MARSHALL APPROVAL IS OBTAINED.

9. BOARDING AND LODGING HOUSES MUST APPLY FOR A NORTH BEACH RENTAL LICENSE AND COMPLY WITH ALL INSPECTION PRACTICES ASSOCIATED WITH LICENSING.

D. GROUP HOME: USE ALLOWED WITH SPECIAL CONDITIONS IN R-2 AND CONDITIONS IN C-M.

1. ALL GROUP HOMES SHALL BE OPERATED IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL REQUIREMENTS.

2. MUST MAINTAIN A CURRENT NORTH BEACH BUSINESS LICENSE.

3. WILL FOLLOW THE SAME INSPECTION PROCESS AS A RENTAL PROPERTY.

4. INSPECTIONS WILL BE CONDUCTED YEARLY.

E. VACATION RENTAL: SPECIAL EXCEPTIONS WITH CONDITIONS IN DISTRICTS WHERE INDICATED ARE SUBJECT TO THE FOLLOWING:

1. PROPERTY OWNER MUST MAINTAIN IN GOOD STANDING A TOWN RENTAL LICENSE.

UNDERLINED SMALL CAPS : Indicate matter added to existing law.

2. MAXIMUM NUMBER OF OCCUPANTS SHALL BE THREE (3) PER BEDROOM.
3. NO SUB LEASING PERMITTED
4. PETS MUST BE HOUSED INDOORS.
5. OWNER MUST MAINTAIN A MINIMUM OF TWO (2) TOWN PARKING PERMITS FOR EACH LIVING UNIT OFFERED FOR RENTAL.
6. ZONING APPROVAL WILL BE REVOKED IF ANY OF THE FOLLOWING CONDITIONS OCCUR:
 - A. ANY FALSE, INACCURATE, INCOMPLETE, OR INCORRECT STATEMENT IN ANY APPLICATION, REGISTRATION, RENEWAL OR FILING RELATING TO A VACATION RENTAL LICENSE.
 - B. ANY REPEATED INFRACTION, DISTURBANCE, NUISANCE, FAILURE TO MONITOR, OR OTHER PROBLEM OR VIOLATION OCCURRING AT THE PREMISES DURING A RENTAL OR VIOLATION OCCURRING AT THE PREMISES DURING A RENTAL WHICH CONSTITUTES A THREAT TO PUBLIC SAFETY OR TO AN OCCUPANT OF THE PREMISES; OR A PUBLIC DISTURBANCE OR OTHER CONDITION OF ACTIVITY AT THE PREMISES WHICH, IN THE OPINION OF THE ZONING INSPECTOR, ADVERSELY AFFECTS AN OCCUPANT OF A NEIGHBORING PROPERTY.
 - C. FAILURE TO PAY THE CORRECT AMOUNT OF THE CALVERT COUNTY ACCOMMODATIONS TAX.
 - D. ANY FAILURE TO CONTINUE TO MEET ALL THE ABOVE TERMS AND CONDITIONS FOR QUALIFICATION AS A VACATION RENTAL, AS DETERMINED BY THE ZONING INSPECTOR SHALL BE CAUSED TO SUSPEND OR REVOKE A RENTAL LICENSE
 - E. ADDITIONAL VIOLATIONS OF THE TOWNS NOISE ORDINANCE, AFTER BEING CITED AND OR WARNED ABOUT NOISE COMPLAINTS.
- F. APARTMENTS ATTACHED TO A BUSINESS: CONDITIONAL IN DESIGNATED DISTRICTS AND SUBJECT TO THE REQUIREMENT OF THAT DISTRICT EXCEPT AS HEREIN PROVIDED:
 1. THE PRINCIPAL DWELLING MUST BE LOCATED ON A LOT OF AT LEAST 5,000 SF., AND THE GRANTING OF A VARIANCE CANNOT ALTER THIS REQUIREMENT. ACCESSORY APARTMENT UNITS WILL NOT BE ALLOWED ON EXISTING NON-CONFORMING SINGLE-FAMILY DETACHED HOUSE LOTS THAT ARE LESS THAN 5,000 SF.
 2. ONLY ONE (1) ACCESSORY APARTMENT WILL BE ALLOWED ON A SINGLE-FAMILY DETACHED LOT.
 3. AT LEAST (1) OFF-STREET PARKING SPACE MUST BE PROVIDED FOR EACH APARTMENT.
 4. IF AN ACCESSORY APARTMENT IS IN AN ACCESSORY STRUCTURE, IT SHALL CONTAIN NO MORE THAN 800 SF OF GROSS FLOOR AREA.
 5. ACCESSORY APARTMENTS MUST MEET ALL REQUIREMENTS OF THE TOWN MINIMUM LIVABILITY CODE AND THE INTERNAL PROPERTY MAINTENANCE CODE.
 6. THE EXTERIOR APPEARANCE OF THE ACCESSORY APARTMENT MUST BE COMPATIBLE WITH THE PRINCIPAL STRUCTURE.
- G. HOME DAY CARE: SPECIAL EXCEPTIONS WITH CONDITIONS IN DISTRICTS WHERE INDICATED ARE SUBJECT TO THE FOLLOWING:
 1. ALL HOME DAY CARE SHALL BE OPERATED IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE, AND FEDERAL REQUIREMENTS.
 2. MUST MAINTAIN A CURRENT NORTH BEACH BUSINESS LICENSE.

UNDERLINED SMALL CAPS : Indicate matter added to existing law.

3. WILL FOLLOW THE SAME INSPECTION PROCESS AS A RENTAL PROPERTY.
4. INSPECTIONS WILL BE CONDUCTED YEARLY.

H. DAY CARE CENTER, NURSERY SCHOOL: SPECIAL EXCEPTION WITH CONDITIONS FOR USE IN THE R-2 DISTRICT SUBJECT TO THE REQUIREMENTS OF THAT DISTRICT, EXCEPT AS HEREIN PROVIDED:

1. ALL DAY CARE CENTER/NURSERY SCHOOLS SHALL BE OPERATED IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE, AND FEDERAL REQUIREMENTS.
2. THE MINIMUM LOT AREA SHALL BE 10,000 SF.
3. THE MINIMUM LOT WIDTH SHALL BE 100 FT.
4. THAT THERE IS NO EXTERIOR EVIDENCE, OTHER THAN A PERMITTED SIGN TO INDICATE THAT THE BUILDING IS BEING USED FOR OTHER THAN RESIDENTIAL PURPOSES.
5. SIGN SHALL MEET ALL REQUIREMENTS OF SECTION 5-300 OF THIS ARTICLE
6. ANY OUTDOOR RECREATIONAL AREA SHALL BE LOCATED AT LEAST 10FT. FROM ANY ADJOINING PROPERTY LINE.
7. SCREENING PER SECTION 5-504 OF THIS ARTICLE, SHALL BE PROVIDED WHERE THE LOT ABUTS RESIDENTIALLY USED PROPERTIES. IT ALSO MAY BE LOCATED ANYWHERE ELSE ON THE LOT NECESSARY TO PROTECT THE NEIGHBORHOOD FROM NOISE AND OTHER DISTURBANCES.
8. MUST MAINTAIN TWO (2) OFF STREET PARKING SPACES.

I. PARKING LOT FACILITY: MUST BE A MUNICIPAL FACILITY OR NEGOTIATED AS PART OF A DEVELOPER'S AGREEMENT WITHIN A DISTRICT.

J. CONVALESCENT/NURSING HOME: SPECIAL EXCEPTION WITH CONDITIONS FOR USE IN THE W-1 DISTRICT SUBJECT TO THE REQUIREMENTS OF THAT DISTRICT EXCEPT AS HEREIN PROVIDED:

1. ALL CONVALESCENT/NURSING HOME FACILITIES SHALL BE OPERATED IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE, AND FEDERAL REQUIREMENTS.
2. THE MINIMUM LOT AREA SHALL BE 10,000 SF.
3. THE MINIMUM LOT WIDTH SHALL BE 100 FT.
4. MUST BE STAFFED 24 HOURS A DAY.
5. STAFF'S QUARTERS ARE TO SEPARATE AND DISTINCT FROM THE FACILITIES USED FOR THE OPERATION OF THE CONVALESCENT/NURSING HOME.
6. THAT THERE IS NO EXTERIOR EVIDENCE, OTHER THAN A PERMITTED SIGN TO INDICATE THAT THE BUILDING IS BEING USED FOR OTHER THAN RESIDENTIAL PURPOSES.
7. SIGN SHALL MEET ALL REQUIREMENTS OF SECTION 5-300 OF THIS ARTICLE
8. SCREENING PER SECTION 5-504 OF THIS ARTICLE, SHALL BE PROVIDED WHERE THE LOT ABUTS RESIDENTIALLY USED PROPERTIES. IT ALSO MAY BE LOCATED ANYWHERE ELSE ON THE LOT NECESSARY TO PROTECT THE NEIGHBORHOOD FROM NOISE AND OTHER DISTURBANCES.
9. MUST MAINTAIN TWO (2) OFF STREET PARKING SPACES

K. TEMPORARY CONCESSIONS: CONDITIONAL USE IN C-M, W-1, AND W-2 DISTRICTS SUBJECT TO THE REQUIREMENTS OF THE DISTRICT WHERE LOCATED, EXCEPT AS HEREIN PROVIDED:

1. MUST BE LICENSED IN THE TOWN OF NORTH BEACH
2. NO MUSIC CAN BE PLAYED FROM THE CONCESSION.

L. MASSAGE THERAPY: CONDITIONAL USE IN THE C-M, W-1, W-2, DISTRICTS SUBJECT TO THE REQUIREMENTS OF THE DISTRICT WHERE LOCATED, EXCEPT AS HEREIN PROVIDED:

1. ALL MASSAGE THERAPY SHALL BE OPERATED IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE, AND FEDERAL REQUIREMENTS.
2. MASSAGE IS INCIDENTAL TO A PRINCIPAL MEDICAL AND OR SPA USE.
3. MASSAGE THERAPY DOES NOT INCLUDE ANY MANIPULATION TO INDUCE SEXUAL STIMULATION IN THE CONTEXT OF MASSAGE THERAPY AS SUCH ACTS ARE CONSIDERED A DANGER TO PUBLIC HEALTH, SAFETY, AND WELFARE AND IS CAUSE FOR REVOCATION OF A USE AND OCCUPANCY PERMIT.

M. HOTEL, MOTEL, INN: CONDITIONAL USE SUBJECT TO THE REQUIREMENTS OF THAT DISTRICT, EXCEPT HEREIN PROVIDED:

1. MINIMUM LOT AREA SHALL BE 10,000 SF.
2. SCREENING, PER SECTION 5-404 OF THIS ARTICLE, SHALL BE PROVIDED WHERE THE LOT ABUTS RESIDENTIALLY USED PROPERTIES OR WHERE THE SITE ABUTS THE R-1 DISTRICT.

N. BED AND BREAKFAST FACILITY: SPECIAL EXCEPTION IN R-1, AND R-2, AND SUBJECT TO THE REQUIREMENTS OF THE DISTRICT IN WHICH LOCATED EXCEPT AS HEREIN PROVIDED:

1. AN OWNER OR MANAGER LIVES ON THE PREMISES.
2. THE FACILITY IS PART OF A DWELLING UNIT WITH THE EXCEPTION THAT EXISTING NON-CONFORMING GUESTHOUSES MAY BE USED.
3. NO SEPARATE KITCHENS ARE PROVIDED.
4. MEALS SHALL BE SERVED TO OVERNIGHT LODGERS ONLY.
5. FACILITY MUST MEET ALL REQUIREMENTS OF THE CALVERT COUNTY LIVABILITY CODE.
6. FACILITY WILL GO THROUGH SAME INSPECTION PROCESS AS A RESIDENTIAL RENTAL.
7. FACILITY INSPECTIONS WILL BE DONE ON A YEARLY BASIS.

O. PROFESSIONAL OFFICE IN RESIDENCE: CONDITIONAL USE SUBJECT TO THE REQUIREMENTS OF THE DISTRICT WHERE THE STRUCTURE IS LOCATED EXCEPT AS HEREIN PROVIDED:

1. THE PROFESSIONAL PERSON MUST RESIDE IN THE DWELLING.
2. THERE SHALL BE NO EXTERIOR EVIDENCE, OTHER THAN A PERMITTED SIGN TO INDICATE THAT THE PRINCIPAL BUILDING IS BEING USED FOR ANY PURPOSE OTHER THAT OF A DWELLING.
3. THERE SHALL BE NO SHOW WINDOW OR DISPLAY WINDOW.
4. ONLY TWO PERSONS OTHER THAN THE RESIDENT PROFESSIONAL SHALL BE EMPLOYED ON SITE.
5. SUFFICIENT OFF-STREET PARKING IN THE SIDE OR REAR YARD SHALL BE PROVIDED WITH THE MINIMUM BEING TWO (2) SPACES PER PROFESSIONAL, ONE SPACE PER OTHER EMPLOYEE, PLUS RESIDENTIAL REQUIREMENTS.
6. THE TOTAL AREA DEVOTED TO THE PROFESSIONAL OFFICE USE SHALL NOT EXCEED 50 PERCENT OF THE SQUARE FOOTAGE OF THE PRINCIPAL DWELLING UNIT.

UNDERLINED SMALL CAPS : Indicate matter added to existing law.

P. BOAT SALES OR RENTAL: IF IN PR, BOAT RENTAL ONLY.

Q. BOAT SERVICE AND REPAIR: SPECIAL EXCEPTION WITH CONDITIONS USE IN THE C-M, AND W-2 DISTRICTS ARE SUBJECT TO THE REQUIREMENTS OF THE DISTRICT WHERE LOCATED, EXCEPT AS HEREIN PROVIDED:

1. SERVICE AND REPAIR ACTIVITIES ARE INCIDENTAL AND SECONDARY TO THE PRINCIPAL USE OF BOAT SALES AND OR RENTAL.

2. SERVICE AND REPAIR ACTIVITIES ARE LIMITED TO PROVIDING FUEL SERVICE AND MINOR REPAIR AND MAINTENANCE ACTIVITIES AND SHALL NOT INCLUDE THE SANDING AND PAINTING OF BOATS, ENGINE REPAIR OR RECONSTRUCTION OR OTHER MAJOR REPAIR AND SERVICING ACTIVITIES.

R. GASOLINE STATION, SERVICE STATION, GENERAL AUTO REPAIR: SPECIAL EXCEPTION WITH CONDITIONS USE IN THE C-M DISTRICT SUBJECT TO THE REQUIREMENTS OF THAT DISTRICT EXCEPT AS HEREIN PROVIDED:

1. NO FUEL PUMP, OIL-DRAINING PIT, OR OTHER VEHICLE APPLICANT FOR SERVICING AUTOMOBILE SHALL BE LOCATED WITHIN 25 FT FROM THE FRONT PROPERTY LINE.

2. NO STORAGE OR STOCKPILING OF TIRES OR ANY TRASH IS PERMITTED.

3. NO CAR WASH FACILITIES SHALL BE PERMITTED.

4. NO INOPERATIVE VEHICLE SHALL BE PERMITTED ON SITE FOR MORE THAN 30 DAYS.

5. NO MORE THAN THREE INOPERATIVE VEHICLES SHALL BE STORED OUTSIDE AT ANY GIVEN TIME, AND ALL SHALL BE COMPLETELY SCREENED FROM VIEW OF RIGHTS OF WAY AND ADJOINING PROPERTIES.

6. 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.

7. NO FUEL PUMPS, STRUCTURES, OR BUILDINGS SHALL BE ERECTED WITHIN 150 FEET OF ANY DWELLING.

8. ALL LIGHTS SHALL BE DIVERTED TOWARD THE STATION OR DOWNWARD ON THE LOT.

9. A LOW WALL AND OR HEDGE SHALL BE PROVIDED ALONG ALL RIGHTS OF WAY, EXCEPT AS POINTS OF VEHICULAR ACCESS TO THE LOT AND EXCEPT WHERE VEHICULAR SIGHT DISTANCES MIGHT BE COMPROMISED.

S. GARAGE SALES, YARD SALES, ESTATE SALES: CONDITIONAL USE IN ALL DISTRICTS SUBJECT TO THE REQUIREMENTS OF THE DISTRICT WHERE LOCATED, EXCEPT AS HEREIN PROVIDED.

T. TEMPORARY STRUCTURE INCIDENTAL TO CONSTRUCTION: CONDITIONAL USE IN ALL THE DISTRICTS SUBJECT TO THE REQUIREMENTS OF THE DISTRICTS WHERE LOCATE, AND AS HEREIN PROVIDED:

1. PROVIDED THAT THE STRUCTURE IS REMOVED WITHIN 30 DAYS AFTER CONSTRUCTION IS COMPLETED.

2. THE TEMPORARY STRUCTURE IS PERMITTED FOR A PERIOD OF ONE YEAR. A ONE-YEAR EXTENSION MAY BE PERMITTED UPON APPLICATION TO THE ZONING ADMINISTRATOR.

UNDERLINED SMALL CAPS : Indicate matter added to existing law.

U. HOME OCCUPATION: CONDITIONAL USE IN ALL DISTRICTS SUBJECT TO THE REQUIREMENTS OF THE DISTRICT WHERE LOCATED, AND AS HEREIN PROVIDED:

1. THE OCCUPATION IS CONDUCTED ENTIRELY WITHIN THE DWELLING OR ACCESSORY BUILDING AND IS CLEARLY SECONDARY TO THE USE OF THE DWELLING FOR RESIDENTIAL PURPOSES.
2. THE OCCUPATION USES NO MORE THAN 50 PERCENT OF THE DWELLINGS FLOOR AREA.
3. ALL EMPLOYED ARE RESIDENTS, EXCEPT THAT ONE FULL-TIME NON-RESIDENT EMPLOYEE MAY BE ON PREMISES.
4. NO OUTSIDE WORK AREAS OR OUTSIDE STORAGE OF EQUIPMENT, MATERIALS, OR ITEMS TO BE REPAIRED OR SOLD SHALL BE PERMITTED.
5. NO ARTICLE OR COMMODITY IS OFFERED FOR SALE OR IS PUBLICLY DISPLAYED ON THE PREMISE EXCEPT THOSE THAT ARE INCIDENTAL TO THE SERVICES OFFERED.
6. NO DISPLAY OF PRODUCTS MAY BE SHOWN AS TO BE VISIBLE FROM OUTSIDE THE DWELLING.
7. NO EXTERIOR ALTERATIONS, ADDITIONS, OR CHANGES TO THE STRUCTURE SHALL BE PERMITTED TO ACCOMMODATE OR FACILITATE A HOME OCCUPATION.
8. A NAMEPLATE NO LARGER THAN TWO (2) SQUARE FEET ATTACHED TO THE BUILDING AND ILLUMINATED ONLY BE INDIRECT LIGHTING IS PERMITTED.

V. TAVERN, NIGHTCLUB, LOUNGE: CONDITIONAL USE IN ALL THE DISTRICTS SUBJECT TO THE REQUIREMENTS OF THE DISTRICTS WHERE LOCATED, AND AS HEREIN PROVIDED:

1. TAVERNS MUST MEET THE REQUIREMENTS OF ALL LOCAL, STATE, AND FEDERAL LAWS, REGULATIONS, AND ORDINANCES. ALL LOCAL, STATE, AND FEDERAL LICENSES, AND INSPECTIONS, WHERE APPLICABLE WILL BE IN GOOD STANDING AND CURRENT.
2. ANY OUTDOOR SEATING MUST BE APPROVED BY THE PLANNING COMMISSION AND CLEARLY SHOWN ON THE SITE PLAN.
3. OUTDOOR MUSIC WILL BE SUBJECT TO THE NORTH BEACH NOISE ORDINANCE AND WILL BE TERMINATED NO LATER THAN 10PM.
4. TAVERNS OFFERING OUTDOOR SEATING MUST ALSO OFFER INDOOR SEATING.
5. ALL TAVERNS MUST PROVIDE A MINIMUM OF ONE DEDICATED BATHROOM FOR TAVERN PATRONAGE. (PORTABLE RESTROOMS ARE NOT PERMITTED)
6. FOOD MUST BE MADE AVAILABLE FOR CONSUMPTION, EITHER BY ON SITE PREPARATION, OR PATRONS MUST BE PERMITTED TO ORDER IN, AND OR BRING FOOD.

W. LIMITED ALCOHOL PRODUCTION FACILITIES, I.E., BREW PUB, MICRO BREW, TAPROOM: CONDITIONAL USE IN ALL THE DISTRICTS SUBJECT TO THE REQUIREMENTS OF THE DISTRICTS WHERE LOCATED, AND AS HEREIN PROVIDED.

1. MUST MEET THE REQUIREMENTS OF ALL LOCAL, STATE, AND FEDERAL LAWS, REGULATIONS, AND ORDINANCES. ALL LOCAL, STATE, AND FEDERAL LICENSES, AND INSPECTIONS, WHERE APPLICABLE WILL BE IN GOOD STANDING AND CURRENT.
2. OUTDOOR SEATING MUST BE APPROVED BY THE PLANNING COMMISSION AND CLEARLY SHOWN ON THE SITE PLAN.
3. OUTDOOR MUSIC WILL BE SUBJECT TO THE NORTH BEACH NOISE ORDINANCE AND WILL BE TERMINATED NO LATER THAN 10PM.

UNDERLINED SMALL CAPS : Indicate matter added to existing law.

4. TAVERNS OFFERING OUTDOOR SEATING MUST ALSO OFFER INDOOR SEATING.
5. ALL TAVERNS MUST PROVIDE A MINIMUM OF ONE DEDICATED BATHROOM FOR TAVERN PATRONAGE. (PORTABLE RESTROOMS ARE NOT PERMITTED)
6. FOOD MUST BE MADE AVAILABLE FOR CONSUMPTION, EITHER BY ON SITE PREPARATION, OR PATRONS MUST BE PERMITTED TO ORDER IN, AND OR BRING FOOD.
7. “BREWERIES” SHALL NOT BREW MORE THAN 7500 BARRELS OF BEER PER YEAR.
8. “DISTILLERIES” SHALL NOT BREW MORE THAN 500 LITERS PER YEAR.

X. FOOD TRUCK/TRAILER: CONDITIONAL USE IN C-M, W-1, W-2 DISTRICTS SUBJECT TO THE REQUIREMENTS OF THE DISTRICTS WHERE LOCATED, AND HEREIN AS PROVIDED.

1. MUST MAINTAIN A NORTH BEACH BUSINESS LICENSE.
2. ONLY PERMITTED AS AN ACCESSORY SERVICE TO AN EXISTING BRICK AND MORTAR BUSINESS.
3. MUST PROVIDE PROOF OF CURRENT HEALTH DEPARTMENT LICENSE.
4. ELECTRICITY MUST BE PROVIDED BY THE BRICK AND MORTAR BEING SERVICED.
5. NO MUSIC TO BE PLAYED FROM THE TUCK AND OR TRAILER, AND OR THE VENDOR OPERATION THE TRUCK AND OR TRAILER.
6. HOURS OF OPERATION MAY NOT EXCEED THAT OF THE BRICK AND MORTAR BEING SERVICED.
7. ALL GREASE AND WASTEWATER GENERATED BY THEIR OPERATION AND PRODUCTION OF FOOD MUST BE REMOVED THE TOWN. TRUCKS/TRAILERS WILL NOT BE PERMITTED TO ATTACH TO PUBLIC SEWER AND WATER.
8. ANY OPERATOR CAUGHT DUMPING OR UTILIZING THE TOWNS SEWER SYSTEM FOR GREASE AND OR WASTEWATER WILL BE TERMINATED FROM OPERATION WITHIN THE TOWN.
9. NO COOKING AND OR FOOD PREP MAY TAKE PLACE OUTSIDE OF THE APPROVED TRUCK AND OR TRAILER.
10. TRUCK/TRAILER OPERATIONS ARE LIMITED TO 72 HOURS PER WEEK, PER LOCATION.
11. TRUCK/TRAILER MAY NOT ENCROACH ONTO PUBLIC PROPERTY, RIGHT OF WAYS, TO INCLUDE, EXTENSION CORDS, TABLES, CHAIRS, UMBRELLAS.
12. TRUCK/TRAILER MUST MAINTAIN REQUIRED SETBACKS OF SET UP ABUTTING A RESIDENTIAL PROPERTY.

Y. ICE CREAM TRUCK: CONDITIONAL USE IN ALL DISTRICTS SUBJECT TO THE REQUIREMENTS OF THE DISTRICTS WHERE LOCATED, AND AS HEREIN PROVIDED:

1. MUST OPERATE IN A MOBILE CAPACITY, CANNOT BE IDLE IN ONE PLACE FOR MORE THAN 20 MINUTES.
2. MUST OPERATE WEST OF CHESAPEAKE AVENUE.
3. MUST PROVIDE PROOF OF HEALTH DEPARTMENT CERTIFICATION.

Z. PERSONAL SERVICES: CONDITIONAL IN THE C-M, W-1, W-2 DISTRICTS SUBJECT TO THE REQUIREMENTS OF THE DISTRICTS WHERE LOCATED AND AS HEREIN PROVIDED:

GROOMING:

1. MUST MEET ALL LICENSING REQUIREMENTS, LOCAL, STATE, AND FEDERAL RELATED TO THEIR RESPECTIVE OCCUPATION AND MAINTAIN SAID LICENSES IN GOOD STANDING.

UNDERLINED SMALL CAPS : Indicate matter added to existing law.

2. MUST HAVE A NORTH BEACH BUSINESS LICENSE

AA. WELLNESS:

MUST HAVE A NORTH BEACH BUSINESS LICENSE

BB. HEALTH:

1. MUST MEET ALL LICENSING REQUIREMENTS, LOCAL, STATE, AND FEDERAL RELATED TO THEIR RESPECTIVE OCCUPATION AND MAINTAIN SAID LICENSES IN GOOD STANDING.

2. MUST HAVE A NORTH BEACH BUSINESS LICENSE.

PART 4.

§17-3-400 SPECIAL EXCEPTIONS

A. PURPOSE AND INTENT

THERE ARE CERTAIN USES, WHICH BY THEIR NATURE OR DESIGN CAN HAVE AN UNDUE IMPACT UPON OR BE INCOMPATIBLE WITH OTHER USES OF LAND. THESE USES MAY BE ALLOWED TO LOCATE WITHIN GIVEN DESIGNED ZONING DISTRICT UNDER THE CONTROLS, LIMITATIONS, AND REGULATIONS OF A SPECIAL EXCEPTION.

B. AUTHORIZATION

IN CONSIDERATION OF AN APPLICATION FILED WITH THE ZONING ADMINISTRATOR, THE BOARD OF APPEALS MAY AUTHORIZE THE ESTABLISHMENT OF THOSE SPECIAL USES THAT ARE EXPRESSLY LISTED IN A PARTICULAR DISTRICT IN TABLE 1 OF THIS ARTICLE.

§ 17-3-401 STATUS OF SPECIAL EXCEPTION USES

A. ONCE A SPECIAL EXCEPTION HAS BEEN APPROVED, ANY SITE PLAN, SUBDIVISION PLAT, BUILDING PERMIT, OR CERTIFICATE OF USE AND OCCUPANCY HEREAFTER SUBMITTED FOR THE DEVELOPMENT OR USE OF THE PROPERTY IN ACCORDANCE WITH THE SPECIAL EXCEPTION SHALL CONFORM WITH THE APPROVED SPECIAL EXCEPTION AND NO DEVELOPMENT OR USE SHALL BE APPROVED BY THE ZONING ADMINISTRATOR IN THE ABSENCE OF SUCH CONFORMANCE.

B. ONCE ESTABLISHED, THE USE SHALL BE CONDUCTED IN STRICT ACCORDANCE WITH ANY CONDITION OR RESTRICTION IMPOSED BY THE BOARD OF APPEALS AND ALL OTHER REQUIREMENTS OF THIS ARTICLE. NO USE SHALL BE ENLARGED, EXPANDED, INCREASED IN INTENSITY, OR RELOCATED AND NO CONDITION OF THE SPECIAL EXCEPTION OR A NEW SPECIAL EXCEPTION SHALL BE MODIFIED UNLESS AN APPLICATION IS MADE AND APPROVED FOR AN AMENDMENT TO THE SPECIAL EXCEPTIONS OR A NEW SPECIAL EXCEPTION IS APPROVED.

C. ONCE A SPECIAL EXCEPTION USE IS APPROVED, THE USE SHALL NOT BE CONSIDERED A NON-CONFORMING USE, BUT SHALL BE, WITHOUT FURTHER ACTION, CONSIDERED A CONFORMING USE.

§ 17-3-402. STANDARDS

A. THE BOARD OF APPEALS SHALL GRANT A SPECIAL EXCEPTION ONLY IF IT FINDS, FROM A PREPONDERANCE OF EVIDENCE OF RECORD, THAT ANY PROPOSED USE SUBMITTED FOR A SPECIAL EXCEPTION WILL MEET ALL THE FOLLOWING GENERAL STANDARDS AS WELL AS ANY SPECIFIC STANDARDS OR CONDITIONS LISTED FOR THE PROPOSED USE.

B. THE ESTABLISHMENT, MAINTENANCE, AND OPERATION OF THE SPECIAL EXCEPTION WILL NOT BE DETRIMENTAL TO OR ENDANGER THE PUBLIC HEALTH, SAFETY, OR GENERAL WELFARE.

C. THE SPECIAL EXCEPTION SHALL BE SUCH THAT IT WILL BE HARMONIOUS IN CHARACTER AS WELL AS APPROPRIATE IN APPEARANCE WITH AND WILL NOT BE INJURIOUS TO THE USE AND ENJOYMENT OF OTHER PROPERTY IN THE NEIGHBORHOOD FOR THE PURPOSES ALREADY PERMITTED, NOR DIMINISH AND IMPAIR PROPERTY VALUES WITHIN THE NEIGHBORHOOD.

D. THE ESTABLISHMENT OF THE SPECIAL EXCEPTION WILL NOT IMPEDE THE NORMAL AND ORDERLY DEVELOPMENT AND IMPROVEMENT OF SURROUNDING PROPERTIES FOR THE USES PERMITTED IN THE DISTRICT.

E. ADEQUATE UTILITIES, ACCESS ROADS, DRAINAGE, AND NECESSARY FACILITIES HAVE BEEN OR ARE BEING PROVIDED.

F. THE SPECIAL EXCEPTION SHALL BE SUCH THAT PEDESTRIAN AND VEHICLE TRAFFIC ASSOCIATED WITH SUCH USE WILL NOT BE HAZARDOUS TO OR UNDULY CONFLICT WITH THE EXISTING AND ANTICIPATED TRAFFIC IN THE NEIGHBORHOOD.

G. THE SPECIAL EXCEPTION SHALL IN ALL OTHER RESPECTS CONFORM TO THE APPLICABLE REGULATIONS OF THE DISTRICT IN WHICH IT IS LOCATED.

§ 17-3-403. BURDEN OF PROOF

THE APPLICANT FOR A SPECIAL EXCEPTION SHALL HAVE THE BURDEN OF PROOF, WHICH SHALL INCLUDE THE BURDEN OF GOING FORWARD WITH THE EVIDENCE AND THE BURDEN OF PERSUASION ON ALL QUESTIONS OF FACT THAT ARE TO BE DETERMINED BY THE BOARD OF APPEALS.

§ 17-3-404. CONDITIONS AND RESTRICTIONS

THE BOARD OF APPEALS, IN APPROVING A SPECIAL EXCEPTION, MAY IMPOSE SUCH CONDITIONS AND RESTRICTIONS UPON THE PROPOSED USE, AS IT MAY DEEM NECESSARY IN THE PUBLIC INTEREST TO SECURE COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE AND TO PROTECT THE VIABILITY OF THE IMPLEMENTATION OF THE ADOPTED NORTH BEACH COMPREHENSIVE PLAN.

§ 17-3-405. APPLICATION PROCEDURE

UNDERLINED SMALL CAPS : Indicate matter added to existing law.

A. AN APPLICATION FOR A SPECIAL EXCEPTION MAY BE MADE BY A PROPERTY OWNER, LESSEE, OR CONTRACT PURCHASER. A LESSEE OR CONTRACT PURCHASER MUST FILE WITH THE APPLICATION, A COPY OF THE CONTRACT OR SOME FORM OF WRITTEN STATEMENT, WHICH INDICATES ENDORSEMENT OF THE APPLICATION BY THE PROPERTY OWNER.

B. APPLICATIONS FOR A SPECIAL EXCEPTION SHALL BE SUBMITTED TO THE ZONING ADMINISTRATOR ON FORMS SUPPLIED TO HIM OR HER. THE APPLICATION SHALL BE COMPLETE AND SHALL BE ACCOMPANIED BY INFORMATION WHICH WILL BE NECESSARY TO EVALUATE A GIVEN PROPOSED CATEGORY OR USE. THE ZONING ADMINISTRATOR, UPON RECEIPT OF A PROPERLY COMPLETED AND DOCUMENTED APPLICATION, SHALL REFER THE APPLICATION ALONG WITH PERTINENT EVALUATION MATERIAL TO THE PLANNING COMMISSION AND BOARD OF APPEALS.

C. PROCESSING AND PUBLIC HEARING REQUIREMENT

THE BOARD OF APPEALS SHALL PROCESS ALL APPLICATIONS FOR A SPECIAL EXCEPTION IN ACCORDANCE WITH THE PROVISIONS IN THIS ARTICLE AND THE PROVISIONS OF PART 2 OF ARTICLE 8. THE BOARD, ON THE APPLICATION FOR A SPECIAL EXCEPTION, SHALL MAKE NO DETERMINATION UNTIL A PUBLIC HEARING HAS BEEN HELD ON IT IN ACCORDANCE WITH THE PROVISIONS OF SECTION 7-106 OF THIS CHAPTER.

§17-3-405 TERMINATION OR REVOCATION

A. UNLESS A TIME LIMIT IS SPECIFIED FOR A SPECIAL EXCEPTION, THE SAME SHALL BE VALID FOR AN INDEFINITE PERIOD, EXCEPT IF THE USE OR ACTIVITY SHOULD CEASE FOR ANY REASON FOR A CONTINUOUS PERIOD OF ONE YEAR, THE SPECIAL EXCEPTION SHALL AUTOMATICALLY TERMINATE WITHOUT NOTICE. THE APPROVAL OF A NEW SPECIAL EXCEPTION SHALL BE REQUIRED PRIOR TO ANY SUBSEQUENT REINSTATEMENT OF THE USE.

B. A SPECIAL EXCEPTION SHALL BE REVOCABLE ON THE ORDER OF THE ZONING ADMINISTRATOR AT ANY TIME BECAUSE OF THE FAILURE OF THE OWNER OR OPERATOR OF THE USE COVERED BY THE SPECIAL EXCEPTION TO OBSERVE ALL REQUIREMENTS OF LAW WITH RESPECT TO THE MAINTENANCE AND CONDUCT OF THE USE AND ALL CONDITIONS IN CONNECTION WITH THE SPECIAL EXCEPTION THAT WAS DESIGNATED IN ISSUING THE SAME. BEFORE REVOKING ANY SPECIAL EXCEPTION, HOWEVER, THE ZONING ADMINISTRATOR SHALL GIVE THE HOLDER THEREOF AT LEAST TEN DAYS' NOTICE. THE SPECIAL EXCEPTION HOLDER MAY APPEAL THE DECISION TO THE BOARD OF APPEALS AND THE BOARD OF APPEALS SHALL HOLD A HEARING ON THE REVOCATION OF THE EXCEPTION, GIVING THE APPLICANT ADVANCE WRITTEN NOTICE OF THE HEARING DATE.

C. THE FOREGOING PROVISIONS SHALL NOT BE DEEMED TO PRECLUDE THE USE OF ANY OTHER REMEDY PRESCRIBED BY LAW WITH RESPECT TO VIOLATIONS OF THE PROVISION OF THIS CHAPTER.

UNDERLINED SMALL CAPS : Indicate matter added to existing law.

Section 4. BE IT FURTHER ORDAINED by the Council of the Town of North Beach that Articles 1, 2, 4, 5, 6, 7, 8, 9, and 10 shall be unaffected by this Ordinance and shall remain in full force and effect as they exist on the date of adoption of this Ordinance, until such time as they may be specifically amended, modified, or recodified by the Town Council.

Section 5. BE IT FURTHER ORDAINED by the Council of the Town of North Beach, that this Article shall become effective twenty (20) days after approval by the Mayor or passage by the Council over the Mayor's veto, provided that a fair summary shall be posted in the Town Hall and the Town's webpage and sent out via the Town's listserv, and a message shall be sent by text message to residents subscribing to the Town's text message alert system, if any, that an ordinance is available for review on the Town's webpage.

AND, BE IT FURTHER ORDAINED that this Ordinance shall become effective on the 31st day of March after having been read at two successive Town Council meetings Pursuant to 19-311 of the Town Charter.

READ AND ADOPTED THIS 10th DAY OF MARCH 2022.

By order of the Mayor and Council

DocuSigned by:
Mike Benton
BA48EC7ED321455...
Mike Benton, Mayor

ATTEST:

DocuSigned by:
Stacy Milor
C27B36186BC348C...
Stacy Milor, Town Clerk